

Federalism in India:

- System dividing powers between the center and constituent states.
- Accommodates politics at national and regional levels.

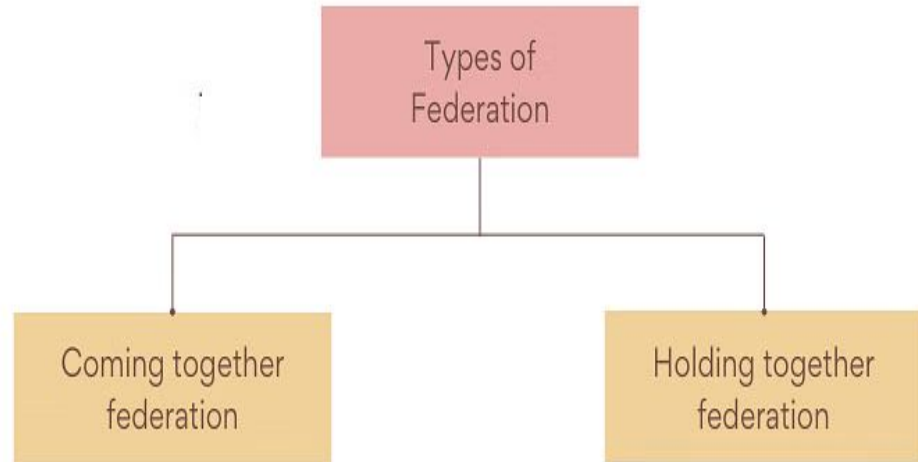
Types of Federations:

Coming Together Federation:

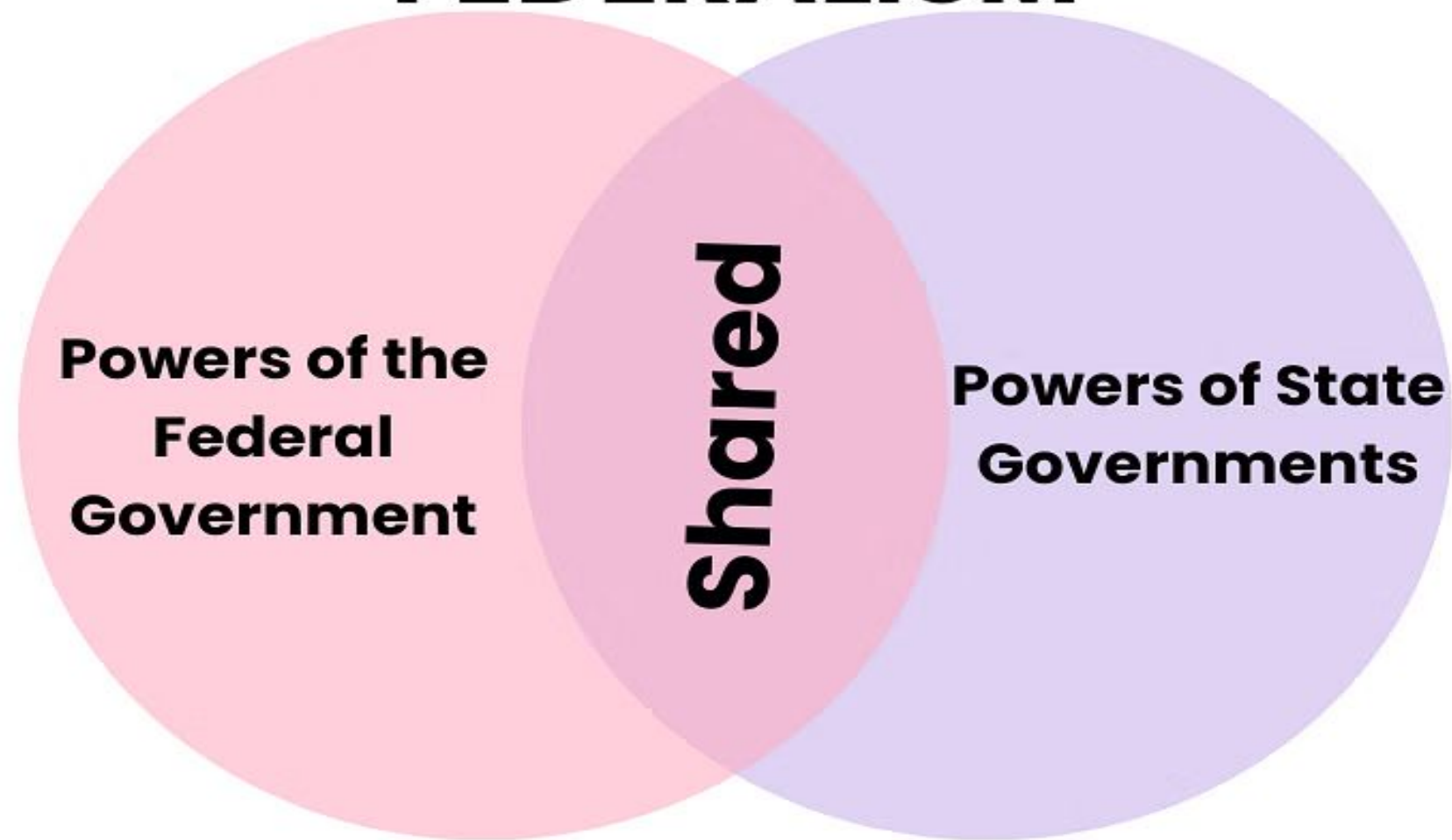
- Independent states unite.
- States enjoy more autonomy.
- Examples: USA, Australia, Switzerland.

