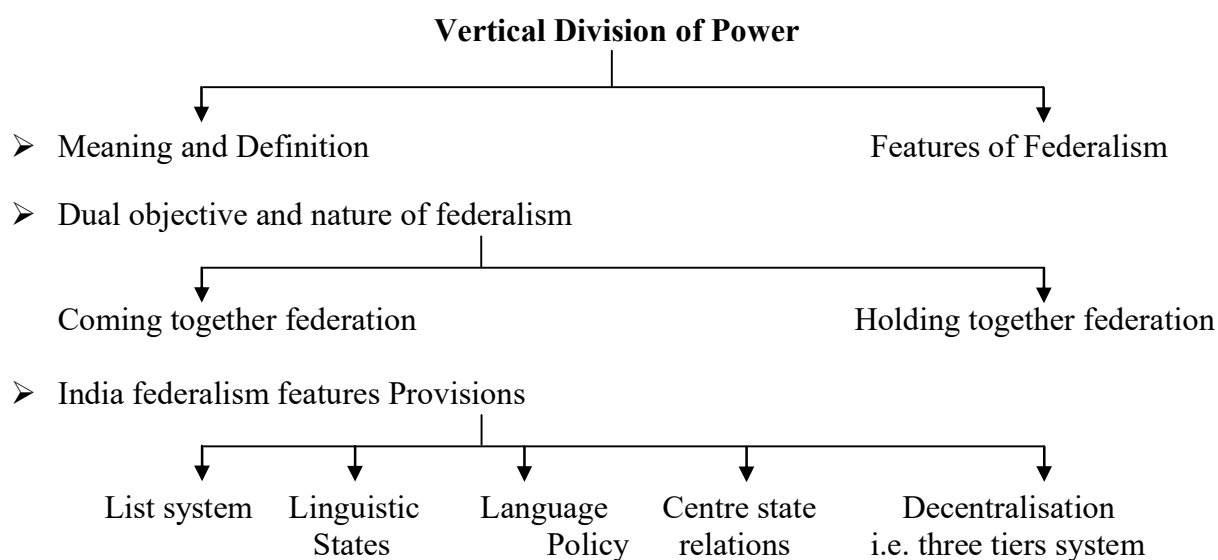


FEDERALISM

CHAPTER COVERAGE



What is Federalism

◆ Federalism :

It 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 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.

◆ Unitary System :

There is only one level of government or the sub units are subordinate to the central government. The central government can pass an order to the provincial or the local government. But in a federal system, the central government cannot order the state government to do something. State government has powers of its own for which it is not answerable to the central government.

◆ Features of Federalism :

1. **Two level of Government** : In the federalism there are two or more levels at the provincial or state level.

-
2. **Distribution of power :** In federalism different tiers of government govern the same citizen, but each tier has its own jurisdiction in specific matters of legislation, taxation and administration.
 3. **Constitutional Status :** The jurisdictions are specified in the constitution. Authority of each tier of government is constitutionally guaranteed.
 4. **Equal Status :** 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. **Independent Judiciary :** Courts have the power to interpret the constitution and power of different levels of government.
 6. **Financial Autonomy :** Federalism provides specified sources of revenue for each level of government. Every level is free in its own way of imposing taxes and raising funds through remunerative enterprises.
 7. **Dual Objective :** Federal system has dual objective i.e. to safe guard and promote unity of the country. At the same time to accommodate regional diversity.

◆ **Routes through which federations have been formed :**

The exact balance of power between the central and the state government depends mainly on the historical context in which the federation was formed. There are two kinds of routes.

1. Coming together federation :

- (A) It is the first route of the formation of federalism. It involves independent states coming together on their own to form a bigger unit.
- (B) It tries to increase their security by pooling sovereignty and retaining identity.
- (C) All the constituent units usually have equal power.
- (D) Example - U.S.A., Switzerland, Australia.

