Chapter 3

Constituent Diplomacy and Federalism in India
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India’s federal experience has undergone great vicissitudes over the past sixty years. India adopted a federal design to weave a nation out of its diversities and to combine democracy and regional diversity in a highly plural society. India’s federal character is derived from the assimilation of its diverse features like language, culture, and regional differences. Over the past decades, India’s federal system has tried to explore and innovate attempting to discover how much diversity it could possibly accommodate without sacrificing the quintessential unity.

Federalism which is considered as a dynamic and constantly evolving concept holds true in the Indian context where its nature has changed overtime adapting to the changed circumstances. India which started off as a centralized polity has now transformed into a decentralized one owing to the changed political and economic environment. This was inevitable because a federal system is not an immutable one but needs to undergo re-examination at intervals in the light of emerging situational compulsions. India’s federalism has its roots in the British colonial regime. The unsatisfactory experience with the working of unitary system in India forced the British to introduce a federal system during the last eight decades of their rule. The Government of India Act of 1935 was the ultimate outcome of this federal experiment which laid the cornerstone for a federal constitution in India. This act provided greater autonomy for the provincial governments, thus recognizing them as a legal power under a federal scheme.

At the time of independence, a challenging task before the Indian leaders was to establish a system of government that would cater to a highly pluralistic society and at the same time provide them a feeling of oneness and unity. Nation building seemed to be impossible through a unitary state in a country with continental size and population with multiple identities. In addition to this, it was expected that a federal structure could enable the smooth integration of hundreds of princely states to the Indian union.
Historical legacies undeniably play a significant role in the shaping of any polity. Under the British colonial regime, India was ruled unitarily and thus accumulated a strong unitary memory. This impelled the framers of the Constitution to structure it on the Government of India Act of 1935 with its strong unitary bias. The legal and political system inherited from the British Raj was retained including the Westminster form of parliamentary government. Thus India’s own brand of federalism was developed which slightly departed from the existing models. The federal arrangement in India is union (centre) oriented and the formal distribution of powers make the union government very strong to the extent that India has been labelled “marginally federal or a quasi federation”. This all-powerful position enjoyed by the union is manifested in the distribution of legislative powers between the union and the state, emergency provisions particularly the right to dismiss a state government (article 356), the role of governor who is appointed by the union government and financial relations. All these have remained as significant topics under the federalism debates in the country and have created hostility between the union government and the constituent units (states) at different times. Of the different views on the nature of Indian Constitution, one extreme view is that it is unfederal in which the states are at the mercy of the union government and the other view is that it is essentially federal with a strong unitary bias. But with the rise of regional political parties and the emergence of coalition governments at the union level, the whole power equation has changed. The centralization tendency in Indian federalism is gradually undergoing changes and the tendency has been towards a cooperative federalism.

**Federalism: A constitutional background**

The Constituent Assembly, formed in December 1946, ventured upon the task of writing of the Constitution against the backdrop of the partition of the country which accompanied a communal furore and the tedious task of integration of 565 princely states into one functioning unit. The traumatic experience of the partition necessitated the establishment of a government that could ensure the unity and integrity of the newly born nation. The founding fathers of the Constitution feared that excessive federalism would encourage fissiparous forces which could pose a great threat to the unity and integrity of the nascent democracy. Thus to deal with the problem of hundreds of states, some no more in size than the municipalities and the traumatic experience of partition of the country forced the
founding fathers of Indian Constitution to shy away from a truly federal Constitution and opt for a union of states with strong residuary powers for the union government.6

When the Constituent Assembly discussed federalism as a possible form of government for independent India, there was a division of opinion as it was not favoured by some members. But majority of the members of the Constituent Assembly supported it as a suitable model for a country with continental size and regional diversities. The British influence, experience with the workings of provincial autonomy under the government of India act of 1935 and the popularity of federalism as a desirable political system for plural societies in the twentieth century persuaded the Constitution framers to adopt a federal Constitution.7 A classical pattern of federalism was envisioned for India when the Constituent Assembly endorsed the objectives resolution moved by Jawaharlal Nehru in December 1946. But the experience of a messy partition, the Kashmir fall out, the secessionist tendencies from the Naga tribals and the possible emergence of centrifugal forces changed the perception of the framers.

