Chapter-II

Centre-State Relations : A Historical Background

The Indian constitution provides for a federal framework with powers divided between the Centre and the states. The framers of the Indian constitution chose a federal polity for the country taking into consideration the situation prevailing in India at that time. The foundation for the federal structure had been laid by the British before 1947 itself and this can be seen, especially, in the Acts of 1919 and 1935. It is on this foundation that the Constituent Assembly raised the federal super-structure for India.

The development of federal polity, as a matter of fact, was felt necessary in view of the vast size, regional diversities and social fragmentation of India. Although the British ruled India as a unitary system, certain mechanism of administrative decentralization were introduced prior to independence. The sixty years between the passing of Indian council Act 1861 and the inauguration of Montform reforms in 1921 formed a period during which a significant measure of delegation of powers to the provinces took place without, of course, making any fundamental changes in the Centre-province relation.
The new policy of decentralization was by no means, applied with any marked degree of consistency. All the same, the period saw a general, though by no means systematic broadening of the sphere in which provincial governments could exercise some freedom of initiative and decision. Even though formally and constitutionally, the authority of the Central government remained supreme and all embracing. However, the British attempt to impose a Centralized administration on India suffered inevitably under the impact of natural dynamics of the country's sub-continental size and her varying local conditions and problems. Decentralisation was unavoidable in any case. What hastened it, was the rise of nationalism and policies followed by the British in meeting the challenges posed by it. These policies which constituted one of the political foundations of Indian federalism generated other factors in the shape of linguist, muslim separatism and the problem of Indian states. The interplay of these factors made inevitable, indeed, a course for the establishment of federal polity in India.¹

¹ The roots of India's present federal system are found in the Indian council Act 1861, Morely-Minto reform of 1909, Government of India Act 1919 and Federal scheme of 1935.

The Indian Council Act 1861 marked a watershed in the
constitutional history of India under British rule. It represented a formal recognition of the fact that the policy of increasing Centralisation, initiated with the passing of the Regulating Act in 1773 the Charter Act of 1833 was not suited to the conditions of this country and the creation of an administrative apparatus implying Centralisation and uniformity, was basically in disharmony with the imperatives of India's geography and variety.²

However, the 1909 Act unquestionably brought constitutional advance to the threshold of representative government in the provinces. Only in 1909, the principle of election was conceded in the Indian council Act and provision made for a specific number of seats both in the Central and provincial legislative council being filled by elections. Although this Act considerably enlarged the size of the Central and provincial legislative councils and added to their powers, nevertheless, the change was one of degree and not of kind. The system of government still remained unitary in principle. The major drawback of 1909 Act was that the members were not returned by general constituencies of the normal democratic type, but by constituencies formed to represent communities and special interests.³ Moreover, the control spelled out in the devolution rules fall short
of attaining a federal character because of the line of demarcation was not so definite or rigid as in a federation. The 1909 Act had been welcomed by responsible political opinion in India as an acceptable step forward. This response received a jolt from a debate in the House of Lords in 1912, when it was made clear on behalf of the British government that the contemplated transfer of larger power to the provinces was only a move towards the constitutional autocracy. There was no possibility of India ever attaining self-government.

The Government of India Act, 1919, however, gave a more or less precise and legal form and a definite direction to the process of devolution, which had been developing over the decades in the shape of informal administrative arrangements. The announcement with regard to the dyarchy under 1919 Act was made by Montague in the British House of Commons on 20th August, 1917.

"The policy of his Majesty's government with which the government of India are in complete accord, is that of the increasing association of Indian in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India as an integral part of the British Empire."

Therefore, the 1919 Act was passed as a part of commitment to the gradual development of responsible
government in India and also to lay the basis of federalism, as a goal of constitutional development in India. The 1919 Act provided, for the first time, the division of the field administration into two spheres, the Central and the provincial. But, no provision was made for the establishment of an important tribunal for the settlement of such disputes as might arise between the Centre and the provinces. On the other hand, it was laid down that in case of doubt as to whether a particular matter did or did not relate to a provincial subject, "it was for the Governor General in council, himself a party to the division of functions, to give a decision."

