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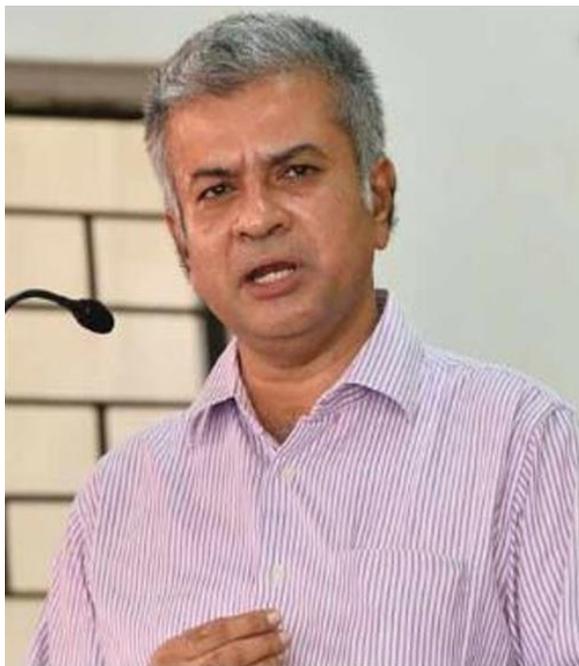
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### **Dr. Rinu Saraswat**

Associate Professor at School of Law, Apex University, Jaipur, M.A, LL.M, Ph.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

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E.MBA, LL.M, Ph.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University.

More than 25 Publications in renowned National and International Journals and has authored a Text book on Cr.P.C and Juvenile Delinquency law.

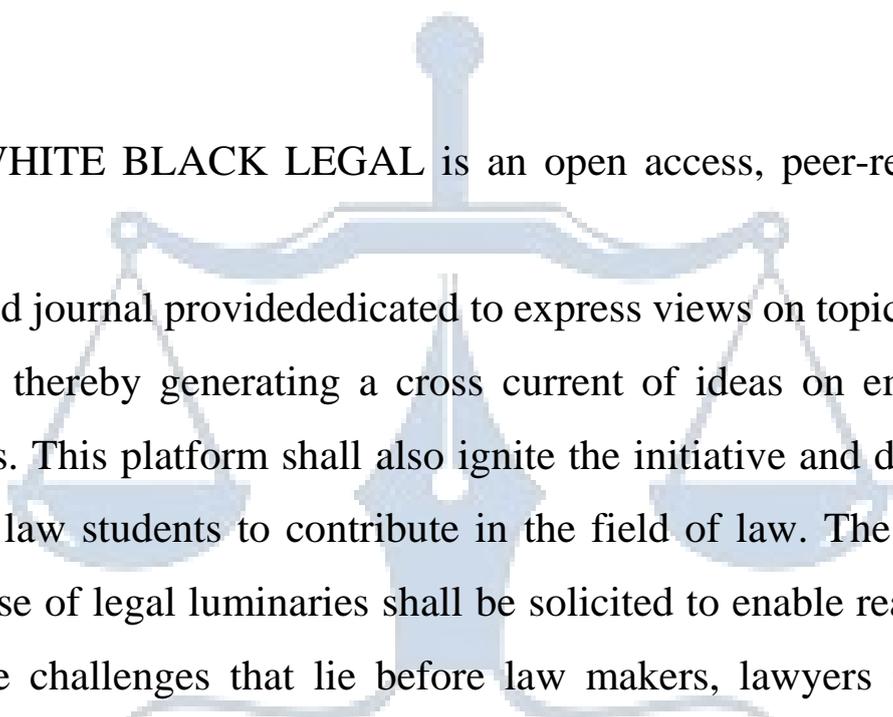


### **Subhrajit Chanda**

BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

## ***ABOUT US***



WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

# **FEDERALISM AND COALITION POLITICS IN INDIA**

AUTHORED BY - D HARI PRASADH

## **1. INTRODUCTION**

India is a boundless, complex and plural country with different ethnic groups struggling to coexist and achieve a measure of harmony and assimilation. In India there are several states which has the landscape of a nation There are linguistic diversity political fragmentation of society. One can find uneasy synchronism of several layers of India and the enormous immobility of the bulk of the Indian population. India furnished our constitution a federal appearance though with a unitary character. The political role of the states are shaping on their own governing which is very crucial in a federal state. The uniformity prescribed by the constitution, various laws and executive orders the rich diversity of the Indian union is reflected in the design of the political structure in the Indian states, Al though some differences exist.