Thus the Constituent Assembly decided on a centralized federal model for India. This idea of centralized federalism was not favoured at the beginning by certain members, including B R Ambedkar, Chairman of the drafting Committee. He refused to include the word “federal” in the Constitution stating, “what is important is that the use of the word 'union' is deliberate because it is indestructible”. This led to the formation of a centrally biased system of government which was formed to meet India’s peculiar needs.8

Due to this particular reason, Indian federalism has not been considered as true federalism. According to KC Wheare, Indian federalism can be called as a quasi-federal system because of the concentration of power with the union government. The Constituent Assembly settled for unitary federalism after prolonged debates with an aim towards building India as a nation. Further, historical experiences like the rise and fall of the Mauryan, Gupta, Mughal and other empires, could also have built the argument in favour of “unitary federalism”.9

The Cabinet Mission plan proposed by the British government in 1946 had outlined a union government with limited powers even before the formation of the Constituent Assembly. However, the plan could not be materialized since the Indian National Congress and the Muslim League did not have consensus. The first report by the Constituent Assembly conceptualized a weak union government as proposed by the Cripps
and Cabinet Mission plans. “The passing of the India Independence Act and the eventual partition of India led the Constituent Assembly to adopt a more unitary version of federalism.”

A decentralized political structure with village-based federation was preferred by Mahathma Gandhi, while B R Ambedkar and Jawaharlal Nehru were in favour of a strong union government. Nehru argued 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, of coordinating vital matters of common concern and of speaking effectively for the whole country in the international sphere.’ Ambedkar, Chair of the Constituent Assembly, also liked ‘a strong united Centre, much stronger than the Centre we had created under the Government of India Act of 1935.’ Sardar Vallabhai Patel and many other leaders rooted for a federal system of government.

Finally a win-win situation was arrived at, which was to ensure a balance of power between the union and the states. The Constitution described India as a ‘Union of States’ entailing that its unity is indestructible and the use of the term ‘union’ indicated that Indian federalism did not come into existence due to some mutual agreement or compact among the constituent units. These units were denied the freedom to secede from the union. Since the states were not sovereign entities at the time of the formation of the union, there were no provisions of safeguards for the protection of states’ rights.

The Constitution prescribed the structure of the union and the state governments with a common citizenship for the whole of India rather than a dual citizenship which is followed in many other federations. The federal nature of Indian Constitution has been interpreted by scholars and experts in different ways. Some are of the opinion that it has the essential characteristics of federalism like written Constitution, distribution of powers, supremacy of the Constitution and authority of courts. At the same time some other scholars hold the view that it is not federal as many classical elements of federalism are absent in the text. They argue that Indian Constitution lacks dual polity and dual form of government which is a prerequisite in a federal system. Further they argue that “the Constitution guarantees individual rights of certain groups such as Scheduled Castes and Scheduled Tribes, and minorities, but not to states as such. It does not concede even the right of equal representation to the states in the upper house of the Union Parliament. India’s
Constitution is not a covenant, or compact between the states; rather the states are the creation of Constitution and subsequently of Parliament.”  

Article 2 and 3 of the Constitution enable parliament by law to create a new state, increase or reduce the area of any state or change the boundaries or name of any state. The consent of the state is not required in this context. Ronald L Watts, defends the Indian approach saying: “In some cases, however, where territorial social diversity and fragmentation is strong, it has been considered desirable, as in Canada and India initially, and in Spain, to give the federal government sufficiently strong, and even overriding, powers to resist possible tendencies to balkanization.”

Alfred Stephan holds that India is an example of a ‘holding together’ federation, not a ‘coming together’ federation. India was not created by the coming together of a group of pre-existing states, unlike the US which was formed as a result of an agreement between the existing states. Rather, it can be said that in the Indian scenario, the union created the states as they came to be.

Part 11 of the Indian Constitution elaborately defines the power distribution between the federal government and the states. This part is divided into legislative and administrative powers. Seventh Schedule of Constitution deals with three lists: union, state and concurrent. The union list of legislative powers consists of ninety six subjects and the state list includes sixty one subjects. The concurrent list contains subjects that fall under the domain of the union and states and has fifty two items enlisted. The union list includes subjects like defence, external affairs, major taxes whereas the state list covers law and order, police, agriculture, primary and secondary education etc. The concurrent list includes economic and social planning and higher education. Further, all the residuary powers are vested in the union government.

