

**CONCLUDING OBSERVATIONS :
NATURE AND DIRECTION OF
CHANGES IN THE FEDERAL
GOVERNANCE IN INDIA — RECENT
TRENDS.**

I

The foregoing discussion suggest that there have been both quantitative and qualitative changes in the federal governance in India since 1977. Of course, this does not exclude the course of the federal dynamics which is considered to be a trend-setter since 1967. The reference point in our present discussion is the development that took place at the centre when, for the first time, India witnessed the formation of a non-Congress government, essentially based on the coalition arrangement at the centre under the name the Janata Government. However short-lived that might be, to any observer of Indian politics, the novel experiment was important for more than one reason. It has been very correctly observed that over the years since

independence, there has been a definite shift and transformation in India's federal governance — “a gradual shift from inter-governmental co-operation between the central and the states towards inter jurisdictional competition among the states.”⁽¹⁾ One may argue in the same way that the immediate causes behind such transformation in the federal governance have been changes in the political configuration and slow economic liberalization.⁽²⁾ The present study began with an analysis of the historical background of the growth of the federal ideas and practices in India, right from the days of her colonial past. It has been noticed that the idea found tacit support in various steps towards constitutional reforms. It may not be incorrect to suggest that India's vast and diverse nature of social & political structure had the profound impact on the rulers of the country in determining the course of action about the future governing set-up in the country. Even a casual look into the main thrust areas of the Reform Acts like 1909, 1919 and lastly, 1935 will substantiate this position.

It is further evident from the debates that took place in the Constituent Assembly of India over the issue of federal governance of the country. The entire discussion on this issue

centred round two apparently opposite but essentially interrelated themes : optimal level of centralization & decentralization. Out of the debates of the Constituent Assembly, what emerged was a sense of growing concern about the future of the newly independent polity and an agreement was reached at, in spite of differences of opinions, stressing the need for a strong centre and a set of constituting units which will be dependent on it for many reasons.

But inspite of an elaborate arrangement made in the Constitution about decision of powers & location of federal authority, Political dynamics have brought about many changes at the actual operational level which cannot be filled into the constitutional scheme as already reffered to. The nature of political configuration underwent radical changes, thereby altering the entire balance in India's Federal Governance. The most important even that took place in this regard was the decline of the dominance of the Congress system. It had its serious impact on the distribution of political power not only in the parliament but also in the state legislatures. This new situation may be considered as the beginning of the emergence of regional political parties & a trend was quite visible towards growing

regionalization of politics in India.

This shift has been very correctly projected by Selig Harrison when he observed that "the possibility of divergence on a multiplying scale between the national party in power and an assortment of ruling state party now looms unmistakably, on the Indian Political Horizon."⁽³⁾ It was very correctly predicted that with the changes in party-equations, "residual political power in India in the decades ahead will rest in the regional capitals; the makers of any regime in New Delhi, Right or Left - inclined, will face first & fore most the necessity of coming to terms with widely dispersed centers of power."⁽⁴⁾

That the theme relating to the replacement & subsequent formation of an alternative government at the centre with the help of regional political parties has been gaining attention of the scholars can be understood with reference to the observations made by them. It was observed by Vernon Hewitt that the Congress Party "will be replaced in New Delhi by a weak coalition (or a merged national party) based upon regionalized state governments that will rapidly disintegrate & plunge the republic into a constitutional crisis."⁽⁵⁾ In his alternative speculation, the scholar held that the Congress "will be replaced

by a stable coalition of state governments based on a pre-electoral national arrangement & some 'minimum point' manifesto, or a pre-poll united opposition party".⁽⁶⁾

Various causes have been cited for the decline of the Congress System & subsequent rise of the regional political parties. One such view suggests that it is mainly due to the regional fragmentation of the Congress Party at the local levels that regional Political Parties, or for that matter, regionalization of Indian Politics have been able to raise their heads. Another such view considers the process of deinstitutionalisation & personality-based governance solely responsible for this development.

