

# Autonomy, Federalism, Constitution, FPTP and One-man-one-vote

Krishna Gandhi  
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## Autonomy

The Modi Juggernaut of extreme centralisation of political power at the centre is creating ever widening ripples of disquiet in the political landscape of India. Be it demonetisation, the refusal of the central government to compensate the shortfall of the state's shares of tax revenues as agreed upon under GST, the badly messed up Covid pandemic management, reduction in the autonomies of educational institutions, the decreased devolution to states under the fifteenth Finance Commission (whose terms of reference were changed to favour the more populous states of the north), the enactment of the three farm laws by encroaching upon state government's powers, abrogation of article 370, or the recurring theme of modifying the Constitution to bring in a presidential form of government... the trend is unmistakable. There is an apprehension that all these and more are part of a concerted move to create an autocratic centre that tramples upon the social, cultural and economic aspirations of the peoples of different regions of India. Although India's message to the world is its legacy of plurality and peaceful coexistence of multiple traditions and communities (autonomy of autonomies), exactly the opposite is happening at present.

In his address to the final session of World Parliament of Religions held in Chicago, 1893, Swami Vivekananda said, "If anyone here hopes that

unity will come by the triumph of any one of the religions and the destruction of the other, to him I say, "Brother, yours is an impossible hope." Do I wish that the Christian would become Hindu? God forbid. Do I wish that the Hindu or Buddhist would become Christian? God forbid. If anybody dreams of the exclusive survival of his own religion and the destruction of the others, I pity him from the bottom of my heart, and point out to him that upon the banner of every religion will soon be written, despite resistance: "Help and not Fight," "Assimilation and not Destruction," "Harmony and Peace and not Dissension."

If we were to substitute religions by communities, his words would become even more relevant today. Swamiji was putting into words the Indian legacy of granting different communities the freedom to follow their own traditions of worship and ways of living, without infringing on the rights of other communities to do so. Here is a vision of autonomy of autonomies, that we Indians need to hark back to, and put into practice if the impending disaster of autocracy is to be avoided. In the short term, autonomies (as well the autonomy of autonomies) of the multiple communities of India must be saved. Swaraj is a more distant project now.

### Federalism

At the time of Independence, the founding fathers of our country, faced with the task of creating a nation out of a multitude of communities spread across regions, states and cultures, opted for a Union of States with a limited federal character. It was a time of national liberation movements for emancipation from the yoke of colonialism and nation

building was the paradigm of the day. Now after 75 years what we see is an abuse of the concept of nation. An abstraction called the nation, devoid of any concern for the human condition, is being used to cover up the plunder of the country by a few corporate monopolies, with the central govt acting as their agent. All freedoms are being sacrificed at the altar of so-called national security. We are forced to ask: Whose security? Whose nation? Is it not the security of the top 1% of the population that is being protected by curbing people's freedoms? Instead of Gandhiji's talisman of the last person (antim vyakti), is it not the benefit of the two richest people of our country that is the focus of the central govt's policies? At no time since independence was the divergence between the nation state and the people so unbridgeable as now. The concept of nation has become a weapon to deprive the people of their rights. Therefore, we have to seriously attempt a rethink on the relevance of the concept of a nation in meeting people's aspirations.

To start with we should redefine India not as a Union of states but as a federation of states. Today, no significant population of any state wants to separate from India. Even the Nagas are reconciled to being a part of a federal India. So, there is no danger of secession if India is converted to a federation of states through suitable changes in the constitution. In fact, the danger is of the opposite kind: secessionist tendencies may arise if the aspirations of the people of different states are further thwarted by the ongoing process of over centralisation.

Let us take the recent controversy over the observations of Madras High Court that Tamil Nadu must be compensated through both more funds and more representation (in the Rajya Sabha) for the loss it suffered when the number of Lok Sabha seats allotted to it was decreased from 41 to 39 in the year 1967. The editorial comment in the Hindu on this issue is reproduced below:

"Tamil Nadu's representation in the Lok Sabha reduced from 41 to 39 seats since the 1967 general election. The State has lost 28 MPs since then, and it is being punished for effectively stabilising its population, the Madras High Court observed recently. Could Tamil Nadu be compensated for this loss of political power, the HC wondered. This question could snowball into a political controversy in the coming years.

Lok Sabha constituencies were supposed to be delimited after each decennial census, but that process was discontinued, taking into account exactly the concern flagged by the Madras HC — States that control population would be punished with reduced representation in Parliament. Delimitation of constituencies continues to take place, but only within the boundaries of each State. But that restriction on delimitation will be lifted after 2031, when States such as Tamil Nadu and Kerala are set to lose several Lok Sabha seats. That massive shift of political power to States in the north and east of India will have considerable implications for Indian federalism."

Fresh delimitation for Lok Sabha seats will start in 2026. Before that, a consensus must be evolved on how the decrease in the representation

of those states in the Lok Sabha who have successfully implemented population control measures is compensated in terms of political representation in the Parliament. One way is to give more seats to those states in the Rajya Sabha. In fact, equal representation to all fully recognised states in the Rajya Sabha could strengthen federalism. This would also lessen the fear in smaller states of the north-east and south, of being politically overrun by the populous states of the north like UP and Bihar.

