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# UNIT 5    DEVELOPMENT OF STATE SYSTEM

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## 5.1 INTRODUCTION

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The State System in independent India emerged within a broadly federal framework. It is true that the term ‘federal’ does not occur in the Constitution of India. In fact, very few federal constitutions of the world use this term specifically. The United States of America is acknowledged to be the oldest and a classical federal constitution. It does not use the term federal or federation. The USA is a ‘union of states.’ So is India (according to Article 1 of the Indian Constitution). Both countries are organised in a federal structure. That means, essentially, that in both the countries, as well as in all federations, there are two levels of government, that power is divided between the two by a written constitution and that there is an independent judiciary to supervise that division of power.

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## 5.2 DYNAMICS OF INDIAN FEDERALISM

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Text books on the Indian Constitution usually try to establish a historical linkage between the Indian Constitution and the Government of India Act, 1935. It will, however, be wrong to see

the Indian federal set-up of today as a replica of the 1935 Act. The Government of India Act, 1935, was based on the principle of devolution of power from the British sovereign through the Governor-General. Provincial autonomy that was sanctioned by that Act was severely circumscribed. It had come as an administrative arrangement within the British empire with sovereignty being undoubtedly vested in the foreign sovereign. The present Indian Constitution vests the sovereignty decisively in the people of India. In fact, the premier Indian political party, the Indian National Congress worked under that Act for only about three years, and that too only at the provincial level.

The other significant feature of the Indian federation of today is that the shape of its component units has been changing. This, however, is not unique to the Indian Constitution. Although, in 1863, President Abraham Lincoln declared that the United States is 'an indestructible union of indestructible states,' the shape of the states of that country was continuously changing up to the civil war of the 1860s. That process is continuing in India. As you have read in Unit 4, under Article 3 of the Constitution of India Parliament has power to change the shape of a state, split it or merge it with another but only after taking the view of the legislatures of the concerned states. Of course Parliament is not bound by such views.

The main reason why the shape of the states of the USA- went on changing for nearly a century was the annexation of territories from the native people of America during this period. In India a somewhat similar process caused the change in the territorial shape of the country as well as its units of government. Broadly speaking this process was the result of the British colonial rule.

### **5.2.1 Annexations and Territorial Arrangement of British India**

It should be noted that British sovereignty on India was not technically established until the 1858 proclamation of British Queen Victoria taking over the territorial possessions of the British East India Company after the dethronement of the Mughal emperor, Bahadur Shah Jaffar. Till that time the British controlled parts of the Indian territory under the authority of the Delhi ruler. However, administration of such territory was completely autonomous of Delhi's authority. It was rather under the control of British parliamentary enactments.

Until 1765 British presence in India was mainly through leases and Zamindaris. In 1661 the British had got hold of Bombay as a dowry from the Portuguese royalty to the English king Charles II. In 1765 the East India Company got the dewani of the Bengal suba from emperor Shah Alam. After the fall of Tipu Sultan Madras and the neighbouring territories were annexed. After the third Anglo-Maratha war of 1803 they came to control the districts of Agra and the territory of Delhi. In 1836 the Nawab of Oudh was made to cede the Benares area which was joined with the conquered districts and the territory of Delhi and Agra to form the North Western Provinces. Oudh itself was annexed in 1856 and joined with Bengal. It was constituted as a Chief Commissioner's Province in 1856. In 1858 Delhi was transferred to Punjab. In 1877 Oudh was merged with the North Western Provinces. In 1912 Delhi was separated from Punjab as the imperial capital and a Chief Commissioner's Province.

