

## Parliamentary Federalism

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### Introduction:

The most significant development in India's constitutional history is the consolidation of a parliamentary form of government that broadly corresponds with the Westminster model. What is equally striking is the growth of federalism in India in spite of parliamentary government that, in its classical form, flourished within a unitary system of government. Whereas Britain is identified as a classical model of parliamentary government, the United States is always referred to as an ideal form of federal government. Both these political systems have evolved specific constitutional practices in consonance with their ideological preferences and socio-economic requirements. What largely explains the emergence of specific types of governance in both the United Kingdom and United States is the peculiar historical circumstances in which they emerged as nation-states. In view of a gradual decline of monarchy in Britain, parliament became sovereign, reflecting popular aspirations, articulated through a well-devised system of elective democracy; whereas in the United States the decision of the constituent units to merge for a strong political system led to the rise of a union that held power to sustain the federal arrangement that emerged following the 1787 Philadelphia Conference. This is, however, not to suggest that there is a 'conflict' between parliamentary sovereignty and federalism as theoretical categories. Federalism does not necessarily imply 'divided' sovereignty, incompatible with the notion of parliamentary supremacy, any more than parliamentary government seeks to establish 'unfettered' majority rule. Historically speaking, in framing the Dominion Constitutions (for Australia and Canada) in the early 1900s, 'parliaments' were not made 'supreme'. Instead, it

was the Constitution that enjoyed supreme authority, exercised through judicial review (by the Privy Council). This is a common pattern in parliamentary federalism, in which constitutional supremacy is perhaps the most effective device to avoid distortions in majority rule. Historically speaking, Canada was the first federation to incorporate a system of parliamentary responsible government in which the executive and legislature are fused. This combination of a federal and parliamentary system was subsequently adopted in Australia in its 1901 Constitution. The majoritarian character of parliamentary federal institutions has had tremendous impact on the dynamics of federal politics in both Canada and Australia.<sup>1</sup> While the former combined federal and parliamentary institutions, with responsible cabinet government operating at federal and state levels, as a parliamentary federation Australia evolved the institutions and processes of 'executive federalism' presumably because of the well-entrenched British heritage of parliamentary institutions and tradition of executive federalism.<sup>2</sup> The Constituent Assembly while deliberating on the form of government for independent India was in favour of executive federalism, which they presumed was appropriate for a stable political authority. Owing to radical changes in India's political texture in recent times, parliamentary federalism has metamorphosed to a significant extent and the growing importance of constituent states in governance at the national level has created conditions for 'legislative federalism' suggestive of equal and meaningful representation of the units in federal decision-making. It is therefore possible to articulate the story of India's parliamentary federalism as a dialectically constructed politico-constitutional scheme to provide meaningful governance in India that is socio-culturally plural and ideologically heterogeneous. There has thus been a clear shift from a predominantly parliamentary government under the Congress dominance to a

considerably federalized system under a multi-party system with coalition government since 1989. The aim of this paper is to dwell on the evolution of a peculiar form of constitutional arrangement in India that is both parliamentary and federal at the same time. How did the founding fathers justify 'parliamentary federalism' despite the apparent contradiction between the two? Whereas parliamentary system is conceptually unitary, federalism is diametrically opposite. This is a puzzle that needs to be understood in a specific historical context. The British parliamentary model remained a major reference point to the Indian constitution makers. Federalism seemed to have provided an institutional arrangement to accommodate India's pluralist socio-political character. Despite being conceptually incompatible, the founding fathers were favourably inclined towards parliamentary federalism as perhaps the most appropriate institutional setup for governance in India. Parliamentary federalism is thus a creative institutional response to democratic governance suitable for India's peculiar socio-political milieu. Its resilience can be attributed to a series of adjustment to contextual requirements that built up and also strengthened its capacity to survive in adverse circumstances.

