

CHAPTER - VII

CONCLUDING OBSERVATIONS

The foregoing discussion conclusively proves that there is a direct relationship between constitutional dynamics and the nature of federal governance in India. Basically the notion of constitutional dynamics suggests that a constitution, to be workable, should have the capability respond to and make adjustment with the changing nature of socio-political environment. After all, a constitution is not a mere document which embodies certain rules and principles to be followed in the governance of the country. It is more than that- 'a living organism' as has been suggested by scholars who should have the power of transcending time and space. In other words, the classification by Karl Lowenstein of constitutions as normative, nominal and semantic seems very relevant for the present purpose. Such a functional categorization fits into the scheme of understanding the very element of constitutional dynamics in a very fast changing environment.

It is true that the very first constitutional change was effected to the constitution first immediately after one year since the Constitution was set into operation but that change was necessary for providing detailed support to them right to property. But subsequently, a number of amendments were brought which had their direct and profound impact on the federal governance of the country.

At this point, one may recall that at different points of time, demands appeared on the surface for going to have a new Constitution, replacing the present one. One such incident took place with passing of the 42nd Constitutional Amendment Act. The Act has been described by many as "a mini Constitution", changes of which touched all, major aspects of the Constitution. But it was realized that the Constitution the nation adopted has a surprising degree of adaptability and

responsiveness and it has been working effectively in different circumstances and conditions.

Coming to the issue of federal governance, it may be stated that the federal design has categorically given a stronger hand to the centre as the scheme does not fit into any ideal type of federal arrangement. There were compulsions as the country needed to be well protected and to remain united such a centralization of power was deemed necessary. But with the passage of time, the emergence of newer and newer forces has altered the very nature of federal arrangement of the country. From a kind of domination federal politics, it passed into bargaining federation and subsequently cooperative federalism. It should be noted that these are not constitutional transformation but the results of functional necessities. The party configurations in India have passed through different stages from one dominant party system to coalition politics. Earlier, the national political parties used to control in a big way the course of political process of the country. But the emergence of coalition politics has altered this position and to-day, the regional political parties are controlling the national political process in an effective manner.

Such a qualitative change has affected the nature, contest and direction of federal governance in a substantial way. A new concept has emerged which calls it "a federalism with multiple centres."

Whether one agrees this or not, it is true that in India, the impact of regional demands and aspirations as well as assertions is being felt everywhere. The conflict between "national" and "local" (regional) politics has become manifest and it demands for further rearrangements of the federal set-up.

Regional movements in many parts of the country are taking the shape of autonomy movements and other forms demanding greater space in the national politics. National politics, in its turn, is making

room for the accommodation of these demands either by allowing autonomy in a limited sphere of governance or by creating separate states. But like any other element, flexibility of the political system has its own limit beyond which it can not expand itself. If such a situation comes, the political system might encounter a potent threat to its own survival.

Fortunately, the challenges met so far by the Indian political system are mainly peripheral as they do exist on the surface without touching the core areas. The challenges are mostly issue-based issue-conflict and not systemic-conflict. The big and wide nature of the political system enables it to withstand the 'jerks' that come out with the collision among different forces. This is the unique feature of the Indian political system which has enabled the system to transform itself from the position of centralized policymaking process to the level of decentralized policy-making and implementation process.

In fact, this is the very essence of participatory democratic process where space should be provided to all segments of the population for their effective and meaningful participation in the decision making process. This is the problem area of any participatory governing process because it is almost difficult to ensure participation of all in some measure and with same degree of effectiveness.

The federal arrangement is one of the many arrangements which makes wider area of participation by all segments of the polity. But scope of participation will not be sufficient unless backed by constitutional support. This is where the constitutional arrangements come in. the effectiveness of constitutional back up depends upon its dynamic nature which can provide same degree of assistance in the changed circumstances.

The history of political developments in India since 1950 offers a record of such mutual inter dependence between constitutionalism,

constitutional dynamism and federal governance. In the foregoing chapters, efforts have been made to identify the course of developments, locating the exact path through which changes have taken place and constructing a logic of analysis. But the conclusions drawn at the end are tentative and cannot be final as political process is dynamic in nature and today's position be replaced by a new one in future.

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