

# Assam's Attitude to Federalism



Girin Phukon

Eminent scholars of Indian political system in general and Indian federalism in particular, have maintained that there was near unanimity in the Constituent Assembly and the country in favour of a strong Centre. It appears to them that if the Constituent Assembly decided in favour of a strong Centre, it was because of a general consensus in the country for it. This view has been so widely held that no one deemed it necessary to question its validity. But this study has convincingly shown that during 1947-50 there was no unanimity on this question.

Although it is conceded that none of the top leaders of Congress were in favour of the principle of strong rights for states, it does not follow that the Constituent Assembly as a whole was in favour of a strong Centre. In fact, there were members from some regions of the country who were in favour of a strong provincial government.

Soon after the inauguration of our Republic, the demands for greater regional autonomy began to be voiced. Particularly, since the mid-sixties the states began to assert their personality a little more vigorously and it acquired a new political dimension in terms of Centre-State relations. The study argues that these trends are not new and they existed, albeit in a rudimentary form, even when the Constitution was being framed.

There were large sections in Assam who wanted more powers for the states within the scheme of Indian federalism. Not only were these views expressed by the Assamese elite in the Constituent Assembly but also in the Assam Legislative Assembly, in the Assamese press and elsewhere. This study is, however, confined to an understanding of the attitude of Assamese elite in this direction.

Dr. Girin Phukon obtained his Ph.D. degree from Dibrugarh University, Assam, in 1977. Currently he is teaching in the Department of Political Science of the same university. Dr. Phukon is the author of a number of research articles published in various leading journals.

# ASSAM

## Attitude to Federalism

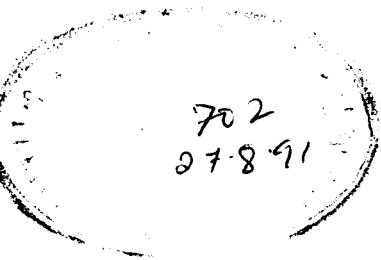
GIRIN PHUKON



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## ABBREVIATIONS

<i>ALAD</i>	: Assam Legislative Assembly Debates
<i>ALCO</i>	: Assam Legislative Council Debates
<i>ALCP</i>	: Assam Legislative Council Proceedings
<i>APCC</i>	: Assam Pradesh Congress Committee
<i>CAD</i>	: Constituent Assembly Debates
<i>CSD</i>	: Council of States Debates
<i>IPD</i>	: Indian Parliamentary Debates
<i>NAI</i>	: National Archives of India

## INTRODUCTION

The understanding of a federal political system like India, at the national level, depends at least to some extent upon an assessment of the patterns of politics within its component units. Therefore, the role played by the States in India is naturally of considerable significance for our understanding of the Indian federal system. The States may give a clearer picture of the developing political process in the country as a whole. They may also indicate the precise shape the developing federal system in India is taking. It seems that but for the brief period of emergency declared by the Government of India in June 1975, the States have been playing an increasingly important role in the Indian political system. This role may increase further, in the future. Particularly, since the mid-sixties it has become fairly obvious that the emergence of a new type of leadership and region-oriented elite in most of the States has acquired new political dimension in terms of Centre-State relations. Thus new political processes have been unfolding in the States, occasionally leading to tension between the Centre and the States. In fact, they have begun to assert their personality a little more vigorously and take a larger share in the decision making process. It appears that such a trend has been checked considerably by the new regime of Mrs Gandhi who regained her lost power after the fall of the Janata Government at the centre. But it is an undeniable fact that the regional, linguistic and even parochial forces have become articulate and acquired importance effecting the functioning of our federal system. It would, therefore, be interesting to investigate whether some of these forces are new or they existed, albeit in a rudimentary form, at an earlier stage, and particularly, when the Constitution was being framed. It is entirely possible that perhaps, in an inarticulate form these trends existed even during 1946-50. At any rate, an intimate knowledge of what is happening and why it is happening at the state level, may be of inestimable value

for an understanding of the direction of political change that is taking place in that country. And in order to have a clear knowledge about it, it is pertinent to know the legacy of the past which may have had profound impact on the present political process in the States.

