

# TOPICS to be covered

## 1 Federalism ✓







## What is Federalism?

- Let us get back to the contrast between **Belgium and Sri Lanka**.
- Unitary Government.**

Unitary

Federal

min 2 levels.





## Conservation of Forest and Wildlife in India



- 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.
- Both these levels of governments enjoy their power independent of the other.

**CENTRAL**

**STATE**

**LOCAL**





## Key Features



1. There are two or more levels (or tiers) of government.
2. Different tiers of government govern the same citizens, but each tier has its own JURISDICTION in specific matters of legislation, taxation and administration.
3. The jurisdictions of the respective levels or tiers of government are specified in the constitution. So, the existence and authority of each tier of government is constitutionally guaranteed.
4. 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. Courts have the power to interpret the constitution and the powers of different levels of government. The highest court acts as an umpire if disputes arise between different levels of government in the exercise of their respective powers.
6. Sources of revenue for each level of government are clearly specified to ensure its financial autonomy.
7. The federal system thus has dual objectives to safeguard and promote unity of the country, while at the same time accommodate regional diversity (mutual trust and agreement to live together).



## Types of Federations

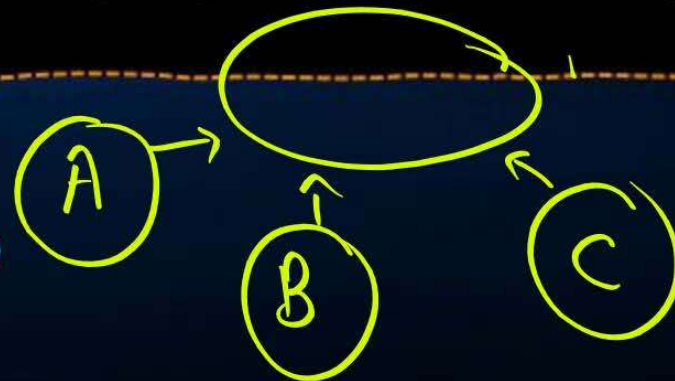


Coming Together  
Holding Together

### Coming together :

- Independent States coming together on their own to form a bigger unit, so that by pooling sovereignty and retaining identity they can increase their security.
- All the constituent States usually have equal power and are strong vis-à-vis the federal. *govt.*

Ex.  
USA, Switzerland,  
Australia.

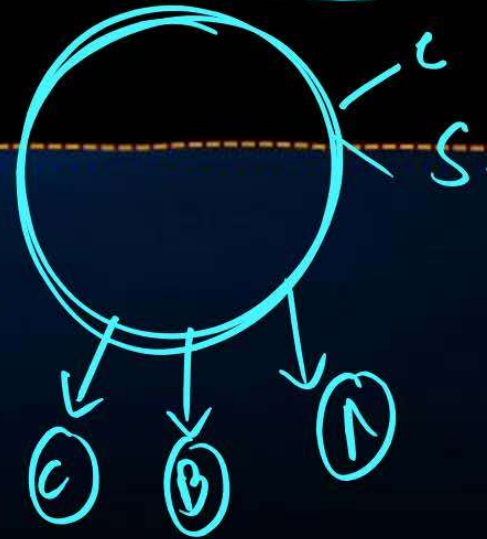




## Holding Together :

Ex. India, Spain, Belgium

- A large country decides to divide its power between the constituent States and the national government.
- The central government tends to be more powerful vis-à-vis the States.
- Different units have unequal powers





