

## FEDERALISM

Q1: From the list of following events which ones would you identify with the functioning of federalism? Why?

- The Centre on Tuesday announced Sixth Schedule status to GNLF-led Darjeeling Gorkha Hill Council, which would ensure greater autonomy to the governing body in the Hill district of West Bengal. A tripartite Memorandum of Settlement was signed in New Delhi between the Centre, West Bengal government and the Subhas Ghising-led Gorkha National Liberation Front (GNLF) after two days of hectic deliberations.
- Government for action plan for rain-hit States: Centre has asked the rain-ravaged States to submit detailed plans for reconstruction to enable it to respond to their demands for extra relief expeditiously.
- New Commissioner for Delhi: The Capital is getting a new municipal commissioner. Confirming this, present MCD Commissioner Rakesh Mehta said he has received his transfer orders and that he is likely to be replaced by IAS officer Ashok Kumar, who is serving as the Chief Secretary in Arunachal Pradesh. Mehta, a 1975 batch IAS officer, has been heading the MCD for about three-and-a-half years.
- CU Status for Manipur University: Rajya Sabha on Wednesday passed a Bill to convert the Manipur University into a Central University with the Human Resource Development Minister promising such institutions in the North Eastern States of Arunachal Pradesh, Tripura and Sikkim as well.
- Funds released: The Centre has released Rs. 553 lakh to Arunachal Pradesh under its rural water supply scheme. The first instalment was of Rs. 466.81 lakh.
- We'll teach the Biharis how to live in Mumbai: Around 100 Shiv Sainiks stormed J. J. Hospital, disrupted daily operations, raised slogans and threatened to take matters into their own hands if no action was taken against non-Maharashtrian students.
- Demand for dismissal of Government: The Congress Legislature Party (CLP) in a representation submitted to State Governor recently, has demanded dismissal of the ruling Democratic Alliance of Nagaland (DAN) government for its alleged financial mismanagement and embezzlement of public money.
- NDA government asks naxalites to surrender arms: Amid a walkout by opposition RJD and its allies Congress and CPI (M), the Bihar government today appealed to the naxalites to shun the path of violence and reaffirmed its pledge to root out unemployment to usher in a new era of development in Bihar.

Q2: Think which of the following statements would be correct. State why.

- Federalism enhances the possibility of people from different regions to interact without the fear of one's culture being imposed upon them by others.
- Federal system will hinder easier economic transaction between two different regions that have distinct types of resources.
- A federal system will ensure that the powers of those at the centre will remain limited.

Q3: Based on the first few articles of Belgian constitution - given below - explain how federalism is visualised in that country. Try and write a similar Article for the Constitution of India.

Title I:            On Federal Belgium, its components and its territory.

Article 1:        Belgium is a Federal State made up of communities and regions.

Article 2:        Belgium is made up of three communities: The French Community, the Flemish Community and the German Community.

Article 3:        Belgium is made up of three regions: The Walloon region, the Flemish region and the Brussels region.

Article 4:        Belgium has four linguistic regions: The French-speaking region, the Dutch-speaking region, the bilingual region of Brussels Capital and the German-speaking region. Each «commune» (county borough) of the Kingdom is part of one of these linguistic regions.

Article 5:        The Walloon region is made up of the following provinces: The Walloon Brabant, Hainault, Liege, Luxemburg and Namur. The Flemish region is made up of the following provinces: Antwerp, the Flemish Brabant, West Flanders, East Flanders and Limburg.

Q4:     Imagine that you were to rewrite the provisions regarding federalism. Write an essay of not more than 300 words making your suggestions about:

- a. division of powers among the centre and the States,
- b. distribution of financial resources,
- c. methods of resolving inter-State disputes and
- d. appointment of Governors

Q5:     Which of the following should be the basis for formation of a State? Why?

- a. Common Language
- b. Common economic interests
- c. Common religion
- d. Administrative convenience

Q6:     List four features of the Indian Constitution that give greater power to the central government than the State government.

Q7:     Why are many States unhappy about the role of the Governor?

Q8:     President's rule can be imposed in a State if the government is not being run according to the provisions of the Constitution. State whether any of the following conditions are a fit case for imposition of President's rule in the State. Give reasons.

- i.    Two members of the State legislative assembly belonging to the main opposition party have been killed by criminals and the opposition is demanding dismissal of the State government.
- ii.   Kidnapping of young children for ransom is on rise. The number of crimes against women are increasing.

- iii. No political party has secured majority in the recent elections of the State Legislative Assembly. It is feared that some MLAs from the other parties may be lured to support a political party in return for money.
- iv. Different political parties are ruling in the State and at the centre and they are bitter opponents of each other.
- v. More than 2000 people have been killed in the communal riots.
- vi. In the water dispute between the two States, one State government refused to follow the decision of the Supreme Court.

Q9: What are the demands raised by States in their quest for greater autonomy?

Q10: Should some states be governed by special provisions?

Does this create resentment among other States? Does this help in forging greater unity among the regions of the country?