Decentralisation, as a process had been in operation for quite sometime and it could, in due course, helped in the development of a federal relationship between the Centre and the provinces especially with the 1919 Act. Responsible government in the provinces, even if extended only for a part of the provincial administration, as was introduced by the dyarchy under the government of India Act 1919, meant that a part of the provincial executive must become responsible to the provincial legislature. Naturally, this responsibility could be genuine and effective only in degree. In other words, responsible government in the provinces, partially, had to be accompanied by a
corresponding federalisation of the Centre-province relation. The two question of "responsible government" in the provinces and provincial autonomy were joined together by the Act and no progress was possible in the former unless there was substantial attainment of the latter. 8

However, the provisions of the Act of 1919 made a great advance on the Morely Minto reforms of 1909; yet no attempt was made to incorporate the Indian states within the new system of administration. There was no great relaxation of the general process of superintendence and control by the Secretary of state over the administration of India and subsequently, excluded the possibility of relaxing control of the Central government over the provinces. But nevertheless, the most significant contribution of the Government of India Act 1919 to the growth of federalism in India was the creation of a climate favorable to the federal idea and the stimulation of these social and political forces, which set the constitutional evolution of this country definitely in the direction of a federation. 9

But the Government of India Act of 1935 marked a definite milestone in the constitutional history of India. This Act may regarded as a constitution for a federal state in India. The 1935 Act brought about a qualitative change
in the status, power and authority of the provinces. For the first time, in the history of British India each province acquired an independent position and was invested with a distinct legal personality of its own. The "truly" federal element in the Act of 1935 was the more or less clear and precise division of powers between the Centre and the provinces. Under the Act of 1935, the constitution itself laid down an elaborate distribution of Central and local powers and provided for the establishment of a federal court charged with the duty and power to secure the observance of limits placed on the Centre and the provincial government. Thus, the provinces ceased to be mere administrative agents of the government of India and instead, they became autonomous entities deriving their authority and power from the constitution itself.

The 1935 Act also brought about a major improvement in the fiscal position of the province by introducing the principles of federal finance. The Act provided for important adjustments in the financial relations between the Centre and the provinces. But the changes made by the 1935 Act can't be said to have given complete financial independence to the latter. The source of revenue was so distributed that provincial prosperity and development were consciously subordinated to Central security and all elastic
sources of revenue was kept by the Government of India.\textsuperscript{11}

Though the 1935 Act created the facade of a federation, it retained in reality the essentials of a unitary form of government. The autonomy of Indian province was, in fact, subject to manifold limitations, and even in the sphere reserved to them by the constitution, the Central government could exercise an appreciable measure of control. The division of powers, as it finally emerged, created a very powerful Central authority in India and placed a significant restrictions on the ambit of provincial autonomy. The distribution of legislative powers embodies in the Act 1935 was such that it tipped the scale distinctly in favour of the Centre. Centre-province balance of power finally laid down in the Act of 1935 gave evidence of a considerable degree of Centralisation.\textsuperscript{12}

The 1935 Act, before it came into operation, witnessed a long and fierce battle fought between the autonomists and the Centralists. "Sir Samuel Hoare" pointed out in the House of Commons that "Opinion were definitely divided between the Hindus, who wish to keep the predominant power in the Central authority\textsuperscript{13} and the Indian Muslims who stood for the maximum measure of autonomy for the provinces with a view to security, protection for their special interest and
maintaining themselves as a distinct political entity in India. The Nationalists were concerned with the security and stability of the country as a whole than about the extent of provisional self government, though the principle of provincial autonomy was universally recognised. As a result, their efforts were directed towards vesting adequate powers in the Centre to safeguard national solidarity. Congress party also opposed the constitution of 1935 Act as it did not bring India anywhere near the cherished goal of self government. Jawaharlal Nehru voiced an opinion generally shared by nationalists in India, when he described the Act as "this new charter of bondage".14 The Indian National Congress rejected the new constitution in its "entirety", as a constitution designed to facilitate and perpetuate the domination and exploitation of the people of India.15 The Muslim League was also no less vehement and forthright in its rejection of the new constitution as the Congress. During the debate on the joint parliamentary report in the Indian legislative assembly, Jinnah declared "the scheme is wholly unnatural, artificial and unknown to any constitution."16

From the very beginning of the introduction of 1935 Act, the reason for controversy between the Congress party and the Governor was the "safeguard" which affected the
federal relations between the provinces and the Centre. The working of the responsible government in the provinces, was affected as governor used his discretionary power and acted on his special responsibilities as an agent of the Central government, thereby, he exercised control over provincial governments.