This personality-based governance had their profound impact on the functioning of the organs of both the government and the party. This had weakened the formal structure of the governing system & the success or failure at the electoral politics began to be decided along this personality line. This led Myron Weiner to remark that "at no time since independence has the electoral standing of the governing party been so dependent upon a single person's popularity".⁽⁷⁾ Obviously, he was referring to the popularity of Indira Gandhi & its impact on the working of both

the party & the government.

Commenting on the style of functioning of Indira Gandhi, Rudolph & Rudolph concluded that she “systematically eliminated actual and potential rivals” which “undid the remarkable institutionalisation of the Congress since 1920.”⁽⁸⁾

The way, Indira Gandhi could intervene in the selection of the Chief Ministers of the states has been highlighted Bhagwan Dua when he interpreted this as example of ‘patrimonial federalism’⁽⁹⁾, a mechanism through which she wanted to dominate over the basics of parliamentary practices in the states.

Almost in a similar way, while analysing Indira Gandhi’s method of governance, James Manor expressed that it “increased rather than reduced the disparities between the national & lower levels”.⁽¹⁰⁾ Above all, the impact of this overwhelming nature of supremacy of the Congress leadership has been very explicitly observed by Balveer Arora when he says that “the hyper-accentuation of the centralist character of the Congress has resulted in a sharp decline in the capacity of its state-level leaders to effectively articulate regional sentiments and aspirations within the party”⁽¹¹⁾.

But taking a contrary position, Christopher Candland has argued

that the nature of economic crises that the Congress Party faced since the beginning of mid-1960s may be considered to be the major factor towards fragmentation of the party itself. He has concluded that the apparent decline in strength of the Congress Party should be related to 'unprecedented economic challenges and to Congress's Promises of social and economic reforms than to attribute it to one woman's style of leadership.'⁽¹²⁾

It is important to note that the process of erosion of Congress authority had already started in Indian Politics since 1967. The regional pattern of electoral behaviour and its impact on the political process was quite evident. It has been very correctly observed by one scholar that "this piecemeal horizontal decline of the political strength of the Congress Party at the regional level was then followed by a more definitive vertical decline of the Congress Party at the national level".⁽¹³⁾ It was argued that the centre of gravity of Indian Politics had shifted from the national politics to the levels of state politics.⁽¹⁴⁾ One observer has gone to the extent of commenting that Indian Politics has become "regionally and ethnically segmented ... neither overriding national issues nor primarily local issues predominate."⁽¹⁵⁾ To another observer, the growing impact of

regional parties has transformed India into “a multi-party system of polarized pluralism.”⁽¹⁶⁾

With a view to comprehending the complex nature of this phenomenon, James Manor has offered a typological classificatory scheme to cover the whole range of the changes in this sphere. To him, states can be characterized as being one party dominant systems, some as two-party systems and others as fragmented party systems.⁽¹⁷⁾

In this connection, the observation of Duverger sums to be relevant. While analysing the nature of one party dominant system, he held that even a dominant party eventually ‘wears itself out office, it loses its vigour, its arteries harden.’⁽¹⁸⁾ From this position, he concluded that ‘every domination bears within itself the seeds of its own destruction’.⁽¹⁹⁾

That the growth of regional parties and their increasingly important role in the national politics has been clearly noted in this observation :

“This transformation was expressed by the mushrooming of regional parties that articulate and represent regional identities and aspirations, generally, based upon common language and culture.”⁽²⁰⁾

There have been growing concerns that the growth of regional parties and their active participation in the local and national politics would be a threat to the federal governance of the country. But it has been observed that the participation 'forms part of a gradual mode of transition within democracy'.⁽²¹⁾ This has been termed by Morris Jones as the "Indianization of India" which involves the process towards 'complex patterns, ill-defined positions and movements through shades and compromise'.⁽²²⁾