In 1826, after the first Anglo-Burmese war, Assam was annexed. Sind was conquered in 1842 and the Punjab territories in 1859. Meanwhile, in 1853, Berar was annexed from Hyderabad,

but, in return of the services of the Nizam in 1857, was returned to him. In 1861 the Central Provinces was constituted by uniting the lapsed Bhonsle (Maratha) kingdom of Nagpur and territories transferred from the North Western District. In 1903 the Nizam was made to cede Berar again and it was joined with the Chief Commissioner's Province of the Central Provinces that had been formed in 1861 with territories mostly annexed from the Marhatta rulers. The last annexation was of Oudh in 1856. In 1858 Queen Victoria promised not to annex any more territories of the Indian Princes. By 1886, however, Burma was annexed as was a part of the territory of Afghanistan.

Simultaneously, the British attention fell on the frontiers of the Indian mainland. In the eighteenth century they occupied the Andaman and Nicobar islands from the Dutch and, in 1872, they were constituted as a chief commissionership. By 1886 Burma (Myanmar today) was annexed. In 1897, after the second Anglo-Afghan war, territories were annexed from Afghanistan and constituted as a Chief Commissioner's province. In 1901 the frontier territories were separated from Punjab and the North-West Frontier Province was constituted under a chief commissioner. In order to avoid confusion of names the North Western Provinces and Oudh was renamed the United Provinces of Agra and Oudh. Having annexed the territory of Kashmir (including Jammu) from the Sikhs, however, the British sold it out to Gulab Singh and it became a princely state.

### **5.2.2 Amorphousness of the British Empire**

Having conquered Ceylon (today's Sri Lanka) from the Dutch the British administered it as a part of the Madras presidency till 1803. They ruled Burma as part of British India till 31 March 1937 after which it became a separate Crown Colony. Even the distant Arab port town of Aden was made a part of the Bombay Presidency after its annexation in 1839 and a Chief Commissioner's Province in British India in 1932, to be separated as a Crown Colony in 1935. In 1947 the British partitioned British India into India and Pakistan leaving the rest of India into 566 princely states and two 'tribal areas' beyond the north western and the north eastern frontiers of British India free to join either of the countries. 554 princely states and one tribal area in the north east became parts of independent India. Subsequently the small French and Portuguese colonial possessions in the sub-continent joined India. In 1974 Sikkim, an Indian dependency since the British days, joined India.

The external boundaries of British India were never clearly demarcated. In 1902 the British enforced the Durand Line with Afghanistan splitting the tribal region lying between them. Afghanistan never acknowledged the legitimacy of the border. In 1914 they drew the Macmahon Line on the north eastern borders with Tibet, which China never acknowledged, while the western part of the northern border was left undefined. (After Independence Pakistan has been having problem with Afghanistan on the Durand Line and India has problem with China with the Macmahon Line). Some of these border territories were never administered by the British.

### **5.2.3 Centralisation of Government**

The early administration of British possessions in India was organised in the form of Presidencies – properties of the President of the Board of Control of the English East India Company – Bengal, Bombay and Madras. Though Madras was the oldest of these Presidencies, Bengal was the biggest – encompassing united Bengal (i.e., including today's Bangla Desh),

Bihar and Orissa. The governing authority on these Presidencies was vested in three Governors. The Regulating Act of 1773 declared the Governor of Bengal as the Governor-General of British India. By the Charter Act of 1833 civil and military authority of the Governors of Bombay and Madras was transferred to the Governor-General. Legislative powers were returned to the Governors of Bombay and Madras by the Indian Councils Act of 1861. However, separate military commands in Bombay and Madras were abolished only in 1893. Meanwhile, in 1853, a Lieutenant-Governor was appointed for Bengal separating the direct administration of Bengal from the Governor-General.

At the turn of the 19<sup>th</sup> century Lord Curzon concentrated much power in the hands of the Governor-General. However, in 1909, the Morley-Minto Reforms ushered in a decentralising trend which was confirmed by the report of the Decentralisation Commission in 1912. The Montagu-Chelmsford Report carried on the decentralisation further and introduced an amount of responsible government in the form of diarchy at the provinces. Provincial autonomy was formally established by the Government of India Act, 1935. But it had several shortcomings.