Basically, in this study an attempt has been made to deal with state politics of Assam as it impinged upon Assam's attitude to Centre-State relations when the Constitution was on the anvil. As is well known, the fundamental issue of federalism centres round this particular relationship. The degree of harmony or conflict between the Centre and the States very much depends upon whether institutional arrangements have been able adequately to synthesise the centrifugal and centripetal forces which exist at a societal level. If they have been able to do so, this is bound to be reflected in the constitutional provisions which in a sense would faithfully reflect the harmony in that society. If they do not, there would always be tensions. It is generally assumed that there was consensus in India during 1946-50, for a quasi-federal institutional arrangement. Yet soon afterwards, demands for greater provincial autonomy were heard. Was this tension due to new forces which emerged in the post-independence period or did they exist even prior to the inauguration of the Republic? This aspect of Indian politics remains as yet unexplored. In the case of Assam, it is interesting to examine whether the present Assamese elite's urge for distinct identity as displayed through the current 'movement' 1979 on the issue of 'foreign nationals' is entirely new or this was already there at the time of the constitution-making? Did they seek any kind of constitutional protection against the 'threat' to their socio-cultural identity as being perceived today through federal policy? With this end in view, the present study is intended to analyse the attitude of Assamese elite towards the nature of federal polity in India, which was then being conceived and the type of Centre-State relation which was being visualized in 1946-49, when the Constitution was being framed.

## II

A federal government results from two types of processes. One, when a unitary state creates new regional units endowing them with independent functions, or alternatively, when distinct political entities join together for limited purposes and form a general government dealing with matters of common interests. The Indian federation is the result of the first; a process of new gradual evolution from a unitary to a federal structure, ever since 1919<sup>1</sup> and, in some sense, since 1861.<sup>2</sup> Despite the understandable preference of the British for a highly centralized administration for India, they were unavoidably driven towards a policy of decentralization. After all, India possessed two major prerequisites for such a polity—namely its sub-continental size and marked regional diversities. The shift in British policy from decentralization to federation was an inevitable concomitant of the decision to introduce 'responsible government' in India. The first instalment of responsible government introduced in the provinces under the Government of India Act, 1919, was accompanied by the first significant step towards a formal, though partial, federalization of the Centre-province relations in British India. The extension of the principle of responsibility and the introduction of provincial autonomy under the Government of India Act 1935, necessitated an increased emphasis on the federal principle.

Besides the need of the British to allow only a limited transfer of power, there was another important factor which was responsible for a federal reorientation of the state structure, i.e., the Hindu-Muslim question. The Muslims, who were a minority in the country, as a whole, formed majority in a number of geographically compact areas. Federalism, therefore, offered to the Indian Muslims a way of integrating themselves in the Indian polity while enjoying a larger share of autonomy in areas where their numbers were substantial. In the words of poet, Sir Muhammad Iqbal, "the Muslims demanded federalism because it is preeminently a solution of India's most difficult problem i.e., the communal problem."<sup>3</sup> Thus, the strong desire of the Muslims to maintain their political and cultural identity created a situation which

obviously lent itself to a federal solution, vesting maximum powers in the federating units. By and large, politically conscious Muslims were perhaps motivated by a strong feeling of being a distinct and separate political entity and the fear of being swamped by the Hindus in any majority-based democratic system of government in the country. Another factor, which seemed destined to have a vital influence in determining the character of Indian federation was the position of the princely States in the Indian political system as it developed under the British. The British, who were afraid of the democratic popular-based orientation of the Congress, were anxious to conserve their position and to bring the conservatively inclined Indian princes into an organic relationship with the rest of India.

However, once limited provincial autonomy was introduced, the increasing transfer of powers to the provinces sharpened the contours of provincial 'personality'. In view of the scope available in the provincial sphere for the satisfaction of political ambition, there emerged new local elite groups who had their political roots in provinces and whose interests lay in the expansion of autonomy in linguistically homogeneous provinces. Eventually, it encouraged the growth of what came to be known as the feeling of 'provincialism'. In fact, the partially democratic local governments functioning under an autocratic central authority of the British regime gave rise to provincial patriotism which constituted a potential danger to the political unity of India. Thus, with the advent of decentralization, the democratization of provincial administration and the progressive extension of representative government, the natural trend towards federalism in India was strengthened by the growing volume of popular support to the concept of the 'provincial autonomy'.

