

10th - Federalism



The vertical division of power among different levels of government is one of the major forms of power sharing in modern democracies. It is most commonly regarded as Federalism. In this chapter, we are going to understand the theory and practice of federalism in India.

Concept of federalism: Federalism is a system of government in which the power is divided between a central authority and various constituent units of the country. A federation has two levels of government

- (i) One is the government for the entire country that is usually responsible for a few subjects of common national interest.
- (ii) The other is 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 each other. In this sense, federations are contrasted with unitary governments. Under the unitary system, either there is only one level of government or the sub-units are subordinate to the Central Government. The Central Government can pass on orders to the provincial or local governments. In a federal system, the Central Government cannot order the State Government to do something. The State Government has powers of its own for which it is not answerable to the Central Government. But both the governments are separately answerable to the people.

Key Feature of Federalism:

1. There are two or more levels or tiers of government.
2. Different tiers of government have their own jurisdiction regarding legislation, taxation and administration.
3. The existence and authority of each tier of government is constitutionally guaranteed. .
4. The changes in the fundamental provisions of the Constitution require the consent of both the levels of government.
5. Courts play a key role to interpret the Constitution and the power of different levels of government. The Supreme Court plays the role of an umpire.
6. Sources of revenue for each level of government are clearly mentioned to ensure its financial autonomy.
7. The federal system has dual objectives i.e., to safeguard and promote unity of the country.
8. At the same time it accommodates regional diversity. An ideal federal system of government must have mutual trust and agreement to live together.

Exact Balance of Power between Central and State Government: This balance depends mainly on the historical context in which the federation formed. Federations are formed in two ways

1. In the first type, states come together on their own to form a bigger unit and they have equal power and are equally strong vis-a-vis the federal government. They are coming together so that by pooling sovereignty and retaining identity, they can increase their security. USA, Switzerland and Australia are coming together federations.
2. In the second type, the Central Government tends to be more powerful vis-a-vis the states. Here, a large country decides to divide its power between the constituent states and the National Government. India, Spain and Belgium are examples of holding together federations.



10th - Federalism



India as a federal country: India had emerged as an independent nation after a painful and bloody partition. Early 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.

Two-Tier System of Government: The Constitution originally provided a two-tier system of government

1. The Union Government or Central Government
2. The State Government

Three-Tier System of Government: A third tier of federalism was added later in the form of Panchayats and Municipalities. The Constitution clearly provided a three-fold distribution of legislative powers between the Union Government and the state Government. It contains three Lists

1. **Union List:** It includes subjects of national importance like defence, foreign affairs, banking, communications and currency as we need a uniform policies on these matters throughout the country. The Union Government alone can make laws relating to the subjects mentioned in the Union list.

2. **State List:** It contains subjects of state and local importance like police, trade, commerce, agriculture and irrigation. The State Government alone can make laws relating to the subjects mentioned in the State list.

3. **Concurrent List:** It includes subjects of common interest to both the Union and the State Government like education, forest, trade unions, marriage, adoption and succession. Both the Union and the State Government can make laws on these subjects.

If their laws conflict with each other, the law made by the Union Government will prevail. The left over subjects which do not fall in any three lists viz Union list, State list and Concurrent like computer software that came up after the Constitution was made are known as residuary subjects. Union Government has the power to legislate on these residuary subjects.

Special Status for Jammu and Kashmir: All states in India do not enjoy the same power. States like Jammu and Kashmir enjoy a special status and have their own Constitution. Many provisions of the Indian Constitution are not applicable to the State of Jammu and Kashmir without the approval of the State Assembly. Residents of other states of India cannot buy land or house in this state. Similar provisions exist for some other states of India as well.

Status of 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.

Sharing of Power between Union and State Governments: Our Constitution determines the extent of the sharing of power between the Union Government and the State Government and it is the basic structure of the Constitution.

The Parliament alone cannot change this. Any change to it has to be first passed by both the Houses of Parliament with at least two-third majority. Then, it has to be ratified by the legislatures of at least half of the total states.

10th - Federalism



In case of any dispute regarding the division of powers, the High Courts and the Supreme Court make a decision. Both Union and State Governments have the power to raise resources by levying taxes in order to carry on the government and the responsibilities assigned to each of them.

How is federalism practised? Constitutional provisions are necessary for the success of federalism, but these are not sufficient. The real success of federalism in India can be attributed to the nature of democratic politics in our country. To follow the true spirit of federalism, respect for diversity and desire for living together should become a shared ideal in our country.

Linguistic States: The creation of linguistic states was the first and a major test for democratic politics in our country. After Independence (1947), the boundaries of several old states were changed in order to create new states. This was done to ensure that the people who spoke the same language lived in the same state.

Some states were not created on the basis of language, but to recognise differences based on culture, ethnicity and geography. These include states like Nagaland, Uttarakhand and Jharkhand.

Some national leaders resisted the demand of new states on the basis of language as they thought this would lead to the disintegration of the country. But later, this fear proved wrong and the formation of linguistic states actually made the country more united and administration becomes more easier.

Language Policy A second test for the Indian federation is the language policy. The Indian Constitution did not give the status of national language to any of the languages. Though Hindi was identified as the official language, which is mother tongue of only 40 per cent of Indians.

The Central Government has not imposed Hindi on states where people speak a different language. Besides Hindi, there are languages recognised as Scheduled Languages by the Indian Constitution. For a Central Government job, candidates may take the examination in any of these languages. States too have their own official languages. The maximum work of the government takes place in the official language of that concerned state.

In our Constitution, it was made clear that the use of English as official language was to stop in 1965. But many non-Hindi speaking states fear that this was the attempt to impose Hindi on them. They demanded that the use of English should continue. In Tamil Nadu, a strong violent protest happened against this. So, Central Government withdraw the proposal and English alongwith Hindi continue for official purposes. Though Central Government continues the policy of promotion of Hindi, but it does not mean that Hindi will be imposed on non-Hindi speaking states.

