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Centre-State relations with special reference to Assam

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ABSTRACT

It is generally assumed that during the period when the constitution was being framed, there was a consensus and even a near unanimity in the country in favour of a strong central government. But after independence, demands for greater autonomy for the provinces were heard. In fact, the emergence of a new type of leadership and region-oriented elite in the states has acquired new political dimensions in terms of Centre-State relations. Since the mid-sixties, the regional, linguistic and other parochial forces have become fairly articulate and acquired much importance affecting 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, particularly when the constitution was being framed. In order to investigate this matter, we have to examine the attitude of the regional elite towards the nature of federal polity in India, which was being visualized in 1946-1950. The present paper is an attempt to understand the attitude of the Assamese elite on this issue.

Keywords: 1. federal, 2 . power, 3. division,4. centre, 5. state,6 . elite etc.

Introduction

In a federal polity, it presumes division of powers and resources between two sets of governing authority, i.e. Centre and the States, conflicts and tensions between the two are inevitable. This problem is as old as federation itself and has trouble almost all federations throughout the world.¹

Indian polity has been variously described as quasi federal, federal with a strong unitary or pro centre bias, federal in structure but unitary in spirit, federal in normal times but with possibilities of being converted into a purely unitary one during emergency, etc. Some scholars have viewed it as a kind of polity covered by some variant of federalism. ²

Problem

When India achieved freedom, it was a foregone conclusion that India would be a federal State. The only question that remained unsolved was whether India would have a strong federation or a weak federation? And this whole question boils down to the division of powers between the centre and the provinces/states.³ It may be mentioned here that prior to the partition, most of the leaders opinion was towards a larger measure of autonomy to the provinces. Thus according to the Cripps and the Cabinet Mission proposals, all the subject, other than foreign affairs, defence and communication were to be vested in the provinces.⁴ Even the residuary powers were to belong to the provinces. This trend was essentially a concession to Muslim susceptibilities. After the partition, however, the position from this point of view was radically transformed; there was now no really strong organized centrifugal force in India. But nevertheless, it is interesting to note that the strong urges for regional autonomy existed, although it was an unorganized and inarticulate form in the minds of the a section of Assamese leaders.

When the question of 'Division of Powers' between the Centre and the States came up for consideration in the Constituent Assembly, the members from Assam demanded that the Centre should not take away all the more important powers from the provinces which might weaken them. Indeed, they wanted to limit the powers of the Centre. They asserted that if too much powers were vested with the Centre, the provinces might 'try to break away from the Centre. Thus in an interesting speech Kuladhar Chaliha argued:

If you suspect the provinces and take greater powers for the Centre it will only lead to undesirable results. You are doing something which will have a disintegrating effect and will accentuate differences instead of solving them. If you take too much powers for the Centre the provinces will try to break away from you.⁵

It is, therefore, evident that the Assamese elite wanted to make the provinces stronger by vesting more powers in them. Indeed, they wished that the Constitution should leave to the provinces a larger sphere of jurisdiction in which they (provinces) are legally free to act independently of the central control. In fact, they believed that this was essential as a measure of erecting a strong defence of the federation against disruptive forces. It was felt that if the component units were not satisfied with the quantum of autonomy, they might think in terms of breaking away from the Centre. Hence, the Assamese elite threw their weight behind a concept of federation in which the Centre's powers would be limited, precisely defined and the largest possible measure of autonomy would be accorded to the units.

Objectives

The objectives of the present study is

- a. to study the centre-state relations.
- b. to understand the Assamese elite's point of view on federation.

Research Methodology

The required information is collected from books, memoranda, pamphlets, newspapers reporting, research articles. The secondary data is used. The method of historical analysis is employed for the present study.