## **2. Globalization and Indian states**

The various harangue on globalization and the states in India has become one of the major concerns among the law makers, intellectuals and social activists across the globe. since 1990 the debates have been taking place within the generous framework of the impact of globalization on Indian state at different levels. these debates reflect diverse positions by the concerned groups strengthening their positions with the help of facts and issues these debates are revolving around the pros and cons of the impact of globalization on Indian state. This is essentially rooted with the fact that globalization is an unending process and various issues and factors are coming to play their respective roles at various points of time in the process of the interaction between the forces of globalization and Indian states however, different views that are coming up the debate can be broadly divided into two group that are proponents and opponents of the process of globalization. Now the crucial question need to be delivered is whether the Indian states under globalization gets take captive by capital or is able to use capital to promote their competitiveness, growth and human development. Lot of literatures on Asia suggested that the state needs to play an independent role and lead capital and Labor rather than captured by it<sup>1</sup>.

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<sup>1</sup> INTERNATIONAL JOURNAL OF INTERDISCIPLINARY AND MULTI DISCIPLINARY STUDIES [IJIMS] 2017

### 3. WHAT IS FEDERALISM

Federalism is a form of government in which the same territory is controlled by two levels of government. Where the powers will be divided between the government of the central and the government of the state. It is an mechanism in which two sets of politics occurs one at the national level and the other at the regional level. The political principles that animate federal systems emphasize the primacy bargaining and negotiated coordination among several power centre they stress the virtues of dispersed power centre as a mean for safeguarding individual and local liberties.

#### 3.1 ETYMOLOGY OF THE WORD FEDERALISM

The word "Federalism" has been derived from the Latin word FOEDUS which means "Alliance, "Leagues", "Treaty", "pact". FOEDUS refers to states that joined together in agreement or pacts usually for defensive purpose.

#### 3.2 DEFINITION OF FEDERAL GOVERNMENT

**ACCORDING TO DIECY** - "A federal state is nothing but a political contrivance intended to reconcile national unity with the maintenance of state rights.

**ACCORDING TO MONTESQUIEU** - "A federal government is a convention by which several similar states agree to become members of a larger one

**ACCORDING TO FINER** - "A Federal state is one in which part of authority and power is vested in the local areas while another part is vested in a central institution deliberately constituted by an association of the local areas<sup>2</sup>.

#### 3.3 FEATURES OF FEDERALISM

##### 1. DIVISION OF POWER

Federalism involves the division of powers between the central government and regional government. The central government has powers that are enumerated in the constitution. such as defense, foreign affairs and currency. The regional government, often called states have their own set of powers that are not explicitly given to the central government<sup>3</sup>.

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<sup>2</sup> POLITICAL THEORY – R C AGARWAL

<sup>3</sup>CONSTITUTIONAL LAW OF INDIA – DR J N PANDEY

## **2. DUAL GOVERNMENT**

federalism establishes a dual government system where both central and state governments have their own spheres of authority. each level of government will exercise its power independently within its own jurisdiction this helps to prevent concentration of power and allows for more local decision making

## **3. WRITTEN CONSTITUTION**

Federalism is usually associated with a written constitution that delineates the power of the central and state. the constitution serves as a fundamental law that establishes the framework for the division of powers and functioning of the federal system. It also provides a mechanism for resolving disputes between the central and regional governments

## **4. SUPREMACY OF THE CONSTITUTION**

In a federal system, the constitution is the supreme law of the land and all levels of government must abide by it. the constitution outlines the powers and limitations of each government ensuring that neither the central nor regional governments can exceed their authority.

## **5. INDEPENDENT JUDICIARY**

Federalism requires an independent judiciary to interpret the constitution and resolve disputes between the central and regional governments. The judiciary acts as a check on the powers of both levels of government, ensuring that they adhere to the constitutional framework and respect each other's authority.