Holding Together Federation:

- Powers shared to accommodate diversity.
- Tilt towards central authority.
- Examples: India, Spain, Belgium.



FEDERALISM



How can we define Federalism in India?

- Federal with a tilt towards unitary governance.
- Quasi-federal, blending features of both systems.
- Article 1: "India that is Bharat shall be a union of states."

Omissions in Indian Constitution:

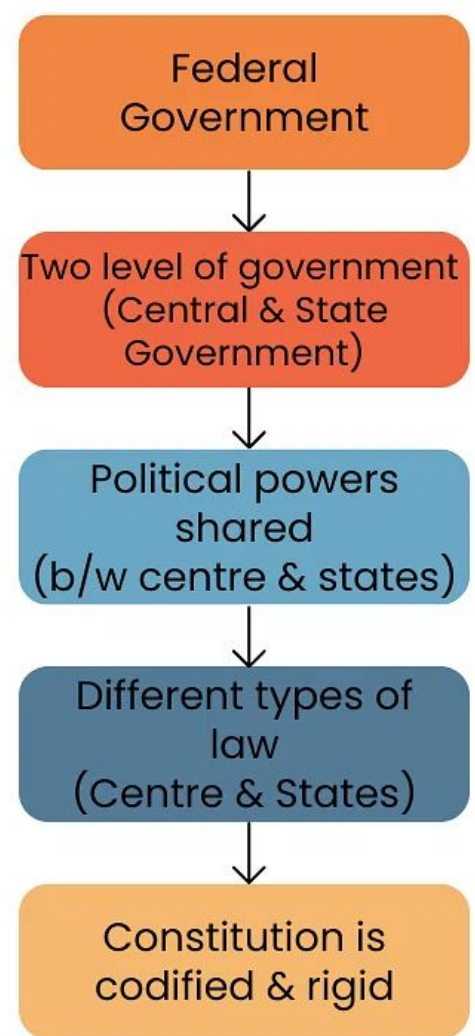
- Federation is not explicitly mentioned.
- Notable absence of the term "federation."

Evolution of Federalism in India:

- Influenced by Government of India Act, 1919.
- Constitution provides for a federal structure.
- Adopted due to large size and socio-cultural diversity.

Reasons for Adopting Federalism:

- Efficient governance.
- Reconciliation of national unity with regional autonomy.



Model of Indian Federalism:

- Based on the 'Canadian model.'
- Strong central authority.
- Differs from the 'American model.'