## Answers

Answer 1:

- Yes, the agreement between the centre, state government and the GNLF involves the functioning of a federal structure as it allows autonomy in governance at the state and provincial level.
- Yes, it involves the functioning of federalism because flood relief is undertaken by the states while being funded by the centre.
- No, it does not involve the functioning of federalism because this appointment reflects a centralised authority.
- No, it does not reflect a federal structure as a centralised university comes under the control of the central government.
- Yes, it involves the functioning of federalism as the centre is providing funds to the state of Arunachal Pradesh under its rural water supply scheme. The state can then make use of the funds for its own development.
- No, it does not involve the functioning of federalism because it is hampering the essence of federalism. The states have autonomy but they are tied in the bond fibered by the central power and are bound to work according to the instructions of the central government as it is superior to the state. This act of Shiv Sena is violation of citizen's rights as well as spirit of federalism.
- No, it does not involve the functioning of federalism as demand for the dismissal of a duly elected state government is an attack on the federal structure.
- Yes, it involves the functioning of federalism as the problem of naxalism is being tackled by government at state level.

Answer 2:

- The statement is correct because federalism provides unity while respecting the differences.
- The statement is incorrect because federal system is not a hindrance to trade and commerce..
- The statement is incorrect because while a federal system ensures that the powers of those at the centre are limited by dividing the subjects upon which they can make laws, in the Indian context, it has also provided for a strong central government.

Answer 3:

The federal structure of Belgium is based upon communities, regions and languages. There are three communities and regions and four linguistic regions in the country.

Title I:        On Federal India, its components and its territory.

Article 1:    India is a Federal State made up of communities and regions.

Article 2:    India has more than 20 major languages and several hundred minor languages.

Article 3:    India has many religions.

Article 4:    India is divided into 28 states and 7 union territories.

Article 5: India has two separate levels of government, one at the centre and another at the state level. The power of the central government is greater than that of the state government.

Article 6: India has a judiciary that is the most powerful and independent.

Answer 4:

#### Our Federal India

The powers of the central and state government should be separated where the states enjoy their autonomy and the central government has the advantage of having more power than that of the state government.

Agriculture, employment, infrastructure and public health should come into concurrent list.

Water distribution should come into Union List.

Residuary power of the Union legislature should be expanded and be flexible according to the need. The union legislature has to legally explain its decision and steps on exercising such power so that discrimination between states cannot take place.

The states should be formed on the basis of administrative convenience and geographical continuity.

The sources of revenue collection and the control of the resources should be in the hand of the central government. However, the states should be free to set up enterprises that attract investment locally.

The central government has to take initiative to resolve interstate disputes in a time bound manner and the order of the Supreme Court would be final in this regard. Incitement of regional bias during inter-state disputes should be made a cognizable offence.

The governor should be appointed by the central government in consultation with the state government. This would prevent the misuse of the office of the governor. The candidate for the post of the Governor should not be from political background. The conditions for the imposition of President's rule should be made very strict to prevent the abuse of this provision. State governments should have the right to challenge their dismissal in Supreme Court.

Answer 5:

d. Administrative convenience

Answer 6:

The four features of the Indian Constitution that give greater power to the central government than the State government are as follows:

- Power becomes lawfully centralised during emergency.
- Items that generate revenue are under the control of the central government.
- Planning Commission that controls and supervise the resources management of the states is appointed by the central government.

- The central government can delay the state legislation and can also examine the bills passed by the state legislature and completely veto them.

Answer 7:

Many states are unhappy about the role of the governor because the governor is appointed by the central government. Therefore, there is a possibility of the governor's office being used to control and remove the state government. The governor is not elected but appointed by the central government and can be a retired military officer, civil servant or politician. The governor can suspend the elected state government and can also dissolve the legislative assembly. The governor also has the power to reserve a bill passed by the state government for the assent of the President.

Answer 8:

- No. Killing of two members of the State legislative assembly belonging to the main opposition party by the criminals is not the basis for removal of the state government as it is a law and order problem.
- No. Rise in kidnapping of young children for ransom and the number of crimes against women is a law and order problem but does not represent a breakdown of the Constitution.
- No. President's rule cannot be imposed in a state without giving the largest political party or alliance a chance to prove their majority on the floor of legislative assembly.
- No. Ruling of two opponent and different political parties at the State and at the centre is not a criterion for implementing President's rule.
- Yes. If the state is inefficient to control the riots then President's Rule needs to be implemented as it represents a complete failure of the administration.
- Yes. If one state has refused to follow the decision of Supreme Court then it is a case of breakdown of constitutional order and fit for imposition of President's rule.

Answer 9:

There are four demands raised by States in their quest for greater autonomy that are as follows:

- Demand for separation of state and central power: Tamil Nadu, West Bengal and Punjab have demanded that more important powers should be assigned to the states.
- Financial autonomy: Some states have demanded for independent sources of revenue and greater control over resources.
- Administrative autonomy: States have demanded that the centre should not have control over the administrative machinery of the state.
- Cultural and Linguistic: Some states have demanded for autonomy on the basis of language and culture.

Answer 10:

It is essential that some states should be governed by the special provisions on the basis of historical, cultural and social circumstances and administrative requirements.

The north-eastern states, Jammu & Kashmir, the hilly state of Himachal Pradesh and some other states like Andhra Pradesh, Goa, Gujarat, Maharashtra and Sikkim are governed by special provisions. The special provisions are made according to the special requirements. For example, the north-eastern states of India have a unique history and tribal culture that needs to be protected.

This has created resentment among other states as there is a fear that these provisions would lead to separation in those areas. Many people oppose these provisions because they believe that there should be equal division of powers in federal state.

No, this does not forge greater unity among the regions of the country as it leads to a feeling of bias.