## **6. COOPERATIVE RELATIONS**

Federalism promotes cooperative relations between the central and state governments. while each level of government has its own independent powers, they often need to work together to address the common issues and challenges. cooperative federalism encourages collaboration and coordination between different levels of government to achieve goals

## **7. FLEXIBILITY AND ADAPTABILITY**

Federalism allows for flexibility and adaptability in governance, as regions have the authority to make decisions within their jurisdiction, they can respond more effectively to local needs and preferences, this flexibility enables experimentation with different policies and approaches, fostering innovation and progress.

## 8. PROTECTION OF REGIONAL INTERESTS

Federalism provides a mechanism for protecting regional interests and maintaining diversity within the country. state government have the ability to address the local needs and concerns, allowing for tailored policies and governance. this helps to accommodate the diverse, cultural, linguistic and economic characteristics of different regions within a country .

### 3.4 THE CONSTITUENT ASSEMBLY DEBATE

Honorable member of the constituent assembly **SHRI BRAJESHWAR PRASAD** added that " I feel that our notions about power must be revised we have not got proper appreciation of the difficulties of the problem of power. power must have some relation with the facts and with the political situation prevailing in the country. The facts of Indian life cannot be ignored. In India the danger is not the arbitrary power being vested in the central, the danger is an Indian history will bear ample testimony to it, that fissiparous tendencies may gather momentum and as in the past they have led to the downfall of empires and kingdoms may lead to us to some fate. I feel that if Indian unity is to be attained, if the danger of innumerable Pakistanis being set up in this country is to be averted, this power must be within the powers of the president. He further added that, "If this power is not vested in the hands of the centre, the provincial government will go on acting without caring the authority of the central government. Dr. Ambedkar has referred to the case of the food situation Punjab government refused to fall in line with the food policy of the government of India. why go so far even today it had been brought to our notice birds whisper to our ears that there are recalcitrant prime ministers today who refuse to conform the directions issued by the government of India. This tendency must be checked, or else Indian nationalization will not have future. Today the situation prevailing in east Punjab is prevailing in west Bengal the situation prevailing to the same extent in other provinces as well are of a dangerous character and if this power is not vested in the hand of the government of India there is no future for this country.

The constituent Assembly decided not to give Autonomy to the state because in the interest of the unity and integrity if the country. The Honorable member of the constituent assembly **SHRI B. DAS** are can probably never be improved upon, when it comes to expressing the option of the constituent assembly members, as far as autonomy for the states is concerned. His legendary words were "It [Article371] gives the government of India general powers to tighten the control over the states which are no more autonomous today , and which were never autonomous and never will be autonomous under the constitution . Later another Honorable member of the

constituent assembly of India **SETH DAMODAR SWARUP** emphatically stated that "our constitutional structure is federal in name but so far as the administrative sphere is concerned" it has become completely unitary structure<sup>4</sup>.

### 3.5 FEDERAL STRUCTURE IN INDIA

India got independence in 1947, and the frame work of the constitution have been finalized by constituent assembly in 1949 and came into effect on 1950. The constitution is something like hybrid constitution. It is a federal constitution but it has started from the top not from the bottom as all federations should start. It is the centre delegating some of its power to the federating units not that the federating units who are enjoying the sovereign powers are surrendering some of their sovereign powers to the centre as was the case in USA. India is a parliamentary form of government which consist of 28 states and 8 union territories. where many languages were spoken among the people. These states are divided on the linguistic basis for vibrant administration and for achieving goal of democracy. If we go through the Indian constitution the fact is the term federal has not been expressed in the constitution but the working of Indian majority rule government is basically federal in structure. The framers of the constitution and statesman appeared to have been virtually unanimous on the need for a strong central government. Article 1 of the Indian constitution says that the nation is the union of states, and it imagined that India has a strong centre Dr. B.R Ambedkar, the chairman of the drafting committee of the Indian constitution said that the use of the word "union" was in desperation. The drafting committee wanted to make it clear that India was to be a federation. The Indian federal system unlike the other federal nations. It is focused more on the union. The distributions of powers between the union and the regions are made as the union was given more weight in the plot of distribution of powers in this situation we can recognize that why Granville Austin desires to use the term Indian federalism as cooperative federalism which produces a brawny central government, it does not necessarily result in weak provincial governments that are largely administrative agencies for central policies. the central order is more visible than the state image Indian federalism is the simultaneously two processes the unionization process and the regionalization process. the basic gist of federalism is the notion of two or more orders of government combining the elements of 'shared rule' for some purpose and regional 'self rule' for others. It is based on the objective of combining unity and diversity

