

# FEDERALISM

What is Federalism?

## Belgium

⇒ Belgium was to reduce the power of central government and give powers to regional government.

⇒ a shift from unitary to federal form of government.

## Sri Lanka

⇒ Sri Lanka did not share power. Hence they continued majoritarianism.

**FEDERALISM**:- is a system of government in which the power is divided between a central authority and various constituent units of country.

⇒ usually 2 or more than 2 level of governments.

⇒ Both these levels of government enjoy their power independent of the other.

⇒ Both of these government are separately answerable to people.

**UNITARY SYSTEM**:- only one level of government or the sub-units are subordinate to central government.

⇒ The central government can pass on orders to the provincial or the local government.

**Features of Federalism:**

① There are 2 or more than 2 levels/ tiers of government.

② Different tiers of government govern the same citizen, but each tier has its own **JURISDICTION** in specific matters of legislation, taxation and administration.

③ The jurisdiction of the respective levels or tiers of government are specified in the constitution.

④ The fundamental provisions of the constitution cannot be unilaterally changed by one level of government.

⑤ Courts have the power to interpret the constitution and the powers of different levels of government.

⑥ sources of revenue for each level of government are clearly specified to ensure **FINANCIAL AUTONOMY**.

⇒ according to constitution, the use of english for official purposes was to stop in 1965.

↓  
However, many non-Hindi speaking states demanded that the use of english should continue.  
→ The central govt said OK.

But promotion of Hindi continued.

\* Promotion does not mean central govt can impose Hindi on states where people speak different language.

### ③ CENTRE STATE RELATIONS

• for a long time the same party ruled both centre and state govt. → The state govt did not exercise their rights as autonomous federal unit.

⇒ all this changed in 1990.

i] This period saw the rise of regional political parties.

ii] Beginning of **COALITION GOVERNMENT**.  
[a govt formed by the coming together of at least 2 political parties]

⇒ This led to a new culture of power sharing and respect for the autonomy of state govt.

### DECENTRALISATION IN INDIA:

⇒ a vast country like India cannot be run only through these 2-tiers

Def<sup>n</sup>:- when power is taken away from central and state government and given to local government it is called Decentralisation.

LOCAL GOVERNMENT = PANCHAYATI RAT

⇒ give arguments in support of decentralisation?

① There are a large no. of problems and issue must settled at local level.

② People have better knowledge of problems in their locality.

4. The parliament cannot on its own change the arrangement. Any change to it has to be first passed by both the Houses of Parliament with atleast  $2/3^{\text{rd}}$  majority. ✓
5. In case of any dispute about the division of powers, the High courts and the supreme courts make a decision. ✓
6. The Union and state govt have the power to raise funds. ✓

## HOW IS FEDERALISM PRACTISED?

### ① LINGUISTIC STATES:-

• The creation of linguistic states was the first and a major test for democratic politics in our country.

• 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 state.

⇒ 121 major lang  
⇒ 22 → schedule language.

• Some state were created not only on basis of language but on basis of culture, ethnicity or geography.

### = DARR:

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.

But: the experience has shown that the formation of linguistic states has actually made the country more united and made administration easy.

### ② LANGUAGE POLICY:-

• our constitution did not give the status of national language to any one language. **NO NATIONAL LANGUAGE.**

⇒ Hindi is identified as official language.

• Besides Hindi there are 21 other languages recognised as scheduled language by the constitution.

• much of govt work takes place in the official lang of concerned state.

⑦ The federal system thus has dual objectives:  
 1] to safeguard and promote unity of the country.  
 2] at the same time accommodate regional diversity.

what is difference between "coming together" and holding together federalism? → true federalism.

⇒ **COMING TOGETHER**: 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.

→ USA → SWITZERLAND → AUSTRALIA.

∴ → (all the constituent states usually have equal powers)

⇒ **HOLDING TOGETHER**: large countries decides to divide its power between the constituencies and national government.

→ INDIA → SPAIN → BELGIUM

\* central government tends to be more powerful.  
 ⇒ Hence has unequal powers.

What makes India a Federal country?

1. The constitution provides a 2-tier system of government. ✓
2. separate jurisdiction. ✓
3. The constitution provides a 3-fold distribution of legislative power between: ✓

residuary subjects: union govt

Union list	State list	Concurrent list
1. national importance 2. foreign affairs, banking, communications and currency. 3. only central govt can make law on it	1. local importance 2. police, trade, commerce, agriculture and irrigation.	1. common interests 2. education, forests, trade union, marriage, adoption and succession. if their laws conflict with each other, the law made by union govt will prevail.

• some states enjoy special status due to peculiar social and historical circumstances.

↓  
 so to protect the rights of people living in that state union territories are formed → • too small • cannot merge.

- ③ They also have better ideas on where to spend money and how to manage things more efficiently.
- ④ It is possible for people to directly participate in decision making.

samasya: [Local govt was directly under the control of state government.]

### ⇒ A MAJOR STEP TAKEN TOWARDS DECENTRALISATION IN 1992:

- i] It is constitutionally mandatory to hold regular elections to local government bodies.
- ii] seats are reserved in the elected bodies and the executive heads of these institutions for the SC, ST and other backward classes.
- iii] at least  $\frac{1}{3}$ <sup>rd</sup> seats are reserved for women.
- iv] An independent institution called the State Election Commission has been declared created in each state to conduct local level meetings.
- v] The state govt are required to share some powers and revenue with local govt bodies.