

Federalism in India

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ABSTRACT: *A federal government is a government structure that distinguishes the authority of the country's central government from the state government. It assigns those tasks to each sector such that it has its own role for the central government to do and its own for the state government. A quasi-Federal government is a form of government that divides the authority between the country's central government and state government, but the central government allocates greater power than the state government in the quasi-federal government. The central government may intervene in the decisions taken by the state government in a quasi-central government structure. The nature of dual politics is federation. Federalism is a government concept specifying the relationship between the national level of the central government and its constituent units at the provincial, state or local level. The government theory allocates power and authority between the national and local governmental units in such a manner that a sphere of power and authority is assigned to each unit, which can only be exercised, while the others have to be allocated.*

KEYWORDS: *Central; Federalism; Government; India; State.*

INTRODUCTION

India has not been established as a federation by the Constitution of India. Nevertheless, Article 1 of the Indian Constitution identifies India as a " Union of States." This suggests that India is a union made up of separate states that are an integral part of it. Here, states are reluctant to break free from the union. They may not have the authority to secede from the union. The constituent units or the states have the right to come out of the union in a real federation. India is not a full federal government since it blends federal government characteristics with unitary government characteristics, and may also be considered a quasi-federal government[1].

In India there are 2 sets of government and that is the government of the union and the central government. The federal government takes control of the entire nation and the state government functions exclusively with the regions. The workings of the two regimes vary. Forces were split by the Constitution of India between the central government and the state government. The seventh schedule of the Indian Constitution lays out how the allocation of powers between state and central government is carried out. There is different authority and responsibility for both central and state governments[2].

The Seventh Schedule of the Indian Constitution consists of a list of unions, a list of states, and a list of concurrent ones. Union list -It comprises all the issues on which legislation can only be made by the central government. State list -It comprises all the issues on which laws can be made by the state government. Concurrent list -This comprises all the topics on which laws can be made by both central and state governments[3].

India has the world's largest constitution, composed of 395 sections 22 sections and 12 schedules. Each Indian Constitution article is specifically written down and addressed in complete detail. India's Constitution is considered the ultimate rule of the country. No legislation may be made or enacted against India's constitution. The Constitution of India is mainly for the nation's people and organisations[4].

India's Supreme Court is known as the country's superior court. The Supreme Court's decision is binding on all courts and it has the right to read the constitutional documents. The assembly is bicameral in India. There are two houses, the Lok Sabha and the Rajya Sabha. Rajya Sabha is the upper house of parliament that serves the provinces, and Lok Sabha is the lower house of parliament that represents the people in general[4].

India's constitution consists of characteristics of federalism such as separation of power, supreme court, two set of government, bicameral law, etc., which specifically illustrates its federal existence. The separation of authority between the state and central government reflects India's federal existence, and the independence of the judiciary reveals the supreme court's absolute power to make its ruling supreme and

binding on all courts. In contrast to the state government, however, the powers granted to the central government have more weight[5].

Constitutional legislation comprises of all civil law in the strict sense and uses, usually referred to as conventions, which are agreed as binding by all those involved in government without being implemented. Many laws and procedures are not part of the law in the sense that a breach may result in a court of law proceeding. The Indian Constitution allows to be a federal system only because it is claimed to have a simple demarcation of central and state government borders equal to that of the U.S. India, split between the center and the province, has parliamentary and executive power[5].

DISCUSSION

India is often frequently stated to be non-federal in matters such as that the Center can in certain cases impact the areas assigned only to the states. It thus contradicts the theory of federalism since it makes the middle the hyponym of the state. Therefore, it is often said that it is also in a unitary government shape. Only during the time of conflicts or crises does the phenomenon of such a unitary system of government occur[6].

A federal constitution creates a duplication politics with the core of the Nation and the states at the periphery, each with independent powers to be exercised in the area given to them by the constitution. Both are co-ordinated with each other's forces in a way. In fact, the underlying concept of federalism is that, not by legislation enacted by the center, but by the Constitution itself, the political, executive and financial power is separated between the center and the states[6].

A counterpoise of powers between the Executive, Legislature and the Judiciary is often defined by the Indian Constitution. The constitutional rights bestowed on the citizens of the country would become only equal to a decoration if the courts are stripped of their authority, and people as a marionette in the possession of the sovereign. It would therefore lead, and destroy its spirit, to a structure that is wayward from that of democracy[6].