### **Demystifying the Indian polity:**

India has a hybrid system of government. The hybrid system combines two classical models: the British traditions, drawn upon parliamentary sovereignty and conventions, and American principles upholding the supremacy of a written constitution, the separation of powers and judicial review. The two models are contradictory since parliamentary sovereignty and constitutional supremacy are incompatible. India has distinct imprints in her constitution of both the British and American principles. In other words, following the adoption of the 1950 Constitution, India has evolved a completely different politico-constitutional arrangement with characteristics from both the British and American constitutional practices. The peculiarity lies in the fact that, despite being parliamentary, the Indian political arrangement does not wholly correspond with the British system simply because it has adopted the federal principles as well; it can never be completely American since parliament

in India continues to remain sovereign. As a hybrid political system, India has contributed to a completely different politico-constitutional arrangement, described as 'parliamentary federalism', with no parallel in the history of the growth of a constitution.<sup>3</sup> Based on both parliamentary practices and federal principles, the political system in India is therefore a conceptual riddle underlining the hitherto unexplored dimensions of socio-political history of nation-states imbibing the British traditions and American principles. At the time of the framing of the Constitution, political institutions were chosen with utmost care. In their zeal to create a 'modern' India, the founding fathers seem to have neglected traditions entirely, taking the typical Enlightenment view of treating those values and practices as 'erroneous'. They also wrongly held the view that 'to rescue people from tradition, their intellectual and practical habitats, all that was needed was simply to present a modern option; people's inherent rationality would do the rest'.<sup>4</sup> As the actual political experience in India demonstrates, this was not the case and traditions reappear in various different forms in the political articulation of democracy. Thus, instead of disappearing with the introduction of elections based on universal suffrage, both caste and religion, for instance, continue to cement the bond among the voters both during the poll and afterwards. The principal argument that this paper seeks to articulate is concerned with the complexity of the processes that finally led to the formation of a hybrid political system, influenced heavily by both the British tradition and American principles. In trying to understand the current complexities and future prospects of Indian political system, looking to European and American precedents is not therefore enough. Instead, it is necessary to understand the historical logic internal to this process. Given the ingrained constitutional peculiarities and their evolution, this paper further underlines the importance of historical circumstances and socioeconomic and cultural distinctiveness in shaping India's political system following the transfer of power in 1947.

### **Some theoretical inputs:**

The Westminster model is based on the sovereignty of parliament and the supremacy of the

law of the land. As A. V. Dicey argues, ‘the principle of Parliamentary Sovereignty means . . . that Parliament has, under the English constitution, the right to make or unmake any law whatever. [Furthermore] there is no person or body of persons who can, under the English constitution, make rules which override or derogate from an Act of Parliament or which . . . will be enforced by the courts in contravention of an Act of Parliament’.<sup>5</sup> There is no doubt, as Dicey underlines, that parliament, comprising the Queen, the House of Lords and the House of Commons, cannot be challenged even by the law courts because it is sovereign. In the concluding paper of his *The Law of the Constitution*, Dicey reiterates that ‘[b]y every path we come round to the same conclusion that Parliamentary sovereignty has favoured the rule of law, and that the supremacy of the law of the land both calls forth the exertion of Parliamentary sovereignty, and leads to its being exercised in a spirit of legality’.<sup>6</sup> According to Dicey, parliamentary sovereignty and federalism are irreconcilable. The supremacy of parliament is ascertained by the fact that ‘no person or body is recognised by the law of England as having a right to over-rule or set aside the legislation of Parliament’. Federalism, in Dicey’s conceptualization, posits two sets of governmental authorities ‘which were legally coordinate and a supreme constitution authoritatively interpreted by the courts’. As he argues, [a] federal state is a political contrivance intended to reconcile national unity and power with the maintenance of ‘state rights’. The end aimed at fixing the essential character of federalism, for the method by which federalism attempts to reconcile the apparently inconsistent claims of national sovereignty and of state sovereignty consists of the formation of a constitution under which the ordinary powers of sovereignty are elaborately divided between the common or national government and the separate states . . . . Whatever concerns the nation as a whole, should be placed under the control of national government. All matters, which are not primarily of common interest, should remain in the hands of several states.<sup>7</sup> Once the above principle is conceded, the governmental authority is federal. Under this constitutional arrangement, parliament is subservient to a written constitution, upheld by an independent judiciary. Dicey thus concludes: from the notion that

national unity can be reconciled with state independence by a division of powers under a common constitution between the nation on the one hand and the individual States on the other, flow the three leading characteristics of completely developed federalism, – the supremacy of the constitution, the distribution among bodies with limited and coordinate authority of the different powers of government [and] the authority of the courts to act as interpreters of the constitution.<sup>8</sup> What Dicey suggests is reinforced by Arend Lijphart. Underlining that the Westminster model of fusion of power within the cabinet is an inappropriate style of government for countries with wide geographical, cultural and linguistic differences, Lijphart argues for consensus models as the best possible options for pluralistic societies. In his opinion, not only does the consensus model ‘establish constraints on majorities . . . but also preserve and affirm the rights of minorities’. Based on his theorization of ‘consociational democracy’, he further argues that ‘the approach is not to abolish or weaken segmental cleavages but to recognize them explicitly and to turn the segments into constructive elements of stable democracy’.<sup>9</sup> While elaborating the model, Lijphart identifies the following features:

