

The Curious Case of Indian Federalism: from Cooperative to Centralised

A discussion on “The Curious Case of Indian Federalism: from Cooperative to Centralised” was conducted by the Dravidian Professional Forum. The Panelists were honourable Palanivel Thiagarajan, the Minister for Finance, Human Resources Government of Tamil Nadu, who before entering politics was the senior managing director of the Standard Chartered Bank; Mr Derek O'Brien who is the member of the Upper House of the Indian Parliament representing The Trinamool Congress and an esteemed speaker called in prestigious institutions like Harvard, Yale, IIT, etc. and addressed the General Assembly in the United Nations in 2012; Prof. John Gerrig a professor of Texas, Austen, PhD from the University of California, Berkley and interested in comparative Politics, Mr Adil Hussain, assistant professor at Azim Premji University, PhD from University of Oxford;

Mr Dharanidharan, the executive coordinator of DPF was the moderator of the session.

Mr Dharanidharan introduced the topic and said that post-independence Federalism has become asymmetric or a paradox in India. The constitution which defines the powers and duties of the states and the union has lost its relevance in the present state of governance. He mentioned the different turns which have been observed in federalism based on the government at the power. There was one party Federation until 1965s then a contractual federation before 1989 and then a Multiparty federation from 1989 to 2014 which seemed symmetric and after 2014 there has been two men federation due to the government which is in the power.

He claimed that under the Modi and Hindu Rashtra the real aim of the constitution has been altered by shifting even state autonomy to the centre. He stated that as per Vidi Centre for legal policy report which shows that the share of revenue to the state annual tax from cess has risen to 12% from 6% in 2012 which clearly depicts that states are deprived of their revenues which is clearly the failure of the thought of federalism. According to the Political scientist, Philips Ernest that the developing nations chose federalism for the very survival of the nation and if it is challenged the survival of the nation is at its stake. In the recent scenario, we can see the same centre dominating the state which nullifies the very essence of the whole idea of adopting federalism.

Mr Palanivel Thiagarajan started his thought with the contradiction he observed in the behaviour of the Prime Minister who when as the Chief Minister of Gujarat was the saviour of federalism but after occupying the power at the centre adopted and executed several policies under the theme of One nation one policy like GST, one ration card for everyone, etc. to make the policies homogeneous across the states which seem to centralise the power of the state to the union and its sheer hypocrisy. Even if they have been implemented the policies seem non-sensical and difficult for the states with different policies of their own and different culture and people in their state. For example, in Tamil Nadu, there are 7 tiers of ration cards that provide benefits differently to the people as per their needs and requirements. If we talk about the poor northern worker who resides in Tamil Nadu their staple food is wheat and for a local poor with grassroots in TN, their staple diet includes rice. So, these cards have been made in such a way looking at the socio-cultural requirements of the beneficiaries.

Even 75% of the GST goes with the union and the state is left with just a skewed share to look at the needs of the people and even the fund allocation from the centre is insufficient and inadequate to implement the policies catering to solve the woes of the people. There is inequality in the disbursement of these funds across the states which ends in widening the gap between the better off and the worse-off states. In recent years, there has been utter centralisation of

taxes. Almost 100% tax on petrol and diesel goes in the hands of the union which acclaims to use these for the implementation of schemes of social welfare which are not even successful. One important point that he makes about the dilution of federalism is because of the inaccessibility of the data to the state governments. He illustrated the importance of data and also how it can also be misused. The union has the complete data and which it uses as per its whims and wishes implying a lack of transparency even to the state governments. He claims that even the private lobbyists of the centre have access but the states do not have the data of the vaccination which is a matter of concern. The states with the ruling party in the majority do not raise voices against this immorality and hence it becomes difficult for the opposition to bring the changes and even if they raise their voice there is no one to hear them. Hence, there is complete centralisation of power, decision-making and lack of resources to the states and the state need some control or independence which is the natural tendency of the humans in order to protect the real meaning of the Indian constitution and democracy.

