



# “INDIAN FEDERALISM CHALLENGES & CONCERNS”

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## **ABSTRACT:**

The Indian federalism is unique in character. It is based on centre state formation. It is not outcome of any agreement but formed for the administrative convenience. The most unfortunate part was that the reorganization of states was made on the lingual basis due to lingual movement. Although the leadership had the vision to reorganise the states on administrative and economic basis but they have to down before the strong lingual movement of that time. This arrangement has created lots of challenges before Indian federation which are still going on. The most striking feature of this arrangement is sharp rise of communal and lingual regionalism in Indian politics which further accelerated the separatist tendencies among the Indian states. It has created regional and economic imbalances in Indian society. Some areas are totally neglected due to this reorganisation of the states. The centre-state relations in Indian federation have always been in dark shadows due to the non-cooperation between centre and states. The role of governor and article 356 has diminished federalism sentiments. The constitutional head of the state, the governor played negative role to intervene and toppling of elected governments in the states. The steep rise of regionalism in Indian politics from early 90s has also disturbed the mathematics of federalism in India.

**KEYWORDS:** Federalism, Centripetal, Centrifugal, Regionalism, Lingual movement, Cooperative Federalism

The relationship between centre and states is determinant factor in deciding the mode of the government. The administrative power concentrated in one centre constitutes the ‘Unitary Form of Government.’ The whole nation is being governed by a single authority. Although there may be administrative units for the smooth conduct of administration in unitary form of government but these units work on the behalf of single administrative authority and their powers can be withdrawn by central authority. The monarchical form of governments were unitary form of government during ancient and medieval period where the King was

the central authority and all ministers, governors and administrative units had to work on the behalf of king, the central authority. The unitary government in England, France, Germany and Japan are contemporary experiences in democratic world. The federal form of government is characterized by the division of power between centre and states. Both centre and states enjoys their original powers derived from the constitution and both cannot encroach in the jurisdiction of each other because the distribution of power between centre and state is being made by the constitution itself. The judiciary being as the custodian of the constitution prohibits both centre and states. Garner, a famous scholar defined the federalism as “The federation is the system of central and local government combined under a one common sovereignty, both the central and local organizations, being supreme within definite sphere, marked out for them by the general constitution or by the act of parliament which creates the system.”

The division of power between centre and state can be characterized on the basis of mode of formation of federation. Broadly speaking, there may be two basic models of federation by which division of power is made possible. The perfect model of federation is manifested in the federation of United States of America. This model is based on centripetal formation of federation; the thirteen states came together at Philadelphia in 1776 to constitute the first federation of the world in form of the United States of America. This model has been considered as the perfect model of federation because it was an outcome of an agreement among thirteen independent sovereign states that followed the true principles of federation to retain their state identities with the centre. The dual citizenship, dual rule and dual constitution are the outcome of this agreement. The second model of federation is of India. The Indian model of federation is based on centrifugal principle that's why it has altogether a different formation. The British government declared India independent and left it as one piece of land to govern in form of India. India, a land huge socio-economic, cultural and ethnic diversity was not possible to govern by a single central government that's why the founder fathers of Indian constitution decided to torn this one huge administrative unit into several administrative units for the smooth conduct of administration and well being of people. The very first article of Indian constitution declared India as the 'Union of States' rather using the word federation. While speaking in constituent assembly Dr.B.R Ambedkar clarified that we have preferred the word “Union” rather than federation because division of power between the centre and states is not an outcome of any agreement and the component units have no freedom to secede from its centre and this arrangement has been made only for the “Administrative Convenience.” Now the major challenge before Indian leaders was how to divide Indian union into administrative units. To concretize this arrangement and to make it real, the state reorganization commission was set up in 1953 under the chairmanship of Fazal Ali but soon it was absorbed by linguistic colours. This wave of linguistic movement washed out the sentiments of founding fathers of the constitution and it got so widespread and violent that the government had to bow down. It was most challenging time for newly formed government and for its leaders. This resulted into the division of India on lingual basis and here were sowed the seeds of anti-national, strong regional and separatist feelings of which burnt now be felt.