The British administered British India by three kinds of authorities under the Governor-General. There were Governors appointed by the British Crown for major provinces working under the authority of the Governor-General. There were the Lieutenant-Governors appointed by the Governor-General but exercising authority almost similar to that of the Governors and the Chief Commissioners for the backward and the special areas who were appointed by the Governor-General but treated as hardly more than officials. The backward regions of British India were excluded from the jurisdiction of the representative legislative bodies that were created in 1919 and 1935. In such tracts administration was thin. For the princely states and the tribal areas the Governor-General appointed Political Agents without direct administrative power.

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## **5.3 THE POST-COLONIAL EXPERIENCE**

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### **5.3.1 Constitutional Arrangement in Independent India**

It fell upon the Constituent Assembly of India to organise this loose administrative-political structure within a rational framework. The immediate task was integration of the princely states. The Constituent Assembly created four kinds of States – in place of Provinces and Princely states. The major provinces of the British days that were left in India either in full ( Bihar, Bombay, the Central Provinces and Berar, Madras, Orissa and the United Provinces, renamed as Uttar Pradesh ) or in parts ( Assam, East Punjab and West Bengal ) were renamed as Part A States, some of the former princely states being merged with Punjab. The major princely states that joined India were constituted as Part B States. The smaller princely states that joined India were merged and constituted as Part C States along with some of the old Chief Commissioner's Provinces. The extremely backward Andaman and Nicobar Islands were constituted as a Part D State. The executive heads of the Part A States were designated as Governors. The executive heads of the Part B states were designated as Raj Pramukhs. They would be ruled like the Part A States with legislatures and Councils of Ministers. The executive head of a Part C State would be either a Chief Commissioner or a Lieutenant-Governor. Parliament could create legislatures and Councils of Advisers/Ministers in such states. The Part D State of Andaman and Nicobar would be governed by the President of India through a Chief Commissioner.

Special administrative arrangements were made for the backward tracts under Schedules V and VI of the Constitution. The hitherto un-administered Naga Tribal Area and the North Eastern Frontier Tracts were placed in the Sixth Schedule, as Part B Tribal Areas, to be directly administered by the Central Government through the Governor of Assam as his agent. The Part A Tribal Areas got Autonomous District Councils while the Scheduled Areas under the Fifth Schedule were granted special provision for protection of tribal interests. While the Sixth Schedule was confined to Assam, the fifth Schedule was spread over mainly the central Indian states.

### **5.3.2 Origins of Linguism in India**

One of the consequences of the prolonged process of British annexation was the need for continuously refashioning the territorial units of the Indian empire. Several new acquisitions were constituted into Chief Commissioner's Provinces and territories were transferred between Chief Commissioner's Provinces or between Chief Commissioner's Provinces and Governor's/ Lieutenant-Governor's Provinces. These administrative boundaries cared nothing for the traditional cultural boundaries until 1904.

In 1904 Lord Curzon decided that the size of the province of Bengal was too unwieldy. He, therefore, decided to partition it. The criterion for partition would be the religious division of the Indian population. In 1905 he created a Muslim-majority province of Eastern Bengal and Assam and a non-Muslim majority province of Western Bengal. It split the Bengali-speaking population down the middle and produced a strong anti-partition movement – that actually lifted the Indian national movement to a new height. The partition was annulled in 1912 but a composite province of Bihar and Orissa was carved out of the former Bengal. The imperial capital was shifted from Calcutta to Delhi.

In 1936 Bihar and Orissa were separated as two different provinces and a new province of Sind was carved out of the province of Bombay largely on consideration of the religious-communal composition of the region and partly because of its lack of contiguity with the province of Bombay. In 1937 the North-West Frontier Province was granted a legislature.

Meanwhile, the anti-partition agitation in Bengal inspired linguistic aspirations on other parts of India like the Andhra region of the Madras province and Orissa. The 1920 Congress Constitution organised the party units on the basis of language and, in 1930, the Madras session of the Congress adopted the demand for linguistic provinces. While acquiescing in the creation of Sind the All-Party Conference (1928) acknowledged that Sindhi was a distinct language.