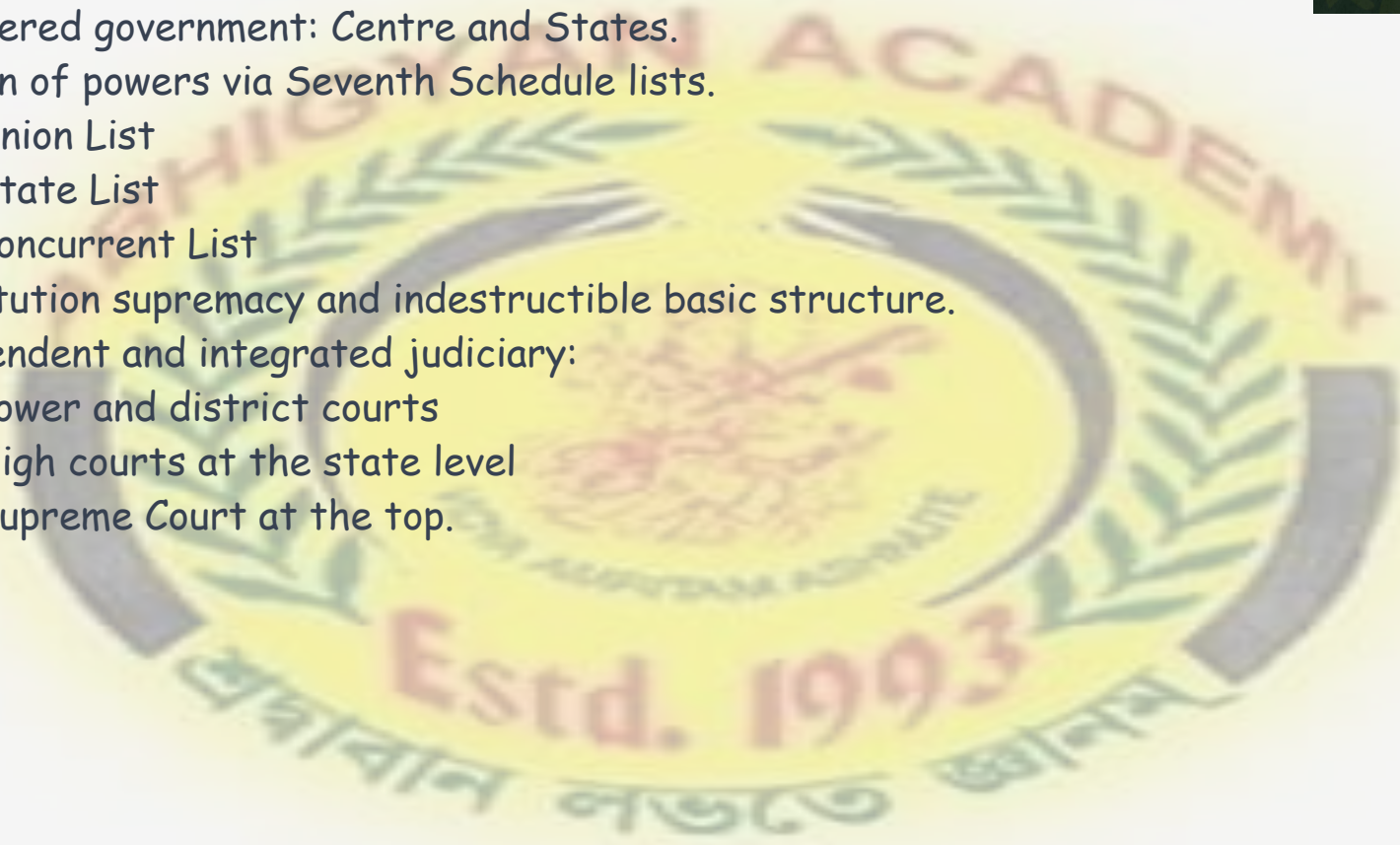
Key Characteristics:

- Federal with unitary leanings.
- Balances large size and diversity.
- Ensures efficient governance.
- Adopts a strong central authority.

Federal Government	Unitary Government
1. Dual Government (that is, national government ; regional government)	1. Single government, that is, the national government which may create regional governments
2. Written Constitution	2. Constitution may be written (France) or unwritten (Britain)
3. Division of government powers between the national and regional government	3. No division of powers. All powers are vested in the national government
4. Supremacy of the Constitution	4. Constitution may be supreme (Japan) or may not be supreme (Britain)
5. Rigid Constitution	5. Constitution may be rigid (France) or flexible (Britain)
6. Independent judiciary	6. Judiciary may be independent or may not be independent
7. Bicameral legislature	7. Legislature may be bicameral (Britain) or unicameral (China)

Federal Features of the Indian Union:

- Two-tiered government: Centre and States.
- Division of powers via Seventh Schedule lists.
 - Union List
 - State List
 - Concurrent List
- Constitution supremacy and indestructible basic structure.
- Independent and integrated judiciary:
 - Lower and district courts
 - High courts at the state level
 - Supreme Court at the top.



