

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.

Key changes in Belgium



- Belgium transitioned from a unitary to a federal form of government, granting constitutional powers to regional governments.
- After 1993 the regional governments were given constitutional powers that were no longer dependent on the central government.

Key changes in Sri Lanka



- Sri Lanka continues to be a unitary system where the national government has all the powers.
- They followed majoritarianism and ended with a civil war.

Key Features of federalism

1. There are two or more levels of government.
2. Different tiers of governments govern the same citizens, but each tier has its own Jurisdiction in specific matters of legislation, taxation and administration.
3. The jurisdiction of the respective levels of government are specified in the constitution

4. Changes in the fundamental provisions of the constitution require the consent of both the levels of government.
5. Courts interpret the constitution and resolve disputes between different levels of government.
6. Sources of revenue for each level of government are clearly specified to ensure its financial autonomy.
7. The federal system has dual objectives: to safeguard and promote unity of the country and to accommodate regional diversity.

kinds of Federation

Coming together federation

- When independent states come together to form a bigger unit, so that by pooling sovereignty and retaining identity they can increase their security.
- Here all the constituent states usually have equal power.
- Eg: USA, Switzerland and Australia.

Holding together federation

- When a large country decides to divide its power between the constituent states and national government.
- Central government tends to be more powerful.
- Eg: India, Spain and Belgium.

What makes India a Federal Country?

- India is a Union of States based on the principles of federalism.
- The constitution originally provided for a two-tier system of government i.e. the Central Govt. & the State Government.
- Later, a third tier of federalism was added in the form of Panchayats and Municipalities.
- Legislative powers are divided into Union list, State list and Concurrent list.
- States such as Assam, Nagaland, Arunachal Pradesh and Mizoram enjoy special powers under certain provisions of the Constitution of India.
- Union Territories have limited powers and the Central Government has special authority over them.
- Changes to the power-sharing arrangement require a two-thirds majority in Parliament and ratification by state legislatures of at least half of the total States.
- The judiciary oversees the implementation of constitutional provisions and resolves disputes.
- Both Union and State government have the power to raise resources by levying taxes.

Distribution of Legislative Powers between Union and State

The Constitution provides a three-fold distribution of

legislative powers between the Union Govt. and the State Govt. It contains three lists:

- Union List : It includes subjects of National importance, such as defence of the country, foreign affairs, banking, communications and currency.
→ The union govt alone can make laws in this list.
- State List : It contains subjects of state and local importance, such as police, trade, commerce, agriculture and irrigation.
→ The State Govt. alone can make laws relating to the subjects mentioned in the State List.
- Concurrent List : It includes subjects of common interest to both the Union Govt. as well as the State Govt. such as education, forest, trade unions, marriage, adoption and succession.
→ Both Union as well as State Govt. 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 prevail.

Note: The Union Government has the power to legislate on 'residuary' subjects. These are those subjects which do not fall in any of the three lists.

How is Federalism Practised?

- The real success of federalism in India can be attributed to the nature of democratic politics in our country.

Linguistic States

- Boundaries of old states were changed to ensure people speaking the same language lived together.
- Some States were created not on the basis of language but to recognise differences based on culture, ethnicity or geography.
- Initially, there were concerns about linguistic states leading to disintegration, but they have actually united the country.
- It also made administration easier.

Language policy

- Hindi was identified as the official language, but safeguards were in place to protect other languages.
- Besides Hindi, there are 22 other languages recognised as Scheduled Languages by the Constitution.
- States have their own official languages.
- The use of English for official purposes was supposed to end in 1965, but non-Hindi speaking state demanded its continuation.
- The central Government agreed to continue using English along with Hindi.
- Promotion of Hindi continues to be the official policy of Government of India but it cannot be imposed on states with different languages.

- Flexibility shown by Indian political leaders helped our country avoid the kind of situation that Sri Lanka finds itself in.

Centre - State relations

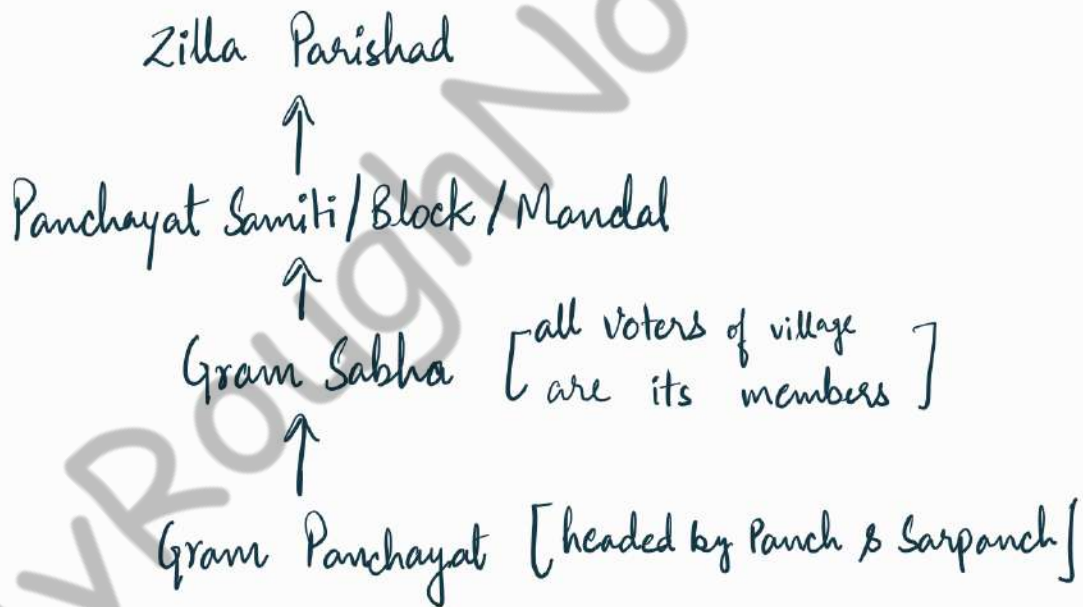
- Previously, when the same party ruled at the centre and in most states, State Governments didn't exercise their autonomy.
- Different ruling parties at the centre and states led to attempts to undermine state power.
- The rise of regional political parties and coalition government since 1990 fostered power sharing and respect for state autonomy.
- A Supreme Court judgement made it difficult for the Central Government to dismiss State Governments arbitrarily.
- The federal power sharing is more effective today than it was in the early years of the Constitution.

Decentralization in India

- Decentralisation transfers power from central and state governments to local governments.
- It promotes local self government, democratic participation, and efficient decision-making.
- A significant step was taken in 1992 to empower the third-tier of democracy, called local government.
- Now 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 SCs, STs and OBCs.
- 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.

Structure of Panchayati Raj



The End

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