



Indian Federalism and its Challenges

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Abstract: *Unlike the classical federation India is a unique federation with a considerable amount of centralizing tendencies. The present paper tries to highlight the major challenges India is facing to maintain the features of a federation. Indian federalism is not an outcome of a treaty or an agreement like the US. The Britishers left India as a state marred by multiple problems. The major challenge in front of the Indian leaders was to build a framework or system that could help in administering and governing the whole territory. For the administrative convenience it was necessary to reorganize Indian states. The vision of the Indian leaders was to organize states on administrative and economic basis. But linguistic affinity of the people of India and lingual movement compelled the leaders to base the reorganization on the basis of language. Regionalism and separatism played a major role in creating adverse conditions for federalism to grow in India. Another major challenge was to tackle the centre-state relations in later years with the emergence of regional parties. In the initial years India did not face problems with centre-state relations because the same party was ruling at both centre and the states. Rise of regional parties ignited regional aspirations of the leaders as well as the people, which started hurting the federal spirit of the country. Role of governors became the focal point with the use of Article 356 on the frequent basis in the states run by opposition parties.*

Keywords:- *Federalism, Regionalism, Linguistic movement, State Reorganization Commission*

Introduction

Indian federation is considerably different from many classical federations like, America. In spite of having many features which most of the federal countries have, there remains confusion on the question whether India is really a federal country. This paper will try to look into the major challenges faced by the Indian federalism. Provisions such as, dual government, separate lists for governance, various constitutional clauses, etc., are there to establish India as a federal country. On the basis of these we can look for the challenges India is facing in contemporary times.

Federalism has been derived from the Latin word *Foedus*, meaning treaty or agreement. The jurisdiction of governance is always defined in most of the federations. Both the central and the state or provincial governments have their own respective spheres of governance. The constitution of the country usually takes the responsibility of interpretation in case of any dispute arising between the centre and the state/s. There are two ways the federations are created: first, federations made on



centripetal force and the second made on the basis of centrifugal force. The chances of sustaining federalism are better in the states where federalism is based on the centripetal force. On the other hand, in the case of centrifugal force the chances of surviving are very poor.

The Unitary governments are usually based on administrative convenience and it is considered better in case of smaller countries. Whereas, federalism works better in the case of bigger countries. However, there are many exceptions to this assumption too. The division of power is the key feature of any federal government. Both the governments at the centre and the states enjoy their own sphere of power guaranteed by the constitution. In case of any dispute the judiciary arbitrates since it is the custodian of the constitution. There are separate lists of subjects to legislate for both the centre and the states. According to Garner:

“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”. With this definition it is clear that in federation division of power between centre and states is the most important factor to make the federation work smoothly.

States coming together voluntarily and forming a federation willingly are based on the Centripetal force. The best example of this is the United States of America where thirteen states decided to come together and form a federation and thus in 1776 the United States of America came into being. USA became the first federation with dual citizenship, dual government, and dual constitution. The other model of federation is based on centrifugal force, like the former USSR. India somehow falls in the third category where we have the features of both federal as well as unitary government. Indian federalism resembles more to Canada than to USA. British left India after declaring India as an independent country. Looking at the diversity of the country it was not possible for the leaders to govern India as a single unit. Therefore, India became the ‘Union of States’ rather than a federal state which has been stated in the first article of the constitution of India. While clarifying on this issue Dr B.R. Ambedkar said that since India was not a product of an agreement, the word union has been used instead of federation. Units are being created for the administrative convenience to govern both centre and states smoothly. The major problem before the leaders of the country was that how to demarcate the boundaries of these units for better governance. For the purpose of the same in 1953 the State Reorganization Commission was set up under the chairmanship of Fazal Ali. But the basis on which the founding fathers of India had decided to create states was given up because of the growing movement for reorganizing states on the basis of language. The most challenging task for our leaders at that time was how to tackle this problem. Anti-national sentiments, very strong regional sentiments, and feeling of separatism were some of the outcomes of this linguistic movement.

Some of the major challenges Indian federation had to tackle were: anti-national movements, regionalism, and separatism. From the very beginning demands of separate states on the basis of linguistic affiliation started getting momentum--in south India an independent state for Dravidian people, an independent state for Punjabi speaking people in the name of Khalistan, Kashmir problem was still not resolved. In recent times the uprising of the Marathi ashmita in Maharashtra is a case in point. These are some of the examples of the hurdle in way of Indian federalism. There was an incidence in Punjab assembly where the legislative assembly flouted the constitutional provision by reevoking a water treaty signed by the centre under the leadership of late Smt. Indira Gandhi, the then prime minister of India. In the 1990s Kashmiri separatism was on the peak and till recently people of Kashmir were protesting violently against the government. Things have started stabilizing there after the Article 370 has been revoked. More and more people are now coming forward in favour of the



removal of Article 370 and Article 35A. The people of Kashmir are witnessing many development projects launched by the centre and most of them feel happy about it. In recent times, in Maharashtra, we witnessed hatred against the people, who have migrated to the state from UP and Bihar, taking a violent turn. Such acts of violence by people of one particular region against the people of another region hamper the unity of India and the spirit of federalism. In the case of American federation, it is 'an indestructible union of indestructible states' whereas in India the centre can anytime change the boundaries of the existing states by carving out new states by a simple majority using an ordinary legislative process laid down in Article 3 of our constitution. And this can happen without taking the consent of the states. Many new states in India have come up in recent decades in this manner, such as Jharkhand, Chhattisgarh and Uttarakhand. These new states have been created out of bigger states for better management of the available resources and better administrative governance. Many more such demands are still pending.

