

# FEDERALISM

What is Federalism?

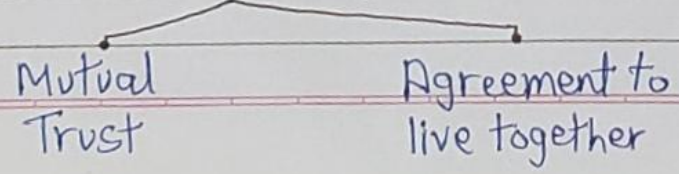
» Federalism is a system of govt. in which the power is divided between a central authority and various constituent units of the country.

Federal govt.	Unitary
(generally)	
Two levels of govt:	One level of govt.
1. One govt. for entire country (subjects of common national interest.)	1. One govt. for entire country.
2. Other govt. at state or provincial level	1.1 Subordinate sub-units (in some cases)
Both govts are independent (state govt. is not answerable to central govt.)	Sub-units are subordinate to central govt..
Central govt. cannot order state/local govts	Central govt. can pass orders on the local govt.
Eg - India, Belgium	Eg - Sri Lanka

## Features of federalism

1. There are two or more levels (or tiers) of govt.
2. Different tiers of govt. govern the same citizens, but each tier has its own (different) jurisdiction, in specific matters of legislation, taxation, administration.
3. The jurisdictions are specified in the constitution. So, the existence and authority of each tier of govt. is constitutionally guaranteed.
4. The fundamental provisions of constitution cannot be unilaterally changed by one level of govt. Such changes require consent of both levels of govt.
5. Courts have the power to interpret the ~~consid~~ constitution and powers of different ~~level~~ levels of govt. The Supreme Court is like an umpire if disputes arise between different levels of govt. and exercise of their power.
6. Sources of revenue for each level of govt. are clearly specified to ensure financial autonomy.
7. Dual objectives:
  - (i) To safeguard and promote unity of the country
  - (ii) To accommodate regional diversity.

### ⇒ Ideal Federal system



## TYPES OF FEDERATION

- Balance of power between central and state govt. varies → depends on historical context in which federation was formed.

Coming Together Federation	Holding Together Federation
<ul style="list-style-type: none"> <li>Independent states come together on their own to form a bigger unit.</li> </ul>	<ul style="list-style-type: none"> <li>Large country decides to divide its power between constituent <b>states</b> and national government.</li> </ul>
<ul style="list-style-type: none"> <li>All states have equal power.</li> </ul>	<ul style="list-style-type: none"> <li>The centre is more powerful than the states.</li> </ul>
<ul style="list-style-type: none"> <li>Main aim:               <ol style="list-style-type: none"> <li>pool sovereignty</li> <li>separate identity</li> <li>increased security</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>pooling sovereignty and maintaining separate identities is absent.</li> </ul>
<ul style="list-style-type: none"> <li>Ex: USA, Switzerland, Australia</li> </ul>	<ul style="list-style-type: none"> <li>Ex: India, Spain, Belgium</li> </ul>

## WHAT MAKES INDIA A FEDERAL COUNTRY?

- India had emerged as an independent nation after a painful and bloody partition.
- After Independence, princely states became a part of the country.
- Constitution declared India as a Union of States.
- Word "federation" not used - but Indian Union was based

on the principles of ~~the~~ federalism.

Union List	State List	Concurrent List
Subjects National importance like defence, banking, communication, foreign affairs, currency	Subjects Police, trade, commerce, agriculture, irrigation	Subjects Education, forest, trade unions, marriage, adoption, succession
Why included in the Union List?	Why included in State list?	Why included in Concurrent list?
Uniform policies required throughout the country	Subjects are of State and local importance.	Subjects are of common interest for Union and States
Who can make laws?	Who can make laws?	Who can make laws?
The Central or Union Govt.	The State Govt.	Both Central / Union and State Govt.s
(97 subjects)	(66 subjects)	[Union govt.'s laws prevail in case of conflict] (47 sub.)

Residuary List

- >>> Subjects not covered in Union, State <sup>and</sup> Concurrent lists.
- >>> Examples - Computer software, e-commerce, etc  
(came up after the constitution was made)
- >>> Union Govt. legislates on these subjects.

» Not all states have identical powers.  
» Some are given special status.

» Under certain provisions of Constitution of India (Article 371), states like:

- Assam
- Arunachal Pradesh
- Nagaland
- Mizoram

Enjoy special powers due to peculiar social and historical circumstances.

» Powers especially enjoyed in relation to:

1. Protection of land rights for indigenous people
2. Protection of their culture
3. Preferential indigenous employment in govt. services



Indians who are not permanent residents of such states cannot buy land or house there.

### Union Territories

» States like Chandigarh, Lakshadweep, Delhi:

1. Enjoy very little power
2. Too small to become independent
3. Too large to merge with existing states

» These territories do not have powers of State.

» Central Govt. has special powers running these areas.

» Power sharing between Union Govt. and State Govt. is the basic structure of the Constitution.

» Parliament, on its own, cannot change this power sharing arrangement.

Two steps to make changes:

1. Passed by BOTH Houses of Parliament with at least two-thirds majority.
2. Ratified by legislatures of at least half of the total states.

### Role of Judiciary

- » Overseeing the implementation of constitutional provisions and procedures.
- » Disputes about division of powers are settled by High Courts and Supreme Court.  
(state head) (centre head)

» Union and State Govts have the power to raise resources by levying taxes:

↓ helps in

1. Running the govt.
2. Fulfilling all responsibilities assigned

### HOW IS FEDERALISM PRACTICED?

» Constitutional provisions are necessary for the success of federalism, but they're not sufficient.