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<sup>4</sup> WORLD CONSTITUTIONS JUNE L DSOUZA

At the time of one party's domination that is after the independence Indian national congress as political party ruled over the country the concept of cooperative federalism came up which reflects the relationship between centre and state where they both come together and conclude the common problems with the unity they help each other and had cooperation among them. with the engaged efforts at different levels of governments in an cordial manner, which contributes towards the improvement of the country. It is something which creates horizontal relationship among the union the states. To maintain the prosperous relationship among the central and state Indian constitution has blended certain instruments for instance 7th schedule were three list were enlisted they are the central list, state list and the concurrent list and the zonal council and the inter - state council. subsequent to cooperative federalism the concept of competitive federalism sprang up. Then there was antagonism arises among the states and the centre and states. A new duress began to appear among the center and states which is known as in form of dialogue, Debate and conference. In place of majority -minority disorder, a new sense of equal partnership emerged 'which led Rajni Kothari' to remark issue of federalism is gaining importance after a long period of ups and downs in the Indian politics the reality of growing regionalization in politics could be seen<sup>5</sup>.

The concept of competitive federalism is driving the Indian states to rush in reforms to make an easy way for doing business in their state and expediting the pending project clearances. They started autonomous project off course with the procedures to attract more investment for development of their state directly .Hence aloft competitive federalism each state have autonomy to work for their own improvement by competing with other states.

### **3.6 THE FEDERAL PROVISIONS OF INDIAN CONSTITUTION**

Indian constitution establishes dual polity Article 1 read with part v and part vi

**ARTICLE 1** of the Indian constitution - India, that is Bharat shall be a union of states

**ARTICLE 79** of the Indian constitution - There shall be a parliament for the union which shall consist of the president and two houses to be known respectively as the council of states and the house of people.

from this article it can be very well known that the parliament is constituted with Rajya Sabha and Lok Sabha, The Rajya Sabha is assigned to function as a representative body for the states

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<sup>5</sup> INTERNATIONAL JOURNAL OF INTERDISCIPLINARY AND MULTI DISCIPLINARY STUDIES [IJIMS]2017 VOLUME4

in the federal system

**ARTICLE 131** of the Indian constitution - subject to the provisions of this constitution, the supreme court shall, to the exclusion of any court, have original jurisdiction in any dispute -

- a) between the government of India and one or more states
- b) between the government of India and any state or states on one side and one or more other states on the other; or
- c) between two or more states from this article we can observe is that the Supreme court of India is independent and is the sole arbitrator of disputes between the federal constituents that is the central and state.

**ARTICLE 246** of the Indian constitution -**subject matter of laws made by parliament and by the legislatures of states** -

246[1] of the constitution says parliament has exclusive power to make laws with respect to any of the matters enumerated in list 1 that is union list in the seventh schedule

246[2] of constitution says parliament and state legislature also have power to make laws enumerated in the list III of the seventh schedule that is concurrent list

246[3] of constitution says the legislature of the state has exclusive power to make laws for such state or any part thereof with respect to any matters enumerated in list II in the seventh schedule that is state list

**ARTICLE 368** of the Indian constitution - **power of parliament to amend the constitution and procedure thereof**

it says about the amendment of constitution in which constitution can be amended with the concurrence of at least half of the state legislatures

### **3.7 FAMOUS CASE LAW DEALS WITH FEDERALISM**

The supreme court of India observed that Indian constitution is basically federal in form. It includes the traditional characteristic of the federalism such as supremacy of the constitution, distribution of powers between the union and the state and existence of the independent judiciary.

