



Presidential Address of His Excellency

Shri Syed Sibtey Razi

the Governor of Jharkhand (India)

at

the 13th Working Session of the

**FOURTH INTERNATIONAL
CONFERENCE ON FEDERALISM**

ON

'CAN DEEP DIFFERENCES BE ACCOMMODATED'

7th November, 2007

Vigyan Bhawan, New Delhi

Speech Of His Excellency, Shri Syed Sibtey Razi, the
Governor of Jharkhand (India)

delivered while chairing
the 13th Working Session of the
Fourth International Conference on Federalism
On
“Can deep differences accommodated”
7th November, 2007.

First of all, on my own behalf and on behalf of the citizens of the world's largest democracy, I welcome all the delegates attending this 13th working session of the Fourth International Conference on Federalism. I am sure this session will provide opportunities to all of us to learn from the rich experiences of delegates representing different countries, so that we all are in a better position to appreciate how federal polity can be helpful in accommodating differences in the societies of our countries.

Coming to the main theme of this working session, “Can Deep Differences be Accommodated”, I would mention that federalism is also a device to reconcile the two diverse interests, namely national interests and the rights of the states, in such a way as Dicey says - neither the planet states can fly off in the sky nor the Sun of the central government can bring them into consuming fire. India is a model of country having utmost differences in the field of religion, caste and creed. Here I may give example of my state of Jharkhand, which is the youngest state of the India Union having been formed 7 years ago on 15th November, 2000. It is comparatively a small state having a population of 27.9 millions. Out of the total population, almost 26% belong to communities described as scheduled tribes but here too, there are 32 different tribal communities having different languages and different cultures. Apart from Hindi and Urdu, the population of the state speaks different languages like Santhali, Bengali, Mundari, Kurukh, Ho, etc. each having a different script. Moreover, within each tribal community, we have some people who have faith in Hinduism, others who have faith in Christianity and a large section which believes in ‘**Sarna religion**’ which means nature worship. Amongst the non - tribal communities also, there are Hindus, Muslims, Christians, Jainis etc. Apart from the differences in language and religion, there are deep differences in economic status of the regions of the state. While Chotanagpur region of the state has rich mineral resources like iron ore, coal,

bauxite and has two steel plants and a large industrial base, the Santhal Pragana region of the state has little economic resources and is economically quite backward. I am giving this example to drive home the point that even a small state or country can have deep differences which are not only socio-cultural or religious but economic as well.

In my view, federal polity is best suited for a country with diversity in the field of language, religion, caste and creed. How can we achieve this? How can deep differences be accommodated? I think one very important factor is the inclusion of all types of minorities, be they religious, linguistic or cultural minorities and the safeguards that are provided to the minorities so that they also feel that they are included in the mainstream of the nation. Here I may mention that the first Prime Minister of our country, late Pandit Jawahar Lal Nehru, when he moved the first resolution regarding the future constitution of the country in the Constituent Assembly on 13th December, 1947 (i.e. even before India gained independence) clearly stated in his resolution.

“..... WHEREIN adequate safeguards will be provided for minorities, backward and tribal areas, and depressed and other backward classes.....”

This resolution was unanimously adopted by the Constituent Assembly on 22nd January, 1947.

I would also like to mention that Bharat Ratna Dr. B.R. Ambedkar, who is considered as one of the main architects of our Constitution had said in the Constituent Assembly on 8th December, 1948 that by minority he does not mean minority in the technical sense but also cultural minorities as well. I quote Dr. Ambedkar from the debate of the Constituent Assembly dated 8th December, 1948.

“.....On reading the paragraph contained in the original Fundamental Rights, it will be noticed that the term ‘**Minority**’ was used therein not in technical sense of the word as we have been accustomed to use for the purposes of certain political safeguards, such as representation in the legislature, representation in the services and so on the word is also used to cover minorities which are not minorities in the technical sense, but which are nonetheless minorities in the cultural and linguistic sense.....”