» Real success of federalism in India:

1. Nature of democratic politics

↓ ensures

- Spirit of federalism
- respect for diversity
- desire for living together

(must become shared ideals in our country)

## Linguistic States

- » Creation of linguistic states was a major test for India's democratic policies.
- » Old States vanished → New States created (1947 vs. 2019 map)
  - ↓ Changes in:
    - Areas
    - Boundaries
    - Names (States)
- » To ensure - People who spoke same language lived in the same state
- » Nagaland, Uttarakhand, Jharkhand - Some of the states created on basis of culture, ethnicity or geography.
- » When the demand for linguistic formation of States was raised, leaders feared that it would lead to disintegration of the country.
- » ∴ Central Govt. resisted it initially.
- » But formation on States based on language made:
  1. Country united
  2. Administration easier

## Language Policy - Second test for federalism

- » According to Constitution, there is no national language
- » Hindi was the official language → Spoken by only 40% Indians.
- ∴ Protecting other languages is necessary.

» Thus, two official language - Hindi and English

» 21 other languages (excluding Hindi) are Scheduled Languages as per Constitution. (Total = 22)

- ↓
1. Examinations for Central Govt. positions can be taken in any of these languages.
  2. States have their own official languages. Most Govt. work takes place in that particular official language.

» According to Constitution, use of English for official purposes was to be stopped in 1965.

» Non-Hindi states demanded it to continue.  
(vident movement in Tamil Nadu)

∴ Central's govt's decision - Continue use of English alongside Hindi.

» Even though the decision seems in favour of English elites, promotion of Hindi continued to be govt's official policy.  
(Hindi was not FORCED, just promoted)

### Centre - State Relations

» Reconstructing Centre-State relations strengthened federalism practice.

» For a long time in past, both Centre and States (most of them) were ruled by the same party.

- » After 1990 - Regional political parties rose in many states.
  - » Also the beginning of coalition governments.
  - » Single parties got no majority in Lok Sabha, so they formed alliance with many parties to form a govt. at the Centre.
- ↓
- » New culture of power sharing and respect for autonomy of State govt.s developed.

### DECENTRALISATION IN INDIA

- » A vast country like India cannot be run only by two tiers.
  - » Because the States are highly populated and diverse.
- ∴ Power must be shared among states as well.

↓

Introduction of third-tier : local govt.

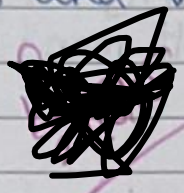
- » When power is taken away from Central and State govt. and given to local govt, it is called decentralization.

The Basic Idea behind Decentralization

- (2) 1. People have better knowledge of problems in their localities.
- (1) 2. Large numbers of problems exist at local level.
3. Locals have better ideas on where to spend money and how to manage things.
4. So, people must directly participate in decision-making.

∴ Local govt. is the best way to realise and implement local self-govt.

»» Several attempts to decentralize power at towns and village levels.



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1. Panchayats in villages and municipalities in urban areas were set up in all states
  2. But those were under the control of state govt.s
  3. Elections to those local govt.s were not held regularly
  4. Those local govt.s did not have their own powers or resources.

The Major Step - 1992

»» Constitution was amended  
»» third-tier of democracy became more powerful and effective.

↓ Arrangements in local govt.

1. Constitutionally mandatory elections
2. Reserved seats for SCs, STs, OBCs
3. 1/3 rd of positions reserved for women
4. Independent State Election Commission to conduct panchayat & municipal elections
5. State govt. shares powers and revenue with local govt.

»» Rural local govt. - "Panchayati Raj" >>>

# PANCHAYATI RAJ - Rural local govt.

## Gram Panchayat

- »» Each village or a group of villages has it.
- »» Council:
  1. Several ward members - 'panch'
  2. President - 'sarpanch'
- »» Directly elected by adult population of the village
- »» Decision making body for entire village (gram panchayat)
- »» Works under gram Sabha

## Gram Sabha

- »» Supervises the gram panchayat
- »» Members: All voters of the village
- »» Meet at least twice or thrice in a year - to:
  - approve annual budget of the gram panchayat
  - review the performance of gram panchayat

## Panchayat Samiti ~~and Zilla Parishad~~

- »» Group of few gram panchayats - "Panchayat Samiti" or "block" or "mandal"
- »» Members of Panchayat Samiti are elected by all panchayat members in that area

## Zilla Parishad (apex body at district level)

- »» All panchayat samitis or mandals in a district together constitute the zilla (district) parishad
- »» Members: MLAs, MPs, other officials, as well as chairpersons of panchayat samiti of that particular district
- »» Elections: Directly by people of that district
- »» Political head - Zilla Parishad Chairperson

## ~~Urban~~ Urban Local govt.

### Municipalities

- >>> ~~is~~ set up in towns
- >>> controlled by elected bodies consisting of people's representatives
- >>> Political head - Municipal Chairperson

### Municipal Corporations

- >>> Set up in big cities
- >>> (same as second point of "Municipalities")
- >>> Political head - Mayor

### Merits of decentralization

1. Local govt. is the largest experiment of democracy
2. There are now about 36 lakh elected representatives in the panchayats and municipalities.
3. Constitutional status for local govt. helped to deepen democracy
4. Increased women's representation and voice

### Demerits of decentralization

1. Elections are held regularly, but gram sabhas are not.
2. Most state govt.s have not transferred significant powers to the local govt.
3. Lack of adequate resources
4. There is still a long way from realising the ideal of self-govt.