- (a) executive power-sharing and grand coalitions; (b) separation of powers, formal and informal; (c) balance bicameralism and minority representation; (d) a multi-party system; (e) a multi-dimensional party system (a mix of parties which are distinguished one from another on many different bases, including ideology, geographical base, cultural and ethnic communication, class etc.); (f) proportional representation; (g) territorial and non-territorial federalism and decentralization; (h) written constitution and minority veto.<sup>10</sup> Based on the premise that ‘political power should be dispersed and shared in a variety of ways’, Lijphart also warns that the consensus model ‘is a more difficult model to apply than the simpler majoritarian model [though] it contains the great advantage that the consensus model can be adapted to suit the special needs of particular countries [by providing] the constitutional engineers the option of building onto existing legitimate traditions’.<sup>11</sup> For the Westminster model to strike roots in a diverse society, federalism seems to be most appropriate political arrangement for two important reasons. On the

one hand, federal principles ensure segmental autonomy by formally recognizing the importance of the segments for the whole; they also, on the other, firmly establish the relative strength of the constituent units that can be undermined only at the peril of the federal state. For Lijphart, federalism is not merely a device of multi-layer governance, it is also 'a consociational method' by which a plural society can be organized in such a way as to meaningfully implement parliamentary federalism. What is significant in Lijphart's formulation is a clear possibility of the growth of an institutional structure drawing upon the British traditions of parliamentary democracy and federal principles. In other words, parliamentary federalism is a hybrid structure of governance and probably a unique constitutional arrangement to ascertain 'segmental autonomy'. As a hybrid system, it has features that are contingent on the socio-economic environment in which it strikes roots. So, the Indian political system is unique, as is its Canadian counterpart, with distinct features articulating the peculiar unfolding of its politico-constitutional structure that has roots in colonialism as well.

### **Nature of the Indian Union: the constitutional inputs:**

Owing to peculiar historical circumstances, the consensus that emerged in the Constituent Assembly was in favour of a union with a strong centre.<sup>12</sup> Arguments were marshalled for a parliamentary form of government and the colonial experience was a constant reference point. In devising the Union-State relations, the founding fathers were influenced by the principles underlying the Constitutions of Canada and Australia, which had parliamentary federalism, and the United States, which had a presidential system. The 1935 Government of India Act seems to have influenced the Assembly to a large extent though the 1950 Constitution was substantially different in spirit and ideology. As it finally emerged, the Constitution has important 'federal' features but cannot be characterized as federal in its classical sense. It is a unique document, which is, as Ambedkar had articulated, 'unitary in extra-ordinary circumstances such as war and other calamities and federal under normal circumstances'. Hence, India is described as 'a union of states' where the union is 'indestructible' but not the constituent states because

their contour and identity can be 'altered' or even 'obliterated'. There emerged a consensus and the Assembly rejected a motion seeking to characterize India as 'a federation of states'. Challenging the motion, Ambedkar sought to expose the logical weaknesses and practical difficulties of imitating the classical federation such as the US by saying that, though India was to be a federation, the federation was not the result of an agreement by the States to join in a federation, and that the federation not being the result of an agreement, no State has the right to secede from it. The Federation is a Union because it is indestructible. Though the country and the people may be divided into different States for convenience of administration, the country is one integral whole, its people a single people living under a single imperium derived from a single source. The Americans had to wage a civil war to establish that the States have no right of secession and that their federation was indestructible. The Drafting Committee thought that it was better to make it clear at the outset rather than to leave it to speculation or to disputes.<sup>13</sup>