Unitary Features of the Indian Union:

- Flexible yet rigid constitution.
- More powers with the Centre:
 - Union List dominance.
 - Parliament can override state laws on Concurrent List.
 - Parliament can legislate on State List subjects.
- Unequal representation in Rajya Sabha based on state populations.
- Executive part of the legislature, challenging power division.
- Lok Sabha's superiority over Rajya Sabha.
- Emergency powers for increased central control.
- Integrated judiciary without separate levels.
- Single citizenship, no state citizenship.
- Governor appointed by the Centre.
- Parliament's authority over state territories, names, and formation.
- All India Services controlled by the Centre.
- Integrated election machinery under the Election Commission.
- Governor's veto power over state bills, subject to presidential veto.
- Integrated audit machinery with CAG appointed by the President.

CHALLENGES TO



FEDERALISM

Issues and Challenges in Indian Federalism:

Regionalism:

- Aggressive demands for new states.
- Examples: Telangana, four-fold division of Uttar Pradesh, Gorkhaland, Bodoland, Karbi Anglong, Vidarbha, Harit Pradesh, and Poorvanchal.
- Threats to federal structure evident, e.g., West Bengal's opposition to Teesta river waters treaty.

Absence of Fiscal Federalism:

- Centre's greater powers of taxation.
- Finance Commission to correct imbalance in Central tax revenues sharing.
- About 40% of Central revenues transferred to states.

Centralized Amendment Power:

- Centre's authority under Article 368 to amend provisions without state consultation.
- Limited state participation in the amendment process.

Indestructible Union with Destructible Units:

- Lack of provision for states' secession.
- Union's indestructibility for unity and integrity.

Office of the Governor:

- Governor's role as a potential threat to federal character.
- Instances of misuse, e.g., President's Rule in Arunachal Pradesh in 2016.

Citizenship and Federalism:

- Introduction of single citizenship in the Indian Constitution.
- One nation, one citizenship; no separate state citizenship.

Integrated Services:

- Integrated judiciary with the Supreme Court at the apex.
- No separate independent courts for states.
- Integrated machinery for election, accounts, and audit.

Centralised Planning:

- Planning Commission, later NITI Aayog, centralizes economic and social planning.
- Considerable preponderance in legislative power for the Union.
- States' financial dependence on the Centre weakens their position.

Language Conflicts:

- Diversity in languages (22 constitutionally approved) impacting federal spirit.
- Language conflicts pose challenges to federal harmony.

Aspect of Indian Federalism	Summary
Deviation from Traditional Federal Systems	<p>Considerable deviation from traditional models like US, Switzerland, or Australia.</p> <p>Described as quasi-federal, bargaining federalism, and cooperative federalism. Unitary state with federal features.</p>
Factors for Increased Unitary Bias	<p>K. Santhanam identified two factors: dominance of the Centre in finances and the influence of the Planning Commission on state development processes.</p>
Ambedkar's View on Constitution	<p>Dr. B.R. Ambedkar stated that the Constitution is federal, establishing both Union and States, yet it avoids strict federalism, allowing flexibility based on circumstances.</p>

Basic Principle of Federalism	Legislative and executive authority partitioned between Centre and States. States not dependent on Centre for their authority.
SR Bommai Case (1994)	Federalism recognized as a basic feature. States are supreme within their sphere, emergency powers are exceptions, federalism is a matter of principle, not administrative convenience.
Federal Trends in Indian Politics	Emergence of regional parties, creation of states to meet regional aspirations, demand for financial grants, assertion of autonomy, territorial disputes, river water disputes, and limitations on Article 356 by the Supreme Court.
Nature of Indian Federalism	A compromise between normal division of powers and the need for national integrity and a strong Union government under exceptional circumstances

Federalism

Powers Delegated to the National Government

- declare war
- create and maintain armed forces
- establish foreign policy
- regulate interstate and foreign trade
- make copyright and patent laws
- establish postal offices
- coin money

Powers Reserved to States

- establish local governments
- establish and maintain schools
- regulate trade within states
- conduct elections
- provide for public safety

Federal

National Government

State

The People Of the State

Unitary

National Government

The People

Estd. 1993

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