### **5.3.3 Language and State Boundaries**

The trauma of Partition of British India, however, made the Constituent Assembly hesitate to grant linguistic states immediately and the post-partition boundaries of the former British provinces were retained. In 1953 the Andhra agitation burst out resulting in the fast by death of a Gandhian leader, Potti Sriramalu. The state of Andhra was created in the same year. This was followed by the appointment of a States Reorganisation Commission (SRC) in 1955. The SRC recommended conversion of the four kinds of states into two categories States and Union territories and merger of the erstwhile Part B state of Hyderabad with Andhra. These two recommendations were accepted. Territorial adjustments were made to the benefit of Kerala (earlier called Travancore-Cochin), Madhya Pradesh and Mysore. Kerala and Mysore were promoted to



the status of states as were Rajasthan ( a conglomerate of former princely states created in 1952 ) and Jammu and Kashmir. Other border adjustments were made between neighbouring states too.

The demand for linguistic states was not satisfied in 1956. Agitations in Bombay led to its partitioning between Maharashtra and Gujarat in 1960 and of Punjab into Panjab and Haryana in 1966, while a part of its territory was joined with Himachal Pradesh. Territorial adjustments continued and are not yet over.

### **5.3.4 The Ethnic States**

1963 saw the emergence of what may be called 'ethnic states' with the creation of Nagaland. The Nagas speak about 25 languages. In 1970 an 'autonomous state' of Meghalaya was created with the autonomous tribal districts of United Khas-Jaintia Hills and Garo Hills. In 1972, through the North Eastern Areas Reorganisation Act, 1971, Meghalaya was promoted to the status of a full state with some non-tribal areas joined with it. The former Union territories of Manipur and Tripura were promoted to the status of full states too while two Union territories were carved out of Assam to form new Union territories: (1) the former centrally-administered North-East Frontier Tracts, with the name of Arunachal Pradesh and (2) the Mizo Hills District with the name of Mizoram. In 1986 Mizoram and Arunachal Pradesh became full states. In 1987 Goa earned this status.

In the year 2001 three new states were created: Chhattisgarh, carved out of Madhya Pradesh, Jharkhand carved out of Bihar and Uttaranchal carved out of Uttar Pradesh. While the first two have a tribal base, the current majority of the population is predominantly non-tribal. Uttaranchal has virtually no tribal presence. These states may appropriately be called hill states. Regional, ethnic and linguistic demands for statehood still persist in different parts of India.

### **5.3.5 Reasons for Statehood Demand**

What could be the possible reason(s) for such proliferation of statehood after Independence? One reason certainly is the desire for correction of the territorial arrangement created during the colonial period on purely administrative ground by the ruling power. India never had a centralised government of the kind the British created before. In fact, India was not even familiar with concept of territorial jurisdiction until the advent of British power. Pre-British political boundaries were based essentially on ethno-cultural linkages. After the departure of the British such old ethno-cultural linkages tend to reassert themselves as nationalities.

Closely related to the British departure is the explosion of democracy in India. By one stroke universal adult franchise was introduced in India with two exceptions of the Andaman and Nicobar Islands and the North-East Frontier Tracts of Assam (In 1971 the Andaman and Nicobar Islands and, in 1977, the Frontier Tracts had become a Union territory and people become voters). This unleashed democratic aspirations for self-government.

The process of democratisation through the Constitution was boosted by the process of land reform which greatly weakened, if not totally eliminated, the traditionally dominant big landlords and brought economic power to the middle and small landowners. Agriculture and land being a state subject this new class looked up to the states for delivering them the goods and tried to

capture their control. The process of green revolution unleashed a wave of prosperity among this new class which consolidated their grip in the states and insisted on their greater autonomy.