So federalism as a constitutional principle was articulated differently because of the historical context in which the Constitution was made. The Constituent Assembly, Jawaharlal Nehru and Vallabhbhai Patel in particular, 'worried that a more potent federalism in India would weaken feelings of national unity in the country and would make it harder for governments in the Centre to push ahead with the "social revolution" that was needed to secure economic development'.<sup>14</sup> As evident in the discussion in the Constituent Assembly, the framers refereed mainly to two traditions: the British and the American. But in the background was always a third stream – understandably downplayed by Ambedkar and other members – the ideas of Ian Coupland and K. C. Wheare, who appeared to have provided the foundational basis of the constitutional experiments in the British Dominions. It is, after all, to the 1935 Government of India Act that we owe not only the federal structure and the legislative acts, but also the continuance of the unified legal and financial systems, and such distinctive features as group rights, machinery for resolution of inter-state water disputes, state governors and Article 356. There had of course been strong opposition to the 'federal' provisions of

the 1935 Act that envisaged the future accession of the princes, including the right of secession that figured unambiguously in the 1942 Cripps Mission proposals. The 1946 Cabinet Mission also endorsed the plan for a central government with very limited powers and relatively strong provinces having a considerable degree of autonomy with all the residuary powers. Despite inputs supporting a weak centre, the 1950 Constitution provided a scheme of distribution of power that was heavily tilted in favour of a strong centre. The decision to go for a strong centre even at the cost of regional autonomy was perhaps conditioned by pragmatic considerations of maintaining national integrity that received a severe jolt with the acceptance of partition.<sup>15</sup> Ambedkar echoed this feeling in his final report of the Union Powers Committee of the Constituent Assembly by saying that 'it would be injurious to the interests of the country to provide for a weak central authority which could be incapable of ensuring peace [and also] of coordinating vital matters of common concern'. Hence he was in favour of a strong Centre, 'much stronger than the Centre we had created under the Government of India Act of 1935'.<sup>16</sup> What determined the choice of the founding fathers was their concern for the unity and integrity of India. As Lokanath Mishra argued, 'it has been our desire and it has been the soul of the birth of freedom and our resurgence that we must go towards unity in spite of all the diversity that has divided us'.<sup>17</sup> The word 'federal' was therefore deliberately omitted in the final draft of the Constitution and India was defined as 'a union of states'. Nonetheless, the constitution endorsed the federal principle in 'recognition' of the multi-dimensional socio-political and geographical Indian reality by clearly demarcating the constitutional domain of the constituent states within the union. It is clear that the framers of the Constitution were in favour of a federation with a strong centre. To avoid friction between the centre and the constituent states in future, the Constitution incorporated an elaborate distribution of governmental powers – legislative, administrative and financial – between the Union and provincial governments. Despite a detailed distribution of power between the two levels of government, the Union government is constitutionally stronger simply because the framers wanted it so.

### **Parliament in India:**

In the history of India's constitutional development, the idea of parliamentary sovereignty was pre-eminent despite Gandhi's characterization of parliament as 'a prostitute'. In fact, Gandhi's intervention in the debate led to a search for an indigenous model of governance, more suited to the Indian traditions.<sup>18</sup> It had no imprint however in either the 1916 Lucknow pact or the 1928 Nehru Report. In the latter, an argument was made to defend 'the Dominion model of Parliament . . . and an executive responsible to that Parliament'. As the Report further underlines, 'what India wants and what Britain has undertaken to give her, is nothing less than Responsible Government [and] the assimilated tradition of England has become the basis of Indian thought' in this regard.<sup>19</sup> The Nehru Report seems to have provided the foundation on which the discussion on India's constitutional future was based. Replacing the old central legislature, the Constituent Assembly, elected by members of Provincial Assemblies, it was to be a temporary legislature as well as framer of the future.<sup>20</sup> A brief scan of the debates on this question is useful to understand how the idea of parliamentary sovereignty was articulated by those who appeared to have been heavily influenced by the British tradition. Seeking to draw their attention to other constitutions, B. R. Ambedkar, the Chairman of the Drafting Committee, underlined, 'we have to look to countries other than Britain to be able to form a correct estimate of the position of a Constituent Assembly. I have no doubt [that] you will pay . . . greater attention to the provisions of the American Constitution than to those of any other'.<sup>21</sup> Apart from Ambedkar's prefacing remarks, the Objective Resolution, moved by Jawaharlal Nehru, had cast influence on the shape of the 1950 constitution. Nehru was unambiguous in his preference for a political system drawing its sustenance from people by saying that 'all power and authority of the sovereign Independent India, its constituent parts and organs of government are derived from the people'. What follows from this, as Nehru further argues, is that 'we stand for democracy [but] what form of democracy and what shape it might take is another matter . . . for this House to determine'.<sup>22</sup> The Objective Resolution and