In a very interesting as well as penetrating analysis of the state of affairs that India witnessed after the decline of the Congress System, Lucian W. Pye has sought to identify first, the reasons behind the success of the Congress Party in maintaining its stronghold as the dominant party and second, its decline making room for the growth of regional parties.⁽²³⁾ While pointing out the fact that the central leadership of the Congress, in many cases, had tried to by-pass the local party leaders and to manage the entire functions from the centre, he held that "the stresses and strains that the local bosses had successfully deal with through various trade-offs and patronage arrangements were now directed to the top leadership without any tempering or modifying influences."⁽²⁴⁾ He also held : "what had been diffused at the

local level by knowledgeable and skilled local leaders were now irremediable zero-sum confrontations at the national level”.⁽²⁵⁾

Thus it can be said that the critical relationship between the central authorities and local party leaders is the key to party stability and strength. As the forces of localization become stronger, this relationship is bound to be critical. In fact, this is the central theme around which Myron Weiner has developed his thesis while analysing the role of the Indian National Congress in the nation-building process in post-independent India.⁽²⁶⁾ Needless to mention, Weiner in his analysis of the Congress Party at the local level “provided us with basis for distinguishing those one-party dominant systems that could be legitimately considered to be democratic and those that were essentially authoritarian in nature.”⁽²⁷⁾

II

That there had been compelling needs for an overhauling of the nature of federal governance become evident when the government instituted a Commission, called the Sarkaria Commission to look into the federal relations in India & recommend suitable measures for accommodating new forces within

the general scope of federal governance in India. Indira Gandhi herself came out with the statement, outlining the broad area which was to be covered by the Commission.

“The government has been considering for sometime past the need to review existing arrangements between the centre and the states. While keeping in view the social & economic developments that have taken place over the years, such a review will take into account the importance of the unity & integrity of the country for promoting the welfare of the people. The Government has decided to set up a Commission under the chairmanship of Mr. R. S. Sarkaria, retired judge of the Supreme Court of India to go into these matters.”⁽²⁸⁾

In the opinion of scholars like Robert Hardgrave and Stanley Kochanek, the move by Indira Gandhi was not only timely but also aimed at preventing some opponents to take up the issue for larger political ends.⁽²⁹⁾ Almost the same view has been expressed in the observation that “the Commission had been set up in the context of growing demands from non-Congress states for the devolution of powers from the centre, especially the demand from Punjab contained in the Anandpur Sahib resolution.”⁽³⁰⁾ In a similar vein, H. A. Gani also observed that

the Commission was formed “in response to the demands made by the leaders of various opposition parties.”⁽³¹⁾

The opposition leaders at the state levels also expressed their happiness over the formation of the Commission. But they were of the opinion that the Commission would try to evolve mechanism for a ‘healthy centre - state relationship’. The West Bengal Chief Minister Jyoti Basu, while hailing this step, observed : “It may be necessary change parts of the Constitution in the interests of a healthy centre - state relationship.”⁽³²⁾ Karnataka Chief Minister, Ramkrishna Hegde expected that it would trigger a national debate about federalism”⁽³³⁾. But he thought that the Commission “should be a fiscal Commission. It should go into the whole gamut of centre-state “in response to relations.” ⁽³⁴⁾

Indira Gandhi’s steps towards restructuring the centre-state relations found support from Chief Ministers of Tamil Nadu and Andhra Pradesh. M.G.Ramachandran ,then Chief Minister of Tamil Nadu, while admitting the need for some changes in the Constitution, expressed his “whole hearted appreciation’ to Indira Gandhi for her desire to appoint the panel.⁽³⁵⁾ N. T. Rama Rao, then Andhra Pradesh Chief Minister also observed : “I appreciate the Prime Minister’s decision.”⁽³⁶⁾

The Commission, while looking into the whole issue, recognised that "the central theme of the criticism levelled against the working of union-state legislative relations is over-centralization."⁽³⁷⁾

