

A Charter of demand for a truly Federal India

By Sudip Bhattacharyya

Ours is the largest functional democracy. We take pride in it and rightly so. But at the same time we must recognize that it often does not reflect the vast diversity inherent in its largeness (124 cr people, 28 states + Telangana and 7 union territories) and appreciate the aspirations of all language groups and cultures. In view of that, we have the following charter of demand to the new govt. post- 2014 national election and major political parties:

1) The spirit of federalism must be infused in the existing parliamentary system of governance. It is a system of government in which power is divided between a central authority and constituent political units. In USA where a true federal constitution operates it asserts the sovereignty of each state, except for the specific powers delegated to the confederation government. In India however, there are 2 lists defining centre's power and states' power respectively and 1 concurrent list outlining joint power. It principally differs, inter-alia, in the following manner:

- The consent of a state is not required by the Parliament to alter its boundaries.
- No state, except Jammu and Kashmir, can draw its own Constitution.

Be that as it may, one thing for certain is that in order to accommodate the diversity among and aspirations of different states, the devolution of power as given in part XI of the Indian constitution must be reviewed by discussing with the states, the whole gamut of the centre-state relations and desired amendments made.

We must also move more towards participatory democracy direct democracy where every citizen has a voice and a corresponding obligation of the state machinery to ensure that that voice is heard. Generally this could be achieved through smaller units such as mohalla and panchayet. Therefore these should be given larger and more active roles within a state and necessary changes be made in the laws relating to such local units.

It must be recalled that the country was divided and two states Bengal and Punjab were partitioned by British. In June 1947, the nationalist leaders, including Nehru and Azad on behalf of the Congress, Jinnah representing the Muslim League, Ambedkar representing the Dalit community, and Master Tara Singh representing the Sikhs, agreed to a partition of the country along religious lines in stark opposition to Gandhi's views. Immediately thereafter 3 June Plan or Mountbatten Plan was announced, when the date of independence was also announced. In the

absence of a truly federal set-up, participatory democracy and normal conditions for meaningful discussions, these decisions were taken at the top. The plan's main points was that Sikhs, Hindus and Muslims in Punjab and Bengal legislative assemblies would meet and vote for partition; If a simple majority of either group wanted partition, then these provinces would be divided. The plan was followed in toto and the country was divided. It is therefore obvious that the partition was decided, planned and facilitated by the British with connivance of central leadership of Congress and Muslim league and the aforesaid two representatives resulting in terribly violent exchange of population in Punjab and the history's biggest exodus from East Pakistan to West Bengal causing immense miseries . This underscores the need for a truly federal setup to prevent recurrence of such unfair imposition.

2) In this connection, a high-powered consultative committee comprising PM and CMs of all states should be statutorily set up to meet at least once a month and as need arises to discuss and decide on consensus basis all matters of national importance pertaining to the Centre-State and Inter State spheres.

3) On official language in India, Article 343 in The Constitution of India 1949 provides:

(a) The official language of the Union shall be Hindi in Devanagari script. (b) The English language shall continue to be used for 15 years for all the official purposes of the Union.

The Indian constitution does not specify the official languages to be used by the states for the conduct of their official functions, and leaves each state free to, through its legislature; adopt Hindi or any language used in its territory as its official language or languages.

Hindi as the Official language was dictated and implemented by the then parliament. Although in view of stiff opposition in non-Hindi speaking areas, the Parliament had to extend in 1965 the continuation of English alongside Hindi for official communications, it can not really be said that the decision took into full consideration all the concerns of the non-Hindi speaking states. Equality of opportunity assumes a level playing field where the odds are also shared equally by everybody. Three language formula has not been implemented in Hindi speaking states; whereas non-Hindi people unless they neglect to learn their mother tongue, are required to bear a load of three languages.

Further, through special enactments allocation of fund every year is made for propagation of Hindi. Even taking the broadest definition of Hindi, it is spoken by about 40% people of India. Yet, Hindi for all practical purpose is treated as the only indigenous national language. This is a breach of the true spirit of federalism. This doesn't spell well for national unity. It is unfortunate that the language question has not been faced squarely and left unresolved by adopting the

temporary expedient of continuation of English. The problem is festering silently and might come to a point of explosion as the inherent contradiction between the indigenous versus alien is bound to widen and collide more and more with the passage of time. Language problem lay at the heart for the split between the erstwhile East West Pakistan. Therefore, renewed discussions with the states should be held to consider the following issues: English is to continue as Official language in the country; Hindi and all other state languages are to be accorded the status of Official language in the respective states. The allocation of fund for propagation of only Hindi may be discontinued and there is to be one fund for promotion of all languages to be shared equitably among all states. If a tiny country like Switzerland can have 4 official languages and Belgium, 3, then why not so in India?

4) Constitutional provisions regarding Taxes Levied and Collected by the Union and Distributed between Union and the States: Articles 270, 273, 275 and 280 provide for the constitution of a Finance Commission for examining measures relating to the distribution of financial resources between the Union and the States.

Finance Commission is appointed by Centre and it directly recommends to the President. Therefore true federalism is breached. Centre State relations are now being widely discussed in the context of the Justice Punchi Commission on Centre-State relations and the Thirteenth Finance Commission. Therefore this existing system of fiscal relationship can be reviewed taking in view all such inputs and by discussing with the states in the consultative committee suggested above in item 2). Our suggestion in this connection is that tax revenues of the centre, after retaining appropriate share for its own requirement, distributed among the states on the basis of population only and no other criteria because democracy is of the people, for the people and by the people. Also all tax revenues including service tax should be pulled for distribution among the states and the centre. Provision can be made separately for special grant assistance to states for special reasons.

In this connection, make Goods and Services Tax a reality through a consensus among states and centre to replace all indirect taxes and India a National market. This will increase tax revenue and compliance and discourage cash transaction.

5) Discussions may be held once again with the states to review the extant reservations and quota system. We feel it should be abolished and jobs given only on the basis of job-requirement and merit. It is because, the reservation system in India is creating a workforce which is not capable enough to take the country forward and compete at the global level and the concept is so discriminatory and inequitable. There was a quota system in US as well, but it was abolished long ago. But it does not mean that they are not working for the underprivileged in their society. For admission and appointment purposes, now they have point systems in which people from backward regions are given some extra points but, not a certain number of seats. So, though the government is helping the needy, but it is not at all discriminating or snatching away the rights of

eligible candidates.

6) The justice dispensation system in India needs to be strengthened through more use of federalism and participatory democracy. Article 21 of the Constitution of India declares that 'no person shall be deprived of his life or his personal liberty except according to procedure established by law. Thus, the Supreme Court has held the Right to Speedy Trial as a manifestation of fair, just and reasonable procedure enshrined in Article 21. Yet the goal is far off. The centre and the states with participation of people must therefore review the whole justice dispensation system currently prevailing and reform it towards an ideal and operable system.

7) Centre and states should unanimously agree to provide that all subsidies to be paid direct and by cash transfer. Under direct transfer, the difference between the market price and subsidized price is directly transferred to the beneficiary in the form of cash in proportion to the quantity uplifted from the market. Direct transfer would help poor access basic goods by reducing demand constraints. Since now the manufacturers and retailers would be selling the commodities at market determined price universally; this policy would not only put a check on dual pricing, market distortions and leakages but would also remove the burden of under recoveries on OMCs.

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