More important, however, was the fact that from the outset, Congress ministries in the provinces were under the rigid Central party control. It was the high command that made the choice of Chief Ministers and decided who should be included in the ministries. Differences between a Chief Minister and his colleagues were invariably carried to the Centre and settled by the High command. The supreme instance of the unitarian control of the highest party organs over provincial governments, however, came in October 1939, when Congress Ministries were taken out of office and the experiment of provincial autonomy brought to an end as a result of a decision taken not by the provincial Congress Ministries but by the party High Command. Evidently, this Centralised party control over local governments gave a curious twist to provincial autonomy and created a tradition which spilled over into the post independent era and has had an important impact on the working of Indian federalism
under the new constitution. What, in fact, happened in practice with Congress sharing power in the provincial government under 1935 Act was that constitutional federalism was superseded by political unitarianism. To quote Coupland, "freed from the control of the legitimate Centre, the provinces were subjected to a far closer and stricter control by the Congress Centre." 17

The Government of India Act, 1935, nevertheless, had a great impact on the federal system that was envisaged under the present constitution. The Act and its working laid the foundation on which the founding Fathers of the Indian constitution raised a new federal structure after India's independence. In the Act of 1935, "we find a plaster cast" for the pattern of union-state relations set in the constitution of 1950. 18 It has a significant impact in setting the tradition of a "Paramount Federation" in the constitution of free India. 19

However, the Indian National Congress had no role in shaping the Government of India Act of 1935. The First Round Table conference which decided the broad out lines of the future federal constitution had no representative of the Indian National Congress. The Second Round Table conference which was attended by Mahatma Gandhi, as the sole representative of Indian National Congress, did find his
support to the general principle of federation but could not settle down to the discussion of the details of federal set up. It is to be noted that the Congress did not participate in the Third Round Table Conference and discussion on the Government of India bill, as it had, then, launched a civil disobedience campaign. As the Congress party had no share in the framing of the Act and as it differed in several important aspects from the federal scheme recommended by Nehru Committee, it expressed its opposition to the federal part of the Government of India Act 1935.

The Congress party, however, never raised serious objections to many unique or special features not to be found in other federations. These were reservation of bills by the Governor for the assent of the Governor General, giving of directions regarding the exercise of the executive powers, assigning of functions to provincial government and direction of officers to discharge function of Central government, proclamation of emergency, federal legislature to legislate for two or more provinces in any matter in the provincial legislative list and many others in the financial field. These features of 1935 Act were deviation from a normal federal system as they were in favour of a strong Centre and were designed to achieve that particular end.
Today, they have become part of the constitution of India as the Congress which dominated the constituent assembly was committed to a strong Centre.\textsuperscript{20}

However, in the decade between 1937-47, the Congress party's commitment to the federation with strong Centre, could not be sustained and underwent marked deviation to the other extreme of a minimal Centre and maximum autonomy for constituent units. Unwilling to demand the coercion of territorial units, it was nevertheless prepared to pay a considerable price to the federalist forces in order to maintain India as a single political entity.\textsuperscript{21} It did, even recognise the right to secession. In 1945, the Congress Working Committee admitted, "It can't think in terms of compelling the people in any territorial unit to remain in an Indian union against their declared and established will."\textsuperscript{22}

The partition of India which accompanied the advent of independence on 15 August 1947 inevitably had a catalytic effect on the development of Indian federalism and gave it a new orientation. Two of the major factors - the Hindu - Muslim question and the problem of Indian states had contributed to the development of a consensus in favour of federal polity. However, the establishment of Pakistan with the partition radically altered the attitude of Indian
National Congress towards loose federalism as a solvent of Hindu-Muslim differences. A similar result followed from the integration of the princely states into the new political order. Naturally, these developments made a profound impact on the federal pattern forged on the anvil of the constituent assembly of India. They called for a re-examination of the rationale of the federal system in the context of Indian conditions. However, they didn't completely erode the federalism as an indispensable principle of free India's constitutional system. The natural imperative of federalism in India remained operative.