**IN KESHAVNAND BHARATI CASE** - The supreme court concluded that federalism is one of the basic features of the constitution of India under the concept of Basic structure Theory<sup>6</sup>.

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<sup>6</sup> CONSTITUTIONAL LAW OF INDIA – DR J N PANDEY

## **S.R BOMMAI V. UNION OF INDIA 1994 AIR 1918**

The supreme of India concluded that federalism like secularism is a basic feature of the constitution. In this case the court had said the following

"A Conspectus of the provision of our constitution will indicate that, whatever appearance of a federal structure our constitution may have, its operation are certainly, judged both by the contents of power of which a number of its provisions carry with them and the use that has been made of them more unitary than federal.

After tracing the history of the governance of the country under the British rule till the framing of our constitution, the court proceeded to add is follows;

"The feature of the constitution is the establishment of a government for governing the entire country. In doing so the constitution prescribes the powers of the central government and the powers of the state government and the relations between the two. In sense, if the word "federation" can be used at all it is a federation of various states which were designated under the constitution for the purpose of efficient administration and the governance of the country. The powers of centre and states are demarcated under the constitution. It is futile to suggest that the states are independent, sovereign or autonomous units which had joined federation under certain conditions. No such state ever existed<sup>7</sup>.

## **4. WHAT IS COALITION POLITICS**

Coalition politics is an essential feature of a multi-party government where several political party clubs together to run a government. **F.A. OGG Defines coalition in political sense as** "A cooperative Arrangement under which Distinct political parties or at all events members of such parties unite to form a Government or a Ministry"<sup>8</sup>.

### **4.1 ETYMOLOGY OF COALITION**

The term coalition has been derived from the Latin word **COALITIO** which means to grow together, thus coalition means the act of uniting parts into one body or whole, politically it means an alliance of distinct political parties. Coalition usually occurs in modern parliaments when no single party attains the majority to form the government

Again coalition politics can be tactical, in case of tactical coalition, there may be one party in

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<sup>7</sup> CONSTITUTIONAL LAW OF INDIA – DR J N PANDEY

S R BOMMAI V. UNION OF INDIA 1994 AIR 1918

<sup>8</sup> POLITICAL THEORY – R C AGARWAL

power but certain other parties support the ruling party from outside

#### **4.2 FEATURES OF COALITION GOVERNMENT**

1. coalitions are formed for the sake of some reward, material or psychic
2. A coalition implies the existence of at least two parties.
3. The underlying principle of a coalition system stands on the simple fact of temporary conjunction of specific interest.
4. Coalition politics is not a static but a dynamic affair as coalition players and groups dissolve and form new ones.
5. The key note of coalition politics is compromise, and rigid dogma has no place in it.
6. A coalition government works on the basis of a minimum programme, which may not be ideal for each partner.
7. Pragmatism and ideology is the hallmark of coalition politics. In making political adjustments, principles may have to be set aside.
8. The purpose of a coalition adjustment is to seize power.

#### **There can be two types of coalition government - pre poll and post poll**

In a pre poll coalition several parties or groups come together in elections on the basis of an agreed policies and agenda. If such a coalition group secures a majority of seats, it forms a government consisting of representatives from the parties joining the coalition. A post - poll coalition is formed when no party is in a position to obtain absolute majority to form the government, In such the case, a coalition group or alliance is formed to constitute the government.

#### **4.3 MERITS OF THE COALITION GOVERNMENT**

1. There is an accommodation of diverse interests in the functioning of the government. A coalition government acts as a channel to meet the expectations and redress the grievances of different groups
2. A coalition government is more representative in nature and it better reflects the popular opinion of the electorate. It also represents a much more spectrum than the single -party government.
3. A coalition government comprises different political parties having their own ideologies or agendas. But the government policy requires the concurrence of all the coalition partners. Therefore coalition government leads to consensus based politics.