The granting of the freedom to spiffle the identity of the Constitution is twinned with the requirement that no Court of Law shall decide on the legality of the wipe-out and no limit on the powers of amendment. If it is not possible to declare the constitutional amendment unconstitutional even if it destroys the underlying framework of the Constitution, a statute enacted in pursuit of the constitution will go beyond the pale of judicial scrutiny as it will enjoy the protection of the constitutional amendment so made and nobody has the right to overrule it[7].

Federalism is a form of government in which authorities, such as states or territories, are distributed between the core and its constituent parts. The institutional mechanism is designed to accommodate two sets of policies, one at the national or central level and the other at the regional or provincial level[7].

There are two seats of authority in a federation structure that are independent of their own domains. In that jurisdiction is legally divided into two geographical tiers, a federal structure varies from a unitary system so that each level will operate in certain areas independently of each other[8].

Federations of two kinds exist:

In this form, forces are exchanged amongst separate constituent parts of the Keeping Together Federation to satisfy the diversity of the entire body. Forces are normally tilted against the supreme authority here. Examples: Spain, India, Belgium.

Coming Together Federation: Autonomous states come together in this form to form a greater entity. Compared to the keeping together form of federation, states enjoy more power here. Examples: The United States, Australia, Switzerland[8].

India is a territorial republic, but with a stronger tilt for a unitary government system. Since it has characteristics of both a federal and a unitary structure, it is often called a quasi-federal system. Article 1 of the Indian Constitution says, 'The Union of States shall be India, that is, Bharat.' In the constitution, the

term union is not stated. The Government of India Act of 1919, which divided powers between the centre and the state assemblies, brought aspects of federalism to modern India[8].

Federalism is the two-government compound mode. That is, there would be a combination of two governments under one system: state government and central government. We may characterize federalism in India as a division of power around central, national, and state governments. This is analogous to the campaign organizing style in Canada[9].

In its heart, federalism is a structure in which the dual machinery of government works. Generally, there are two tiers of government under federalism. One is a supreme body that looks after the country's main affairs. The other is more like a central council that looks after their own region's day-to-day operation and operations[9].

In India, there are two governments that exist, the Government of the Union and the Government of the Province. Instead of cooperating with each other when acting separately, the two governments should not delegate themselves to each other. While the Indian Constitution has the characteristics of being a federal constitution, it is not in its strict sense. The presence of characteristics required for the existence of a federation is rather a peculiar feature of the Indian Constitution, but on the other hand, there are clauses that give the Union Government more control than that of state governments. The Indian Political system is now a quasi-federal structure, and in 1935 Act it was rendered like this[10].

The principles of the federal system of government in India is set out in this Act. It allowed for the allocation between the Union and the provinces of legislative powers (the structure at that time). These provisions have been developed for the fostering of peace and for the settlement of conflicts between provinces. The Act also retained a spirit of mutual partnerships between the provinces. Sections 131, 132 and 133 set out provisions for settling water-related disputes in order to dig through the nuances of this Act. These laws effectively resolved the problems related to rivers and river valleys within provinces[10].

The US Constitution, in which the running of government is split into two jurisdictions, namely the Federal and State Governments, is brought into the picture. These governments are not subordinate to each other, but within the framework assigned to them, they are co-ordinated and autonomous. It is often argued that such a system of separate coordinating authority is what forms the core of the federal principle, and India does not qualify as a federal state because of the absence of this function[10].

CONCLUSION & IMPLICATION

As it has characteristics of one citizenship, a single constitution, and constitutional flexibility that are not the features of a pure federal government that is only followed in the United States of America, the Indian government is quasi-federal in nature. Since the Indian government includes Federal government characteristics such as separation of authority, it does not recognize it as pure federal government but as quasi-federal government, partially rigidity of constitution.

A constitution sui generis is the Indian constitution. On the one side, the constitution includes characteristics that are of considerable significance to a federal arrangement, although it contains clauses that struggle for a dominant nucleus, rendering it quasi-federal in nature. The fact to be appreciated here is that these provisions of dual federalism were purposely implemented to better suit a polyglot nation such as India.

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