Pandit Nehru moved the historic resolution in the Constituent assembly on 13 December 1946. The resolution envisaged a federal union of India which said—

"The territories shall possess and retain the status of autonomous units, together with residuary powers, and exercise all powers and functions of Government and administration, except such power and functions as are vested in or assigned to the union, or are inherent or implied in the union or resulting therefrom."

The need for a strong Centre was stressed in the note speeches made by many Congress members of constituent assembly. Sri Krishn Sinha said, India must have a Centralised Republic. Dr. S. Radakrishnan was equally emphatic and talked of an urgent need for a strong Centre.
However, Dr. B.R. Ambedkar, a non-Congress member declared, as far as he was personally concerned, he would like to have a strong Centre, stronger than the Centre, created under the Government of India Act of 1935. K.M. Panikkar believed, that federation is a fair weather constitution. He said that to have one, it would be definitely dangerous to the strength, prosperity and welfare of India. He commented that the provincial government should have larger powers and the basic principle of the constitution should be a unitary one. He warned that the structure of administrative unity built up in Hindustan will fall to pieces unless the Centre is given an overriding power.

Moreover, the member of the Union constitution committee in its report were of the unanimous view that it would be injurious to the interests of the country to provide for a weak Central authority which would be incapable of ensuring peace or co-ordinating vital matters of common concern and of speaking effectively for the whole country in the international sphere. The soundest framework for our constitution is a federation with a strong Centre.

An equally forceful influence towards Centralisation was the national pre-occupation with communalism in the years from late twenties until partition. The exigencies of the present as well as the pattern of the past impelled the constituent
assembly to create a strong Central government since a strong government could survive in the communal frenzy preceding and accompanying partition. The transfer of power, resettlement of refugees and to integrate the princely states in Indian union were the immediate factors giving strong support to powerful Central government. However, on the issue of vital importance like formation of new states and alteration of boundaries or names of existing state (Article 3), which touched upon the very existence of state, was supported by members of constituent assembly. The Congress member Chaudhry Ranbir Singh took the position that any proposal to consult the State Government in matter of alterations of state boundaries would reduce the chance of success of any community which is in a majority in any area but happens to be in a minority in that state. Ranbir Singh was not thus ready to leave this matter to the state legislature. Another member K. Santhanam (Independent) argued that this power ought to belong to the center. He maintained that if the powers to determine the future boundaries of a state were given to the state itself, it would adversely affect the other state. No minority by virtue of being a minority would be able to get the support for its demand for separation of territory. At any rate, whatever the reasons,
both K. Santhanam and Ranbir Singh wanted to strengthen the hands of the Centre.\textsuperscript{29}

Again on the question of Power of Parliament to legislate on state subject (Article 226), the support came from Congress member like Mahavir Tyagi and Brajeshwar Prasad, who ridiculed the very idea of giving autonomy to the provinces. Both of them were, strong supporters of what they called "all India autonomy". Mahavir Tyagi denounced state autonomy as a sort of orthodox feeling of clinging to some powers.\textsuperscript{30} He made a strong plea for an 'all India autonomy' where people demanding provincial autonomy should feel the pleasure of enjoying this all India autonomy and of merging their own entity into this.\textsuperscript{31}

Opposition to provincial powers was so strong in some quarters that Brajeshwar Prasad charged the people in provinces with 'narrow and circumscribed' outlook and demanded that the power to move such a resolution empowering parliament to legislate on state subject should be vested in the House of People rather than the council of states. The logic behind his argument was that the people in Delhi were in a much better position to know whether a subject has assumed national importance or not than the representatives of the provincial legislatures sitting in the council of states. He maintained that the people in the provincial
capitals were engrossed with provincial problems. The need to centralise powers was particularly felt in a developing economy where all subjects must remain integrated. Stressing this point, Brajeshwar Prasad saw in the provincial list an attempt to frustrate and create obstacles in the way of the Central Government.

An analogy was drawn between the parts of the human body and the state in India. On the basis of this organic analogy, Mahavir Tyagi, a staunch Centralist, argued that each part of the body (the state) can't go absolutely separated and become autonomous. It is a connected whole. Our union can be strong only when Centre is fully empowered to make laws uniformly applicable to the whole of India.