I would mention here the special provision that have been provided in the Constitution of India for safeguarding the interests of the minorities, the

scheduled tribes and scheduled castes and other backward classes. Article 29 and Article 30 of the Constitution of India confer 4 distinct rights:-

- (i) Right of any section of citizens to conserve its own language of culture.
- (ii) Right of all religious or linguistic minorities to establish and administer educational institutions of their choice.
- (iii) Right of an educational institution not to be discriminated against in the matter of state aid on the ground that it is under management of a minority and
- (iv) Right of a citizen not to be denied admission into state maintained educational institution on the ground only of religion, race, caste or creed.

Further, Article 25 of the constitution gives the right to freedom of religion and Article 26 gives freedom to manage religious affairs.

I may also mention that the Constitution of India provides reservation for members of scheduled tribes, scheduled castes and backward classes not only in matters relating to state employment and educational institutions but also reservation of seats in the state and central legislatures for members of scheduled castes and scheduled tribes. In fact, for the Anglo - Indian community, which is a very small group , there is a provision to enable the President of India to nominate two members of the Anglo-Indian community to the Parliament under Article 331 of the Constitution and under Article 333 of the Constitution , the Governor of certain states like Jharkhand, can nominate a member of the Anglo - Indian community to their state legislature.

The Constitution of India does not limit itself to safeguarding the interests of the minority groups. It also has special provisions for certain regions which have been classified as “ **Scheduled Areas**”. These areas are specified in the fifth and sixth schedule of the Constitution of India and the Governors of the states which have “ **Scheduled Areas**” have special responsibility towards administration of the scheduled areas and there are also provisions for constitution of Tribes Advisory Council for the better administration of these areas. In my state of Jharkhand, 14 out of 28 districts are fully covered in the Scheduled Areas for which I have special responsibility and every year I also send my report on the administration of scheduled areas to the President of India.

In addition to the constitutional & statutory provisions for safeguarding the minorities, scheduled tribes, scheduled castes and backward classes, we also have different bodies like the National & the State Commissions for welfare of minorities , backward classes, Scheduled Castes and Scheduled Tribes, which are constantly engaged in their welfare.

As I said earlier, other than socio-cultural diversities, there are also inter- regional diversities which are becoming more & more important with the impact of globalisation of the world economy. Hon'ble Prime Minister of India , Dr. Manmohan Singh in his inaugural address on the 5th November,07, had also mentioned in his speech that “ **reducing such disparities (inter-regional) is essential for the success of a federation**”. Hon'ble Prime Minister Dr. Manmohan Singh had also said that “ **an extremely important function in a federation is the mediation of disputes between different levels and identities**”.

The inter-Governmental disputes and constitutional litigation between the State (Provinces) of the Federal Union, and the other State(s) as also the Union are frequent in certain federal countries. However such disputes and litigation are less frequent in India. The Constitution of India lessens legalism by exclusive enumeration of the legislative powers of the Union and the States and judicious use of non abstante clauses giving the Union powers an overriding operation over the State powers. It also provides for a tribunal in matters of inter-State water disputes and provision for arbitration in respect of disputes in the sphere of administrative relations and obligations.

When India gained independence in 1947, there were more than 500 princely states spread from one corner of the country to the other, each having considerable diversity in culture, language as also administrative task. It was a herculean task to integrate these princely states into the Indian Union. After integration of the princely states, the Indian Union was organised into 13 federating states on geographical basis. However, this geographical formation of states could not fulfill all the aspirations of the people leading to agitations mainly in the then Bombay, Madras and Assam states. Subsequently, certain new states were formed on linguistic basis in 1958 on the recommendations of the States Reorganisation Commission. Further, new states were again created to fulfill the regional aspirations of the people of the north - east and other regions like Jharkhand, Chhattisgarh, & Uttaranchal. This shows the resilience of our federalism in adapting to new situation to meet the aspirations of the people.

As I had said earlier, I am of the view that federalism provides opportunities to meet the challenges of deep diversities amongst its federating

constituents. The need of the hour is to ensure that the federal system is really inclusive by safeguarding the interests of all types of minorities & disadvantaged groups and by taking pro-active steps to remove regional imbalances.

Before I conclude, I wish to thank all the participants. I also thank the Hon'ble Home Minister of India Shri Shivraj Patilji as also the officers of the Inter-State Council for organising this International Convention so that we all could exchange our views on such an important topic.