2. Holding Together Federalism :

- (A) It is the second route of the formation of federalism where a large power or country decides to divide its power between the constituent states and national government.
- (B) The central government tends to be more powerful vis-a-vis the states.
- (C) Example - India, Belgium, Spain.

The constitution declared India as a union of states. Although it did not use the word federation. The Indian union is based on the principle of federalism.

The union government or the central government represents the Union of India and the state governments. Later a third tier of federation was added in the form of Panchayats and Municipalities. The constitution contains three lists.



India – A federal country

A federation is a political arrangement in which the activities of the government are divided between the central government and various state governments such that each level of the government has certain powers under its jurisdiction. The features of a federal government are :

- (i) **Division of Powers :** The most important feature of a federation is the division of powers between the central government and various state governments. The subjects of national importance are placed under central government's authority and subjects of regional and states' importance are placed under state government's authority.
- (ii) **Written and Rigid constitution :** The second feature of a federal government is that it has a written, rigid and a supreme constitution. Constitution is an agreement and it lays down the basic structure of government under which the people are to be governed. It is a rigid constitution in the sense that no changes can be made in it unless both the national and state government approve of the changes. The constitution is supreme which means that the central and state legislatures exercise their powers as specified by the constitution.
- (iii) **An independent Judiciary :** India has an independent judicial system. The Supreme Court of India has original powers and has the exclusive authority of settling disputes between the government of India and one or more states, or between two or more states.

(a) Division of Power :

The constitution clearly provides a three-fold distribution of legislative powers between the Union Government and the State Government.

1. Union list :

- (A) It includes subjects of national importance e.g. defence of the country, foreign affairs, communication and currency.
- (B) There is a uniform policy on these matters throughout the country.
- (C) The union government alone can make laws relating to the subjects mentioned in the union list.

2. State List :

- (A) It contains subjects of state and local importance e.g. Police, Trade, Commerce, agriculture and irrigation etc.
- (B) The state government alone can make laws relating to the subjects mentioned in the state list.

3. Concurrent List :

- (A) It includes subjects of common interest to both the union government as well as the state government- education, forest, trade unions, marriage, adoption and succession.
- (B) Both the union as well as the state government can make laws on the subjects mentioned in the list.
- (C) If their laws conflict with each other, the law made by the union government will prevail.

Subjects that do not fall in any of the three lists, or subjects like computer software that came upon after the constitution was made, the Union government has the power to legislate on these 'residuary' subjects.

All states in the Indian union do not have identical powers. Some states enjoy a special status. Jammu & 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 can not buy land or house here.

Areas like Chandigarh or Lakshdweep 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.

(b) Changes to Power Sharing Arrangement :

Sharing of power between the union government and the state government is basic to the structure of the constitution. It is not easy to make changes to this power sharing arrangement. The Parliament can not on its

own change 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 legislature of at least half of the total state.

In case of any dispute about the division of power, the High Court and the Supreme Court make a decision.

The judiciary plays an important role in overseeing the implementation of constitutional provisions and procedures. In case of any dispute about the division of powers, the High court and the Supreme Court makes a decision.

➤ **How is Federalism Practiced**

The real success of federalism in India can be attributed to the nature of democratic politics in our country. This ensured that the spirit of federalism, respect for diversity and desire for living together become a shared ideal in our country.

◆ **Linguistic States :**

Regarding federalism the first and a major test for democratic politics in our country was the creation of linguistic states. In 1947, the boundaries of several old states of India were changed to ensure that people who spoke the same language lived in the same state.

The formation of linguistic states has made the country more united and has also made the administration easier.

◆ **Language Policy :**

A second test for Indian federation is the language policy. In our constitution Hindi is identified as the official language. There are also 21 languages recognised as scheduled language by the constitution. A candidate in an examination conducted for the central government position may opt to take the examination in any of these languages. Much of the government work takes place in the official language of the concerned states.