As a matter of fact, the basic factor, which made a federal structure inevitable for India was the country's size accompanied by wide diversity. Federalism, in other words, has been as inescapable for India as for other plural and diversified societies since it offers in the words of Professor William S. Livingstone, "a political arrangement best calculated

to maintain and foster a national coherence while at the same time articulating and protecting the several diversities within the society to which value is assigned."<sup>4</sup> In fact, as Professor Rasheeduddin Khan argues, India tended to become a federal polity because it was an 'authentic' federal society.<sup>5</sup>

Thus, it would appear that the foundation of Indian federal system was laid during the British rule in India. It was over this foundation that the Constituent Assembly raised the federal superstructure. The deliberations of the Constituent Assembly were conditioned by the fact that the principle of a federal Constitution for India had been mooted over the past years and had been accepted at the First Round Table Conference. The Constitution makers of free India were inevitably influenced by the fact that the trend of constitutional development of India, since the initiation of a policy of decentralization and, more precisely since the introduction of partial provincial autonomy under the Montford Reforms (1919), had been in the direction of federalism. The members of the Constituent Assembly were further aware that a federal form of government would also suit the requirement of a country of India's gigantic size and manifold diversities.

In fact, the consensus in the Constituent Assembly in favour of a federal polity was so overwhelming except for few individual members,<sup>6</sup> that Dr N. V. Gadgil, a member of the Constituent Assembly, declared, albeit with some exaggeration, "I doubt whether there is a single individual here or outside, or a party here or outside, which has stood for or even stands for a completely Unitary state."<sup>7</sup>

Though Dr Gadgil was not absolutely correct in his generalisation, it is quite clear that there was near unanimity in the constituent Assembly as regards the unavailability of a federal set up for India. If there were some differences, these were not so much about the principle of federalism, but about the precise areas which the Constitution would leave to the States and in which the States would be legally free to act independently of central control. In other words, the only issue was whether India would have a federation with the existence of a strong Central government or a relatively weak Centre.

Surprising though it may seem, even this issue did not evoke much discussion.

It is interesting to note that the partition of India had a profound impact on the shaping of free India's Constitution and its federal polity.<sup>8</sup> The partition which accompanied the advent of independence on August 15, 1947, inevitably affected the development of Indian federalism and gave it a new orientation. As indicated earlier in pre-independent period two major political factors, the Hindu-Muslim question and the problem of India States had contributed to the development of a consensus in favour of federal polity based on a minimal central authority and maximum autonomy for the constituent units. But the establishment of Pakistan radically altered the attitude of Indian nationalists to the idea of a loose federation.

After independence, however, the attitude of the Muslims in India underwent a change. They wanted a strong Centre in which they saw a guarantee of protection of their minority rights. In fact, the major centrifugal force working in India in the pre-partition period had been the Muslims' desire for a distinct identity which they thought could have been satisfied in a loose federation. After partition this necessity was removed; so the main factor for a weak Centre also disappeared. And there was no other visibly strong regional force which could assert itself for a weak federation. Not that such forces did not exist, as this study will reveal, but they had not yet either become articulate or developed an organizational base. On the other hand, the articulate organized groups were in favour of a strong Central government. Accordingly, the Centre-oriented federation finally designed by the 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 end product of the Constituent Assembly's labour as has been aptly put by W.H. Morris-Jones was "not only the reflection of the existing unity but also a device designed to counter anticipated disunity."<sup>10</sup> In fact, a mechanism was evolved by the Constituent Assembly through the present structure of the Indian polity capable of controlling excessive centrifugal demands.