The Sarkaria Commission made several suggestions relating to changes legislative relations between the centre & the states, the role of the governor of a state, financial relations between the centre and the state. In a work, the Commission sought 'to improve federal relations through moderate changes in institutional design.'⁽³⁸⁾ This was in response to the demands made by states like Andhra Pradesh, Karnataka, Tamil Nadu & West Bengal. This has led some scholars to observe that India's federal governance encountered with "second generation strains."⁽³⁹⁾ It has been, thus, correctly observed that "these strains originates from a redefinition of state demands on the centre, based on an attempt to bring about structural changes in India's federalism, rather than on reinforcing constitutional restraints on national government".⁽⁴⁰⁾ Ray and Kincaid concluded that "the tradition of elite accommodation and consensus in the Congress party suffered a serious fracture after the 1967 Congress party split."⁽⁴¹⁾

These changes in the attitude of the governments at the state levels did create a sense wherein these governments could find opportunities to proceed with their twin demands — more space for bargaining and scope for accommodation. But one interesting point can be noted here that even for demanding greater degree of autonomy, the state governments were very much keen in projecting the unity and integrity of the nation. Two observations from two state governments will establish this point. In the opinion of the Andhra Pradesh Government : "It is absolutely necessary to ensure the unity and integrity all over the country."⁽⁴²⁾ The government of Punjab came out with a categorical statement : "There can be no two opinions about the protection of independence and ensurance of the unity and integrity of the country. There can be different view points only with respect to what imperils these and how to avoid these perils."⁽⁴³⁾

That the recommendations of the Commission could not satisfy all sections of the polity became quite evident when some observers expressed their concerns about the impact of stresses and strains generated out of new political power configurations on the functioning of the federal government in India. To Amal

Ray, these recommendations may be treated as “some sort of temporary compromise intended to ease the current strain between New Delhi and the non-Congress State government.”⁽⁴⁴⁾ Commenting on the limitations of the Commission, he held, “the major issues in centre-state relations formulated by the Commission do not reflect their concern for a new option that would accommodate the needs and aspirations of the regional communities including those of Punjab within a genuinely reformed federal system.”⁽⁴⁵⁾ Political personality like Somnath Chatterjee of the CPI(M), M.P. from West Bengal, observed that “it seems the justification for a status quo dominated the entire thinking of the Commission and it really ends in a whimper by concluding that no worthwhile constitutional change is necessary”.⁽⁴⁶⁾ Home Minister Buta Singh clearly stated in the Lok sabha that “if need be, we will definitely come up with a proposal of constitutional amendment because we want to give people’s powers to the people.”⁽⁴⁷⁾

That the issue of “over-centralization” in the federal arrangement occupied a prime place in the political process found support in the election manifesto of the National Front in the elections of 1989. The manifesto categorically declared that it would ‘reserve

the over centralization brought about by the ruling party' as through it 'not only will the States benefit by decentralization of powers from the centre, but there will be corresponding as simultaneous devolution of power to the districts, the taluks, the mandals and the panchayets, on the basis of national consensus.⁽⁴⁸⁾

The recommendations of the Sarkaria Commission evoked criticism from many quarters. Rasheeduddin Khan criticised the Sarkaria Commission's "rather moderate attempt at mitigating the (federal) imbalances."⁽⁴⁹⁾ On the other hand, H.M. Rajashekara, while analysing the recommendations of the Commission, concluded that "an over centralized federal system is incapable of dealing effectively with socio-economic challenges and strengthening national unity."⁽⁵⁰⁾ These conflicting opinions about the nature and efficacy of the recommendations of the Sarkaria Commission have led one scholar to conclude in this way : "Given the transformation in the political as well as economic relationship between the central government and the states, it remains to be seen whether any national governing coalition will be capable of salvaging any of the recommendations of the Sarkaria Commission."⁽⁵¹⁾

The most impressive fact about the Indian polity among the larger developing countries is its uniqueness in sustaining a democratic political framework for more than a half century, justifying claims to Indian exceptionalism. Over the period, political groups in India have thus confronted a political system in which the ballot box is the final arbiter in their quest for power. Despite the deterioration in the level of its institutionalization after the first quarter century following independence, India's political system has still proven sturdy and resilient enough to bar seizure of power through violence or the possession of the means of violence.