However, when the issue of financial autonomy of provinces related to levy, collection, and distribution of taxes and duties (Article 249, 251 and 253) was discussed in constituent assembly, the Congress member Brajeshwar Prasad took a strong Centralist stand. He made a strong case against financial autonomy for provinces and termed this as dangerous idea and demanded that the provinces should have no power of levying taxes, or collecting it or of appropriating it. He was in favour of leaving this authority of distributing revenue with either the parliament or a
To quote Brajeshwar Prasad -

"I want to see that day when the question of allocation of funds would not arise as there would be no provinces left.... Already ample powers have been vested in the provinces and this is the only method by which we can keep the provinces under the subordination, direction and control of the Government of India."

But it should not be thought that the concept of tight federation went unchallenged. There was no organized 'states right group' in the constituent assembly, but there were certainly strong views in the defence of state autonomy. Hirday Nath Kunjru argued that "we should not go so far in our desire to give comprehensive powers to the Central government to deal with emergencies as to make provincial governments subordinated to Central government". K.T. Sah expressed the fear that -

"The general trend of the draft constitution seems excessively and unnecessarily to place power in the Centre to the serious prejudice, not only of the units but even of the very idea of democracy we are embodying in the constitution."

Morris Jones expressed his view that - The 1935 act introduced on to the stage provincial politician and given them the taste of power. It was unlikely that these men, when they came to form a significant proportion of the members of a constituent assembly allow much talk of a purely unitary constitution. N.G. Ranga complained that the main result of over Centralization would be to enslave those provincial governments and place them at the mercy of the Central secretariat and the Central bureaucracy.
But, on the whole, it was the Congress party which influenced decisively the future pattern of India's federal polity. The Indian National Congress under the leadership of nationalist leaders, enjoyed unparalleled authority in the assembly. The Congress party, during the leadership of the national movement, had created a strong party discipline. Taking up position, against the policies of the government was somewhat difficult. This strong party discipline of the Congress and its influential leadership may have helped in paving the way for a Centre oriented constitution. The strong influence of the all India leaders oriented the party as a whole in favour of a strong federal government. Those provincialists who did not agree with the broad policy framework of the Congress, ultimately had to accept the Congress ideology. In fact, the Chairman of the Drafting Committee, Dr. B.R. Ambedkar, also conceded that the possibility of chaos was much less because of the authority and influence of Congress party inside the assembly which brought a sense of order and discipline. It was because of this role of the party that Congress men like Shibban Lal Saxena complained that this draft constitution should have been discussed in greater detail by the House by going into the committee stage.... and decision could have been taken by a majority of the whole House and not only by
the majority of the Congress party. Thus the existence of a party which possessed almost complete control over the political situation did not allow the establishment of a centrifugal federation which eventually led to the emergence of the centripetal forces. Above all, the circumstances prevailing at the time of the framing of the constitution further created a psychological need for a strong Centre. This, among other reasons, kept the centrifugal forces on the defensive.

However, the decision to split India finally into two separate states came in June 1947. Within four days, the constituent assembly had embarked on a Centralized federal union. The union constitution committee met in the presence of Nehru, Jagjivan Ram, B.R. Ambedkar S.P. Aiyer, K.M. Munshi, K.T. Sah, V.T. Krishnamachan, K.M. Panikkar, Krishnan Menon on June 6th, 1947. The following tentative decisions were taken in the meeting.

1. That the constitution would be federal with a strong Centre.
2. That there should be three 'exhaustive' legislative lists and that residuary powers should vest in the union government.
3. That the princely states should be on par with the
provinces regarding the federal list, subject to special matters.

4. That generally speaking the executive authority of the union should be co-extensive with its legislative authority.

The next day, on 7th June 1947, the two committee (UCC-Union Constitution Committee & PCC-Provincial Constitution Committee) again held a joint session to consider the decision that UCC and PCC had taken and to decide whether India should be a unitary state with provinces functioning as agents and delegates of Central authority or whether India should be federation of autonomous units ceding certain specified powers to the Centre. However, the assembled members voted to accept recommendations of Union constitution committee. Therefore the final outcome which emerged was a federal constitution providing for a Central authority armed with a remarkable amplitude of power not only to take care of its own responsibilities, but also guide and co-ordinate the activities of the units while allowing the latter in normal times, to act independently in a designated manner. The task of strong Centre was made much easier, of course, by the existence of powerful political (complex) party with nationwide authority and by the absence of regional or provincial based political parties.
Thus, all these factors cleared the decks for the inauguration of a Centralised union. The partition of India obliterated the rational for a loose federation and brought to bear on the deliberations of the constituent assembly of India the compulsive logic of a cohesive and centripetal union.45