◆ **Controversy over Hindi & English :**

1. According to the Constitution the use of English for official purposes was to stop in 1965.
2. Many non Hindi speaking states demanded that the use of English should continue. e.g. Tamil Nadu.
3. So the central government responded by agreeing to continue the use of English along with Hindi for official purposes.
4. Promotion of Hindi continues to be the official policy of the government of India but it does not mean that the central government can impose Hindi on a state where people speak a different language.

➤ **Centre State Relations**

Improving the centre state relation is one more way in which federalism has been strengthened in practice. Though Indian constitution has demarcated the powers of the union and state government but still the union government can have influence over the state in many ways.

In the past, central government has often misused the constitution to dismiss the state governments that were controlled by rival parties. This undermined the spirit of federalism and that of democracy.

The judiciary has played a major role in improving the autonomy of the state governments because many a times, it has reduced state government which were dismissed in an arbitrary manner.

➤ Decentralisation in India

Federal government have two tiers of government. A vast country like India cannot be run only through these two tiers. Federal Power sharing in India needs another tier of government, below that of the state government. This is the rationale for decentralisation of power. Thus resulted a third tier of government called local government.

◆ **Definition :** When power is taken away from central and state government and given to local government, it is called decentralisation.

- (A) The basic idea behind decentralisation is that there are a large number of problems and issues which are best settled at the local level.
- (B) People have better knowledge of problems in their localities.
- (C) People have better ideas on where to spend money and how to manage things more efficiently.
- (D) At the local level it is possible for the people to directly participate in decision making.
- (E) This helps to inculcate a habit of democratic participation.
- (F) Local government is the best way to realise the important principle of democracy, namely local self govt.

(a) Attempts to decentralise power :

Panchayats in villages and municipalities in Urban areas were setup in all the states.

◆ **A major steps towards decentralisation was taken in 1992.**

◆ **73rd Amendment Act :**

In 1992, 73rd Amendment Act, gave constitutional status to the Panchayati Raj institutions. It created the third tier of federalism in India, below the Central government level and the State government level. The objective of this Amendment was to make democracy more powerful and effective by giving power to the grassroots units of self-government.

The salient features of the Act -

- (i) To provide a 3-tier system of Panchayati Raj for all the States having a population of over 20 Lakhs.
- (ii) To hold Panchayat elections regularly every 5 years.
- (iii) To provide reservation of seats for Scheduled Castes, Scheduled Tribes and Women (not less than 33 %)
- (iv) To appoint State Finance Commission, to make recommendations as regards the financial powers of the Panchayats.
- (v) The constitute District Planning Committee to prepare draft development plan for the district as a whole.
- (vi) An independent institution called state Election Commission has been created in each state to conduct Panchayat and municipal election.
- (vii) The state governments are required to share some powers and revenue with local government bodies.

➤ Panchayati Raj

◆ **Working of rural local government :**

Under the 3-tier system of decentralization, Zila Parishad is the apex body at the district level. it is followed by Panchayat Samitis at the Block level as the second tier and is further followed by Gram Panchayats as the

third tier. Each village, generally, has a Gram Panchayat whose members are elected by the entire adult population of that village. A few Gram Panchayats are joined together to form a Panchayat Samiti or Block. The members of this representative body are elected by all the Panchayat members in that area. All the Panchayat Samitis in a district collectively make the Zila Parishad.

The State governments are required to share some powers and revenue with local government bodies.