Findings

The Assamese leaders had expressed a deep sense of dissatisfaction with the proposed scheme of 'Division of Subjects' into three lists: Central, Concurrent and State. The Assam Tribune characterized the scheme as 'unbalanced distribution of powers'.⁶ What the Assamese elite wanted was that the Central list should not be so large as to reduce the provinces to the position of municipal or local bodies.⁷ It has to be borne in mind that behind these pleas of the Assamese elite there had always been an under-current of

thinking along particularistic lines. In effect, the Assamese elite wanted certain changes in the scheme of distribution of Subjects in the three lists in order to safeguard what they believed to be 'legitimate Assamese interest. Some of the special Assamese interests about which the Assamese elite felt strongly were (i) protection of Assamese people from the socio-political and economic dominance of the non-Assamese outsiders; (ii) preservation of distinct Assamese identity; and (iii) prevention of what they called the "economic exploitation and Step motherly treatment of the Centre. This emerges very clearly from the speeches of members from Assam in the Constituent Assembly. For example, in a speech Omeo Kumar Das made a case for certain changes in the distribution of subjects:

"I must bring to the notice of this House a fact in which my province is interested. In the List of Subjects enumerated in the Federal List of subjects, I find 'Migration' and 'Naturalization'. To my mind it appears these two subjects should be put in the concurrent List or language so altered as to permit the province to give scope of action in these two subjects".⁸

When a member clearly wants the State to have a say on subjects such as 'naturalization' and 'migration', he betrays anxiety about the influx of outsiders to the province. Mention may be made that ever since the British rule in India, there had been a considerable flow of non-Assamese Indians into Assam from other parts of India, particularly provinces in the neighborhood of Assam. And it had created a lot of resentment in the mind of the Assamese leaders. In fact, the British opened the doors of Assam to immigrants to suit the colonial administration. More importantly, the members of public services were brought by the British from Bengal to this province: because they (Bengalis) had learnt English language first, and took them to Orissa, Bihar and Assam so as to carry on colonial administration smoothly. Moreover, since the beginning of twentieth century a large number of landless Bengali peasants came to Assam particularly from the Mymensingh district of East Bengal (Now Bangladesh) to settle on agricultural land. As a result, in a short time, the Bengali speaking people emerged as the second largest group in the Assam Valley. The partition of the country had yet another effect in this direction. According to the Census Report of 1951, out of total refugee influx of 274, 455 into Assam after partition as many as 272,075 came from East Pakistan.⁹ In view of this fact, the Assamese elite wanted that, the State should have some 'scope of action' in subjects like "Migration' and Naturalization'. The ostensible reason for this was as Das put it:

"If Assam which is the homeland of Assamese people cannot be protected, I think, I have no justification to come to this House. Assamese people have a culture distinct from the people of other provinces. Assamese people have a language which is a separate language and which though Sanskrit in origin has got Tibetan and Burmese influence and we must protect the Assamese people".¹⁰

Thus it is evident that the Assamese leaders wanted certain constitutional safeguards for protecting themselves from the dominance of outsiders. While emphasizing the need for protection of Assamese language and culture, they particularly apprehended that those would be swamped by the Bengalis. The Draft Constitution placed the subject, 'Economic and Social Planning' in the Concurrent List. But the anxiety of the Assamese leaders was that if the subject 'Economic and Social Planning' was put in the Concurrent List, the state would not be able to take the final decision in matters of planning. The Assamese elite, therefore, were afraid of what they called the possible 'encroachment' of the Centre and wanted that the subjects relating to 'Economic and Social Planning should be included in the State List. This anxiety was reflected in a speech of Rohini Kumar Chaudhury, when he asserted that:

Whenever there is any conflict between List II and III the legislation which is proposed by the Centre will prevail. In that case by admitting this entry, are you not exposing the State to an interference by Legislation passed by the Centre in the ordinary normal working of the State in the matters of Social and Economic Planning? All the subjects which have been mentioned in the list II in one way or the other lead to Economic Planning and the result of having Economic Planning in list II and to have another entry there in order to give jurisdiction to the Centre to interfere with such Economic Planning is, I think, most unwise.¹¹

The provincial patriotism among the Assamese elite was mainly accentuated by the sense of Assam's economic backwardness. There were causes for persistent anxiety with regard to regional economic imbalance in India. What, however, could not be properly understood by the Assamese elite was that this was a natural corollary of the capitalist way of economic development which India, being a colonial and semi-feudal country, had to pursue. Ignoring this reality they went on complaining that Assam did not receive fair treatment from the Centre in financial allocation. Up to the close of nineteenth century they were not aware of economic development taking place in some other areas of the country. Once they came in touch more intimately with the rest of the country as a result of political communication, administrative unity and the national movement, they became increasingly conscious of the relative backwardness of Assam, even within an underdeveloped country such as India. One common characteristic of the dominant elite of a semi-feudal society in such circumstances is to blame the other for their predicament.