## III

From the above discussion it is obvious that during the late forties the general political opinion in India was not only in favour of 'Federalism' but also in favour of a federation with a strong Central government.<sup>11</sup> This should not, however, lead us to the assertion made so very often that the fathers of our Constitution had no differences with regard to establishing a federation with a strong Centre. In fact, not only was this unanimity lacking but a fairly sizable number of the members of the Constituent Assembly coming from certain regions disapproved of the very idea of a strong Centre. In other words, the Constituent Assembly was not completely lacking in the champions of State autonomy. Of course, it is true that unlike in the United States during 1784-88, there was no organized group, pleading for states' right in the Constituent Assembly. Nevertheless, there were certainly some individual members with large following in some provinces who were opposed to a federation with a strong central bias. It is, therefore, remarkable that even after partition of India the real or imaginary inroads on State autonomy envisioned in the Constitution continued to provoke a strong and sustained criticism. This was certainly the case with the members from Assam. Surprisingly enough, the critics of over-centralization also recognized that the Constitution should provide for a powerful Centre but at the same time, argued that the creation of such a Centre need not involve an undue or excessive sacrifice of local autonomy. It is, therefore, possible that their sympathy for a powerful Centre may not have been all that sincere. In a sense, the idea of a powerful provincial government in a strong federation is a self-contradictory one. Apparently, they did not realise that there was a contradiction between these two objectives as their assumption was that the Centre's strength should not mean "annihilation of the federal principle." However, they often used the term 'Federal Principle' for the purpose of emphasis only. In fact, while they were talking of federal principle, what they probably wanted was a relatively weak Centre. Perhaps, they were talking of a classical type of federation on the American model where the Centre was weak and the units were relatively powerful.

Nevertheless, protagonists of this view were critical of the policy of strengthening the Centre at the cost of the units.<sup>12</sup> Therefore, the absence of an organized states' rights group in the Constituent Assembly did not mean that the interest of the state autonomy was not strongly advocated.

It is remarkable that Assam was one of those few provinces which were strongly in favour of a larger measure of provincial autonomy. Therefore, those provisions of the Draft Constitution which sought to make the Centre strong created considerable resentment in the minds of the Assamese elite. They were anxious to limit the powers of the Central government. Although the participation of the Assamese representative in the Constituent Assembly was not so significant in other matters, they were vocal in matters relating to Centre-State relationship. It is worth mentioning that in demanding provincial autonomy the members from Assam in the Constituent Assembly had shown remarkable unanimity transcending castes and communities. In fact, so far as the attitude towards 'federalism' was concerned, it cut across caste differences.<sup>13</sup>

This attitude and behaviour of the Assamese elite was mainly conditioned by certain fundamental socio-economic and political factors of Assam. It may be noted that unlike other provinces in India Assam had certain peculiar socio-political problems, such as tension between the Assamese and the non-Assamese; the tribals and the non-tribals; the hill people and the people of the plains, in addition to her economic backwardness and strategic position as a border State. All these problems made the Assamese elite conscious of need to have greater control of their own destiny. And they began to think that a larger quantum of provincial autonomy would be a means of safeguarding the Assamese interest in various socio-economic and political fields. This urge was reinforced by their consciousness of a distinct identity arising from the fact that traditional Assam had not been politically unified with the rest of India prior to the British occupation.

## IV

The problem of federalism in India has so far been studied at the macro-level. In this study an attempt has been made to examine this problem at a micro level. In doing so, we are not oblivious of the fact that the problem of Federalism is an all-India problem and during 1947-49, it was discussed throughout the country. Nevertheless, we feel that by looking at this problem in detail and depth at a micro level, we may be able to develop new insight into the federalizing processes in India. Because of the facilities available to the present author as native of Assam and as one who knows the Assamese language, it was decided to limit this study to the attitude of the Assamese elite in particular.

The elitist view assumes that in all societies that social power is held by a small top minority group. Vilfredo Pareto, one of the pioneers to the elitist theory, uses the term 'elite' to refer to 'superiority' in intelligence, character, skill, capacity and power.<sup>14</sup> Gaetano Mosca another propounder of the elite theory considers that elite is a minority class with better organizational ability.<sup>15</sup> C. Wright Mills believes that the power-holders of some dominant institutions are the top decision makers and they constitute the 'power-elite'.<sup>16</sup> Apart from these writers, several others have devoted themselves to the study of elite<sup>17</sup> and with the development of the concept of elite, difference began to grow among the various writers regarding applicability of the term. In spite of the differences, it may safely be assumed that the 'elite' is a minority group in a society who formulate the major decision in the society and play an important role in moulding public opinion. In a liberal democratic society the elite usually come not from among the ranks of the masses but from the privileged classes who enjoy greater economic facilities and make decisions which are conducive primarily to their own well-being and are not much concerned with the welfare of the masses even though in their public statements they may be at pains to avoid giving this impression.