- (A) 1. Each village, or a group of village in some state, has Gram Panchayat.
2. This is a council consisting Panch and President or Surpanch.
 3. They are directly elected by all the adult population living in that village.
 4. It is the decision making body for the entire village.
 5. The panchayat works under the overall supervision of the Gram Sabha, All the voters in the village are its member.
 6. It has to meet at least twice or thrice in a year to approve the annual budget and to review the performance of the Gram Panchayat.
- (B) 1. At the district level a few Gram Panchayats are grouped together to form Panchayat Samiti.
2. The member of this representative body elected by all the Panchayat member in that area.
- (C) 1. All the Panchayat Samiti in a district together constitute the Zila (district) Parishad. Most member of the Zila Parishad are elected.
2. Member of the Lok Sabha and MLAs of that district and some other officials of other district level bodies are also its members.
 3. Zila Parishad chair person is the political head of the Zila Parishad.
- (D) 1. Local government bodies exist for urban areas as well. Municipalities are step up in the towns. Big cities are constitutes into municipal corporations.
2. Both municipalities and municipal corporations are controlled by elected bodies consisting of people's representatives.
 3. Municipal chairperson is the political head of the municipality.
 4. In a municipal corporation such an officer is called Mayor.

◆ **Powers and responsibilities of Panchayats :**

According to the constitution, Panchayats shall be given power and authority in relation to following matters.

- (i) Preparation of plan for economic development and social justice for the village.
- (ii) Implementation of schemes for economic development of the villages.
- (iii) It will charge and collect all the due taxes, duties, tolls and fees.

◆ **Functions of Gram Sabha :**

The Gram Sabha has a key role for effective functioning of the Panchayats. In the Gram Sabha meetings, the rural poor, the women and the marginalized people get the opportunity to join in decision making on matters affecting their lives.

Following are the functions of the Gram Sabha :

- (i) Gram Sabha should meet at least once in each quarter preferably on Republic Day, Labour Day, Independence Day and Gandhi Jayanti.

- (ii) It should decide the developmental work which is to be carried out by Panchayats.
- (iii) It should suggest remedial measures for economy and efficiency in the functioning of the Panchayats.
- (iv) It should Question and examine the decisions of Panchayats in the meeting of Gram Sabha.
- (v) It should discuss the Annual Financial Statement of Gram Panchayats, and examine the revenues and expenditures incurred.

Demerits of local self Government :

- (i) Irregular Elections :** In most states, elections to Panchayats are irregular and uncertain leading to monopoly of the previously elected powers.
- (ii) Domination of Upper Caste :** The Panchayati Raj system is mostly dominated by the rich farmers, money lenders and upper caste people. that is why the new Panchayati Raj Act provides for reservation for SCs and STs in proportion to their population.
- (iii) Ignorance, Illiteracy and Poverty of the Villagers :** Ignorance about the rights is high among the village. Also illiteracy and poverty of the people lead to less enthusiasm about the Panchayati Raj system.
- (iv) Excessive official Control :** District officials interfere unnecessarily in the working of the Panchayats and also dissolve it or suspend it according to their will.
- (v) Lack of Adequate Funds :** A lot of money is needed for the developmental activities and the sources of income are limited. This leads to ill – functioning of the Panchayat system.

GLOSSARY

1. **Union list** : Subjects of national importance like defence, foreign affairs, atomic energy, banking, post and telegraph are included in the union list. The central government can pass law on the subjects mentioned in the union list.
2. **State List** : It comprises those important subjects on which the state government can pass law. Subjects like police, local government, trade and commerce within the state and agriculture are included in the state.
3. **Concurrent List** : It comprises the subjects which are of common concern both to the centre, and the state government. Both the government can from laws on these subject.
4. **Residuary Powers** : Matters which are not included in the division of powers are known as Residuary Powers.
5. **Tier System** : It is the system which signifies levels of government. It may be two level and three level.
6. **List System** : It is the distribution of powers through the list like union list for central level or state list for state level.
7. **Linguistic State** : The creation of states on the basis of language is known as Linguistic state.
8. **Unitary System** : It is a system of government in which either there is only one level of government or sub units are subordinate to the central government.
9. **Scheduled Language** : Languages which are listed in the list or schedule of the constitution are known as scheduled languages.
10. **Decentralisation** : When power is taken away from central and state government and given to Local Government it is called Decentralisation.