Linguistic Diversity of India: Census of India, 2001 recorded more than 1500 distinct languages which people mentioned as their mother tongues.

These languages were grouped together under some major languages. E.g. languages like Bhojpuri, Magadhi, Bundelkhani, 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. The given table makes it





clear that no one language is the mother tongue of the majority of our population. The largest language, Hindi, is the mother tongue of only about 40 per cent Indians. If we add to that all those who knew Hindi as their second or third language, the total number was still less than 50 per cent in 2001. As for English, only 0.02 per cent Indians recorded it as their mother tongue. Another 11 per cent knew it as a second or third language.

Centre-State Relation: Restructuring the Centre-State relations is one more way in which federalism has been strengthened in practice. Though Indian Constitution

has demarcated the powers of the Union and State Governments, still the Union Government can have influence over the state in many ways. In the past, Central Government many times misused the Constitution to dismiss the State Governments that were ruled by rival parties. This undermined the spirit of federalism. The Indian scenario has changed after 1990. This was the beginning of the era of Coalition Governments at the centre. Since, no single party got a clear majority in the Lok Sabha, the major national parties had to enter into an alliance with many parties, including several regional parties to form a government at the centre. It led to a new culture of power sharing and respect for the autonomy of State Governments. The Supreme Court made it difficult for the Central Government to dismiss State Governments in an arbitrary manner.

Decentralisation in India: India is a vast country and cannot be run only through a two-tier system. States of India are very large and internally very diverse. States in India are as large as independent countries of Europe. Uttar Pradesh is more populous than Russia and Maharashtra is more populous than Germany. Federal power sharing in India needs another tier of government, below that of the States Governments. Thus, there is a need for power sharing within each state. When power is taken away from Central and state Government and given to local government, it is called decentralisation. The basic idea behind decentralisation is that there are a large number of problems and issues which are best settled at the local level.

Local Government: There is the third-tier of government called Local Government. This Local Government includes Panchayats in villages and Municipalities in urban areas. But elections were not held regularly and Local Governments were not given any power by State Government. Thus, this was the case of non-effective decentralisation. A major step towards decentralisation was taken in 1992. The Constitution was amended to make the third-tier of democracy more powerful and effective. The provisions made in the Constitution for effective local Government are

Scheduled Languages of India			
Language	Proportion of Speakers (%)	Language	Proportion of Speakers (%)
Assamese	1.28	Manipuri	0.14
Bengali	8.11	Marathi	6.99
Bodo	0.13	Nepali	0.28
Dogri	0.22	Oriya	3.21
Gujarati	4.48	Punjabi	2.83
Hindi	41.03	Sanskrit	N
Kannada	3.69	Santhali	0.63
Kashmiri	0.54	Sindhi	0.25
Konkani	0.24	Tamil	5.91
Maithili	1.18	Telugu	7.19
Malayalam	3.21	Urdu	5.01

10th - Federalism



1. It is constitutionally mandatory to hold regular elections to local government bodies.
2. Seats are reserved in the elected bodies and the executive heads of these institutions for the Scheduled Castes (SCs), Scheduled Tribes (STs) and Other Backward Classes (OBCs), besides women.
3. At least one-third of all positions are reserved for women.
4. The State Election Commission (SEC) has been created in each state to conduct Panchayat and Municipal elections.

Panchayati Raj System: In India, rural local government is popularly known as 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 (Panch) and a President (Sarpanch). They are directly elected by the population of that ward or village. It works under the supervision of Gram Sabha.

Gram Sabha meet at least twice or thrice in a year to improve annual budget and review the performance of Gram Panchayat. A few Gram Panchayats are grouped together to form a Panchayat Samiti or block or mandal. The members of this representative bodies are elected by all the Panchayat members in that area.

Zilla Parishad: All the Panchayat Samitis in a district together constitute the Zilla (district) Parishad. Most members of the Zilla Parishad are elected. Moreover, members of the Lok Sabha, MLAs of that district and some other officials of other district level bodies are also its members. Zilla Parishad Chairperson is its political head.

Municipalities: In big cities, there are Municipal Corporations. Both these local government bodies are controlled by elected bodies consisting of people's representatives. Municipal Chairperson is the political head of the Municipality. Mayor is the political head of Municipal Corporation. This is the largest local government set up anywhere in the world. Overall there are about 36 lakh elected representatives in the Panchayats and Municipalities and one-third of them are women, which increased women's voice in our democracy.

An Experiment in Brazil: A city called Porto Alegre in Brazil has carried out an extraordinary experiment in combining decentralisation with participative democracy. The city has set up a parallel organisation operating alongside the Municipal Council, enabling local inhabitants to take real decisions for their city. The city is divided into many sectors or wards. Each sector has a meeting (like that of the Gram Sabha) in which anyone living in that area can participate. There are some meetings to discuss issues that affect the entire city. Any citizen of the city can participate in those meetings. The budget of the city is discussed in these meetings. The proposals are put to the municipality that takes a final decision about it. About 20,000 people participate in this decision-making exercise every year. This method has ensured that the money cannot be spent only for the benefit of the colonies, where rich people live. Now, buses run to the poor colonies and builders cannot evict slum-dwellers without resettling them.

Note In our own country, a similar experiment has taken place in some areas in Kerala. Ordinary people have participated in making a plan for the development of their locality.

Constitutional Status: Constitutional status for local government has helped to deepen democracy in our country. Most State Governments have not transferred



10th - Federalism

significant powers to the local government and have not given adequate resources to them. We are still a long way from realising the ideal of self-government.