Even though the Constitution clearly demarcates the powers of the union and the states, in certain cases it has enabled the union to legislate on issues included in the state list based on the provision of articles 249, 250, 252 and 253. In this manner, every possible effort was taken by the Constituent Assembly to take care of the possible exigencies. Certain Constitutional provisions regarding union-state relations have generated a great deal of debates – especially the articles 352-360 of the Constitution. These articles deal with the emergency provisions which are broadly classified as financial emergency, external threat
to the state and cases of internal disturbances within the states. Once emergency is declared on any of these grounds, the country begins to function more or less like a unitary state.

Article 356 allows for the invocation of ‘President’s rule’ in a state when there is a breakdown of Constitutional provisions. In such a case, the President on the recommendations of the union cabinet can assume the normal powers of a state. The Constitution also empowers the President to remove a state government, dissolve the state legislature and assign the union legislature to exercise the respective state for a temporary period. The President’s rule based on Article 356 has been imposed in the states 103 times over the past six decades since independence.\textsuperscript{19} The invocation of the emergency provision was arbitrary in a large number of cases. However a change was visible in this pattern since the 1990s when the usage of the article 356 went down significantly. The interventions made by the Supreme Court and the President against the arbitrary use of article 356, has helped in bringing down the arbitrary usage of article 356.\textsuperscript{20} In addition to this, the emergence of regional parties and coalition politics/government at the union level restrained the union government from using Article 356 for partisan purposes. Since the coalition government at the union has to depend on the regional parties for its survival, suspending state governments appeared to be risky because that might lead to the downfall of the union government.

The federal principles regarding the role of the union and states envisaged in the Constitution sixty years ago come under considerable strain when faced with the prevailing socio-political realities. Federalism which was a part of the public discourse in India for many decades has gained greater importance since 1990s when the nation witnessed the emergence of coalition politics. The evolution of the coalition era changed the entire dynamics of union-state relations with the states trying to assert their position in areas considered the prerogative of the union government.

\textbf{Indian Federalism: Evolution and development through the years}

In the early decades of independence, India’s federal structure was characterized by the domination of Congress party at the union level as well as in the states. The chief ministers and other ministers of the states were chosen by the Prime Minister and the Congress party High Command assumed a greater role. This process of subordination of the states further
strengthened the union government which already had been made strong by the Constitution.

The Planning Commission came into existence during this period which was considered as an instrument of domination of the union government. The Planning Commission was to look after the social and economic services and it was criticized for its intrusion on the subjects enlisted in the state list like education, public health, medicine, agriculture and social welfare. States like West Bengal voiced their concerns and contended that real federation should prevail and the union and the state governments should be limited to the respective spheres. Article 356 of the Indian Constitution which empowers the union government to suspend any state government was misused in several instances. The union government used this provision for its political gains, usually to dismiss opposition ruled state governments or to prevent oppositions from forming governments after the elections.

Because of the congress party dominated polity which prevailed at the union and in the states, the union-state relationship became the party’s internal issue. While the Constitution of India envisaged a federal system of government, in practice the government of India worked more as a unitary system.

The 1967 general elections resulted in the breakdown of congress monopoly and the process of coalition government formation started. It marked the end of an era of unchallenged supremacy of the Indian National Congress, a major political party in India. Only eight states out of the total sixteen returned Congress to power in state legislatures. Madras state which was considered as a Congress stronghold voted to power Dravida Munnetra Kazhakam (DMK), a party whose concern is regional. After the Congress split in 1969 it remained as a minority government with the support of left parties. In several states, non-Congress governments which were essentially coalition governments came into being. With the formation of coalition governments in the states, the states became more assertive and it led to the conflict of interest between the union and the states. The union-state conflict reached its peak during the period of 1967-71. The states under the non-Congress governments started asserting their rights and the union government’s refusal to accept such assertion resulted in conflicts.
When the demands for autonomy started from different states, the government appointed the Administrative Reforms Commission which submitted its report in 1969. It recommended that no Constitutional amendment was required regarding union-state relations. The appointment of Rajamannar committee by the Tamil Nadu government and the memorandum adopted by the West Bengal government were aimed to look into the union-state relations. When Indira Gandhi came to power, she asserted the dominance of the union and passed the 42nd amendment to the Constitution which increased the power of the union at the expense of the states. This centralization of authority reached its zenith during 1975-77 when the national emergency was declared.

