

Chapter- 2

Federalism

STUDY NOTES

What is federalism?

Federalism is a system of government in which 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.

One is the government for the entire country that is usually responsible for a few subjects of common national interest.

Governments at the level of provinces or states that look after much of the day-to-day administering of their state.

Difference Between Unitary System and Federal System

Unitary System	Federal System
There is only one level of government or the sub-units are subordinate to the Central Government.	There are two or more levels (or tiers) of government.
The Central Government can pass on orders to the provincial or local government.	The Central Government cannot order the state government to do something.
The central government is supreme, and the administrative divisions exercise only powers that the central government has delegated to them. Their powers may be broadened and narrowed by the central government	State Government has powers of its own for which it is not answerable to the central government.

Key Features of Federalism

Some of the key features of federalism system are:

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 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 cannot be unilaterally changed by one level of government. Such changes require the consent of both the levels 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 has dual objectives: i) to safeguard and promote the unity of the country and ii) Accommodate regional diversity.

Different Routes through Which Federations Can be formed

Two aspects are crucial for the institutions and practice of federalism: mutual trust between the government of different levels and agreement to live together. 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. This kind of “coming together” federations is formed in the USA, Switzerland and Australia.

The second route is that a large country decides to divide its power between the constituent States and the national government. This kind of ‘holding together’ federations is followed in India, Spain and Belgium countries.

What Makes India a Federal Country?

All the features of the federal system apply to the provisions of the Indian Constitution. The Indian Constitution is a three-fold distribution of legislative powers between the Union Government and the State Governments. The 3 lists are mentioned below:

1) Union List: It includes subjects of national importance such as the defence of the country, foreign affairs, banking, communications and currency. The Union Government alone can make laws relating to the subjects mentioned in this list.

2) State List: It contains 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 this list.

3) Concurrent List: It includes subjects of common interest to both the Union Government as well as the State Governments. The list includes education, forest, trade unions, marriage, adoption and succession. Both the Union as well as the State Governments can make laws on the subjects mentioned in this list. If their laws conflict with each other, the law made by the Union Government will be considered.

How is Federalism Practiced?

The real success of federalism in India is attributed to its nature of democratic politics. Have a look at some of the major ways in which federalism is practised in India.

Linguistic States

The creation of linguistic States was the first and a major test for democratic politics in India. From 1947 to 2017, many old States have vanished and many new States have been created. Areas, boundaries and names of the States have been changed. Some States have been formed of the people who spoke the same language. These states are known as the Linguistic States.

Language Policy

A second test for Indian federation is the language policy. 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 and government work takes place in the official language of the concerned State.

Centre-State relations

Restructuring the Centre-State relations is one more way in which federalism has been strengthened in practice. If no single party gets a clear majority in the Lok Sabha, the major national parties can 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 Governments.

Decentralization in India

When power is taken away from Central and State governments and given to the local government, it is called decentralization. The basic idea behind decentralization is that there are a large number of problems and issues which are best settled at the local level. Local people can also directly participate in the decision making.

A major step towards decentralization was taken in 1992. The Constitution was amended to make the third-tier of democracy more powerful and effective. Here are the key features of 3-tier democracy:

It is constitutionally mandatory to hold regular elections to local government bodies.

Seats are reserved in the elected bodies and the executive heads of these institutions for the Scheduled Castes, Scheduled Tribes and Other Backward Classes.

At least one-third of all positions are reserved for women.

State Election Commission has been created in each State to conduct 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.

Panchayati Raj System

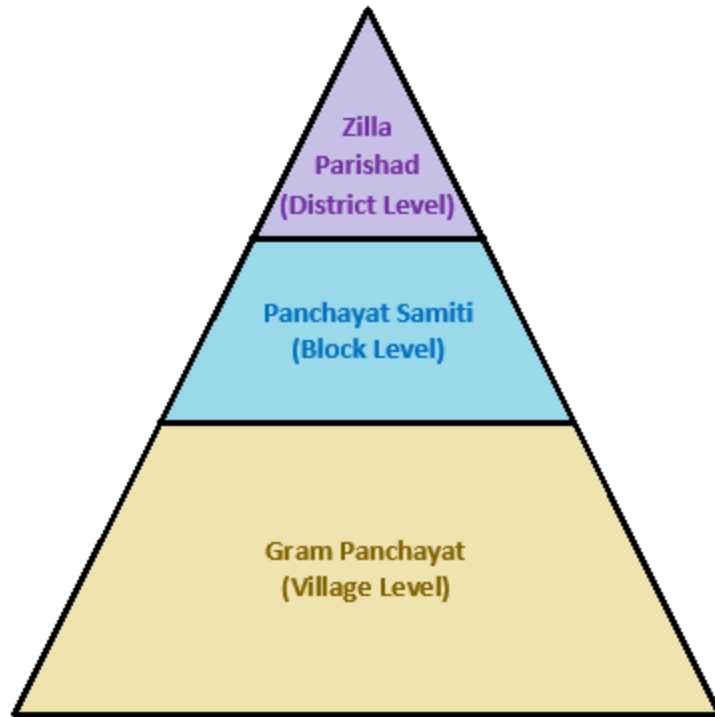
Rural local government is popularly known as **Panchayati Raj**. Each village, or a group of villages in some States, has a gram panchayat. This is a council consisting of several ward members, often called panch, and a president or sarpanch. They are directly elected by all the adult population living in a village or ward. Gram Panchayat is the decision-making body for the entire village.

The Panchayat works under the overall supervision of the **Gram Sabha**. All the voters in the village 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 the performance of the Gram Panchayat.

When Gram Panchayat is grouped together, they form a **Panchayat Samiti** or **Block** or **Mandal**. The member of Panchayat Samiti representative is elected by all the Panchayat members in that area.

All the Panchayat Samitis or Mandals in a district together constitute the **Zilla (district) Parishad**. Members of the Lok Sabha, MLAs of the district, and some other officials of other district-level bodies are the members of Zilla Parishad.

Changing your Tomorrow ▲



Municipalities

As Gram Panchayat is for rural areas, similarly we have Municipalities for urban areas. Big cities are constituted into Municipal Corporations. Both Municipalities and Municipal Corporations are controlled by elected bodies consisting of people's representatives. The 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. 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.