Coalition building is an integral part of the process of acquiring state power within a democracy. Narrowly based political groups are likely to make for extreme positions in politics, whether in regard to ideology and policy or inter-group relations. On the other hand, coalition building for a winning majority, whether in national politics or in the legislature, is likely to make for moderation in politics and policy. The tendency is reinforced by India's immense social diversity, which in practical terms renders every group into a minority. More than 200 years ago, James Madison in Federalist Paper No.10 had

recommended extending the size of a political unit as a means , through encompassing greater diversity , to achieving the aim of modernization in politics and policy. What Madison intended to accomplish through political engineering has, however, been structurally given in India, especially for the center , by vast diversity.

Functional as diversity may be in some respect, it can also have adverse consequences for politics, aggravating tensions and conflict in society as a result of the appeals by political parties to ethnic groups . Diversity thus sets in motion two opposing processes : ethnic mobilization and coalition building . No party is immune to either process , and all have to develop strategies to cope with both even if at different levels of the political system.⁽⁵²⁾

III

Thus, it is seen that over the years, there have been qualitative changes in the nature and functioning of India's federal governance. Many factors are responsible for these changes and it has been very correctly observed that the most significant

transformation of India's federal system is exemplified by the gradual shift from inter-governmental cooperation between the central government and the states towards inter-jurisdictional competition among the states." (53) In a situation where opposite forces operate, the federal system is bound to work in a different political environment. In India, the change in the party system after the collapse of the "Congress system" was singularly responsible for changes in the federal governance of the country. It is correct to say that " India, which was moving most decisively towards centralization during Indira Gandhi's Prime Ministership, has experienced a reversal in the 1990's." (54) It is important to note in this connection that the decline of the Congress System and the consequential growth of regional political parties have definitely brought about new power equations at the party level which have their profound impact on the federal governance of the country. The regional political Parties either in their individual capacities or through electoral adjustments (coalition system) began to exert tremendous pressures on the central party leadership — a pressure which it failed to withstand. To quote Rakhahari Chatterjee once : "with the final dissolution of the 'Congress System' marked by the

electoral defeat of the Congress Party in 1996 elections, and with the growth of regional parties having strong electoral bases in the states and creating winnable coalitions at the state level, not only the centralizing trend halted in India but a distinctly decentralizing trend with state bosses (non-Congress) exerting strong pressures on the centre emerged. And this process “is still unfolding to an extent that one may be tempted to label it as a peripheralizing process.”⁽⁵⁵⁾

In fact, the present study has tried, through all these chapters, to analyse the changing perspectives of India’s federal governance. Since this is an on-going process, more changes are likely to take place ‘with some major qualitative changes in national and international parameters.’⁽⁵⁶⁾

The federal scheme as envisaged in the Constitution of India have, over the years, undergone changes with the changes in the power equations between the centre and the regions. In the given set of forces operating both at the national and local levels, federalism in india is bound to be more accommodative and

'non centralization' as forcefully explained by Daniel J. Elazar, should replaced 'centralization' so that forces at the local levels can find space to operate.⁽⁵⁷⁾ Since Indian federalism has entered into a new phase with the emergence of Coalition politics, "one may be tempted to level it as a peripheralizing process" as already noted by Rakhahari Chatterjee.⁽⁵⁸⁾ As the process continues, newer and newer forces are likely to emerge and the federal process will undergo both qualitative and quantitative changes in future.

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