Thus since the inauguration of the provincial autonomy in 1937, it became a normal feature in Assam to criticize the financial policy of the Central Government towards Assam, both outside and inside the floor of the Legislative Assembly. The main plea of the Assamese elite was that the major sources of revenue of the province such as tea and oil had been allocated to the Central Government leaving a very few elastic sources of revenue for the province.¹² And the province was given very little by way of grant or loan to compensate for the loss of her major sources of revenues. In this connection, the financial award of Sir Otto Niemeyer is noteworthy. In the year 1936, Sir Otto Niemeyer had recommended a grant of rupees 47 lakhs and an annual subvention of rupees 30 lakhs to Assam.¹³ On the other hand the Assamese elite claimed that Assam contributed more than ninety crores of rupees to the central revenues in the shape of excise duty only on petrol, kerosene, tea and jute during the period 1937-1947.¹⁴ However, such grants given under Otto Niemeyer Award were felt to be inadequate to meet the expenditure on the urgent developmental activities of the province. Hence the Assamese elite thought that Assam could not establish a University, a High Courts, an Engineering College, a Veterinary College and other educational institutions due to insufficiency of funds.¹⁵ *The Assam Tribune* maintained: "Assam's financial position became so precarious that she could not afford any institution or scheme which could bring about cultural and economic advancement of the province".¹⁶ Rohini Kumar Chaudhary's speech mentioned above should be understood in this context only. Indeed, the Assamese elite not only wanted larger grants or loans from the Centre but also some amount of control over the more important items of their resources and of revenues enabling them to undertake some plans for the socio-economic development of the province.

The question of residuary powers was the bone of contention in the field of Indian politics since the operation of the Act of 1935 which for the first time provided for a federal system of government in India. This issue was important, because the vesting of residuary power to some extent, determines the character of a federation. The protagonists of provincial autonomy were demanding that residuary powers should be vested in the provinces while those who favoured a strong Centre were of the view that these powers should be vested in the Centre. Prior to 1947 the Congress on principle had conceded that the residuary powers should be vested in the provinces. This was intended to be a conciliatory gesture to regional sentiment but more particularly to Muslim sentiment. This position, however, underwent a change due to the partition of the country. This Congress leadership now wanted that the residuary powers should be vested in the Centre. This new form of paramountcy of the Centre however aroused considerable resentment among the Assamese elite. This sentiment was reflected in one of the editorials of *The Assam Tribune* which maintained that:

The present tendency on the part of the Constituent Assembly is to rob the provinces of autonomy as far as can be done. The first resolution of the Constituent Assembly defined the status of the federating units and wanted to leave the residuary powers with them. It is true that this resolution was adopted as a concession to Muslim League demand and in the changed political circumstances; residuary powers are to be left to the Centre so that we may have a strong Union Government. But it should be borne in mind that India is going to have a federation and not a unitary type of government. It cannot be

denied that India presents very few characteristics of homogeneity and cannot therefore, be integrated simply by a stroke of pen or show of hands of the majority.¹⁷

It seems that while the Assamese elite did not want a powerless Centre, at the same time, they were critical of the policy of strengthening the Centre to a point that the units became too weak. Although, in retrospect it seems that this view was erroneous, there was strong feeling at that time that the Centre was being made very strong and the units very weak. But it is interesting to note that while criticizing over centralization, the Assamese elite were also at pains to show that they did not want a weak Centre. For instance, *The Assam Tribune*, pleaded that "We must not unnecessarily deprive the units of powers to which they are legitimately entitled and which can be left to them *without jeopardizing the safety of the union*".¹⁸ Such statements were, of course, made very often by the Assamese elite. Their main plea was that the Centre should not be made stronger at the cost of the provinces'. thus Omeo Kumar Das argued in the constituent Assembly:

"I cannot understand the logic, why after taking up this position of vesting the Centre with residuary powers, the members of this House have taken up a different attitude towards the States. I feel today that in our anxiety to strengthen the centre we may be adopting the policy of strengthening the Centre at the cost of the province. But we should not weaken the provinces".¹⁹

The obvious implication of such speeches of the representatives of the Assamese elite was that they did not see any contradiction between these two basic positions i.e. strong Centre and strong province. How can we have both a strong Centre and a strong State? After all, power is a problem of relative differential. It is, therefore, uprising that the Assamese elite demanded a strong provincial government but did not clearly advocate a weak Centre. In any case, under the proposed scheme of distribution of subjects in the three Lists, the Centre, they thought, would have enormous powers to control the provinces. And they believed that the enormous powers of the Centre would lead to 'annihilation of provincial autonomy.