Derek O'Brien started his verdict by appreciating the suggestion made by DMK to stop using the word central government and use union government in its place because the centre signifies the concentration of power at a place and is more authoritative but rather the union is the government that works in agreement and consultation with the state government. He said that the present government has messed up every institution in India and there is an elected autocracy. He illustrated the fact by saying that out of 98 bills passed 29 are anti-federal and these days only a few parties DMK in Tamil Nadu, TMC in Bengal and Shiv Sena in Maharashtra are really playing the true role of the opposition. He cited a few examples where federalism is endangered, in the Indian railway's project in 1950 all the expenditure was funded by the centre but today it needs to be shared between the centre and the state in an inappropriate proportion. Also, the number of Centrally sponsored schemes have been brought down to just 28 from 66 which is the same as mocking federalism. The centre has got its best allies as CBI and NIA who can be used against any opposition. He said the decision of demonetisation and lockdown was taken without any consultation or negotiation which shows the monopoly of the centre in this federalism.

Mr Adil Hussain asked the question on how the TMC would take a stand for the declaration of section 144 wherein 1/3rd of the border of Bengal would be under the Border Security Forces and the Passport Act under the BSF?

O'Brien answered the question saying that the order needs to be ratified in the parliament but due to the majority of the ruling party MPs this would also be ratified as the farm bills with a clear majority. Even if the opposition stands we seem powerless complying with the norms and the major representation of the ruling party.

Mr Gandhi Parvathybai Pahuza asked that DMK has fought mainly with the congress and the institution like CBI and NAI were even before and were misused in the same way. Also, the provisions in the Concurrent list says the predominance of the union which clearly erodes the thought of federalism then why they are just against BJP is it just because of their natural resistance against the government in power?

Mr AS Panneerselvam said that the 42nd amendment restored the rights of the citizen but not of the state. What would the political parties do for the inadequateness of the 44th amendment?

O'Brien answered Panneerselvam saying that when opposition rules this shall definitely be addressed and answering to Pahuza he said that at the time of Congress there was declared an

emergency but here there was an undeclared emergency. The ruling party is shredding the Indian constitution. He says the curve of democracy is going in the wrong direction and also speaks about the inadequacies of the Central Vista project and leaves them as food for thought.

John Gerring explained the meaning of the word federalism which means two levels of government rule the same land and people and each level has at least one area of action with autonomy. It fosters competition among subnational governments and subnational polities compete for citizens in the same way the firms compete for the consumers. He also said that federalism enhances accountability but at the same time it imposes a barrier to policy change leading to good stability but bad for the reforms. Increasing the independence of subnational units fosters cross-regional inequality. Federation has different things within it. It is stronger when the regime is democratic, an independent judiciary is there, the constitution reserves the power of the states, subnational units have the autonomy to raise revenue and to follow their regime to a certain extent, the legislature is bicameral and equal in power. Concluding his statement he said federalism is dynamic with response to the different sets of constitutions in different countries.

Adil threw light on the India Bangladesh issue reiteration and explaining his question he said that the main motto of the government through this order is to increase the supervision on the activities of the Muslim community living in that region and fostering the idea of Hindutva in turn. It is a state of being an exceptional case. He also highlighted the NEET exam changes and the concerns related to it and said that either through education and law and order policy intervention the union is trying to take the power of the state.

Questions:

Mr Jai Shankar Venugopal asked Obrien and PTR that any unitarian government grab the power in the name of nationalism. So what is the action plan of the regional parties towards this?

PTR answered that there is no debate between nationalism and regionalism. It's about the performance of the ruling party and how the economy is shrinking, unemployment rising currently and demolishing the fundamentals of federalism. DMK wants to ensure equity through its policies and actions and raise its voice against actions that do not comply with this idea. There are more effective and compassionate policies to achieve the same and in Tamil Nadu people are aware that if there is the creation of job opportunities, equity and upliftment only that party is the pioneer.

Mr Dharanidharan asked John about his opinion on the fact that it is believed that the Westminster system is suitable for countries like America, the UK and heterogeneous countries like India?

John agrees with the fact and says that he doesn't completely support the Westminster system even in America. It is not suitable because it reduces the competition between two parties.

Why is birth/death data with the union and why doesn't the state do anything about that. The more the data is it will lead to dictatorship. Erosion of the state power is much rampant with BJP and if it's not talked about there would be a fight for self-determination which would be more rigorous?

PTR agreed and also disagreed to the same he agreed because most of the time the centre uses data for individual distortions but when it comes to the people as a whole there are a lot of impurities in the data with the centre and the same cannot be used for validation. He said that in countries like the USA, UK they collected data people by people but in ours, it had all been in a rush. Hence, injections of the records is a threat but in TN this has been reduced to a certain extent. In the end, he also said that for the future to protect the grassroots and fundamentals of democracy and federalism a good administration, law and order peace, state autonomy and compliance with the constitution is required to ensure growth and prosperity.