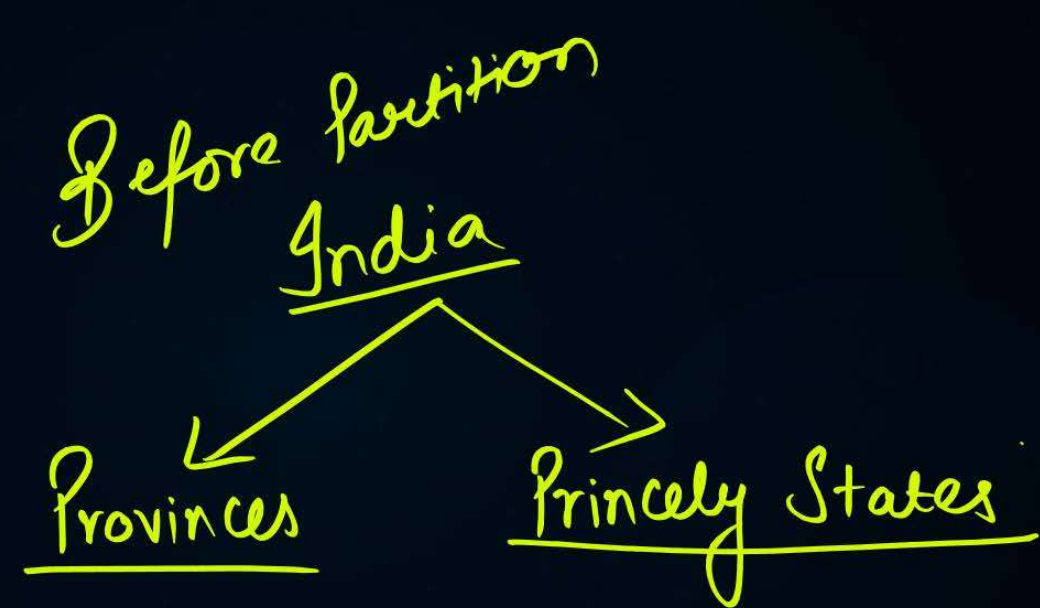


## What Makes India a Federal Country?



- India had emerged as an independent nation after a painful and bloody partition.
- Soon 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.

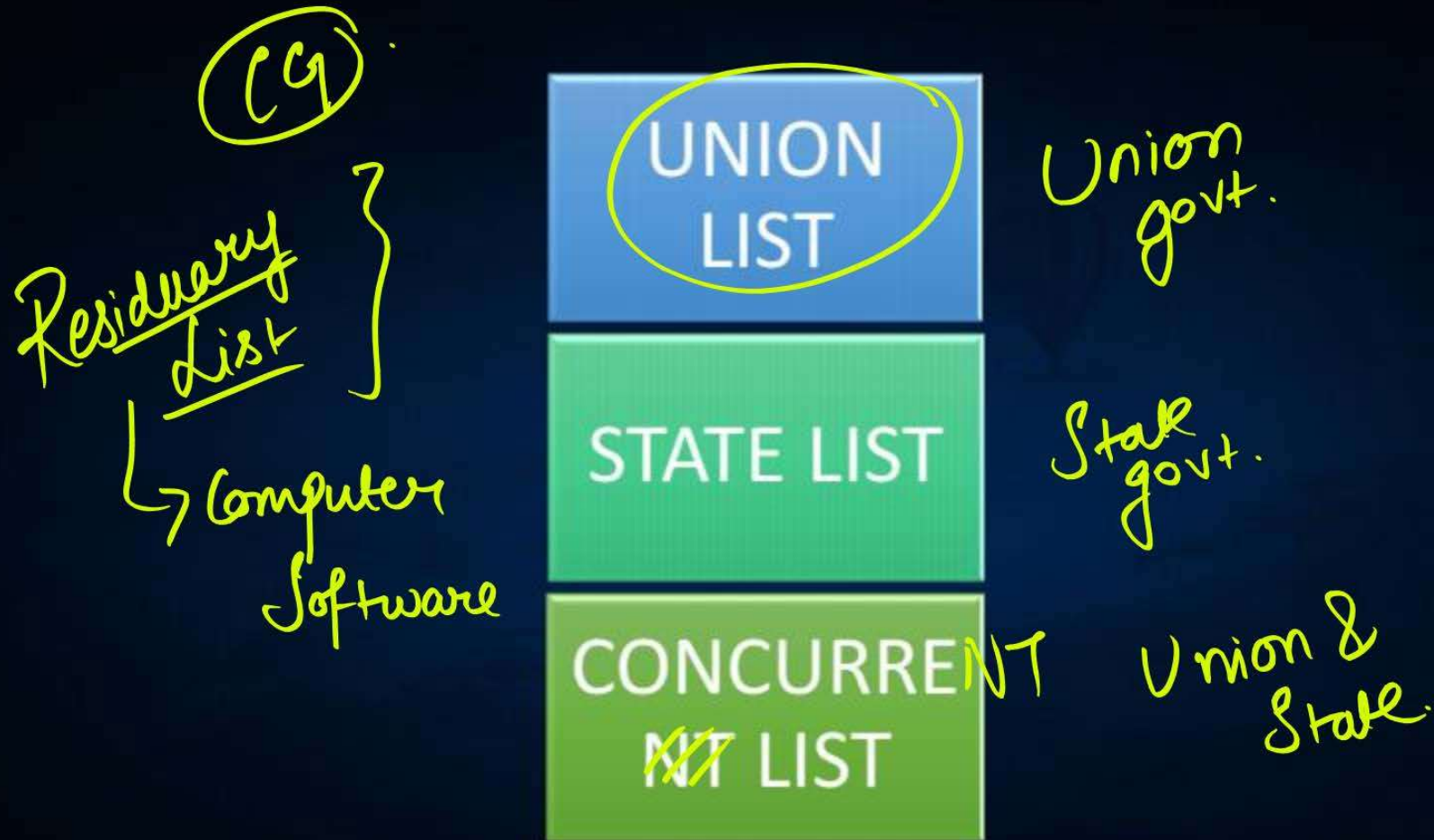




- The Constitution originally provided for a two-tier system of government.
- Later, a third tier of federalism was added in the form of Panchayats and Municipalities.
- These different tiers enjoy separate jurisdiction.
- Constitution clearly provided a threefold distribution of legislative powers between the Union Government and the State Governments







- These are areas which are too small to become an independent State, but which could not be merged with any of the existing States.
- The Central Government has special powers in running these areas.