4. Coalition politics strengthen the federal fabric because a coalition government is more sensitive and responsive to the regional demands and concern than the single -party government.
5. A coalition government reduces Tyranny of government Because of reduced domination of of a single political party in the functioning of the government. All the members of the coalition participate in the political decision making in which the decisions made are more balanced.<sup>9</sup>

#### **4.4 DEMERITS OF THE COALITION GOVERNMENT**

1. They are unstable or prone to instability. The difference of opinion among the coalition partners on policy issues leading to the collapse of the government.
2. Leadership of the prime minister is a principle of parliamentary form of government. This principle is curtailed in a coalition government as the prime minister is required to consult the coalition partner before making any major - decisions. The critics have called them as super prime minister or ultra prime minister.
3. The steering committee or the coordination committee of the coalition partners as the "Super -cabinet", and there by it undermines the role and position of the cabinet in the functioning of the governmental machinery.
4. There is a possibility of the smaller constituents of the coalition government playing the role of a "King -Maker". They demand more than their strength in the parliament.
5. The leaders of regional parties bring in the regional factors in the national decision making. They pressurize the central executive to act on their favor otherwise, they would threaten to withdraw from the coalition.
6. The size of the council ministers of a coalition government is generally quite large. This is because the ministry has to reflect all the constituent of the coalition
7. The members of coalition governments will not assume responsibility for the administrative failures and lapses. They play blame games and there by escape from the both collective responsibility as well as individual responsibility.

#### **4.4 COALITION POLITICS IN INDIA**

The history of coalition politics in India can be hounded to pre independence period in 1946

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<sup>9</sup> POLITICAL THEORY R C AGARWAL  
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an stopgap government was formed with 14 representatives from congress, Muslim league Akali Dal and such was formed. After independence from 1952 - 1967 there was congress party dominance for that period of time. The course of generous of Indian politics underwent substantial changes after the Fourth General election in 1967 when the congress party faced confrontation with non - congress party. Several regional non congress party started forming in the country and there seen a commencement of crucial role was performance in Indian politics done by the regional parties. From 1969 the national party faced a backflow in forming the majority government in the centre. The general election in 1967 lay bare the tension areas of the Indian federal system. The DMK [Dravida Munnetra Kazhagam] party formed government in 1967 was the first non -congress party formed majority government in Tamil Nadu. then the Left Front in west Bengal raised their eyebrow regarding 'Fiscal imbalance', 'central misrule', 'Politics of planning', 'Impartial governor ' and 'fair deal ' to the states. These could not disturb the political balance till the congress had majority and there was lack of understanding among the non- congress opposition parties. After the removal of state Emergency by Indra Gandhi There was an election in the year 1977 in which a coalition was formed led by Moraji Desai Janata coalition won the election at national level coalition government was formed for the first time in the Indian politics. It readjusted the federal system but it could not sweet the victory as the non -congress based coalition was failed. During the Janata party rule at the centre the rise of new regional parties and the existing tirade against central dominance could experience the demand for autonomy by the states like Tamil Nadu, West Bengal, Punjab, Jammu & Kashmir. The political scenario in the country was changed in the year 1989 which was said to be the coalition juncture or it is a multiparty system in which no national party can't attain the majority and formation of government at centre was questionable and with the help of the regional party the government was formed. The three coalition government was formed First by V.P Singh's national front secondly the united fronts led by H.D Deva Gowda In 1996 and I.K Gujral in 1997 were led by Janata dal as this coalition doesn't continue to rule as due to Internal complications and absence of adequate mechanism, the government disclosed it's instability and this heavily affected the federal system. The political scenario of the country was drastically changed and congress had a symbolic presence with decline percentage of the country under its control. After the failure of the Janata Dal in 1996 and 1997, An strong alliance was formed by the name National Democratic Alliance [NDA] which was led by the BJP [BHARATHIYA JANATA PARTY] with the help of some regional parties opposed against the congress led united progressive alliance in which the BJP led NDA Won the election in 1999 and formed the government at the centre. It was the first

time an coalition government was formed and successfully finished its full five year tenure. Which made the functioning of federal system in India. Even in the state politics coalition government becomes an eminent one to ascent the rule. The recent Lok Sabha election was held in 2024 in which the BJP led NDA alliance formed the government with the help of regional parties like Telugu Desam party in Andhra Pradesh led by Chandra babu Naidu and Nitish Kumar lead Janata dal helped the NDA to form the government at the centre. The recent scenario in the state Tamil Nadu which is in motion towards its first coalition government rule by the 2026 election.