In 1977, congress lost its power at the union level and the Janata government under Prime Minister Morarji Desai came into being. It was not technically a coalition because its four members had agreed to fight the election on a shared manifesto and a shared symbol. By 1989, congress domination at the union level reduced considerably. The regional political parties began to participate in the government at the union level and this indicated the reinforcement of a significant shift from centralized governance towards a shared rule. With the exception of P. V. Narasimha Rao’s minority government all the other governments which were formed after 1989 till the 2014 general elections have been coalition governments supported by regional parties.

A landmark in the development of Indian federalism took place in 1996, when the United Front government with the support of Congress (I) came into power. This was the government of fourteen regional parties and the leader of the front H. D. Deva Gowda himself was a regional leader. The state leaders decided who would enter the union ministry from the respective parties and not the Prime Minister. It was also decided by the regional parties that they will have a say in the decision to drop any minister and also be consulted in the distribution of portfolios.

The Bharatiya Janata Party’s (BJP) emergence in the 1998 elections brings home the truth that the path to power in the society lays in the creation of political, regional and social alliance. The novelty of this coalition was that the power shifted from the union to the states. All the coalition partners had their stronger state agenda and there was hardly a national agenda. This BJP led coalition experiment failed soon and thirteenth Lok Sabha elections were declared in October 1999. Again a coalition government led by BJP with twenty four parties came into being. Later, the United Progressive Alliance (UPA)
government (2004-14) led by the Congress party was also a coalition government. The increasing role of regional parties at the union is not only a sign of the emergence of cooperative federalism which is a healthy trend but also towards national unity. The regional parties are also emphasizing national unity and they may play a balancing role.

During the pre-1967 phase, India's union government was able to dominate over the states in most arenas. This has been attributed to many factors such as centralized planning, the weakness of regional political parties, the dominant personality of Nehru, leadership, enthusiasm for nation building etc. Even before the 1967 elections the states had already begun to assert themselves. But the experience of different states was quite varied.

The union domination was due to the existence of a single dominant political party at the union and in the states. Indian federalism developed in a one party dominant system. Other parties could operate within the country’s broad democratic framework, but their heterogeneity and weakness prevented them from exercising an important influence upon the operative machinery of Indian federalism. The power structure within the central party and the central leadership represented by Nehru, significantly affected the union-state relations.

At the state level, the fourth general elections brought an end to the era of single party domination. Non-Congress parties came to power in the state level with a consequent rise in state power. A new political environment in Indian federalism arose.

The weakening of Congress party at the union level had important repercussions on the states. It led to tensions between states, weakening of central planning, rise of hidden separatist tendencies and the lack of national consensus on important issues. All these factors encouraged the rise of regional forces. Due to the lack of cohesion and leadership, the non-Congress governments could not sustain their power in the states. All these factors led to the union government to constitute the Sarkaria commission to review the union-state relations. Indian federalism has traversed a turbulent phase during the last twenty years due to the growth in power and influence of the state based regional political parties. These regional parties condition the course of union-state relations primarily through the mechanism of coalition government at the union level.
Emerging Challenges

The emergence of coalition processes and the rise of regional parties have modified the structure of federalism which shapes the union-state relations. The centralizing tendency in Indian federalism is gradually undergoing a change and is moving towards a cooperative federalism.

With different political parties assuming power at the union level and in different states, the union-state relations came under considerable strain which posed new challenges to India’s federal setup. Coalition politics acquired proportions which were inconceivable at the time of formation of independent India. Regional political parties are occupying the political space along with the national parties at the state level as well as at the union level.

With the state governments and regional parties assuming greater significance through the mechanism of coalition government at the national level, they started influencing the policies and programmes formulated by the union government. This has led to a situation where states turn down the policies formulated by the union government which are in the interest of the nation. The proposal to set up a National Counter Terrorism Centre by the union government was opposed by non-Congress chief ministers of various states on the alleged reason that law and order is a subject included in the state list. They were of the opinion that such a move is against the federal spirit of the Constitution. The union government’s action was based on Article 355 of the Constitution where it says that “it shall be the duty of the union to protect every state against external aggression and internal disturbance and to ensure that the government of every State is carried out in accordance with the provisions of the Constitution.” The need for such a centre emerged in the light of increasing terrorist attacks which is a threat to the national security. When dealing with issues like national security states have to adopt a sensitive approach rather than blaming the union government. The tug of war between the union government and the state governments leaves the country’s security at stake.