Ambedkar's inaugural address continued to remain decisive in the deliberations on the making of India's constitution. The most clearly spelt-out argument in favour of parliamentary government was made in the reports of the two committees set up (in April 1947) to determine 'the principles of a Model Provincial Constitution' and 'the Principles of the Union Constitution'. Introducing the reports in Assembly, Patel clearly expressed that the members of those Committees 'came to the conclusion that it would suit the conditions of this country better to adopt the parliamentary system of constitution, the British type of constitution with which we are familiar. . . . The Provincial Constitution Committee has accordingly suggested that this constitution shall be a parliamentary type of cabinet.'<sup>23</sup> Endorsing Patel's sentiment, N. V. Gadgil, a member of the committee that determined the principles of the Union Constitution, argued that 'we have been brought up in an atmosphere which has been conducive to the establishment of what are generally accustomed to term Parliamentary Responsible Government. . . . The system of government in Britain must be followed here. That system could not be blamed for the strife in India; in fact, the trouble was that the system had, properly speaking, not yet been put in operation in India.'<sup>24</sup> As parliament was to be elected by adult suffrage, the Muslim members were critical of the reports, apprehending that the parliamentary sovereignty of the British type would invariably lead to 'the oppression of minorities' by the majority. What was articulated as the Muslim opinion was also fractured. Reflecting the general mood of the Assembly and also the division among its Muslim members, Hussain Imam seems to have been persuaded by the arguments in favour of parliamentary government. He thus confessed that 'opinion in India is so much in favour of the British model and that it is not practical politics to try to sing the praises' of other systems.<sup>25</sup> The reports were accepted as they were though the discussion in the Assembly clearly shows a clear division among its members.<sup>26</sup> By November, 1947, the Draft Constitution was ready. Presenting it to the Assembly, Ambedkar identified its basic characteristics by announcing that: [t]here is nothing in common between the form of government prevalent in America and that proposed under the

Draft Constitution. . . . What the Draft Constitution proposes is the Parliamentary system. . . . The president of the Indian Union will be generally bound by the advice of his Ministers . . . and the Ministers are members of Parliament. . . . The daily assessment of responsibility which is not available under the American system is, it is felt, far more effective than the periodic assessment, and far more necessary in a country like India.<sup>27</sup> Drawing on the Westminster model of democracy, Ambedkar elaborated the structure of the proposed form of governance in which parliament reigned supreme. The model seemed to be most suitable in India since 'experience with quasi-parliamentary institutions had become an essential part of Indian conditions'.<sup>28</sup> K. M. Munshi was more categorical when reinforcing Ambedkar's argument in favour of parliamentary government. 'We must not forget a very important fact', argued Munshi, that during the last one hundred years Indian public life has largely drawn on the traditions of English constitutional law. . . . For the last thirty or forty years some kind of responsibility has been introduced in the governance of this country. Our constitutional traditions have become parliamentary, and we have now all our provinces functioning more or less on the British model. . . . After this experience, why should we go back upon the traditions that have been built for over a hundred years and try a novel experiment framed 150 years ago and found wanting even in America?<sup>29</sup> As is evident, there are two specific types of arguments to support the parliamentary form of government. First, given the experience of quasi-parliamentary institutions in India under the British rule, the founding fathers thought it appropriate to retain the system, suitably amended to fulfill free India's politico-constitutional goal; second, parliamentary government provides for a constant watch on the individual ministers through the principle of collective responsibility, which is completely absent under the American system. Although Ambedkar and his colleagues were persuaded,<sup>30</sup> the Gandhians characterized the adoption of parliamentary government as 'a slavish imitation of, nay much more, a slavish surrender to the West'<sup>31</sup> since the basic ideals on which the constitution was based 'have no manifest relation to the fundamental spirit of India'.<sup>32</sup> As Loknath Mishra laments, 'the