The protestations of the Assamese leaders, however, failed to produce any serious ripples in the Constituent Assembly and a quasi-federal constitutional arrangement was finalized. Rohini Kumar Chaudhury, with a sense of despair expressed the resentment of the Assamese elite as follows:

"We have nearly come to the end of these Lists I, II and III, and what do we find? What we find is that the positions of the States are no longer States or provinces but they have been reduced to the position of Municipal and other local bodies. All the powers have been taken away either in the list I or list III. No power is left to the provinces".²⁰

Moreover, the Assamese leaders were critical of the provisions of the Draft Constitution relating to the legislative competence of the Union parliament. The Draft Constitution strengthened the Union Parliament with overriding legislative powers in respect of the subjects enumerated in the Concurrent list in addition to the Central list of Subjects. And the Union power was to prevail in the event of a conflict between the Union and the State Laws. Even the legislative jurisdiction of Indian Parliament sometimes, could also be extended to matters enumerated in the State list. Thus with regard to matters in the State list, if the Council of States passed a resolution supported by two thirds of the members present and voting that a matter had acquired national importance, the Parliament could pass laws on that matter.²¹ But the Assamese elite desired that the Union Parliament should not be empowered to interfere in the legislative sphere of the State. They demanded the complete legislative competence of the provincial legislature in order to frame laws within its jurisdiction without any interference from the Central Legislature. While discussing these provisions of the proposed Constitution the Rev. J.J.M. Nichols Roy maintained:

"The amendment of any law relating to a province should be left to the provinces instead of to the Union. The power to amend the provincial law must lie in an autonomous province. We do not want that

any provincial power should be limited by any Fundamental Rights or any of its powers to be taken by the Union of India".²²

It is, therefore, evident that the leaders of Assam did not want the Union Parliament to extend its jurisdiction to the sphere of State Legislature. In other words, they wanted to limit the powers of the Central Legislature. Similarly, Article 3 of the Draft Constitution which empowered the Parliament to determine the boundary of a State was objected to by the Assamese elite.

The Assamese leaders believed that the hill areas of Assam which became a part of Assam administration as late as during the British rule might be taken out of Assam in course of time. After all, demands such as separate State for Nagaland and local autonomy for other tribal communities had already begun to gain momentum when the Constitution was being framed.²³ The Assamese elite sought to establish a greater Assam integrating all the heterogeneous elements of the region into a harmonious blending and wanted to develop a composite Assamese culture on the ashes of the different sub-cultures of the region. The Assamese elite therefore, strongly criticized Article 3 of the Draft Constitution which empowered the Union Parliament to increase, diminish or alter the boundaries of the State.

From the above discussion it has been found that there an anxiety in the minds of the Assamese leaders that in a federation with strong Centre the big units of the federation would be at better position. The Assamese leaders believed that under the proposed constitution the Union Parliament was made sufficiently strong in which there would be domination of representatives from the bigger units of the federation and as a result, the interest of small provinces like Assam might not be well protected. *The Assam Tribune* clearly expressed this apprehension in one of its editorials:

In a federation in which Centre is unduly strong it is the small provinces like Assam and Orissa which have to suffer. Their representation in the Central legislature is small and therefore, they can hardly influence the cause of Central policy.²⁴

The huge central establishment at Delhi is conspicuous by the absence of Assamese personnel. The central political field is practically closed to our politicians and nobody wants to think of an Assamese in the Central Cabinet. Very often unpopular governmental actions or appointments in this province transpire to have been made at the behest of Central authorities who are too far away to be influenced by the public opinion here. Therefore, it is only just an inevitable that the people of this province should grow nervous at the present tendency to sacrifice all centrifugal consideration to build up a strong Centre.²⁵