The Centre-oriented federation finally designed by the constitution framers, was the outcome of an effort to provide for regional diversities that characterise India without giving any encouragement to factors likely to endanger the fabric of national unity. The final product of the constituent assembly was not only the reflection of the existing unity, but also a device designed to counter anticipated disunity.46 Thus, Morris Jones has rightly observed the facts of informal power structure, Congress dominance in all parts of the country and the concentration of its top leaders at the Centre weighed real relations heavily on the side of New Delhi.47

The constitution of India provides for a cooperative federal structure with its slant towards a powerful Centre. The co-operative federal structure of the constitution was largely determined by the attitude and strategy of the Congress party developed in context of India's freedom
struggle. The Constituent assembly was overwhelmingly dominated by members of the Congress party. The party had a clear majority of 63% in the assembly, a majority that increased to 82% after the country was partitioned. In addition to its numerical strength, the Congress party, provided important ideological leadership for the nation under the stalwarts like Jawaharlal Nehru, Sardar Patel, and Dr. Rajendra Prasad. However, in the initial phase of independence, almost all the leaders of national status belonged to the Congress. The leadership was not personalized and Centralized because of the presence of many other leaders of equal status and eminence in the party. Enough room was left for accommodating the views of rival factions. The presence of statesmen like Sardar Patel acted as a restraint on the authority of Nehru. The leadership was largely the product of the national movement and, therefore, oriented towards consensus politics. It was able to accommodate divergent points of view.

The supremacy of Nehru became almost unchallenged after the death of Sardar Patel. Nehru's position within the party became supreme and all major decision of the party and government emanated from his drives. His sway was all comprehensive extending over all major aspects of decision making in Congress politics. This is evident from an often
quoted remark of Sanjiva Reddy. He said, whatever Nehru wanted we did, when Nehru wanted C.B. Gupta to be appointed chief Minister of U.P., we simply had to work to do it."49

Congress enjoyed almost an unchallenged dominance both at the Centre and in almost all the states during the twenty years followings independence. Hence, in the first two decades of independence, the issue of Centre-state relation was relatively dormant and generally received little political attention from political parties. If there were some conflicts between states and Centre, they were usually resolved within the party organisation. The union-state tensions were more often an intra-party affair which took the shape of a family quarrel and as such, it was comparatively easy to resolve it..... with the Congress in power in all the states.

During the period of early independence to mid-sixties, the Congress evolved a unitary party structure with Nehru enjoying a pivotal position in it. And both went long way in shaping a unitary form of India's federalism.50 Nehru's insistence on planning paved the path for the growth of a highly Centralized elaborate planning mechanism having its bearing on the Centre-state relations. There were occasional murmurs from the states resenting the vital decisions of the
Centrally dominated planning commission impinging on state autonomy. But, all such resentments vanished before assuming any serious form in the face of the dominant role of the Congress high command led by Prime Minister Nehru. A certain bargaining process was no doubt in operation, but all this could occur only within the broad framework of Central dominance and in the final stage, decisions adopted were close to the position of the Centre. During this period, the Centre and the states worked in closer collaboration. However, this trend did not continue for long since Nehru, in his last days, could not wield power. Much of his charisma had faded away owing to the Chinese invasion in 1962. Gradually, it became manifest that power was slowly moving out of the Centre. Move for greater state autonomy was initiated.

The 'Kamraj Plan' of 1963 had created dissensions within the party. Important changes took place in state politics and in some states as in Gujarat and U.P. Ministerial changes occurred in disregard of Nehru's wishes. The dispersion of power had begun in the last years of Nehru. Nehru himself, despite his enormous power, did not override the interests of the states. The Congress high command and Nehru were unable to intervene and therefore failed to bring the states into line with the Central
However, Nehru's death in 1964 brought to the foreground forces that accelerated the pace towards greater autonomy for states. The Congress parliamentary party's unanimous choice of Lal Bahadur Shastri as Nehru's successor supported by leaders who were interested in establishing linkage between two levels of Congress politics state and the Centre. The state leaders provided the main forum for lobbying in favour of Shastri's candidature at the higher echelons of the party. By the time succession happened, the state units of party had become enormously powerful and the state bosses were strong enough to exercise the pressure on the decision making in the Congress party. The impact of the state party machine upon the succession issue was two fold. First was the role of Chief Minister's in shaping the decision of the grand council of the Republic, as invitees to the enlarged working committee meeting and secondly, the influence of the state party chief driving from their known control over blocs of votes in Congress parliamentary board. All this affected the shape of Centre-state relations. The important role played by the state party machine and its bosses made them increasingly aware of their key position in the politics of the Congress party and
became more or less clear that they would no longer acquiesce in Central control and direction.