objective resolution envisaged a federal constitution . . . but the Draft Constitution . . . is laying the foundation more for a formidable unitary constitution than a federal one. . . . [T]his constitution does give nothing to the individual, nothing to the family, nothing to the villages, nothing to the districts, and nothing to the provinces. Dr. Ambedkar has taken everything to the Centre.<sup>33</sup> ‘We wanted the music of Veena or Sitar’, argued another member, ‘but here we have the music of an English band.’<sup>34</sup> Even Ambedkar was accused of completely bypassing Indian values and traditions. A member pronounced that, ‘if you look at the constitution, . . . it would be difficult for you to find anything Indian . . . . The British have departed but I regret to say that our countrymen have not [given up] the ways of their former masters. We will experience much more difficulty in bidding goodbye to the ways of the British than we experienced in bidding goodbye to the British themselves.’<sup>35</sup> One may sum up the arguments by quoting a perceptive remark of W. H. Morris-Jones, who, while seeking to grasp the organic roots of the Westminster model of parliamentary democracy in India, attributed the adoption of this form in independent India to ‘an ideological commitment of many of India’s rulers to the Westminster model’. The dedication is determined by the need ‘to disprove . . . the old allegation that India could not be a home for responsible government’ and ‘the attachment to the institution’ due to its historical existence in India was too strong to ignore.<sup>36</sup> Despite its imperial origin, parliamentary democracy of the Westminster variety emerged, thus goes the argument, as the best possible option for the nation because of ‘the attachment to the familiar’, which was more a matter of ‘habit’ than anything else.

**Federalism in India:**

The classical federations, such as the USA, Australia and Canada, are the outcome of the ‘coming together’ syndrome because the existing sovereign polities voluntarily enter into an agreement to pool their sovereignty in a federation, whereas most of the contemporary federations are illustrative of ‘holding together’ federations due to circumstances in which the centre agreed to ‘devolve’ power to hold the federal units together. India is a

good example of this category because the Constituent Assembly, despite having defended a strong centre to contain lawlessness immediately after independence, was clearly in favour of decentralization of political authority as a clear guarantee for ‘holding’ India together.<sup>37</sup> As B. R. Ambedkar argued, ‘the chief mark of federalism lies in the partition of the legislative and executive authority [and] between the centre and units of the constitution’ though the constitution can be federal or unitary according to the requirements of time and circumstances. Yet the centre ‘cannot, by its own will, alter the boundary of that partition. Nor can the judiciary . . . [because it] cannot assign to one authority powers explicitly granted to another.’<sup>38</sup> Generally speaking, whether a political system is federal is determined by these five criteria: (a) dual or two sets of government – one at the centre, national or federal, and the other at state or provincial level; (b) written constitution – list of distribution of powers, though the residuary powers generally rest with the federal government; (c) supremacy of the constitution; (d) rigidity of the constitution – the constitution can be amended by a special majority followed by ratification by at least half of the states, barring ‘the basic structure’ of the constitution; (e) the authority of the courts as regards the interpretation of the constitutional provisions.

**References:**

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2. Ronald L. Watts, *Comparing Federal Systems*, Kingston, Ont.: Queen’s University Press, 1999, pp. 23–5.
3. Canada is another hybrid system that combines the British tradition with American principles. Based on ‘parliamentary federation’, Canada is a political system with a strong central government that occasionally ignores the constituent provinces in the interest of the nation. For details of the development in Canada, see Douglas V. Varney, ‘From executive to legislative federalism? The transformation of the political system in Canada and India’, *The Review of Politics*, 3, 1989, pp. 241–63; D. V. Smiley, *Canada in Question: Federalism in the Eighties*, Toronto: McGraw Hill, 1980; Ronald L. Watts, ‘Parliamentary

