

Federal System in India

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Abstract: *Federalism in India refers to relationship between the Central Government and the State governments of India. The Constitution of India establishes the structure of the Indian government. Part XI of the Indian constitution specifies the distribution of legislative, administrative and executive powers between the union government and the States of India. The legislative powers are categorised under a Union List, a State List and a Concurrent List, representing, respectively, the powers conferred upon the Union government, those conferred upon the State governments and powers shared among them. This federalism is symmetrical in that the devolved powers of the constituent units are envisioned to be the same. Historically, the state of Jammu and Kashmir was accorded a status different from other States owing to an explicitly temporary provision of the Indian Constitution namely Article 370 (which was revoked by the Parliament in 2019). Union territories are unitary type, directly governed by the Union government. Article 1 (1) of the constitution stipulates two tier-governance with an additional local elected government. Delhi and Puducherry were accorded legislatures under Article 239AA and 239A, respectively.*

Keywords: Federalism, symmetrical, envisioned, explicitly, constitution, legislative, administrative, Concurrent, conferred, provision

Federal system in india - As you may have found, whenever there is a discussion on the nature, structure and processes of the political system in India, it is said that India is a federal state. There are generally two types of states in the world. The state that has only one government for the entire country, which is known as a unitary state. The United Kingdom has a unitary system. But there are states like the United States of America and Canada which have governments at two levels: one at the central level and the other at the state level. Besides having two sets of government, a federal system in India must have three other features:

- a) A written constitution,
- b) Division of powers between the central government and the state governments, and
- c) Supremacy of the judiciary to interpret the constitution.

India also has a federal system having all these features, but with a difference. Let us examine the nature of the Indian federation.

Interest such as Public Health, Police, Local Self Government, etc. The Concurrent List has 47 subjects such as Education, Electricity, Trade Union, Economic and Social Planning, etc. On this List, both the Union government and State governments have concurrent jurisdiction. However, the Constitution assigns those powers on the subjects that are not enumerated under Union List, State List and Concurrent List to the Union government. Such powers are known as Residuary Powers. If there is any dispute about the division of powers, it can be resolved by the Judiciary on the basis of the constitutional provisions.

Written Constitution

As we have earlier seen, India has a written Constitution which is supreme. It is also the source of power for both the sets of governments, the Union and the State. These governments are independent in their spheres of governance. Another feature of a federation is the rigid constitution. Although the Indian Constitution is not as rigid as the US Constitution, it is not a flexible constitution. As mentioned earlier, it has a unique blend of rigidity and flexibility.

Independence of Judiciary

Another very important feature of a federation is an independent judiciary to interpret the Constitution and to maintain its sanctity. The Supreme Court of India has the original jurisdiction to settle disputes between the Union and the States. It can declare a law as unconstitutional if it contravenes any provision of the Constitution. The judiciary also has the powers to resolve disputes between the Union government and the State governments on the constitutional and legal matters related to the division of powers.

Government becomes very powerful when any of the three kinds of emergencies are proclaimed. The emergency can turn our federal polity into a highly centralised system. The Parliament also assumes the power to make laws on subjects within the jurisdiction of the States. In yet another situation, if there are disturbances in any State or part thereof, the Union Government is empowered to depute Central Force in the State or to the disturbed part of the State.

As you will study in the lesson on "Governance at the State Level, the Governor of the State is appointed by the President of India, i.e. the Union government. He/She has powers to report to the President if there is a constitutional breakdown in the State and to recommend the imposition of President's Rule. When the President's Rule is imposed on the State, the State Council of Ministers is dismissed and the Governor rules over the State as a representative of the Central government. The State legislature also may be dissolved or kept in suspended animation. Even in normal circumstances, the Governor has the power to reserve any bill passed by the State legislature for the assent of the President. This gives the Central government an opportunity to delay the State legislation and also to examine such bills and veto them completely.

The Central government has very effective financial powers and responsibilities. In the first place, items generating revenue are under the control of the Centre. The States are mostly dependent on the grants and financial assistance from the Central government. Moreover, India has adopted planning as an instrument of rapid economic progress and

development after independence. This also has led to considerable centralisation of decision making.

Finally, according to the constitutional provisions, the executive powers of the Centre are superior to those of the States. The Central government may choose to give instructions to the State government. Moreover, we have an integrated administrative system. The All-India Services are common for the entire territory of India and officers chosen for these services serve in the administration of the States. Thus, an IAS officer who becomes the collector or an IPS officer who serves as the Commissioner of Police is under the control of the Central government. States cannot take disciplinary action nor can they remove these officers from service. From the above discussion, it is clear that there is a tilt in favour of the Centre at the cost of the States. The States have to work in close cooperation with the Centre. This has lent support to the contention that the Indian Constitution is federal in form but unitary in spirit. Constitutional experts have called it a 'semi-federal' or a 'quasi-federal' system.

Demand for Greater Autonomy to States

The working of the Indian federation over the last six decades clearly shows that primarily because of the centralized federal system, the relations between the Centre and the States have not always been cordial. It is quite natural that the States would expect a greater role and powers in the governance of the State and the country as a whole. Which is why, from time to time, States have demanded that they should be given more powers and more autonomy. With a view to seeking a solution, the Administrative Reforms Commission, Sarkaria Commission and several other Commissions were appointed by the Government of India, the latest being the Commission on Centre-State Relations in March 2010. The core of important recommendations of various Commissions has accepted that there is no need to bring about changes in the fundamental fabric of the Constitution. However, the need to have a permanent Inter-State Council has been felt. In addition, it is desired that both the Centre and the States should have a concern for the development of backward territories or areas. If economic development of these backward regions is undertaken in a planned manner, the separatist tendencies will be automatically controlled. Differences between the Union and the States should be resolved by mutual consultation. The view on the demand of the States to provide more financial resources at their disposal has found favour. In order to improve Centre-State relations in the country, recommendations have been made for economic liberalization and suitable amendments to the Constitution.