



The Long March of Federalism in India: Recent Trends and Challenges

Choudhury Pradosh Ranjan

*Assistant Prof. Dept. of Political Science
Government Autonomous College, Rourkela*

Rameshwari Bhoi

*Assistant Prof. Dept. of Political Science
Government Autonomous College, Rourkela*

Bikram Kumar Malik

*Faculty of Department of History
Government Autonomous College, Rourkela*

Abstract:

Indian political system is having her own uniqueness and dynamics features, out of many Indian federalism is the most debatable and discussed topic among the scholar of political sciences throughout the world. Though India got her independence 75 years back but the trace of sharing of power in the administrative system is found as long as history in Indian subcontinent. In a federal system there is existence of two types of government one at central level and another at provincial level, which can be easily accessed in the administrative setup of Mauryas, Shershah and even partially in Delhi sultanate also. But the modern form of federalism we adopted as part and parcel of our governance is through the adoption of our constitution in January 26, 1950. India, the largest democratic country in the world though following all the features of true federalism but it has her own version which sometimes is being criticise as half federalism.

Indian federalism which has wide influences of the Government of India act 1935 has its colour with changing of time. If we analysis the characteristics of the federal system in India, its amphibian in nature, sometimes shaping as a true embodiment of federalism and sometimes supporting centralism with less federal character.

Key Words: *Delhi sultanate, half federalism, Govt of India act 1935, Amphibian*

Introduction

If you ask a common man, what is federalism. His answer must be “division of power between central and state. Some other answer may be sharing of power, decentralization of power etc. According to oxford dictionary “federalism is a form of Govt. where most of the power is vested in association of constituent rather than by the central authority. In this line though India considers itself as a federation or country following federalism but the

pattern of federalism followed in India is always a hot topic for discussion due to its unique character- sticks. Political scientist over the world coined different name to Indian federalism. Among this G. Austin (1966) defined it as cooperative federalism. Whereas K.C. Where called it as “Quasi Federal”. In a true sense our constitution maker has developed a form of federalism that can be suitable only to India as it is a land of diversity in culture, Languages, tradition and belief. We have our own version of federalism which not true in its sense that why the first article of the Indian constitution describes that India that is Bharat shall be union of state “there is no mention of word federal there. It is also the fact that due to call of time our constitution maker has adopted and enacted a system which is neither federal nor unitary in nature only to create a balance in the political and administrative setup. Indian federalism is still evolving and changing itself as per the need of time. We have witness four phases of federalism in India from dominate one party federalism to coalition multy party federalism to again coalition one party federalism.

History of federalism in India

In real sense federalism means sharing of power between in centre and state or central administration and provincial administration. More the decentralisation of power better the administration and governance. The history of decentralisation and sharing of power for smooth governance can be traced back from the administration of Delhi sultanate, Mughals, and Shershah Suri’s. Particularly during the time of Shershah the state was divided into different provinces and provinces were divided in sarkars or district. Each sarkar comprised of number of paraganas and each praganas comprised of certain number of villages. The villages were the lowest unit of administration. The power was decentralised from the top to bottom.

Even during the time of Mughals there are three types of administration, city administration and village administration. The provinces during the time of mughals were called as subah, the village were at the bottom of administration. After Mughals Britisher took the reign of Indian administration and ruled India for Two hundred year. They had introduced a central administrative setup but after realising the urgency of reforms in administration they also followed the federal model of governance with a strong centre for suitable administration and to pacify the demand of revolutionary Indians. Britisher introduced govt of India act 1919 through which for the first time there are mentioned about two types of Govt that is central govt and provincial govt. The act introduced diarchy for executive level of provincial govt. The diarchy was implemented in eight provinces of Assam, Bihar, Bengal, central provinces, united provinces, Bombay, Madras and Punjab. The provinces were given much more power under executive head under the governor. The subjects were divided into two categories the reserved subject to be administrated by the governor and the transport subject to be governed by the minister nominated among the elected members.

The Government of India act 1919 was not successful one as there is less provisions for self government and growing demands for the constitutional reforms arised. In eye of the above the Government of India act 1935 was introduced, this act mentioned about an all-India federation comprising the British India provinces and Indian state. The provinces were given autonomy and subjects were divided into three list that are federal list, provincial list and concurrent list. For the first time bi-cameral legislature was also introduced. After 13yeras of the

introduction of this act India got her independence in the year of 1947 and India introduced her own constitution. The Indian constitution was widely influence by the Government of India act 1935 which is called as mini constitution of India.

Suigeneris of Indian Federalism

The framers of the Indian constitution based on government of India act 1935 frame the new constitution and prescribed about a system where there is a division of power between centre and states and one sight and provision of strong centre at other. So, the Indian federalism is a federalism of its own kind.

Unlike the USA India is a holding together federalism where the geographical and culturally diverse area is divided into many states for better administration. There are two types of government that is State Government and Central Government. National government is shows to be more powerful than the state government. On the other side USA is an example of combine federalism were small units of states come together to make a big unit for better Administration, where government at states is comparatively much more powerful than national government. Whatever the types of federalism may be there is a certain common feature lies everywhere these are like.