Similarly, the proposal of the Ministry of Railways to amend the Railway Protection Force Act also met with opposition from the state governments. The amendment aimed at strengthening the Railway Protection Force (RPF) by granting more policing powers to the RPF and doing away with Government Railway Police, which is a part of the police force of the respective states. The ambiguities regarding the area of jurisdiction of the two forces
could be resolved with such a move. But certain states opposed the proposition stating that it was an attack on the federal structure. 28 Similarly, the proposed Border Security Force amendment bill, 2011, which sought to extend the policing powers of the para-military outfit beyond the currently prescribed radius of eight km from the border districts which form the boundary between India and its neighbours to the entire border district where it is posted, was termed as anti federal. Apart from these, internal threats like the spread of left wing extremism could be curbed only with a joined effort from the union and states.

**Federalism and Constituent Diplomacy in India**

Foreign policies are strategies used by governments in their interaction with other countries in the international relations milieu. It involves the formulation of principles which helps the states to promote its national interests and achieve its goals while negotiating with other states. In federal systems there is a demarcation of power between the union and the constituent units which clearly define the areas over which the two levels of government may preside exclusively. The formal provisions of the Constitution endow the union government with the sole authority to manage the foreign relations of a country. The dominant position the union has in relation to foreign policy is emphasized in the Constitutions of various federations. 29 But in recent times, the exclusive authority of the union in this arena is slowly being weakened by the activities of the constituent units in a federal union. Regardless, the constituent units have been asserting their influence in this area and their presence is too obvious to ignore.

Even though the foreign policy literature takes into account the influence of domestic political actors like bureaucracy, interest groups and military industrial complex on foreign policy formulation, seldom do we find other levels of governments mentioned as influencing it. The realist assumption that treats foreign and domestic politics as separate realms has been challenged by other perspectives that consider the two as interconnected. 30 This interconnection is manifested in the states’ and regional political parties’ increased influence on foreign policy decisions.

Even though the primary responsibility to pursue foreign relations is assigned to the union government, some Constitutions provide an opportunity to the constituent units to take part in foreign affairs especially regarding economic and environmental issues. For instance, Canada is a country which provides a very permissive context for provincial
International activities whereas in Germany, the federal government enjoys a dominant role but the Constitution provides the Lander a role in the foreign policy process.\textsuperscript{31}

The increasing influence of states in foreign policy decisions or implementations pose a challenge to the conventional theory of spheres of responsibility within a federal setting. In the changed circumstances, the foreign policy arena increasingly embraces economic, ecological and ethno-nationalistic issues. Hence for the union government to keep the regional forces away from the foreign policy arena is easier said than done.

In India, developments since 1990s attest to the increased influence of regional forces in the foreign policy decisions. With the advent of coalition politics at the union level, the influence of regional leaders became more pronounced. In addition to this, the economic liberalization has provided the states opportunities in trade and investment which are internationally oriented. States make use of this opportunity and try various means to attract foreign investment by organising investment summits like Gujarat government’s Vibrant Gujarat and West Bengal government’s Bengal Global Business Summit. The whole power equation between the union and the states has changed with the states becoming more assertive. The bargaining power of state leaders has increased not merely relating to domestic issues but also in external relations. This has led to a situation where the union government is constitutionally strong but politically weak.

**Economic aspects**

The post-globalization world has witnessed a great deal of integration between domestic and international economies and economic policies play a significant role in the foreign policy decisions of a country. It has become increasingly difficult for the union governments to monitor and decide on policies which are in the interests of their sub national units. Free trade agreements and initiatives on regional cooperation have forced union governments in some cases to provide their constituent units with some degree of external authority. The environmental and social issues of a country cannot be addressed satisfactorily without taking the regional concerns into account. This has compelled the union governments to become more adaptable and to share responsibility with the state units, though reluctantly.

The constituent units of federal countries have engaged in international activities with neighbouring polities involving matters such as cooperation in transportation, pollution
control, flood, etc. which are considered as matters of low politics. But the issues pertaining to high politics such as diplomacy, national security and defense has been the Constitutional responsibility of the national government in order to present a common policy towards foreign states.

Since the constituent units are affected by the developments taking place around the world, they envisage the importance of developing external relations. These types of relations have been manifested in the form of trans-border regional links and trans-border neighbourly contacts. Due to the sensitivity encompassing the issue of foreign policy, any intrusion into the union government’s authority, by the regional forces, causes unease. The problem becomes more intense in those countries where the union and states are governed by different political parties. Sometimes the conflicts between the two levels of governments, i.e., the union and the states manifests as differences over external relations.

