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Federalism in India: Challenges and opportunities

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Abstract

In this research paper an attempt has been made to analyze the Indian federal system and its challenges which have been emerged due to various factors within side of the federal units of Indian union and also efforts have been made to analyze how the challenges are get transformed into possible opportunities.

Keywords: Regionalism, centre-state, challenges, opportunities, powers etc.

Introduction

The main feature of federal form of government as per A.V. Dicey people “must desire union, and must not desire unity” if they unite it would be no longer a federal government but a unitary. Federalism is best understood as method of promoting self- rule and shared rule and balancing of national interest with that of its regions. A federal design thus aims to reconcile the contradictory goals of diverse political cultures and identities with effective collaborative action. The important thing is that the constitution has not described India as a federation. On the other hand, Article 1 of the Constitution describes her as a “Union of States.” This means, India is a union comprising of various States which are integral parts of it. The Indian Union is not destructible. Here, the States cannot break away from the union. They do not have the right to secede from the union. It combines the features of a federal government and the features of a unitary government which can also be called the non-federal features. Because of this, India is regarded as a semi-federal state. Prof. K.C. Wheare describes it as “a quasi-federal state”. The Supreme Court of India also describes it as “a federal structure with a strong bias towards the Centre”. The Indian federal system is based on Canadian Model strong Centre not on the basis of the American Model.

Objective of the Study

To examine challenges and possible opportunities of Indian federal system of governance

Material and Methods

In this research article both Primary and Secondary sources like books, Magazines, Journals, Newspapers, Internet and various government publication have been consulted to understand the Indian federal system and its possible opportunities to overcome the challenges.

Discussion

In Federal form of government power is distributed between the various units. This type of government is also called federation. Federalism is a basic feature of the Indian Constitution in which the Union of India is permanent and indestructible. Both the Centre and the States are co-operating and coordinating institutions having independence and ought to exercise their respective powers with mutual adjustment, respect, understanding and accommodation. Dr. B.R. Ambedkar said in the Constituent Assembly that the word ‘union’ instead of the word ‘federal’ is used for two definite advantages firstly that Indian federation is not the result of an agreement by the units, and second that the federal units are not allowed to withdraw from it. It is usually accepted that the Indian Constitution has created a strong central government. India is a country of continental magnitudes with many diversities and social problems. The framers of the Constitution thought that it is necessary to have a federal

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constitution that would accommodate diversities. It was essential for the Centre to have such powers because India at the time of independence was not only divided into provinces which was created by the British; but there were more than five hundred princely states which were later integrated into present States.

There are two levels of government made by the Indian Constitution, one for the whole nation called the union government or central government and another for each unit or State called the State government. Both set of governments have constitutional status and working as per their area of activity. If there is any disagreement about which powers come under the control of the union and which under the States which can be resolved by the Judiciary as per constitutional provisions. The Constitution clearly defines the subjects which are under the control of the Centre and those under the States. The framers of Indian constitution have shown keen interest on federalism as instrument for the creation of an Indian Nation and a strong cohesion state. The first phase of federalization of political process extended from the time of independence to mid-1960. Prime Minister Jawaharlal Nehru took democracy seriously enough to face the enormously expended Indian electorate by organizing congress committees at grassroots level for accommodation and consensus to balance the various factions into congress party.

The second phase of the development of Indian federalism began with the fourth general elections of 1967 which considerably reduced the prodigious strength of congress party in Centre level to simple majority and half of Indian states moved out of congress control in the hands of opposition parties and coalitions which created a major change in Centre- state relations. Prime Minister Indira Gandhi's strong centralized personal leadership which has been possible by way of internal federalization of congress party was subsequently eroded, however after the emergency of 1975 which reduced Indian federal system to unitary one. The prolonged period of coalition governments at the Centre the third phase in the federalization of Indian politics began at the end of 1980. Regional parties like Dravida Munnetra Kazhagam (DMK) of Tamil Nadu or the Rashtriya Janata Dal (RJD) of Bihar have stated their interests more openly over the past one and half decades of coalition and minority governments. India's system of government is divided between central level and the federal units (currently twenty nine states and seven union territories. Constitution created three lists: Union, State and Concurrent. The Union list of legislative powers includes 99 subjects and the State list 61 and Concurrent powers belonging to the union and the states extend to 52 items. Articles 352-360 of the constitution have produced the maximum debate and discussions. Under these emergency provisions, the country begins to function more or less like a unitary state.

Federalism has certain governance issues across the all types of nations, particularly in the context of the need to have governance as close to people as possible and to enforce accountability. But, it is in the plural group of nations, with their inherent diversity, that federalism as a concept has had to show ingenuity and innovation in managing contradictions. In fact, large plural democracies have been successful only by having federalism sculpted into their institutional architecture. In the contemporary world, a system of governance has gained legitimacy and general

acceptance because they fulfill the felt needs and aspirations of the people. Federalism too has come to stay because it serves a purpose. It has successfully facilitated the opposing pulls and pressures of individual identities and the needs of a national identity.