This new consciousness gave the people an awareness of the widespread regional disparities prevailing in the vast sub-continent due to geographical and historical reasons. During the early British period the three Presidency towns of Kolkata (Calcutta), Mumbai (Bombay) and Chennai (Madras) got the benefits of British trade and commerce as major ports. They also got the benefits of early industrialisation. The united Punjab got the benefit of irrigation works undertaken by the British rulers. Subsequently, particularly, in the twentieth century, industries spread to some other British towns like Ahmedabad, Nagpur and Jamshedpur. Some of the cities of the advanced princely states, like Baroda and Bangalore, developed still later. Development was in fragments and unevenly spread. In the post-independence period too development planning remained uneven at least until the Fourth Five-Year Plan. Meanwhile, the green revolution in agriculture started in selected places like north western India. The areas neglected by early planning, like north-east India, became the centres of poverty and protest.

Even the developed regions had their own complaints. Thus Punjab bore two grudges with the economic scenario. It protested against levy on crops, charges on electricity and water supplied from the major irrigation projects and the absence of the freedom to trade with foreign countries in their agricultural products. It also complained about the lack of industrialisation of the region due to the non-availability of investment in industry of the region. A more or less similar demand is now working behind the movement for a Harit Pradesh in western Uttar Pradesh.

Developmental work, following intensification of administration, spread education and political consciousness, brought about a new social revolution. A new group of literati came to lead the respective communities. Self-government for them would mean more jobs, even as politicians, more power for the people and their community/regional leaders and more fund for developments. This aspect gets revealed by the fact that, though a Union territory status was enough for region to attain and maintain its political identity from the neighbourhood, a statehood would give them power. Thus Manipur and Tripura in 1972, Mizoram and Arunachal Pradesh in 1986 and Goa in 1987 attained statehood from the status of the Union territory. Delhi achieved a special status among the Union territories in 1991. Its attainment of full statehood is a burning question now.

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## **5.4 STATEHOOD AND POWER**

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### **5.4.1 The Horizontal Problems of Statehood**

Awareness about state autonomy has produced several political problems, both horizontal, that is, among the states and vertical, that is between the Union and the states. In fringe areas and cities of most of the states live substantial population of linguistic (and religious) minorities. Their relations with the majority groups are not always happy. In some of the states of north-east India the inter-state borders contain rich forest resources on which the neighbours advance claims. Sharing of river water by states watered by big rivers have created enormous problems. Finally states reorganisation have occasionally changed the entire profile of a state creating revenue imbalance as in the case of Bihar after the separation of Jharkhand.

### 5.4.2 The Union-State Relations

The issue of power haunts the Union-state relations in the country too. Roughly, this problem may be treated under the following rubrics:

- 1) Ideological-political: In 1959 the first communist state Government in India – Kerala – was superseded because of ideological incongruity with the Union Government. In 1967, when a number of state governments came into existence, the Union-state relations became extremely strained with rapid supersessions of the state Governments. In 1977, when the Janata Party replaced the Congress at the Union Government, governments in eight states were superseded by one stroke. In 1980, when the Congress returned to the Union government, eight Janata Party governments were dismissed at one stroke.

Gradually, however, as the single-party dominance came to end, and strong regional parties have come into existence. They tend to return to power through elections after their dismissal causing embarrassment to the Central Government. Parties have come to realise the futility of such power game. In 1993, in the Bommai case, the Supreme Court severely restricted the scope for such supersessions.

- 2) A related issue is what the states consider to be unnecessary intervention of the centre in the affairs of the states. Reservation of bills passed by the state legislatures by the Governors for the President's assent has created irritation among the states. In the late seventies the Union's decision to post its own security forces in the Union-run industries in the states created similar irritation.
- 3) But the most sustained conflict between the Union and the states relate to finance. The states' continuous and major complaint about the centre is that it has more money than it needs and more stingy about sharing its resources with the states than what is necessary. Further, when the centre shares money with the states, it does so inequitably. First, there is a complaint that the centre is step-motherly about the Opposition-ruled states. Second, the principle of division of money among the states is not equitable. The rich states claim that, as they have developed faster than many other states and they contribute more revenue to the centre, their share in central allocations should be proportionate to their performance and contribution to the centre. The poor states claim that, as they have been victims of a long period of deprivation, their distress should be adequately remedied and they should be granted subsidies through higher allocation.