Union Territories  
UT's

28 States  
8 UT's



- Sharing of power between the Union Government and the State governments is basic to the structure of the Constitution.
- The Parliament cannot on its own change this 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 legislatures of at least half of the total States.

Change → 2/3<sup>rd</sup> majority in both houses  
→ half of state legislatures





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

*Interpret*





## How is Federalism Practised?



- Constitutional provisions are necessary for the success of federalism but these are not sufficient.
- It can be attributed to the nature of democratic politics in our country.

← Linguistic States  
↓ Language Policy  
→ Centre State Relations







## Linguistic States



- Many old States have vanished and many new States have been created. Areas, boundaries and names of the States have been changed.
- In 1947, the boundaries of several old States of India were changed in order to create new States. This was done to ensure that people who spoke the same language lived in the same State.
- Some States were created to recognise differences based on culture, ethnicity or geography.







## Language Policy



- Our Constitution did not give the status of national language to any one language. Hindi was identified as the official language
- Besides Hindi, there are 21 other languages recognised as Scheduled Languages by the Constitution.
- States too have their own official languages.



- The leaders of our country adopted a very cautious attitude in spreading the use of Hindi.
- According to the Constitution, the use of English for official purposes was to stop in 1965. ✓
- Many non-Hindi speaking States demanded that the use of English continue.
- In Tamil Nadu, this movement took a violent form.



- The Central Government responded by agreeing to continue the use of English along with Hindi for official purposes.
- Promotion of Hindi continues to be the official policy of the Government of India.
- Promotion does not mean that the Central Government can impose Hindi on States where people speak a different language.
- This is unlike Sri Lanka.







## Centre-State Relations



- How the constitutional arrangements for sharing power work in reality depends to a large extent on how the ruling parties and leaders follow these arrangements.
- For a long time, the same party ruled both at the Centre and in most of the States.
- When the ruling party at the State level was different, the parties that ruled at the Centre tried to undermine the power of the States.



- The Central Government would often misuse the Constitution to dismiss the State governments that were controlled by rival parties.
- After 1990 we see the rise of regional political parties in many States of the country.
- This was also the beginning of the era of COALITION GOVERNMENTS at the Centre.
- This led to a new culture of power sharing and respect for the autonomy of State Governments.
- A major judgement of the Supreme Court that made it difficult for the Central Government to dismiss state governments in an arbitrary manner.



## Decentralisation in India



- A vast country like India cannot be run only through these two-tiers.
- Many of these States are internally very diverse. There is thus a need for power sharing within these States.
- Thus, resulted a third-tier of government, called local government.
- But what is Decentralisation?





Decentralisation  
local govt

Federalism

- When power is taken away from Central and State governments and given to local government, it is called decentralization.
- There are a large number of problems and issues which are best settled at the local level.
- It is possible for the people to directly participate in decision making - habit of democratic participation.



## Problems



- Directly under the control of state governments.
- Elections to these local governments were not held regularly.
- Local governments did not have any powers or resources of their own.





## Constitutional Amendment of 1992



1. 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, Scheduled Tribes and Other Backward Classes.

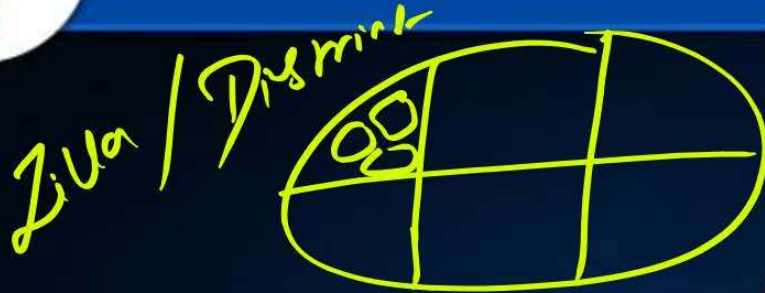


3. At least one-third of all positions are reserved for women.
4. An independent institution called the State Election Commission has been created in each State to conduct panchayat and municipal elections.
5. The State governments are required to share some powers and revenue with local government bodies. The nature of sharing varies from State to State.





## Rural Local Government



Panchayati Raj  
System

ZILLA PARISHAD

*Zila Parishad  
chairperson  
District*

BLOCK OR  
PANCHAYAT  
SAMITI

GRAM  
PANCHAYAT

*Panch → Gram  
Sarpanch → Sabh  
a*





## Urban Local Government





## Problems Faced by Local Bodies



- Elections are held regularly and enthusiastically, gram sabhas are not held regularly.
- Most state governments have not transferred significant powers to the local governments. Nor have they given adequate resources.