The remarkable understanding by framers of the Indian constitution have equipped the Indian state in a such a way to respond the demands of autonomy through the double mechanism of individual and group rights as well as the federal construction of political power. During the first phase of India's constitutional development some of these instruments were useful in empowering political majorities below the level of the national state through the effective enactment of provincial administrations. The second phase of constitutional development through the states reorganization act of 1956-7 which created linguistically homogenous states and counterbalanced the likely chauvinism through the promotion of the three language formula requiring the use of Hindi English and the regional language made it possible to institutionalize the multicultural nature of Indian state. In the third phase the same process of constitutional development of federalism in the 1990 India has witnessed the deepening of the principle of power sharing by the constitutional and statutory powers accorded to village councils of 1993. During the critical years of shift from British rule and the consolidation of popular democracy in India, the congress party provided the link between the modern state and traditional society. Congress rule both at the Centre and in the states provided informal channels of communication and balancing of national, regional and sectional interests. The politics of coalitions that has replaced congress hegemony has given public articulation to the process of integration of the local and regional for the purpose of launching a new debate on the nature of the nation and for identifying the valuable boundaries of the nation and the region. In consequence looking for regional allies has now become an imperative for all national parties.

Challenges and Opportunities

In present world the system of governance has acquired legitimacy and popular acceptance because they fulfill the felt needs and aspirations of the people. Federalism too has come to stay because it serves a purpose. A major challenge for large federations is that of inter-regional disparities. Reducing such disparities is crucial for the success of a federation. Both the Planning Commission and the Finance Commission, through a system of transfer of resources from the Centre to the States have played a constructive role in reducing inter-regional disparities and promoting balanced, social and economic development across the country. Even now inter-regional disparities in the level of development still continue which constitute a major challenge for our federal polity. Although economic and social planning is found in the Concurrent List of the Seventh Schedule to the Constitution, the Union Government enjoys unrestrained authority over national and regional planning in India. Centralized planning, through the Planning Commission, now NITI Aayog appointed by the Centre, considerable preponderance in legislative power for the Union, the financial dependency of the states on the Centre's mercy, the administrative inferiority of the states make the states meek and weak. Diversity in languages in India sometimes becomes a setback for the federal spirit of the Constitution.

There are 22 languages in India which have been constitutionally approved. Besides, there hundreds of dialects are spoken across the country. Trouble arises when the strongest unit of the federation attempts to force a particular language on others. The tussle for official language in India is still a burning issue. The southern states which oppose the Hindi as the official language of India have led to deep-seated language crisis in India. India is a fine example of religious heterogeneity that sometimes gives rise to turmoil to weaken the federation. But the religious process need not be always divisive. So long as there is a reasonable tolerance on the part of the people and a genuine secular policy on the part of the government, religion may not cause imbalances in a federation. Physical environment may also create problems for a federation by affecting communication. A federation in which the lines of communication are long and difficult has to face the difficulty of keeping in touch with all the units. It is easy for creating misunderstanding and conflict and perhaps this was one of the important causes for the separation of the east wing (Bangladesh) from Pakistan. External forces also create hindrances for a federation. The tension in North Eastern States in India is due to interference of neighboring countries. China's claim on some portion of the territory of Arunachal Pradesh on LAC threatens the territorial integrity of India. The Tamil issue in Sri Lanka creates disruptive forces in India. The alleged Pak hand in Khalistan movement in the past and Kashmir issue in present has also weakened the Indian federation. Globalization provides challenges as well as opportunities to federal systems such as India's. Federalism faces difficult challenges in the era of globalization. Due to liberalization of economy in the wake of globalization; the states also desire economic development by allowing foreign direct investment to create economic havens within their territories.

Federalism helps to manage policy conflict by creating new avenues for political participation and gives people more opportunities to influence government. Because state governments and administrations often have better information about local dynamics and customary norms of decision making, Federalism increases political participation. It allows more people to run for and hold political office.

Conclusion

The federal form of government is the most suitable form for a vast and diverse country like India. It tries to facilitate the socio-political cooperation between two sets of identities through various structural mechanisms of shared rule. Center- state relations and state autonomy have become the cardinal issues of the Indian federalism. The union government appointed Sarkaria Commission in 1983 to examine and review the working of the Indian Federalism, but this Commission doesn't make any useful recommendations for structuring the Indian federalism in a proper manner. The Union government also took in a very easy approach some of the recommendations made by this commission. For smooth operationalization of Indian federalism union government should sort out the issues of languages, religion, culture etc. in various regions which have been created for political gains. The big threat to federalism is not the federal units but union itself is responsible for chaos and confusion.

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