Keeping in view this conception of the elite in our present study, the term 'Assamese elite' mainly refers to the articulate

section of the Assamese caste Hindu group. Indeed, it was this group who made an immense contribution towards the Assamese nation building process even during the Ahom rule. Originally, they came to this region from other parts of India and because of their intellectual superiority they even held important positions in the Ahom administration. During the British rule, they had grown into a more articulate and homogeneous community. And most of the important positions both in the governmental establishments and commercial undertakings were occupied by the members of this community. Thus, a section of urban Assamese middle class began to grow out of this segment of the Assamese society.<sup>18</sup>

By and large, during the period of British administration, the Assamese caste Hindus emerged as the most consolidated and powerful group within the Assamese society. Because of their education and other facilities, they became politically much more conscious than the other groups. Thus, western educated modernistic elite of this group took the leading part in the national movement in Assam and the Assam Congress was virtually dominated by them.

In fact, due to their upper-caste status and superior intellectual capabilities, they became culturally, politically and even economically dominant within the Assamese society. Obviously therefore, they controlled the Assamese Press and other platforms and thereby played an important role in the articulation of public opinion in Assam. For this reason, the attitude of the Assamese in general towards the question of 'federalism' mainly implies the attitude of this dominant section of the Assamese. The representatives of this group in the Constituent Assembly were inevitably larger than the other groups of people in Assam. And more importantly, all the members from Assam in the Constituent Assembly, irrespective of caste and community, adequately represented the views and sentiments of the dominant Assamese elite so far as the question of federalism was concerned. In fact, when the issues relating to federalism were discussed in the Constituent Assembly, as this study will reveal, Assam's members were articulating the feelings and anxieties of the dominant section of the Assamese people towards the type of federalism

envisaged in the new Constitution. In this sense, the attitude of the members from Assam in the Constituent Assembly on this question may be treated as the attitude of Assamese elite in general. However, this is not to imply that this study is merely confined to an examination of attitudes of the representatives from Assam in the Constituent Assembly to the question of 'federalism'. In addition to this group, we have also taken cognizance of the attitudes of the members of Assam Legislative Assembly, Assam's representatives in the Council of States, Assamese intellectuals and leaders of the press on this question.

It is well-known that the press in a democratic society plays a very important role as a means to articulate public opinion. In Assam particularly, one English daily, *The Assam Tribune*, a mouthpiece of dominant Assamese elite (formerly it was a weekly published from Dibrugarh, 1939-46) and a few other papers played an enormous role in this regard. For this reason, in order to examine the attitude of the dominant section of the Assamese people, the views of the local press, the organizations of different socio-political groups, the sectional elite have also been taken into consideration.

This study is, therefore, largely based on the records of the proceedings of the Constituent Assembly, Assam Legislative Assembly (1946-50), Indian Parliament (1946-50), contemporary local newspapers (particularly *The Assam Tribune*, 1939-50 and the *Dainik Asamiya* 1918-47) and the other language periodicals. Moreover, we have examined the primary government sources such as the Census Reports; relevant reports of certain Commissions; Memoranda submitted to concerned authorities by various bodies; booklets, pamphlets etc. With these sources of materials an attempt has been made to examine the basic reasons why the Assamese elite wanted greater provincial autonomy and a relatively weak Central government. It may be noted that in this study the method of interview could not be employed. The main difficulty that was faced in adopting the interview method is that the prominent Assamese members of the Constituent Assembly as well as the contemporary Assamese leaders have already

passed away. It is, however, hoped that sufficient documentary evidence has been supplied to uphold the findings of the study.