1. Two tier of government: One government at centre and other at state level
2. Written constitution
3. Division of Power
4. Supreme court as the highest court of appeal

After all the Indian federalism is so unique in its own sphere due to certain especial features written in Indian constitution.

1. These are like though there is separation of power between centre and state but certain state like Jammu & Kashmir, Nagaland, Manipur, and Mizoram etc. has given special provisions.
2. As per the Indian constitution there are 97 subjects in Union List, 66 Subjects in State List and 47 in Concurrent List. The union list has more number of subjects than the state list.
3. Over the subjects of concurrent list if any deadlock arise the law of the centre will prevail over the state one.
4. Parliament has also power to legislate on any of the state subject.
5. Parliament has the power to change the boundaries of the state even can alter the boundaries of the state and create a new state unilaterally without considering the voice of any state.
6. As Governor of a state is appointed by the centre and in matter of Administration. IAS are also appointed by the center. They must work in state and report to the Government of the centre. This one is clearly again the notion of common federalism.
7. Modern federalism first started in USA. If you take USA as an example there is presence of Supreme Court in every state and Supreme Court at the national level is called as the federal Court. But here in India we have only one Supreme Court is the apex level for both centre and state.
8. Single constitution and single citizenship are also they Unique feature of the Indian

Federal set up. In other Federation there is provision of separate constitution for both centre and Unity and dual citizenship.

Clearly these are the certain features of Indian federalism which makes it unique among others. It indicates about the present of strong centre and weak unit. For which Indian federalism is called as half federalism or federalism with strong centralism.

Recent Trends in Indian Federalism

The constituent assembly of India has adopted and inducted the Indian Constitution on 26th January 1950 and first general election held in the year 1951. In the first general election both at the centre and the State Congress Party got the fully majority and form a government. As Congress was the ruling party both at the centre and at the state so there are co existence and cooperation between both center and state. We can call this time as a one-party federalism or consensual federalism.

These trends continuous till 1967. For the first time in 1957 in a non-Congress government came to power in Kerala and gradually Congress party faced many hurdles to form the government in number of states forcing government at center to impose emergency. Opposing Central rule political crisis arised in Assam, Mizoram, Punjab and Kashmir in late 1970s. The one side imposition of National Emergency by Indian government in 1975 destroyed the federal fabric of the Indian constitution and India wind towards a unitary model of Governance. In 1977 general election in a non-Congress government came to power at centre for the first time. A Commission was appointed by the government in the year in 1983 to investigate the constitutional provision on centre state relation. In this period many states raise their Voice against the autocratic ruling of center. This phase of 1967 to 1990 is called an expressive federalism.

In 1990s a new type of Government India witnessed that is coalition Govt. and Govt. formed 1992-2014, coalition politics at the centre and the state create the scope for a new type of federalism that is multiparty federalism. In this period 73rd and 74th constitutional amendment act was passed in the 1992 and three tiers of federalism opened at the Panchayat and Municipality level.

After 2014 General Election BJP led NDA government came to power and BJP as the single largest party having own majority open the way for one party Federalism again. From 2014 to till date this continuing Government has taken many steps which are clearly against the notion of federalism and centre and state relationship. Introduction of NITI Ayog in place Planning Commission, “One Nation One GST”, over active role of the centre during the time of COVID-19 Pandemic are the burning example of it.

Challenges Ahead

Indian Federalism is facing challenges due to over increasing centralisation of power and one-sided role play of the centre resulting in centre state rivalry on many reasons.

- 1) Ugly form of regionalism emerging in federal unit is not only a challenge to Indian federalism but also to the spirit of national unity and integrity. Role of regional political party in creating a type of Political rivalry between centre and state on ideological basis cannot be ignored.
- 2) The unequal sharing of power between centre and state is weakening the basic pillar of federalism and paving the way for a unitary state. The state role has now become a subordinate player nor a player with equal status. The states always demanding for more autonomy creating stage for rise of anti- federal elements.
- 3) Over dependency of the state on centre in financial matter resulting federal crisis in India. Due to lack of specific provision mentioned in the Indian constitution on special. Financial autonomy for states creating dependency of the state on centre resulting financial instability and war of words between both the centre and state.
- 4) 28 states and 09 union territories in Indian are not equal in size and equal in population resulting unequal representation at centre. Sometimes some states are getting privilege from the centre sometimes not due to ugly Politics. Unequal attention of centre towards unequal state is a challenge to the federal set up in India.
- 5) Religion and Terrorism has always become a hurdle for Indian Federalism. Continuous rivalry between Hinduism and Muslim and frequent attack of Muslims based terrorist Organisation in Indian states of Jammu & Kashmir is a challenge not only to Indian government but also to Indian Federalism.
- 6) Interstate rivalry over sharing of natural resources is also a challenge to federalism in India.

Conclusion

Indian Federalism is dynamic in nature and changing according to the change of time. Its based on Intergovernmental setting- sharing power at on equal level and ensuring cooperative with each unit of the Government Machinery; But we can't ensure that there should not be any conflicts in a federal form of Governance. In this regard the centres as well as state must go forwards positively towards establishing different bodies or council to strengthen coordination and cooperation among both the unit and to show Indian federalism as the best form of Federalism having her own uniqueness to the world.

References & Notes

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