

F E D E R A L I S M

Federalism: Federalism is a system of government in which the power is divided between a central authority and various constituent units of the country. Usually, a federation has two levels of government. One is the government for the entire country that is usually responsible for a few subjects of common national interest. The others are governments at the level of provinces or states that look after much of the day-to-day administering of their state. Both these levels of governments enjoy their power independent of the other.

Key Features of Federalism :

1. There are two or more levels (or tiers) of government.
2. Different tiers of government govern the same citizens, but each tier has its own jurisdiction in specific matters of legislation, taxation and administration.
3. The jurisdictions of the respective levels or tiers of government are specified in the constitution. So the existence and authority of each tier of government is constitutionally guaranteed.
4. The fundamental provisions of the constitution cannot be unilaterally changed by one level of government. Such changes require the consent of both the levels of government.
5. Courts have the power to interpret the constitution and the powers of different levels of government. The highest court acts as an umpire if disputes arise between different levels of government in the exercise of their respective powers.
6. Sources of revenue for each level of government are clearly specified to ensure its financial autonomy.
7. The federal system thus has dual objectives: to safeguard and promote unity of the country, while at the same time accommodate regional diversity.

Therefore, two aspects are crucial for the institutions and practice of federalism. Governments at different levels should agree to some rules of power sharing. They should also trust that each would abide by its part of the agreement. An ideal federal system has both aspects : mutual trust and agreement to live together.

Balance of Power: The exact balance of power between the central and the state government varies from one federation to another. This balance depends mainly on the historical context in which the federation was formed.

There are two kinds of routes through which federations have been formed. The first route involves independent States coming together on their own to form a bigger unit, so that by pooling sovereignty and retaining identity they can increase their security. This type of 'coming together' federations include the USA, Switzerland and Australia. In this first category of federations, all the constituent States usually have equal power and are strong vis-à-vis the federal government.

The second route is where a large country decides to divide its power between the constituent States and the national government. India, Spain and Belgium are examples of this kind of 'holding together' federations. In this second category, the central government tends to be more powerful vis-à-vis the States. Very often different constituent units of the federation have unequal powers. Some units are granted special powers.

The Indian Federation:

India had emerged as an independent nation after a painful and bloody partition. Soon after Independence, several princely states became a part of the country. The Constitution declared

India as a Union of States. Although it did not use the word federation, the Indian Union is based on the principles of federalism.

The Constitution originally provided for a two-tier system of government, the Union Government or what we call the Central Government, representing the Union of India and the State governments. Later, a third tier of federalism was added in the form of Panchayats and Municipalities.

List of Jurisdiction:

- **Union List** includes subjects of national importance such as defence of the country, foreign affairs, banking, communications and currency. They are included in this list because we need a uniform policy on these matters throughout the country. The Union Government alone can make laws relating to the subjects mentioned in the Union List.
- **State List** contains subjects of State and local importance such as police, trade, commerce, agriculture and irrigation. The State Governments alone can make laws relating to the subjects mentioned in the State List.
- **Concurrent List** includes subjects of common interest to both the Union Government as well as the State Governments, such as education, forest, trade unions, marriage, adoption and succession. Both the Union as well as the State Governments can make laws on the subjects mentioned in this list. If their laws conflict with each other, the law made by the Union Government will prevail.
- **Residuary List:** Anything out of purview of above mentioned list is taken as residuary subject. Union Government has the power to legislate on these subjects.
- **Special Status:** Jammu and Kashmir has its own Constitution. Many provisions of the Indian Constitution are not applicable to this State without the approval of the State Assembly. Indians who are not permanent residents of this State cannot buy land or house here. Similar special provisions exist for some other States of India as well.
- **Union Territories:** There are some units of the Indian Union which enjoy very little power. These are areas which are too small to become an independent State but which could not be merged with any of the existing States. These areas, like Chandigarh, or Lakshadweep or the capital city of Delhi, are called Union Territories. These territories do not have the powers of a State. The Central Government has special powers in running these areas.

This sharing of power between the Union Government and the State governments is basic to the structure of the Constitution. It is not easy to make changes to this power sharing arrangement. The Parliament cannot on its own change this arrangement. Any change to it has to be first passed by both the Houses of Parliament with at least two-thirds majority. Then it has to be ratified by the legislatures of at least half of the total States.

Reasons for Success of Federalism in India

Linguistic States: The creation of Linguistic States was the first and a major test for democratic politics in our country. Since independence, many old States have vanished and many new States have been created. Areas, boundaries and names of the States have been changed. In 1947, the boundaries of several old States of India were changed in order to create new States. This was done to ensure that people who spoke the same language lived in the same State. Some States were created not on the basis of language but to recognise differences based on culture, ethnicity

or geography. These include States like Nagaland, Uttarakhand and Jharkhand. Experience has shown that the formation of linguistic States has actually made the country, more united. It has also made administration easier.