## 5. GLOBALIZED WORLD COALITION POLITICS AND FEDERAL GOVERNMENT IN INDIA

The federal government's new economic reform of the nineties have also given another sling shot to the federalization thrust. As these reforms aims to layout the Indian economy to the global level have serious Innuendo for the states' economics and electoral opulence. The regional leaders came into the front line into the mode of demanding partnership in the federal policy making processes that concern the multilateral arrangements with the international organization like IMF [International monetary fund] and world bank and WTO [World trade organisation] The inter -regional competition has come to mark the behavior of the regional government to their strive to attract huge foreign investment. Globalization does lay out chance for the acceleration of economic development leading to enhancement in the quality of the life which give access to new technologies besides the promotion of great democratic decentralization.

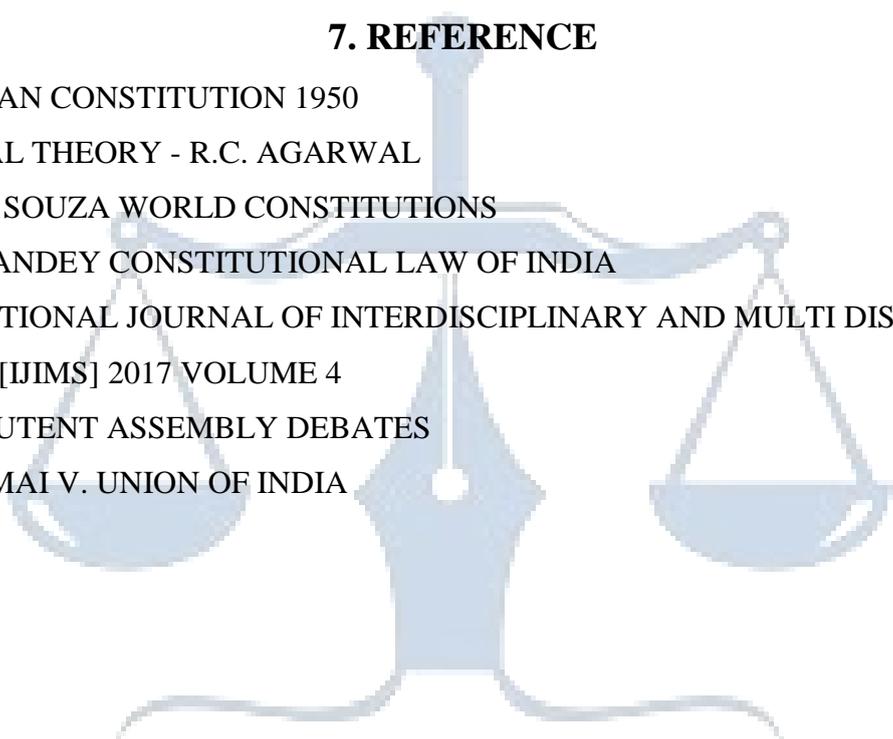
The tension between the forces of globalization and democratic governance is well captured by **DAVID HELD** when he submitted that the idea of democracy as a nationally bounded political system is under threat today many parts of the world are increasing their voices of demand for the rule of the people at the national level . The new tension arises is the question that a nation state can have determination on its self which is the notion of the democratic governance. The impact of globalization has not uniformity and varies according to the states. It is showing that not all the states are equally divided in the global economy. Sovereignty involves the "the entitlement to rule over a bounded territory, state autonomy refers to the actual power the nation state possesses to articulate and achieve policy goals independently.

## 6. CONCLUSION

From this it is concluded that in various supreme court Judgments it is said that constitution of India has the features of the federalism and the coalition politics sometimes can be seen as the savior of the federal set up of the Indian politics, At the same time coalition is also seen as the threat to the federal structure of the Indian constitution. Even though Indian constitution have some federal features it has been over shadowed by the unitary features like absolute power to the centre because to safe guard the unity and integrity among the Indians.

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