The Shastri period, however, was marked by a pronounced centrifugal trend. Shastri moved slowly and carefully in his relations with the states and evolved a new style of decision making through consultation and compromise. This is evident from many events. For example in 1964-65, as the country was going through an acute food crisis, Shastri attempted in more than one way, to develop an integrated food policy. He convened a number of Chief Ministers' conferences and put forward proposals like statutory rationing in eight cities with a population of over a million and a summary trial of traders, who would sell food grains at prices higher than those fixed by the government. This was given a cold shoulder by the state governments and nothing substantial was achieved. The states even resisted the attempts of the Centre to abolish food zones. The states would not have treated the Centre with such scant regard, had Nehru been at the helm of affairs. It is not to suggest that the states never resisted Nehru. But in such a case, Nehru could easily have carried his plans through. In contrast, Shastri was mild and perhaps, had no strong base in the party. So long as Nehru was alive, Shastri was dwarfed by his personality. He never appeared tough. After
the 1965 Indo-Pak war, when he was really going strong, he passed away. However, his brief tenure of Prime Ministership leaves little ground to predict the direction he could have given to the Centre-state relation. But nevertheless, one thing became clear that the question of autonomy of states was growing as a powerful force and was thus going to play an important role in the selection of India’s Prime Minister.

Once again after the sudden death of Shastri, the issue of succession emerged. Political complications arose and the issue was settled in a way that involved fresh accretion of strength to the states. From the very beginning, Kamraj had supported Indira Gandhi for Prime Ministership, but what caused concern to the Congress President was the lack of enthusiasm on the part of Syndicate about Indira Gandhi’s candidature. But, that could be eliminated by the powerful support given by the Chief-Ministers and, thus, Kamraj was able to mobilize considerable support from the Chief-Ministers who were able to exert powerful pressure in favour of Indira Gandhi. The Chief-Ministers jointly issued a statement requesting Kamaraj to sponsor Indira Gandhi as Shastri’s successor. The Congress President and state Chief-Ministers were the principal actors in the drama of second
succession. The choice of Indira Gandhi as the Prime Minister, illustrated the dominance of the state party leaders. As Breacher points out -

"In fact, the second game was dominated by an alliance between the head of all India organisational wing of the party and the heads of the governmental wing in the federal units, together they overcame the resistance of a pressure group in the organisational wing at the Centre and ensured the victory of Indira Gandhi".

Hence, this whole episode revealed in clear terms the magnitude of regional pressures in the federal politics. However, in the initial years of Prime Ministership, Indira Gandhi was busy consolidating her position in Parliament and Cabinet she had almost no time to interfere in the functioning of state governments. This is evident from the example of the survival of Congress (O) ministry in Gujarat. However, this situation prevailed for a few years after her succession and soon after she began to centralise power in her hands and this became evident in her dealing with the states.

Despite all these, one cannot deny that during the period of one-party dominance (Congress in 1947-67), Centre-state relations were heavily weighed in favour of the Centre. Nevertheless, one-party rule reduced public conflict, but it was not incompatible with a great deal of
infighting and dissent. 57

The concrete difficulties involved in the smooth operation of the relationship between the Central government and state government were brought to the forefront for the first time, in the wake of formation of the first CPI led ministry in Kerala (1957-59). The national ruling party regarded it as a grave threat to its monopoly of political power. The Congress party and its local allies contrived a situation in which a democratically elected government found it impossible to function. Taking advantage of this impasse, the Central government summarily dismissed the CPI led government. The Congress party and the Central government, thus, dealt with this anomaly in the power structure in such a manner as to give wide currency to the belief that co-existence between the Congress party in power at the Centre and an opposition national or regional party at the state level would be unviable. 58