Fiscal federalism is also under threat because of the inequitable distribution of GST revenues between the centre and the states. Not only are the shares of states as a whole being curtailed in favour of the centre, but there is also inequity in the distribution of tax revenues among states. Tamilnadu's contribution to GST is much above 6%, its share of India's population, yet recent Finance Commissions have been awarding it less than even this 6%. There is heartburn in Tamil Nadu political circles that it is being punished for its successes in eradicating poverty, illiteracy, and population control. This feeling is shared to varying degrees by all southern states as well as Odisha and Punjab.

Hence issues of political federalism and fiscal federalism are agitating the minds of the people of various states especially those ruled by regional parties. India can survive and flourish only if we reverse the path of centralisation and go in the direction of true federalism. India must transform itself from a Union of States to a Federation of States.

## Constitution and communities (Samaj)

Has the Indian constitution allowed the full flowering and fruiting of the aspirations of the peoples of India? Even under the era of Nehruvian liberalism, the traditional communities of India (the shudra occupational castes, the tribal communities, religious minorities, linguistic minorities etc...) were feeling suffocated because of the lack of social political and economic opportunities for them to flourish under the Indian Constitution. This is primarily because the Indian constitution was framed with the express purpose of protecting the rights of individual citizens rather than those of communities/samaj. The economic policies were in favour of individual capitalist enterprise, ownership of property, as against social/collective enterprise and common property. The loss of traditional caste occupations like weaving, smithy, leather processing led the traditional communities to suffer economically, socially, and politically. Their autonomy vastly undermined, they are now on the verge of extinction or have become extinct. Only the agrarian communities are surviving. Now, even they, threatened by the corporate takeover of the Indian polity and attendant loss of autonomy, are on a warpath to protect themselves from extinction.

Hence there is an urgent need to critically look at the relevance and usefulness of the extant parliamentary system of democracy in meeting the political, social, and economic aspirations of the traditional communities/ samaj of India. There is a growing perception that the parliamentary system of democracy has been effectively hijacked by the topmost corporate entities of India through their political agents. Hence,

through changes in the modes of people's representation such as changes in the Peoples Representation Act, and the Constitution itself, the power of the people over the polity must be effectively established.

It is clear that one of the most important steps in this direction is to amend the Constitution to make it more federal rather than unitary in character. That is, the powers of the central government must be vastly reduced. The states must be allowed to function with least interference by the Central govt. Except defence, foreign affairs, monetary matters, space exploration, mining of strategically important minerals, and perhaps communication, all other matters must be left to the wisdom of the people of the states to determine for themselves. Secondly, in addition to the citizens exercising individual franchise, that is the one-man-one-vote system of electing representatives, communities must also be given the right to elect their political representatives. We can imagine a new system of political representation as outlined below. Each state will have two sets of legislatures: the legislative assembly and the legislative council. The legislative assembly members will be elected as they are being elected at present through the one-man-one-vote system. The legislative council members will be elected from each of the recognised communities within the state under a system of proportional representation. In conjunction with this will be the

requirement that a state legislation will need to be passed by both the legislatures for it to become a law. This will ensure that the voice of the

communities / samaj will be taken into account in governance at the state level.

### **Role of Panchayats and other Local Self-Government Bodies:**

Although the 73rd Constitutional amendment made way for the formation of Panchayati Raj Institutions (PRI), they are quite different from the traditional village panchayats in the way they are formed, how they function and their areas of involvement. This amendment was hardly an attempt at granting autonomy to local self- governance bodies. Rather, it was an attempt at bypassing state governments in the implementation of centrally sponsored schemes. The new PRI have hardly any autonomy compared to the traditional village panchayats. Panchayat traditionally meant a collective decision-making process, rather than an institution. Five wise men (panch) of the community were chosen on the spot to guide the deliberations of the panchayat so as to reach a consensus and it could be the turn of a different set of panch at the next panchayat. There were no majority decisions. In contrast, the new PRI is a three-tiered system with the Gram Panchayat (GP) at the lowest level, with the block panchayat samitis at the next level and the zilla panchayat parishads at the 3rd level. All of them have government officers appointed as ex-officio secretaries, who play a decisive role in their functioning. The Gram Sabha, the village assembly, constituted of all residents of all hamlets within the Gram Panchayat and whose names appear in the voter list, is envisioned as the supreme decision-making body, whose sanction and approval must be obtained by the Gram

Panchayat before it takes a decision on any matter. The website vikaspedia.in gives the following description of the Gram Sabha:

*The Gram Sabha is the fulcrum of the Panchayati Raj and village development. People use the forum of the Gram Sabha to discuss local governance and development and make need- based plans for the village.*

*The Panchayat implements development programs under the overarching mandate, supervision and monitoring of the Gram Sabha. All decisions of the Panchayat are taken through the Gram Sabha and no decision is official and valid without the consent of the Gram Sabha*

*The term Gram Sabha is defined in the Constitution of India under Article 243(b).*

*Gram Sabha is the primary body of the Panchayati Raj system and by far the largest. It is a permanent body.*