- federations: Canada and India', in Balveer Arora and Douglas V. Varney, *Multiple Identities in Single State*, Delhi: Konark, 1995, pp. 60–70.
4. Sudipta Kaviraj, 'Modernity and politics in India', *Daedalus*, 129, 2000, p. 155.
  5. A. V. Dicey, *An Introduction to the Study of the Law of the Constitution*, Delhi: Universal Book Traders (Indian reprint), 1994, pp. 39–40.
  6. Dicey, *An Introduction to the Law of the Constitution*, p. 414.
  7. Dicey, *An introduction to the Law of the Constitution*, p. 143.
  8. Dicey, *An Introduction to the Law of the Constitution*, p. 144.
  9. Arend Lijphart, *Democracy in Plural Societies: A Comparative Exploration*, Bombay: Popular (Indian edition), 1989, p. 42.
  10. For details, see Arend Lijphart, *Democracies: Patterns of Majoritarian and Consensus Government in Twenty-one Countries*, New Haven, CT: Yale University Press, 1984, pp. 23–30.
  11. Lijphart, *Democracies*, pp. 208, 210.
  12. Paul Brass pursues this argument in his 'The strong state and the fear of disorder', in Francine Frankel, Zoya Hasan, Rajeev Bhargava and Balveer Arora (eds), *Transforming India: Social and Political Dynamics of Democracy*, Delhi: Oxford University Press, 2000.
  13. CAD, Vol. VII, p. 43.
  14. Stuart Corbridge and John Harriss, *Reinventing India: Liberalization, Hindu Nationalism and Popular Democracy*, Delhi: Oxford University Press, 2000, p. 29.
  15. As early as December 1946, G. B. Pant declared that 'the Constituent Assembly is resolved to set up a suitable republic for independent India. The recognition of the unity of India forms the cornerstone of this scheme. We do not know what will exactly be the subjects reserved for the Centre, but we know that the integrity and unity of India shall be preserved. The sentiment of unity will not be impaired in any way. That is first fundamental condition, as without it no constitution can be formulated and none can last for a day.' G. B. Pant's convocation address at Allahabad University on 21 December 1946. See *Selected Works of Govind Ballabh Pant*, Vol. 11, New Delhi: Oxford University Press, 1998, p. 425.
  16. Quoted from M. Govinda Rao and Nirvikar Singh, *Political Economy of Federalism in India*, Delhi: Oxford University Press, 2005, p. 47.
  17. CAD, Vol. VII, p. 892.
  18. For a detailed discussion of the historical background, see W. H. Morris-Jones, *Parliament in India*, London: Longmans, 1957, pp. 73–81; W. H. Morris-Jones, *The Government and Politics of India*, Bombay: B. I. Publications, 1974 (Indian reprint), pp. 40–2, 79–80, 230–9.
  19. The Report of the All-Parties Conference, part I (report of the committee appointed by the conference to determine the principles of the Constitution of India), Allahabad: All India Congress Committee, 1928, pp. 6–7.
  20. For an incisive and detailed study on the formation of the Constituent Assembly in India, see Shibnikinkar Chaube, *Constituent Assembly of India: Springboard of Revolution*, 2nd edn, New Delhi: Manohar, 2000; Granville Austin, *The Indian Constitution: Cornerstone of a Nation*, New Delhi: Oxford University Press, 1996 (Indian reprint). 222 Notes
  21. CAD, Vol. I, pp. 3–4.
  22. CAD, Vol. I, pp. 57, 60.
  23. CAD, Vol. IV, pp. 579–80.
  24. CAD, Vol. IV, pp. 640, 637.
  25. CAD, Vol. IV, p. 916.
  26. Opposed to the parliamentary form of government, the Muslim League members (Aziz Ahmed Khan, Begum Aizaz Rasul, Chaudhuri Khaliqzaman, to name a few prominent League members) recorded their views. For details, see CAD, Vol. IV, pp. 633–58. Once Pakistan was conceded, the League boycott ceased and its members from constituencies in independent India participated in the Assembly's deliberations.
  27. CAD, Vol. VII, p. 33.
  28. Morris-Jones, *Parliament in India*, p. 87.
  29. CAD, Vol. VII, p. 984–5.
  30. Chapter II of Part V to The Constitution of India incorporates the provision for Parliament in India.
  31. Speech of Lokanath Mishra, CAD, Vol. VII, p. 242.
  32. Speech of Lakshminarayan Sahu, CAD, Vol. XI, p. 613. Granville Austin, however, does not agree with the view that Gandhians, in order to reiterate their faith in the village panchayats, rejected the parliamentary form of government in its entirety. In his words, 'the debate in the Constituent Assembly in November, 1948 on the Draft Constitution confirmed the popularity of panchayats whilst emphasizing that support for them was not a rejection of either parliamentary government or Indian federalism.' Granville Austin, *The Indian Constitution*, p. 36.
  33. CAD, Vol. 7, p. 241.
  34. Speech of K. Hanumanthaiya, CAD, Vol. XI, p. 616.
  35. Speech of Ramnarayan Singh, CAD, Vol. XI, pp. 639–42.
  36. W. H. Morris-Jones, *The Government and Politics of India*, pp. 237–8.



37. The recent examples are Spain and Belgium. In the former, the centre agreed to devolve power to hold the constituent provinces together after the collapse of the Franco regime in 1975; the latter, in order to hold the Flemish and Walloon communities together, adopted a federal constitution in 1993. For details, see Alfred Stepan, 'Toward a new comparative politics of federalism, multi-nationalism and democracy: beyond Rikerian federalism', in *Arguing Comparative Politics*, Oxford: Oxford University Press, 2001, pp. 315–61.
38. CAD, Vol. XII, p. 976.