The forces of globalization coupled with the 1991 economic reforms enhanced states’ interest in foreign policy, especially foreign economic policy. The earlier closed economy got replaced by a liberalized and open one which in turn provided an environment which enabled the states to play a significant role in foreign economic policy, notably in seeking foreign direct investment and promoting foreign trade. As markets acquire more power, the control of the union government over crucial aspects of foreign policy is visibly shrinking. Massive infrastructure spending is required to garner the benefits of the market economy and states cannot solely depend on the union government to meet their developmental needs. So states resort to different strategies to attract foreign direct investments advertising their states’ endowments to the foreign audience. The states are in a competition to provide investment incentives that would attract FDI and the participation of state level leaders in international economic gatherings affirms this.

In addition to this, the states have been empowered to negotiate with multilateral institutions like the World Bank and the Asian Development Bank to improve their physical and social infrastructure. Even though these negotiations have to adhere to certain basic norms and the responsibility for providing the sovereign guarantee for the loans rests with the central government, the states still have the power to negotiate with external agencies.
The regional forces have raised their concerns over the union government’s monopolistic attitude on issues like WTO negotiations and have requested more transparency in the negotiations which has a direct bearing on them. The impact of globalization on Indian federalism is evident from the above example. When it comes to WTO negotiations, institutions of federalism play a mediating role between the international actors and the actors in the domestic realm. “National economic policy is the combined product of central rules, sub-national variation in institutions, and divergent political choices arising out of varying regional incentives.”

Even though the union government is usually responsible for a policy change, state governments often find themselves at the receiving end suffering the political backlash for the policy’s result. This is largely because the state government is the only remotely accessible actor for the common people. It is a common practice among the state leaders to blame the union government for the troubles that beset their regions, especially when the union government and state government are ruled by different political parties.

It was in the 1990s that the states emerged as an effective arena of political competition. Many regional parties are the offshoots of national parties. Regional parties have not only become important actors in the state legislature but also they are capturing increasing number of parliamentary seats in their respective regions. This has led to a situation where the national parties have to depend on the regional players to form a government in the parliament.

**Federalism and foreign policy in India: The constitutional setting**

The word federalism is not mentioned in the Constitution of India even though it is one of basic features of the Constitution. The Constitution of India clearly demarcates the powers between the union government and the state governments under Article 246 of the Seventh schedule in the Constitution. The following powers are part of the union list and thus outside the jurisdiction of the state governments. They are “matters regarding naval, military and air forces and other forces of the country; deployment of any armed force of the country in any state as an aid to civil power; delimitation of cantonment areas, foreign affairs and all matters that bring India into relation with any foreign power; diplomatic, consular and trade representation, the United Nations; participation in International conferences, associations and other bodies and implementing decisions made thereof,
entry into treaties and agreements with foreign countries; implementation of treaties agreements and conventions with foreign countries; war and peace, foreign jurisdiction, extradition and admission, immigration and impulsion passports and visas and foreign loans.”

With matters concerning trade and commerce, the union government is in charge of international trade as well as interstate trade. The union government has the absolute power to conclude treaties with foreign governments and those treaties need not have to be ratified by the Parliament. Discussions regarding any treaty or agreement may be carried out in the Parliament but it may not affect its finality or enforceability. Thus the Constitution gives the union government virtually exclusive jurisdiction over foreign policy of the country. The states have had hardly any role in formulating or implementing the foreign policy decisions of the country. Even if a majority of states oppose a particular foreign policy, the union government is not constitutionally bound to take this opposition into account. Even though the authority to make decisions regarding foreign policy is entrusted with the Parliament, the union cabinet makes the actual decisions in practice. There are various parliamentary committees on foreign policy but their powers are merely recommendatory and not enforceable.

India chose to follow an independent foreign policy in its decision to remain nonaligned from the two blocks during the cold war. A key characteristic of the foreign policy is the centralization of foreign policy as envisioned in India’s Constitution with states having a negligible role in foreign policy. Jawaharlal Nehru, the first Prime Minister of India singlehandedly formulated and controlled the foreign policy decisions of the country which added to the centralization of foreign policy in the initial years of independence. Self reliance and non alignment were the two pillars of India’s foreign policy envisioned by Nehru. He didn’t want India to get caught in the cold war rivalry as it was militarily and economically weak, rather he wanted India to become self reliant.