Language policy

A second test for Indian federation is the language policy. Our Constitution did not give the status of national language to any one language. Hindi was identified as the official language. But Hindi is the mother tongue of only about 40 per cent of Indians. Therefore, there were many safeguards to protect other languages. Besides Hindi, there are 21 other languages recognised as Scheduled Languages by the Constitution.

Promotion of Hindi continues to be the official policy of the Government of India. Promotion does not mean that the Central Government can impose Hindi on States where people speak a different language. The flexibility shown by Indian political leaders helped our country avoid the kind of situation that Sri Lanka finds itself in.

Centre-State relations

Restructuring the Centre-State relations is one more way in which federalism has been strengthened in practice.

Situation During Congress Monopoly: For major part of the country same party was in power in both centre and state. As a result state governments were not in a position to enjoy their rights. Whenever, there was a different party in power in a particular state, central government tried to undermine its influence. Constitution was usually misused to topple unfriendly government in those states.

Situation in the Era of Coalition Government: After 1989 pattern has shifted to multi-party coalition government at the centre. As a result a new culture of power sharing and respect for the autonomy of State Governments has developed. It can be said that now the federalism is more developed in India.

Linguistic diversity of India

As per the latest Census Report, 1991 of India held in 1991 there are 1500 distinct languages. These languages were grouped together under some major languages. For example languages like Bhojpuri, Magadhi, Bundelkhandi, Chhattisgarhi, Rajasthani, Bhili and many others were grouped together under 'Hindi'. Even after this grouping, the Census found 114 major languages. Of these 22 languages are now included in the Eighth Schedule of the Indian Constitution and are therefore called 'Scheduled Languages'. Others are called 'non- Scheduled Languages'. In terms of languages, India is perhaps the most diverse country in the world.

Decentralisation in India:

A vast country like India cannot be run only through two-tiers of government as discussed above. States in India are as large as independent countries of Europe. In terms of population, Uttar Pradesh is bigger than Russia, Maharashtra is about as big as Germany. Many of these States are internally very diverse in terms of dialects or local languages spoken, in terms of eating habits and cultures.

So, federal power sharing in India needs another tier of government, below that of the State governments. This is the rationale for decentralisation of power. The basic idea behind decentralisation is that there are a large number of problems and issues which are best settled at the local level. People have better knowledge of problems in their localities. They also have better

ideas on where to spend money and how to manage things more efficiently. Besides, at the local level it is possible for the people to directly participate in decision making. This helps to inculcate a habit of democratic participation. Local government is the best way to realise one important principle of democracy, namely local self-government.

A major step towards decentralisation was taken in 1992. The Constitution was amended to make the third-tier of democracy more powerful and effective.

- Now it is constitutionally mandatory to hold regular elections to local government bodies.
- Seats are reserved in the elected bodies and the executive heads of these institutions for the Scheduled Castes, Scheduled Tribes and Other Backward Classes.
- At least one-third of all positions are reserved for women.
- An independent institution called the State Election Commission has been created in each State to conduct panchayat and municipal elections.
- The State governments are required to share some powers and revenue with local government bodies. The nature of sharing varies from State to State. Rural local government is popularly known by the name panchayati raj. Each village, or a group of villages in some States, has a gram panchayat. This is a council consisting of several ward members, often called panch, and a president or sarpanch. They are directly elected by all the adult population living in that ward or village. It is the decision-making body for the entire village. The panchayat works under the overall supervision of the gram sabha. All the voters in the village are its members. It has to meet at least twice or thrice in a year to approve the annual budget of the gram panchayat and to review the performance of the gram panchayat.
- The local government structure goes right up to the district level. A few gram panchayats are grouped together to form what is usually called a panchayat samiti or block or mandal. The members of this representative body are elected by all the panchayat members in that area. All the panchayat samitis or mandals in a district together constitute the zilla (district) parishad. Most members of the zilla parishad are elected. Members of the Lok Sabha and MLAs of that district and some other officials of other district level bodies are also its members. Zilla parishad chairperson is the political head of the zilla parishad.

Similarly, local government bodies exist for urban areas as well. Municipalities are set up in towns. Big cities are constituted into municipal corporations. Both municipalities and municipal corporations are controlled by elected bodies consisting of people's representatives. Municipal chairperson is the political head of the municipality. In a municipal corporation such an officer is called the mayor.

Democratic Politics

This new system of local government is the largest experiment in democracy conducted anywhere in the world. There are now about 36 lakh elected representatives in the panchayats and municipalities etc., all over the country. This number is bigger than the population of many countries in the world. Constitutional status for local government has helped to deepen democracy in our country. It has also increased women's representation and voice in our democracy. At the same time, there are many difficulties. While elections are held regularly and enthusiastically, gram sabhas are not held regularly. Most state governments have not transferred significant powers to the local governments. Nor have they given adequate resources. We are thus still a long way from realising the ideal of self-government.



Finish Line & Beyond