### 5.4.3 Constitutional Amendments

Creation of new states and/or alteration of state boundaries, under Article 3 of the Constitution, do not require constitutional amendment as such. Whatever change is required to the provisions of the Constitution is effected through the Reorganisation Act itself. An exception was, however, made in the case of the large-scale reorganisation of states in 1956 when the seventh amendment to the Constitution was effected. It involved change of names of the states, transfer of territories, splits of existing Part A States, merger and split of Part B States, abolition of the categories of Part B and Part C States, conversion of Part D State of Andaman and Nicobar Island into a Union territory, conversion of several Part C States into Union territories, redesigning of the administration of Union territories, reallocation of seats in the Council of States (Rajya Sabha) for the new states and certain related matters.



However, change in the Union-state relations has caused several amendments since 1954 (the Third Amendment Act). All these amendments, except the Forty-Second Amendment Act, were in the financial sphere. Though agriculture and industry other than defence industries and industries declared to be of national importance was originally left in the states' sphere, the third amendment transferred trade and commerce in production, supply and distribution of the products of any industry and imported goods of the same kind where their control by the Union is declared by Parliament by law to be expedient to the public interest, food stuffs including edible oil seeds and oils, cattle fodder including oil cakes and other concentrates, raw cotton and cotton seed, and raw jute to concurrent jurisdiction of the centre and the states. By the sixth amendment (1956) the centre was given the power to tax sale and purchase of goods under inter-state trade and commerce. By the forty-sixth amendment (1982) the centre was given the power to tax sale and purchase under inter-state trade and commerce. These amendments indicated the expansive character of agriculture and animal husbandry requiring greater central intervention in their trade. The eightieth amendment in 2000, on the other hand, was the first attempt at forcing the centre to share with the states its enormous financial resources to an extent greater than before. But as you have studied in Unit 4, its authority in respect of division of financial resources among the states remains undiminished.

The Forty-Second Amendment Act (1976) effected a large number of changes in the Union-state political relations. It enabled the Union Government to deploy any of its forces or any other force subject to its control or any of their units in any state in aid of civil power and control their powers, jurisdiction, privileges and liabilities (Para 2A of the Union List). It also transferred a number of state subjects to the Concurrent List, namely, education (Concurrent List 25), forest (Concurrent List 17A), Protection of wild animals and birds (Concurrent List 17B) and weights and measures except establishment of standards which was already in the Union List (Concurrent List 33A).

These trends indicate enhancement of the centre's power over the years. Yet one hears fewer complaints from the states about the centre's excessive power now except occasionally of a 'step-motherly treatment' of the Opposition-ruled states. The political balance has changed in favour of the states.

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## 5.5 SUMMARY

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The state system in India has developed over a period of more than century. Having occupied various parts of the country, the British introduced measures to develop the state system in India. The Government India Act of 1935 was a culmination of such effects. Though the Constitution of Independent India has been affected by this Act, it is not the replica of the Act. There are enough provisions in the Constitution of India regarding different organs of the state system, nature of relations among various states and the States and Union. The arrangement of these relations can be altered according to provisions of the Constitution.

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## 5.6 EXERCISES

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- 1) Trace the method of British annexation of India.
- 2) Trace the evolving pattern of territorial arrangement of India under the British.
- 3) How did the Constituent Assembly of India arrange the territory of independent India?
- 4) Trace the reorganisation of states in independent India. What are the consequential problems of the reorganisation on inter-state relations?
- 5) How is the Union-State relation evolving in India? What, according to you, are the main reasons for demand of state autonomy?
- 6) What are the Constitutional amendments which shaped the Union-State relations in India?