It therefore, seems that Assamese's representatives in the Constituent Assembly did not completely ignore the need for a strong Central Government. They held the view that the Central authority must sufficiently be strong to hold the subordinate units together, but just that strong and no more. At the same time, however, they wanted that these units must also be strong and must have a large functional area of jurisdiction capable of asserting themselves in pursuit of their exclusive sphere. By the large, they wanted a moderately powerful Centre in which provincial governments could function according to their own genius. For this reason, they strongly urged that the creation of such a Centre should not involve an undue or excessive sacrifice of local autonomy. In other words, the main plea of the Assamese elite was that while they admitted the need for a strong Centre, this should not be taken to mean the 'annihilation of the federal principle'. *The Assam Tribune* clearly stated that the very principle of a federation is dependent on provincial patriotism and it will be foolish to ignore such a reality.²⁶ What they really desired was that the provinces should voluntarily surrender some parts of their powers to the Centre which were of national importance, such as defence, foreign affairs, communications etc; but they did not want any control or interference in the provincial affairs by the Centre.

It is therefore, evident that there was ambivalence in the feeling of Assamese elite in regard to federal polity in India. They felt the need for both a strong centre as well as a strong provincial government. For the strength of the centre, it was necessary to maintain the strength of the units. But

their priority was clearly in favour of the provinces. In a leading article on September 5, 1949, The Assam Tribune, Argued that the power of the centre must follow from the units" which in the first place must be made strong and powerful"²⁷ It may therefore, be assumed that the Assamese elite were thinking of a model of classical federation such as the United States of America where such has been the federalizing process. It is quite clear that their conception of the strength of the centre was rather different from that embodied in the Draft Constitution. They repeatedly pleaded that for the strength of the centre it was necessary to endow the states with adequate powers.

Conclusion

From the above discussion it has been found that though it is conceded that none of the top leaders of the Congress were in favour of strong states, it does not follow that the Constituent Assembly as a whole was in favour of a strong centre. Indeed there were many members from various states who were in favour of stronger provincial governments. Of course, it is true that the groups in favour of powerful provincial government were not very much visible and articulate. Nor were they sufficiently organized. They therefore, failed to press their point of view effectively. This study shows that the present tendencies and urges for larger regional autonomy in some regions of the country are not new. There were already fairly strong regional sentiments and even centrifugal tendencies in some areas of the country even while the constitution was being framed. In the post-independence era, things have changed only to the extent that the latent and inarticulate but fairly widespread regional feelings have been able to find greater expression and articulation.

References

1. Fadia, B.L. (2013). Indian Government and Politics. Agra: Sahitya Bhawan, p. 288.
2. Kashyap, S.C. (2009). Our political system. New Delhi: National Book Trust, p. 202.
3. Ibid, p. 203.
4. The Memorandum on the principle of a Provincial Constitution prepared and circulated by the Constitutional Adviser on May 30, 1947, set out the general principles according to which the powers would vest in the provinces. Select Documents, 11, 21 (ii), pp. 632-41.
5. Constituent Assembly Debates (CAD), Vol. VIII p. 919.
6. The Assam Tribune, June 20, 1949.
7. Constituent Assembly Debates, Vol. IX, p. 951.
8. Ibid, Vol. V, p. 95.
9. Census of India, (Assam) 1951, Vol. XII, Part I (A), p. 357.
10. Constituent Assembly Debates, Vol. V, p. 100.
11. Constituent Assembly Debates, Vol. IX, p. 951.
12. Dainik Asamiya. 1948. March 13.
13. Indian Financial Enquiry Report, (1936), p. 7.
14. Memorandum submitted to the Government of India by the Government of Assam, (1947). October 21.
15. Dainik Asamiya, (1948). March 14.
16. The Assam Tribune, (1949) December 24.
17. Ibid, (1948). December 6.
18. Ibid, (1948). November 22.
19. Constituent Assembly Debates, Vol. V. p. 100.
20. Ibid, Vol. IX, p. 951.
21. Constitution of India, Article 249.
22. CAD, Vol. III, p. 416.
23. Constitution of India, Article 3.
24. The Assam Tribune, (1949). November 19.

25. Phukon, G. (1996). Politics of Regionalism in Northeast India. Guwahati: Spectrum Publications, p. 99.
26. The Assam Tribune, (1948). December 6.
27. The Assam Tribune, (1949). September 5.