Our founding fathers were of the opinion that the reorganization of Indian states should not be solely on the basis of language. Rather the reorganization of states should be based on economic, administrative, and financial needs of the particular area. Leaders such as Jawaharlal Nehru were apprehensive about linguistic basis of the reorganization of the states because they feared that minority languages may be discriminated. Nehru's apprehension was not futile as we have witnessed this issue in the past in many instances, for example the incidents of Maharashtra where the North Indians were targeted. There can be two alternatives to this linguistic basis of reorganization of the states: first, we need to preserve and strengthen the unity of India, and second, we must consider economic, administrative, and financial factors before drawing the boundaries of the states.

The concerns of economic, administrative, and financial factors should not be ignored while reorganizing the states in India. While language can be one of the major considerations for creation of new states, it should not be the sole consideration. The State Reorganization Act of 1956 did not fulfil the aspirations of Indian people because people in many states felt that they were neglected. People started demanding separate states because they felt that their economic development and efficient administration goals had not been fulfilled. Although states like, Jharkhand, Chhattisgarh, Uttarakhand, Telangana, etc. have been carved out of the bigger states, many such demands are still pending. Demands for creating new states of Vidarbha, Bundelkhand, Bodoland, etc. are still being raised.

Another major challenge before Indian federation is that of the centre-state relations. In most of the federal countries division of power is strictly adhered to, however in case of India it depends on the political scenario at that point in time. For example, if the party in power at the centre and the state is the same, there are lesser chances of any dispute, but if this is not the case then there is a greater chance of several disputes arising out of difference of opinion on many issues and political considerations. Every state has a governor who acts as the representative of the centre in the state. Lately, it has been observed that many governors act in an arbitrary manner. The provisions of the Art 356 have been misused many times by the governors. Many a time, governors have dissolved the legislative assemblies even though those governments were duly elected and had the mandate to govern. These challenges to the Indian federation have to be tackled with utmost care.

Financial dependence of the states on the centre is also a major problem in Indian federation. Many times, it has been observed that the centre behaves a very arbitrary manner in giving financial assistance to the states. Wherever the party in centre and the state is same. Dr B.R. Ambedkar was of the opinion that Art 356 will be dormant. But he is proved wrong because this Art has been used so many times that the spirit of federalism is tarnished.

Another challenge before Indian federalism is that the states are dependent on centre for financial assistance. Without economic independence political independence becomes meaningless. The functioning of the states depends on the economic assistance given by the centre most of the times. The



major grievance of the states is the arbitrary disbursement of funds by the central government. NITI Aayog, a non-constitutional and non-statutory organization, plays an important role in providing grants-in-aid to the states. From the initial years after independence the states are demanding that the Finance Commission, which is a constitutional body, should take the responsibility of distributing grants-in-aid to the states. This distribution of grants has become a tool in the hands of the centre to exploit the states and blackmail them according to its wishes. This trend can be seen more commonly in case of the states that are run by the opposition parties or regional parties. It has also been seen that sometimes the regional parties exploit the centre in lieu of their support to them to help them remain in governance. This was trending in the coalition era before 2014 general elections.

Administrative interference by the centre in governance matters of the states is another major cause of discontent among the states in India. The states do not get enough space to work without interference by the centre. Prior to 1967 this problem was not very visible since most of the states were run by the same party both at the central as well as states levels. In 1967 six states had got non-Congress governments and the opposition parties for the first time came into power. For the first time it now became difficult to politically resolve several issues between the centre and states. The states started demanding their autonomy and this created discontent between the centre and the states.

Conclusion:

India is known as a country with 'unity in diversity', and the people of this country have learnt to respect diversity and to live with it. We need to respect and maintain the spirit of this tag line of Indian federation. There is a great need to pay attention to the genuine concerns of the states to accommodate their regional aspirations, while keeping the national interest above all the sectarian interests. India has witnessed the rising aspirations of the states after 1967 when opposition parties formed their governments in six states. Regionalism in India was on the rise since then, however it was limited to a few states till 1984, but after 1990s most of the states in India witnessed the presence of regional parties in politics. These regional parties became so powerful that they started bargaining for a larger share in national resources exclusively for their respective states. The one-party dominance at the centre continued till the general election of 1984, afterwards a new coalition era started in Indian politics. It continued till 2014 general elections. The aspirations of the regional parties were at the peak in this period and these parties also played a major role in central politics. The Indian federation must understand the concerns of the states and at the same time states too need to show maturity in balancing their act.

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