The Nehruvian era is generally considered as the idealistic phase of India’s foreign policy and this continued till India’s military defeat during the Sino-Indian war of 1962. Indira Gandhi tried to adopt a more realistic approach to foreign policy and realpolitik became the defining feature of India’s foreign policy when India conducted a series of nuclear bomb tests. This is described as the beginning of a new phase of realism in India’s foreign policy. The decision to conduct a nuclear test in 1998 was taken in secret by Prime
Minister Atal Bihari Vajpayee and his closest advisers, without the knowledge of even the Cabinet, let alone leaders from the states.\textsuperscript{42} Despite the changes in approaches, India’s fundamental foreign policy goals remain the same which is primarily its search for security and stability in South Asia and its quest to influence international politics through its growing hard and soft power.\textsuperscript{43}

Many Indian states share boundaries with the neighbouring countries with which India’s relations have been troubled often (See Table 3:1). In India, the complex relationship between the states and the union government as well as the reliance of national leaders on regional powers for political support to maintain their positions allow some state leaders a say in decisions about India’s role in the world even though it’s not a constitutionally granted role. The existence of national minorities that are divided between two or more countries results in the internationalization of ethnic conflicts which in turn has an impact on the foreign policy of a country. The national governments are forced to involve in the affairs of their neighbouring states due to the ethnic ties of the constituent units which is usually a cause of tension between the union government and the constituent units. India’s relations with Sri Lanka serve as a classic example on how cross border ethnic ties affect the foreign relations of a country.

Table 3:1 \textbf{States sharing international borders}

<table>
<thead>
<tr>
<th>Bordering Pakistan</th>
<th>Punjab Jammu and Kashmir, Rajasthan, Gujarat</th>
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</thead>
<tbody>
<tr>
<td>Bordering China</td>
<td>Jammu and Kashmir, Himachal Pradesh, Uttarakhand, Sikkim and Arunachal Pradesh</td>
</tr>
<tr>
<td>Bordering Nepal</td>
<td>Bihar, Uttarakhand, Uttar Pradesh, Sikkim and West Bengal</td>
</tr>
<tr>
<td>Bordering Bangladesh</td>
<td>West Bengal, Mizoram, Meghalaya, Tripura and Assam</td>
</tr>
<tr>
<td>Bordering Bhutan</td>
<td>West Bengal, Sikkim, Arunachal Pradesh and Assam</td>
</tr>
<tr>
<td>Bordering Myanmar</td>
<td>Arunachal Pradesh, Nagaland, Manipur and Mizoram</td>
</tr>
<tr>
<td>Bordering Afghanistan</td>
<td>Jammu and Kashmir (Pakistan-Occupied Area)</td>
</tr>
</tbody>
</table>

India’s border states have to deal with specific problems like illegal migration and cross border terrorism. Illegal migration from Nepal and Bangladesh is a major source of conflict in India’s North Eastern states. As the regional powers have increased their voice
in the union government, they have demanded an increased role in controlling migration in their states. In West Bengal, the state police and the Border Security Force often work together to control the movement of migrants and goods from Bangladesh. Although the union government has the legal power over border control, it cannot carry out these activities effectively without the help of the state governments.

The initiatives of regional cooperation in South Asia have created opportunities for states to play a role. West Bengal supported the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC), which links South Asia to South East Asia understanding the fact that it has the potential to make Kolkata once again the hub of trade and commerce. Similarly, linking the northeast of the country with the neighbouring countries would be extremely beneficial for that region. River-water management, border management, and energy production in the region also require regional collaboration between India, Nepal and Bangladesh.

States are usually accused of supporting the secessionist movements in their neighbouring countries due to ideological or instrumental reasons. Pakistan’s support for Kashmiri separatist movement and India’s involvement in the Sri Lankan Tamil issue are cases in point. It is a practical measure to involve relevant state governments in diplomatic discussions between the union government and the country in question because the regional leaders provide greater understanding of the issue because of the cultural ties between the state government and the people in the neighbouring countries. But when the states act with an eye on the vote bank and act in their parochial interests, the country’s national interest is at stake.

India’s failure to keep its promises to Bangladesh on Teesta water sharing treaty and the Land Border Agreement is to an extent influenced by the decisions of West Bengal Chief Minister Mamata Banerjee. Similarly, India’s policy towards Sri Lanka is shaped by the regional political parties from Tamil Nadu, DMK and AIDMK. The situation where the union government has to be at the mercy of these regional forces while pursing foreign policy with neighbours may go against the country’s national interest.