However, the period from independence to fourth general election could not rule out the assertiveness of state leaders on different occasions and portrayed them as a weak and feeble politicians in relation to the Central government. The example of B.C. Roy, the then Chief Minister of West Bengal, possessing unquestionable qualities of leadership can be cited. His stand on the Damodar Valley
Corporation could not be underestimated. But the leadership both in the Centre and the states were of a conciliatory nature, so that conflict resolution could take place with the help of consultation consensus technique and that also pointed out that during this period, the political network connecting the Centre and the state leadership was used amply to postpone consideration of inconvenient issues. In the process, the constitution was not violated but was often by passed.

Moreover, besides B.C. Roy of West Bengal, no strong leaders and Chief Ministers like Kamraj of Madras or Y.B. Chavan in Maharashtra, C.B. Gupta in U.P. or P.S. Kairon in Punjab, were prepared to act as merely as a tool of the Congress high command. As a matter of fact, some of the Chief ministers pursued their own policies inspite of the dictates from the Centre. Even in cases where the Centre's direction on matters of policy were generally accepted by the state Congress governments, the acceptance amounted to very little in practice as the state governments were unwilling to implement the legislation enacted in accordance with Centres' policies. One prominent example of this was land reforms. The need for ceiling on land holdings and tenancy legislation were passed from time to time by the
Central government and the Congress high command on the states. In this respect, most Congress ruled states differed from West Bengal. No Central legislation was implemented and the Centre had been helpless in the matter of implementation.

This shows that, despite the fact that Congress was ruling both at the Centre and states, the Centre has not always succeeded in enforcing its policies against the opposition of state governments. Therefore the period between 1947-67 may be characterised as one of effective leadership and accommodative federalism. In the first two decades of federal experiment in India, the leaders both at the Centre and states faced two set of compromises in order to bring about national integration. There were compromises which could lead to easing the centrifugal pressures by allowing the state borders to coincide either before or after independence, with predominantly linguistic, tribal or racial characteristics and the second compromise was to develop a national language as a means of linking together the diverse peoples. Accommodative federalism and effective leadership during this period were also supported by some contextual factors. During this period the Congress party was the strongest party not only in the Centre but in almost
all the states as well Intra-party cleavages did not threaten its hegemony. The charismatic stature and unquestionable leadership of Nehru favoured the climate of the Centre's political dominance over the states. Moreover, during this period, the state governments were able to enjoy a measure of autonomy within the broad framework of their constitutionally delimited jurisdiction. The operational constraint for the states could mainly be attributed to the factor of resource inadequacy rather than to any major redefinition or restructuring of Centre-state relations. Again by and large, there were no organised attempts to destabilise the governmental leadership at state level during the Nehru-Shastri era. There could always take place an accommodation and mutual adjustment of Centre-state relations mainly because the Centre in general did not take unilateral non-negotiable position. A part of this explanation lies in the persistence of the 'earlier consensus' system.61 The Congress, till this time, had not completely abdicated its role as a party of national movement, the history of which was a continuous process of accommodation and reconciliation of various interests and points of view. This was also possible because of a relatively homogenous elite both at national and regional
level. Thus, all this contributed for smooth function of India's delicately balanced federal constitution during the first two decades of independence.
FOOT-NOTES


3. Chanda, Ashok, Federalism in India.


24. Ibid. 1, 6, p.83.

25. Ibid. 1,8, p.101.


27. The second report of the Union Power Committee 5th Julv 1947, pp.70-71.


32. CAD. Vol. VIII, p.806

33. Ibid. p.807-808.

34. Constituent Assembly Debates, Vol. IX, p.204.

35. CAD, Vol. IX, p.204.


40. The CAD had eminent person like Dr. B.R. Ambedkar, Rajendra Prasad, Sardar Patel, Jawaharlal Nehru S.P. Mukherjee etc.


44. Minutes of the Meeting, 6th June, 1947, INA.


53. The main objective of the Kamraj plan was the rejuvenation of the party. Six union ministers and six Chief Ministers resigned from the government. It not only manifested the final demonstration of Nehru's hold over the party but also ascertained the fact that new power bloc called syndicate was emerging within the Congress.


55. Breacher Michael "Succession in India". p.72.


58. Henson and Douglas. Opcit, p.121.


