



Ch. – 2 – Lecture Notes

CIVICS

“Federalism”

What is federalism?

- Federalism is a system of government in which the power is divided between a central authority and various constituent units of the country.
- **Federalism has two levels of government:**
- **One is the government for the entire country** that is usually responsible for a new subject of common national interest.
- **The others are governments at the level of provinces or states** that look after much of the day-to-day administering of their state.
- Under the **unitary system**, either there is only one level of government or the sub-units are subordinate to the central.
- In a **federal system**, the central government cannot order the state government to do something.
- **Features of federalism:**
 - **There are two or more levels (or tiers) of government.**
 - Different tiers of government govern the same citizens, but each tier has its own **JURISDICTION in a specific matter of legislation, taxation and administration.**
 - The jurisdictions of the respective levels or tiers of government are specified in the Constitution.
 - The fundamental provisions of the Constitution cannot be unilaterally changed by one level of government.
 - Courts have the power to interpret the Constitution and the powers of different levels of government.
 - Sources of revenue for each level of government are clearly specified to ensure its financial autonomy.
- **The federal system thus has dual objectives:**
 - To safeguard and promote the unity of the country.
 - While at the same time accommodate regional diversities.
- **There are two kinds of routes through which federations have been formed:**
 - **The first route involves 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.** This is ‘coming together’ federations include the USA, Switzerland and Australia. In this first category of federations, all the constituent States usually have equal power and are strong vis-à-vis the federal government.
 - **The second route is where a large country decides to divide its power between the constituent States and the national government.** This is ‘holding together’ federations. India, Spain and Belgium are examples of this kind of ‘holding together’ federations. In this second category, the Central Government tends to be more powerful vis-à-vis the States.

What makes India a federal country?

- **The constitution declared India as the Union of States.**
- The Constitution originally provided for a two-tier system of government, the Union Government or what we call the Central Government, representing the Union of India and the State government.
- Later the third tier of federalism was added in the form of Panchayats and municipalities.



- **Lists:**

The Constitution contains three lists:

- (I) **Union Lists** includes subjects of national importance such as defence of the country, foreign affairs, banking, communications and currency.
- (II) **State Lists** contains subjects of States and local importance such as police, trade, commerce, agriculture and irrigation.
- (III) **Concurrent List** includes subjects of common interest to both the Union Governments, such as education, forest, trade unions, marriage, adoption and succession.
- (IV) **Residuary Powers :**
 - a. Some subject which are not included in any of the list are included in the residuary powers.
 - b. Only the central government has the power to make laws on subjects mentioned in this list.

- **Special status to some states:**

- **Most federations that are formed by 'holding together'** do not give equal power to its constituent units.
- Some States enjoy a special status. **States such as Assam, Nagaland, Arunachal Pradesh and Mizoram enjoy special powers under certain provisions of the Constitution of India (Article 371) due to their peculiar social and historical circumstances.**
- These special powers are especially enjoyed in relation to the protection of land rights of indigenous peoples, their culture and also preferential employment in government services.
- 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.
- The Central Government has special powers in running these areas.
- This 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.
- The judiciary plays an important role in overseeing the implementation of constitutional provisions and procedures.

How is federalism practiced?

- 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 democracy politics in our country.

- **Linguistic States:**

- The creation of linguistic states was the first and a major test for democratic politics in our country.
- **India when it began its journey as a democracy in 1947 and that of 2019** many old States have vanished and many new States been created.
- **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 States.
- Some States were created not on the basis of language but to recognise differences based on culture, ethnicity or geography. These include States like Nagaland, Uttarakhand and Jharkhand.
- When the demand for the formation of States on the basis of language was raised, some national leaders feared that it would lead to the disintegration of the country.



- **Language Policy:**

- **The second test for Indian Federation is the language policy.** Our Constitution did not give the status of national language to any one language.
- Hindi was identified as the official language. But Hindi is the mother tongue of only about 40 per cent of Indians.
- **Besides Hindi, there are 21 other languages recognised as Scheduled Languages by the Constitution.**
- According to the Constitution, the use of English for official purposes was to stop in 1965.
- The central government responded by agreeing to continue the use of English along with Hindi for official purposes.
- However, many non-Hindi speaking States demanded that the use of English continue. In Tamil Nadu, this movement took a violent form.
- Promotion does not mean that the Central Government can impose Hindi on states where people speak a different language.

- **Centre-state relation:**

- **Restructuring the centre-state relations is one more way in which federalism has been strengthened in practice.**
- For a long time, the same party ruled both at the Centre and in most of the States. This meant that the State Governments did not exercise their rights as autonomous federal units.
- **In 1990 there was the rise of regional political parties in many States of the country.**
- This was also the beginning of the era of COALITION GOVERNMENT at the Centre.
- Since no single party got a clear majority in the Lok Sabha, the major national parties had led to enter into an alliance with many parties including several regional parties to form a government at the Centre.
- This led to a new culture of power sharing and respect for the autonomy of State Government.
- Thus, federal power sharing is more effective today than it was in the early years after the Constitution came into force.
- This trend was supported by a major judgement of the Supreme Court that made it difficult for the Central Government to dismiss state governments in an arbitrary manner.

Decentralization in India:

- We noted above that **federal government has two or more tiers of government.** But a vast country like India cannot be run only through these two-tiers.
- States in India are as large as independent countries of Europe.
- In terms of population, Uttar Pradesh is bigger than Russia, Maharashtra is about as big as Germany. Many of these States are internally very diverse.
- Federal power sharing in **India needs another tier of government. In India third-tier of the government called local government.**
- **When power is taken away from Central and State government, it is called decentralization.**
- As the local level, it is possible for the people to directly participate in decision making.
- The need for decentralisation was recognised in our Constitution.
- Since then, there have been several attempts to decentralise power to the level of villages and towns.
- Panchayats in villages and municipalities in urban areas were set up in all the States. But these were directly under the control of state governments.
- A major step towards decentralisation was taken in 1992:



- a. Now it is constitutionally mandatory to hold regular elections to local government bodies.
- b. Seats are reserved in the elected bodies and the executive heads of these institutions for the Scheduled Castes, Scheduled Tribes and Other Backward Classes.
- c. At least one-third of all positions are reserved for women.
- d. An independent institution called the State Election Commission has been created in each State to conduct panchayat and municipal elections.
- e. The State governments are required to share some powers and revenue with local government bodies. The nature of sharing varies from State to State.

• **Panchayati Raj:**

- **The rural local government is popularly known by the name Panchayati raj.**
- This 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.

• **Panchayat Samiti:**

- The local government structure goes right up to the district level.
- **A few gram panchayats are grouped together to form what is usually called 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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• **Zilla Parishad:**

- **All the panchayat Samiti or mandals in a district together constitute the Zilla Parishad.**
- Most members of the zilla parishad are elected.
- Members of the Lok Sabha and MLAs of that district and some other officials of other district level bodies are also its members. Zilla parishad chairperson is the political head of the zilla parishad.

• **Urban areas:**

- Local government bodies exist for urban areas as well.
- Municipalities are set up in towns. 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.
- This new system of local government is the largest experiment in democracy conducted anywhere in the world.
- **There are now about 36 lakh elected representatives in the panchayats and municipalities etc., all over the country.**
- This number is bigger than the population of many countries in the world.
- Constitutional status for local government has helped to deepen democracy in our country. It has also increased women's representation and voice in our democracy.