This is first major challenge and trend in Indian Union which emerged just after the formation of first elected government and still it is a major challenge before Indian leadership and government. All this buried the core of preamble of Indian Constitution “Fraternity assuring the dignity of individual and the unity and integrity of the nation.” This is very well reflected in various anti-national, separatist and regionalist movements in almost all states of the union of India. Seeds of separatist feelings on lingual basis were sowed before the independence, in south India there was demand for an independent Dravidstan but after independence the demand was converted into autonomous Dravidian states within the union of India. The most fatal outcome of lingual division of India can be seen in the form of khalistan movement in Punjab which demanded a separate independent state from the union of India for Punjabi speaking people. The Punjab legislative assembly flouted the constitutional provisions of centre state relations by passing the termination of water agreement act where the late Smt. Indira Gandhi, the then prime minister, was signatory to this water agreement and this act has shown the sovereign intentions of this assembly which must be seen as a future endanger to the unity of India because it can be repeated by the legislative assemblies of other states also. The separatist movements in Eastern India have been posing aggravating problems for the Union of India. The recent developments in Maharashtra by the so-called champions of ‘the interest of Marathi speaking people’ must be treated as a final assault over the unity and integrity of India. Almost all the Marathi political leaders irrespective of their political parties are playing their cards to serve their ugly and secretarial interest at the cost of unity of India. The concept of Marathi “Manus” has forced us to think about restructuring the Union of India because these developments have turned the concept of ‘administrative convenience’ into ‘administrative inconvenience.’ Although it is not easy to redraw the map of federal states where the federation is an out come of any compact, as the American federation is described “an indestructible union of indestructible states” but the fathers of Indian constitution empowered our parliament to alter the territory or integrity of its units, namely, the states, without consent or concurrence. As has been laid down by article 3 by a simple majority or by the ordinary legislative process parliament may form new states or alter the boundaries of existing states and thereby change the political map of India. So the constitutional provisions for restructuring union of India are very liberal but the most important question that crops up is as to what should be the alternative base for centre state relations?

To find out the alternative model for division of power, we have to peep into the history and see the opinion had our political leaders at the time of reorganization and what they suggested as an alternate of linguistic reorganization of union of India to the states reorganization commission. Pt Nehru had a broader vision and was not in favour of reorganization of states purely on linguistic basis because he had an apprehension that people belonging to the minority language in such states may be discriminated and his apprehension proved to be real in state of Maharashtra where north Indians are being discriminated for the sake of Marathi. Finally he had to agree on the linguistic division after the death of Sriramullu but he suggested two very important factors at that point of time which could be the alternative base for restructuring of the Union of

India in the times to come. First and foremost factor was the preservation and strengthening of the unity of India and the second was the fact that economic, administrative and financial factors must not be ignored while drawing the boundaries of the states

The neglect of economic and administrative factors for the sake of language have created economic and administrative regional imbalances which further went onto accelerate the regional and separatist tendencies in Indian states. The protest voice rose just after the reorganization act of 1956 because the linguistic division could not fulfill the aspirations of the people of India. People of Vidarbha region demanded a separate state from Maharashtra because they felt neglected in sphere of economic development and administration. This is not the only case; such demands have been arising from the regions lying in all the big states. Carving out of Jharkhand, Chhattisgarh and Uttaranchal in year 2000 from big states like Bihar, M.P and U.P are the clear manifestations of the acceptance of smaller states for good governance and economic prosperity. The issue of vidarbha and Telangana are still hinging on. On the whole, however, there are demands for the creation of about 50 states