*Gram Sabha is the Sabha of the electorate. All other institutions of the Panchayati Raj like the Gram Panchayat, Block Panchayat and Zilla Parishad are constituted by elected representatives.*

*The decisions taken by the Gram Sabha cannot be annulled by any other body. The power to annul a decision of the Gram Sabha rests with the Gram Sabha only. Those who are above 18 years of age and*

*living in the village and whose names are included in the electoral rolls for the Panchayat at the village level are the members of the Gram Sabha.*

*According to the State Panchayat Raj Acts, the Gram Sabha must meet at least two to four times in a year.*

*For people's convenience, the recommended days are:*

*Republic Day (26th January)*

*Labour day (1st May)*

*Independence Day (15th August)*

*Gandhi Jayanti (2nd October)*

*Gram Panchayats are however free to convene Gram Sabha on other dates according to their convenience.*

*Gram Sabha should be conducted within the purview of GP at a place convenient for all the members to sit.*

*In case of multiple villages under a GP, Gram Sabha may be conducted on rotation basis in all the villages' one after the other.*

*Gram Sabha can be conducted anytime during daytime i.e., after sunrise and before sunset. The Panchayat Secretary after obtaining approval of the Sarpanch should organize the Gram Sabha.*

*Gram Panchayat Sarpanch has to convene a Gram Sabha meeting when either 10% members of Gram Sabha or 50 persons of Gram Sabha (whichever is more) submits their requisition for holding a Gram Sabha. However, those members have to inform the purpose for the meeting.*

*A written request for the meeting must be handed over to the Sarpanch during office hours 5 days before the date of meeting.*

*If the Sarpanch fails to hold the meeting on the requested date, the members who requested the meeting can themselves organize the gram Sabha meeting.*

But the saddest part of the story is that the village assemblies (Gram Sabhas) hardly ever take place. They exist on paper only. Thus, under PRI direct democracy is non-existent. Reviving direct democracies at the village level under PRI is of utmost importance if India is to become a vibrant democracy of autonomous villages.

The working of the town panchayats, municipalities and corporations are no better. There is no direct democracy here too.

Absence of financial independence of GPs and other bodies of local self-governance is another challenge that compromises their autonomy. The state level finance commissions allocate funds to the PRI and other bodies of local self-governance. But the awards are always insufficient to make the PRIs financially independent. The central government, bypassing state governments, allocates funds through centrally sponsored schemes which are designed without any consultations with

state governments or PRIs. Hence no real autonomy is enjoyed by the PRIs. The issue as to what constitutional changes are to be made to make bodies of local self-government autonomous needs to be debated.

### First Past the Post (FPTP) system of electing people's representatives:

Democracy in essence means the will of the people. Direct democracy is impossible when huge populations are involved, and people's will is exercised indirectly through their representatives. It is often debated which system of representation will reflect people's will to the maximum. After independence we in our country adopted the First Past the Post (FPTP) system of electing people's representatives where candidates polling maximum number of votes, even if that number be a very small percentage of total votes polled (not to mention total number of voters) gets elected.

Our experience of the FPTP system has been disappointing. Most often, the contest is among a large number of candidates, and this invariably results in the winning candidate polling less than, often very much less than half the votes polled. Typically, in a multi cornered fight, it comes to one-third to one-fourth of the votes polled. Only when there is a direct fight between two candidates does the votes polled by the winning candidate go beyond more than 50% of votes polled.

If we consider the total number of eligible voters in a constituency, the percentage of votes polled by the winning candidate goes down even more. Hence in the FPTP system, the winning candidate cannot be said to represent even the will of the majority of the voters. It is clear that the

FPTP system will represent the will of the majority only when two candidates are contesting. So, until and unless a two-party system or two-alliance system emerges at the national level too, the national government will not be a true representative of even the majority of the voters who exercised their right to vote. So, all claims of popular rule by governments in power at the centre are totally false.

In recent times majoritarianism has emerged as a threat to Indian democracy. The voices of the minorities like Muslims, Christians, Buddhists, Sikhs and the marginalised like dalits, adivasis, tribals are being ignored or suppressed altogether. Democracy, conceived of as the will of the people, is being challenged by majoritarianism. India's continued existence as a plurality of traditional communities/samaj having autonomous existence is at greater risk now than ever before. Hence, we need to discard the sole reliance on the FPTP system in choosing people's representatives.

A combination of FPTP based on one man one vote and community representation based on numerical strength needs to be worked out if we are to avoid the risk majoritarianism poses. To begin with, all states should have two legislatures: the assembly, formed of candidates elected on the FPTP system and the council, consisting of representatives of communities whose numbers will be based on their percentages in the population. In the assembly decisions can be taken through majority vote, but as rule, in the council decisions are to be taken through consensus.

At the centre, the Lok Sabha shall consist of representatives elected on the FPTP system. The Rajya Sabha members shall however be elected from an electoral college consisting only of the members of the state legislative councils.

These ideas have been presented here with the sole purpose of starting a meaningful discussion on how to proceed from now and here towards a future society where autonomy both at the individual and the collective levels will take root leading to a more peaceful and prosperous existence for all the people of India.