### REFERENCES

1. For the first time, The Montford Reforms 1919, recognised the principle of division of powers between the Centre and the provinces.
2. The first step of decentralization of powers was taken under the Indian Councils Act of 1861.
3. *Mitra's Indian Annual Register 1931*, Vol. II, p. 342.
4. William S. Livingstone (ed.) "Introduction", *Federalism in Commonwealth*, London, 1963, p. 17.
5. Rasheeduddin Khan, *Political and Socio-Cultural Determinants of Federalism in India*, Paper presented at the Seminar "Political and Economic Determinants of Federalism." (January 29-31, 1976, at the Panjab University, Chandigarh).
6. Although it is true that there was no organised party or group in the Constituent Assembly which stood for a Unitary Constitution, there certainly were individual members like Brajeswar Prasad, P.S. Deshmukh and Frank Anthony who were opposed to Federalism. Brajeswar Prasad, a member from Bihar, with remarkable perseverance and strength of conviction moved amendment after amendment calculated to ensure a unitary orientation to the Constitution. Speaking on Article 109, of the Draft Constitution which vested in the Supreme Court the power to adjudicate dispute between the States, and the Centre, and the States, he said—"I am never tired of repeating the argument because I feel that repetition may have some effect and may bring about a change in favour of a unitary form of government. I oppose both the Federalism and the Supreme Court." (*CAD*, Vol. IX, p. 875).
7. *CAD*, Col. XI, p. 657.
8. Before Partition an Honourable member of the Constituent Assembly said—"For the sake of securing the Muslim League's co-operation we have been accepting many things against our ideals." (*CAD*, Vol. I, p. 67, 1946. Purushottamdas Tandon).
9. In this regard, the Second Report of the Union Powers Committee stated—"now the partition is a settled fact. We are unanimously of the view that it would be injurious to the interest of the country to provide for a weak central authority which would be incapable of ensuring peace, of co-ordinating vital matters of common concern and speaking effectively for the whole country in the international sphere." (*CAD*, Vol. III, Appendix 'A', p. 58).

10. W.H. Morris-Jones, *Parliament in India*, London, 1957, p. 7.
11. To a reader of *CAD*, it is clear that it was the deliberate intention of the framers to create a federation in India. Nevertheless, statements made by members of the Drafting Committee and others often betrayed a certain degree of confusion in thought and expression. Thus at one stage Dr Ambedkar asserted that, "States are not administrative unit or agent of the Union government." (*CAD*, Vol. VIII, p. 33). On a subsequent occasion however, we find him declaring that "Provincial governments are required to work as sub ordinate to the Central government" (*CAD*, Vol. VIII. p. 502).
12. *CAD*, Vol. IV, p. 94 (Omeo Kumar Das).
13. It is remarkable that such differences were quite visible in case of other provinces except Assam and Orissa. According to at least one scholar, the Brahmin and the Scheduled Caste members were more favourably inclined towards a centralized federation rather than to members from other castes. (Shanti Swarup, *Position of Governor and Centre-state Relations: Intentions of the Constitution Makers—A Socio-Political Analysis*, Paper presented at the Seminar on Union-State Relation in India. May 1831, 1969, at the Indian Institute of Advanced Study, Simla).
14. Vilfredo Pareto, *The Mind and Society*, Harcourt Brace, New York, 1935, Vol. III, p. 2032.
15. Gaetano Mosca, *The Ruling Class*, Macgraw, New York, 1939, p. 50.
16. C. Wright Mills, *The Power Elite*, Oxford University Press, New York, 1956, p. 4.
17. In this connection reference may be made to the work of Raymond Aron, *Social Background and Ruling Class*, British Journal of Sociology, March 1, 1950; D H. Mathews, *The Social Background of Political Decision Makers*, Glencoe, Free Press, 1961; Giant Parry, *Political Elite*, George Allen Unwin, London, 1969; S.M. Lipsed and A. Solari, *New Elites of Tropical Africa*, Oxford University Press, 1968; Robert A. Dahl, *Who Governs*, Yale University Press, New Haven, 1961; B.B. Misra, *The Indian Middle Classes : Their Growth in Modern times*, Oxford University Press, 1961, etc. etc.
18. Amalendu Guha, *Planters Raj to Swaraj: Freedom Struggle and Electoral Policies in Assam (1826-1947)*, New Delhi, 1977. See, "Assamese Middle Class, Last Quarter of the 19th Century): a cross-section", Appendix 5, p.342.