The success of a federation depends on positive and cooperative role played by both centre and state governments. The reorganisation of states on the lingual basis has weakened Indian Federation and has accelerated the separatist movements within Union of India. On the other side, the non-cooperative and discriminatory role of central government for the states has further deteriorated the federal sentiments in India. Governor is the constitutional head of the state but the undue interference by this office in functioning of state government being as the representative of central government has created a bone of contention between the two. The role of governor in federation is of a umpire but the most unfortunate part is that governor has started to play as a player the central government to please the masters. Several state governments were being toppled by the governors even when these governments were holding majority in legislative assembly. The role of governor in formation of government in case of the absence of majority in legislative assembly has further created the bitterness between the centre and the states because they adopt different means in different states to choose the government. Article 356 is a tool in the hands of governors to topple the government of opposition parties in the states. Although Dr. B. R. Ambedkar contemplated that article 356 will be dormant but it has been used and misused more than hundred times which has furthered weakened Indian federation.

Another core issue of Indian Federation is financial dependence of states on central government. The political liberty is meaningless without economic dependence and Federation in India is at its lowest regarding financial relations between centre and states. The state governments have not enough financial resources for the smooth conduct of the functioning of the states. They have total dependence on centre government for financial resources. The arbitrary disbursement of funds by the central government is a matter of grievance for state governments. A non-constitutional and non statutory body like 'Niti Ayog' has an important role in deciding the grants-in-aid provided to the state governments. From the very beginning the states are demanding to

increase their financial resources by giving more shares in taxes and on the other hand they are demanding that the disbursement of financial resources should be carried out by Finance Commission, a constitutional body. The central government use the financial resources as a tool of blackmail for states specifically the governments with regional parties and sometimes regional political parties in state governments also blackmail central government to grab more financial resources in case of coalitional government at centre. So this tool is misused by both ways and create discontentment among the states against the central government.

Another discontentment of the states is that central government doesn't provide them enough space to work freely in their respective states. They are demanding more autonomy to administer their states. The demand of state autonomy couldn't get momentum till 1967 because at both centre and states one party was in majority and the disputes between centre and states used to resolve politically because chief ministers couldn't dare to raise the demand of autonomy. This issue came on forefront when opposition parties came in power in six states in 1967. The opposition governments started to raise the demand of autonomy because now the conflicting issues couldn't resolve politically with central government. The demand of state autonomy got momentum because central government didn't address the core issues of federation. The core issue which has created a lot of discontentment among the states is that of dominant role of centre regarding distribution of the legislative power between centre and states. The distribution of power is in favour of centre. Even centre can make legislation on state subjects in certain cases. The states have been demanding to increase the legislative jurisdiction over more subjects.

## **Conclusion:**

India is land of diversity with the people of different creed, color, religion, caste and culture and this is the also the beauty of composite culture of India. It has not only social and cultural implications but also has political repercussion. Its reflexes in political arena can be traced from later 1960s when six regional political parties formed governments in states in 1967. It can be considered as the emergence of regionalism in Indian politics. Till 1984 the role of regional political parties was limited to few states and it was confined to local politics of the states but the steep rise of regionalism in Indian politics can be seen from early 90s to present time. The last majority government was formed in 1984 before 2014 general elections. During this gap of thirty almost every state experienced regional political party. Now these regional political parties have not only dominant role in state politics but have big say in national politics also. From 1991 to 2014 no national party could think of the formation of government at centre without the help of these regional parties and these parties have started to demand increase their share from national resources. Indian federation has been passing through a new experience of this new form of regionalism in centre-state relations. It is the need of the hour to rethink and review Indian federation in this changed scenario. Now the centre will have to understand and cooperate the states in this new situation and should not ignore the regional sentiments and states should also behave with maturity because now they have important and larger roles and should not pressurize and blackmail the centre

government for the sake of their states only. The regional political parties should come out from their petty state interest and should think of the whole nation because now they have to play a relevant role in national politics also. If both centre and states will behave in this direction then Indian federation will lead to a cooperative federation and will serve the interest of both centre and states.

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