**Conclusion**

Foreign policy decisions have been a domain of the union government in India. The Constitution of India grants exclusive jurisdiction over matters of foreign policy to the
union government. Since independence, India has followed a strong centralized system in foreign policy making. In fact, the centralization tendencies dates back to the British rule in India which did not allow the state governments to get involved in the matters of external affairs. Although the Constitution assigns no special role for the states in external relations, the emerging reality is different, in practice. With the emergence of regional parties and coalition governments, there has been a gradual weakening of the union government’s tight grip on the country’s foreign relations.

Regional parties and their leaders have assumed such importance that without their support no union government can be formed or sustained. Since language and culture act as factors delimiting the geography of political parties in India the ongoing process of regionalization is quite natural considering the linguistic and ethnic composition of the country. The emergence of regional political parties, which is based on socio-cultural and regional pluralities, is considered fundamental to a democratic polity like India. States have become more vocal in expressing their foreign policy preferences to the union government. The opportunities provided by globalization have opened up new possibilities for the states in the economic arena. The increased role of states in foreign policy making owes a lot to the coincidence of the opening of India’s economy and the arrival of coalition politics in India in the early 1990s.

The inclusive approach in foreign policy making is widely welcomed in India which is known for its pluralities. Such an approach will be instrumental in accommodating the diverse opinions and needs of the country. The concerned state governments could be taken on board in diplomatic discussions with the neighbouring countries by the union government. Though there have been discussions on granting greater role to the state governments in foreign relations, doubts have been raised on the practicality of such a proposition. India is a country still going through the process of nation building and consolidation. It might need a strong union government to hold together a country that has great diversity. Instead, the union government could adopt a more consultative and inclusive approach to foreign policy making in which the opinions of the states are also taken into consideration.
Notes and References


2 ibid

3 It is a democratic parliamentary system of government modelled after the system of government in the United Kingdom. The term has its origin from the palace of Westminster, the seat of the parliament of the United Kingdom.


5 Cooperative federalism is a concept of federalism in which national, state and local governments interact cooperatively and collectively to solve common problems. This system acknowledges a need for cooperation between the union and state governments.


9 Surendra Singh and Satish Misra, Federalism in India: Time for a Relook?, ORF Issue Brief, 2012


12 Ibid, p.89

13 Saez, n.10, p. 187


16 Ronald L Watts, “Comparative Conclusions”, see http://www.federalism.ch/files


18 Ashutosh Varshney, How has Indian Federalism Done?, New Delhi: Sage publications, 2013, pp. 43-63

In 1994, the Supreme Court ruled in the S.R. Bommai case that a proclamation under Article 356 can be judicially reviewed and the central government would have to reveal to the court the relevant material justifying its decision to exercise its power under the provisions of this article. In the 1990s, the President also exercised the Constitutional privilege to return to the cabinet the executive request to impose President’s rule on a state. Over the past decade and a half, three such requests have either been denied or sent back for review.

Khan, n.1, pp.164-170

Sadanandan, n.19

Sridharan Esravan, “Coalitions and party strategies in India’s Parliamentary Federation”, Publius, 33:4, pp. 135-152.

Khan, n.21

Congress lost its majority in the assemblies of eight states—Bihar, U.P., Rajasthan, Punjab, West Bengal, Orissa, Madras and Kerala. Jan Sangh emerged as the main opposition party in U.P., Madhya Pradesh and Haryana, Swatantra in Orissa, Rajasthan, Andhra Pradesh and Gujarat, SSP in Bihar, and the Communists in West Bengal and Kerala.

Singh & Misra, n.9

The Hindu, 18 February, 2012

The Tribune, 14 March, 2012. Orissa Chief Minister Naveen Patnaik and the then Chief Ministers of Tamil Nadu and Gujarat, Jayalalithaa and Narendra Modi respectively were among the state leaders who opposed the bill.


High politics signify the issues that are vital to the survival of a state such as national security and defence whereas low politics refers to the matters that are not essential for the nation’s survival such as social and welfare issues.

Social infrastructure includes the assets that accommodate social services such as hospitals, schools, housing etc.

Sridharan, n.23


India conducted its first nuclear detonation on 18 May, 1974 which was described by India as a “peaceful nuclear explosion”. It was assigned the codename “Smiling Buddha” and it marked India’s entry to the nuclear club.

Matto & Jacob, n.39, p.172

Hard power involves the use of force and coercion whereas soft power involves the use of culture, history and diplomacy in influencing other countries.