

CHAPTER - VII

FEDERALISM

- India adopted federalism from Canadian constitution, which mean treaty or agreement.
- Federalism means, the treaty between central and state government. It is also known as combined nation.
- Central government works at national level.
- State government works at regional level.

THE BASIC FEATURE OF INDIAN FEDERALISM

- Dual government
- Division of power
- Independent judiciary
- Supremacy of constitution

1. DUAL GOVERNMENT

Indian politics is divided into two government at national level and state government at regional level.

2. DIVISION OF POWER

The power is divided for central and state government. 7th schedule deals with division of power.

Division of powers are three. They are:

- Union list
- State list
- Concurrent list

Union List

The subjects that is maintained by central government is called union list. There are 97 subjects.

E.g. Defence, banking, Foreign affairs

State List

The subject that is maintained by state government is called state list. There are 66 subjects.

E.g. Agriculture, police, public health, land

Concurrent List

The subject that is maintained by central and state government is called concurrent list. There are 47 subjects.

E.g. Education, forest, marriage and divorce

Residuary Power

The subjects which is not included in any of the above list.

E.g. Cyber laws

3. INDEPENDENT JUDICIARY

Judiciary is known as the guardian of constitution. Protecting is the duty of Judiciary.

4. SUPREMACY OF CONSTITUTION

Another basic feature of Indian federalism is the supremacy of constitution.

Sarkariya Commission

Sarkariya commission is established by the central government in 1983, to study about the relation between central and state government. After the study the report was submitted in 1987. Chairman of this commission was S. Sarkariya.

Main Content of the Report

- Centralisation is dangerous towards national integration.
- Gives more power to state.
- Appointed governors should be a non-politician.

JAMMU AND KASHMIR

- Enjoy special status
- Article 370 deals with Jammu and Kashmir.
- Jammu and Kashmir has its own constitution and flag
- Central government have no right to impose financial emergency and DPSP in the state.
- In our constitution Jammu and Kashmir was the right to self rule.
- Central government need the consent of the state to implement the subject included in union and concurrent list.

Conflict in the Indian Federal System

- Central state relation
- Demand for autonomy
- Role of governor and president rule
- Demand for new state
- Interstate conflict
- Special provision

Central-State Relation

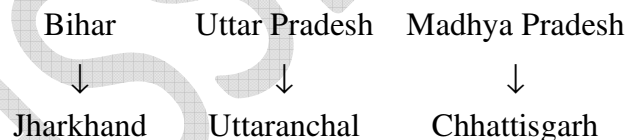
During the beginning the central and state relation was peaceful. Because central government and state government ruled one party.

Demand for Autonomy

- Give more power for state.
- Provide an independent income sources.
- Demand for more financial power.
- Demand for administrative power.
- Demand autonomy in the field of culture and linguistic.

Demand for New State

- Indian federalism ensure national unity and regional unity.
- Indian national movement give important to both unity.
- So the demand of state is quite natural. First - state formed based on language.
- For this purpose government appointed linguistic commission under the leadership of Fasal Ali.
- Andhra, Gujarat, Punjab, Maharashtra, Haryana, Meghalaya, Manipur, Arunachal Pradesh.
- In 1990 some states were partitioned



- Telungana is one of new states.
- Central government appointed Srikrishna Commission to study about the need of Telungana state.
- The TRS (Telungana Rashtriya Samithi) party take more effort to form Telungana.
- Its leader was Chandra Shekar Rao.

Interstate Conflict

Interstate conflict classified into two:

1. Border dispute
2. Sharing of river water dispute

Border Dispute

- Border dispute are the conflict based on territories or boundaries.
E.g. The dispute between Karnataka and Maharashtra.
- There is argue for Belgaum between Karnataka and Maharashtra.
- Dispute between Manipur and Nagaland.

River Water Dispute

- River water dispute are more serious than border dispute.
- They are related to the problems of drinking water and agriculture in concerned states.
E.g. Dispute between Tamil Nadu and Karnataka over river Kavery.
- River between Maharashtra, Gujarat and Madhya Pradesh over sharing the water of Narmada.

Special Provision

In India there are certain states which have special provisions based on

- Strategic position
- Peculiar socio-historical circumstances
- Most of the special provisions are given to the north-eastern states like Assam, Nagaland, Arunachal Pradesh and Mizoram which consist of tribal population.
- Constitution gave special provision for them to preserve their culture and history.

- Special provisions also exist for hilly states like Himachal Pradesh, Goa, Gujarat, Maharashtra and Sikkim.

Role of Governor and President's Rule

- The appointment of governor is a problem between central and state government.
- President appoint the governors.
- Many appointed governors are retired military officials or civil service or politicians.
- Besides, governor is appointed by the central government and therefore, action of the governors are often viewed as interference by the central government in the functioning of the state government.
- The Sarkariya Commission that was appointed by the central government to examine the issues related to central state relations.
- Commission recommended that appointment of governors should be a non-partition.
- Another reason for the conflict is that Article 356, which provided for presidential rule in any state.
- This is used when the ruling party lost its majority.

Federalism with a Strong Central Government

- Indian constitution represent a strong central government.
- India is a diverse nation, therefore there will be chance for conflict.
- A strong central government is needed to solve the socio-economic problems of the country.

The Power of Central Government over State

- Parliament is empowered to form a new state by separation of a territory from any state.

- It can also change boundaries or even the name of a state.
- Central government have the right to involve in the jurisdiction of state at the time of emergency.
- Central government have many revenue sources and the state are mostly dependent on the grant from central government.
- Governor have the power to dismiss the state government and recommended for the dissolution of state legislation.
- Central government have more executive power than that of the executive power of state.
- All India service are common to the entire nation.
- It give the central government and upper hand over the states.

Central-State Relation

- The important political incident which made a radical change in the central-state relation.
- Indian National Congress was the dominant party at that time.
- Federalism became very strong.
- Under Jawaharlal Nehru and Sardar Vallabai Patel the party became popular.
- During that time central-state relation was normal.
- In the middle of 1960s the domination of Congress party declined.
- Others party demanded more autonomy.
- The protest against the unnecessary interference of central government.
- Growth of regional party.
- In 1990s Congress domination ended.
- Began the era of coalition politics.
- The demand for autonomy become very powerful.
- It created tension in the relation between central and state.
- Influence of states really increased.