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## Chapter 2

### Federalism

#### ❖ Federalism

- Federalism is a system of government in which the power is divided between a central authority and various constituent units of the country.
- Two Levels of Government
  - Government for the entire country that is responsible for national issues.
  - Governments at the state level that function for the everyday concerns.
- Both of these governments enjoy their power independent of the other.

#### ❖ Features of Federalism

- There are two or more levels of government.
- Different tiers of government govern the same citizens, but each tier has its own jurisdiction in specific matters of legislation, taxation and administration.
- The existence and authority of each tier of government is constitutionally guaranteed.
- The fundamental provisions of the constitution can be changed only with the mutual consent of both the levels of government.
- Courts have the power of interpreting the constitution and the powers of different levels of government. The highest court acts as an adjudicator of disputes between different levels of government.
- Sources of revenue for each level of government are clearly specified for ensuring smooth functioning and financial autonomy.
- The federal system safeguards and promotes the unity of the country and also accommodates regional diversity.

#### ❖ Types of Federation

- Coming Together Federations: Independent states come together on their own to form a bigger unit, so that by pooling sovereignty and retaining identity they can increase their security. E.g. The USA, Switzerland and Australia. All the constituent states usually have equal powers vis-à-vis the federal government.
- Holding Together Federations: A large country decides to divide its power between the constituent states and the national government. Very often, different constituent units of the federation have unequal powers. Some units are granted special powers.

#### ❖ Federalism in India

- India is a 'holding together' type of federation in which powers are vested in the state governments that function under the overall supervision of the union government.
- Three Tier System of Government
  - Union government
  - State governments
  - Local self government in the form of panchayats and municipalities.



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- ❖ **Distribution of Powers between the Union and States:** The Constitution of India provides for the distribution of powers on the basis of three lists.
    - Union List includes subjects of national importance such as defence, foreign affairs, banking, communications and currency. The union government alone can make laws relating to the subjects mentioned in the Union List.
    - State List includes 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 and the state governments can make laws on the subjects mentioned in this list. In case of conflict, the law made by the union government shall have primacy over the state law.
    - The union government has the power to make laws for the subjects that are not included in any of the three lists. These are termed as 'residuary subjects'.
    - Special Powers of Jammu and Kashmir: J & K enjoys special powers in the Indian federation.
      - It 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.
    - Union territories do not have the powers of a State. The central government has special powers of governing the union territories.
    - The power sharing arrangement provided by the Constitution is difficult to change. 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.
    - Role of Judiciary: It plays an important role in overseeing the implementation of constitutional provisions and procedures. In case of any dispute between the centre and the states regarding the division of powers, the High Courts and the Supreme Court have the right of adjudication.
    - The union and the 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.
  - ❖ **Linguistic States**
    - New states were created on linguistic basis in 1947 for recognizing the linguistic and cultural differences of various parts of the country.
    - The formation of linguistic states has united the country and has made administration easier.
  - ❖ **Language Policy**
    - Hindi is the official language of the Union of India.



- 21 languages are recognized as Scheduled Languages by the Constitution.
- Examinations for the central government posts may be taken by the candidates in any of the scheduled languages.
- Each state has its own official language.
- According to the Constitution, English as an official language was supposed to be discontinued in 1965. However, due to opposition by non-Hindi speaking states, both English and Hindi are being continued for official purposes.

#### ❖ Centre-State Relations

- The central government in India has the power to dissolve the state government on grounds of inefficiency and impose the President's rule in the state.
- Before 1990, the central government often misused the Constitution to dismiss the state governments that were controlled by rival parties.
- After 1990, the era of coalition governments at the centre started. The major national parties had to enter into alliances with many regional parties for forming the government. This led to a new culture of power sharing and respect for the autonomy of state governments.

#### ❖ Decentralisation in India

- It refers to the delegation of power to the local governments.
- Decentralisation makes the government more responsive to people's demands.
- It ensures people's direct participation in decision making.
- In 1992, the Indian Constitution was amended to make the third-tier of democracy more powerful and effective.
- It is constitutionally mandatory to hold regular elections for local government bodies.
- Seats are reserved for the Scheduled Castes and Tribes and Other Backward Classes.
- At least one-third of all positions are reserved for women.
- The State Election Commission of every state conducts 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 known as Panchayat Raj.
  - Each village, or a group of villages in some States, has a gram panchayat which 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 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 its performance.
  - A few gram panchayats are grouped together to form a panchayat samiti or block or mandal. The members of this representative body are elected by all the panchayat members in that area.



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- All the panchayat samitis and mandals in a district together constitute the zilla (district) parishad. Most of the zilla parishad members are elected. Members of the Lok Sabha and MLAs of that district level body are also its members.
  - All over the country there are about 36 lakh elected representatives in the Panchayats and municipalities etc.
  - Local bodies that exist for the urban areas are known as municipalities. 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.
  - Constitutional status for local self government has helped deepen democracy in India. However, the functioning hasn't reached perfection.

