

## Federalism

- Sri Lanka is a **unitary system** where the **national government** has all the powers. **Tamil** leaders want Sri Lanka to become a **federal system**
- **Federalism** is a **system of government** in which the power is divided between a **central authority** and **various constituent units** of the country.
- Usually, a federation has **two levels** of government. One is the government for the entire country that is usually responsible for a few subjects of common national interest. The others are governments at the **level of provinces** or states that look after much of the day-to-day administering of their state.
- Only **25** of the world's **193** countries have federal political systems
- Most of the large countries of the world are federations
- Federations are contrasted with **unitary** governments.
- Under the **unitary system**, either there is only one level of government or the sub-units are **subordinate** to the central government. The central government can pass on orders to the provincial or the local government.
- In a federal system, the **central government cannot order** the state government to do something. State government has powers of its own for which **it is not answerable** to the central government.
- Both these governments are **separately answerable** to the people.
- An ideal federal system has both aspects: **mutual trust** and **agreement to live together**
- Federations are of two types: '**coming together**' and '**holding together**'
- States coming together on their own to form a bigger unit, so that by pooling sovereignty and retaining identity they can increase their security. This type of '**coming together**' federations include the **USA, Switzerland and Australia**. In this

category of federations, all the constituent States usually have equal power and are strong vis-à-vis the federal government.

- In '**holding together**' federations, the power is divided between the constituent States and the national government. **India, Spain and Belgium** are examples of this kind of 'holding together' federations.
- In **holding together**' category, the **central government** tends to be **more powerful** vis-à-vis the **States**. Very often different constituent units of the federation have **unequal powers**. Some units are **granted special powers**.
- Although it did not use the word federation, the Indian Union is based on the **principles of federalism**.
- The Indian Constitution originally provided for a two-tier system of government, the **Union Government** or what we call the Central Government, representing the Union of India and the **State governments**. Later, a third tier of federalism was added in the form of **Panchayats and Municipalities**
- The **Constitution of India** clearly provided a **three-fold distribution** of legislative powers between the Union Government and the State Governments referred as **Union List, State List and Concurrent List**
- Both the **Union as well as the State Governments** can make laws on the subjects mentioned in the **Concurrent list**. If their laws conflict with each other, the law made by the Union Government will prevail.
- Union Government has the power to legislate on the 'residuary' subjects.
- All States in the Indian Union do not have identical powers. Some States enjoy a special status. States such as **Assam, Nagaland, Arunachal Pradesh** and **Mizoram** enjoy special powers under certain provisions of the **Constitution of India (Article 371)** due to their peculiar **social and historical circumstances**.

- These special powers are especially enjoyed in relation to the **protection of land rights of indigenous peoples**, their **culture** and also **preferential employment** in government services.
- Indians who are not permanent residents of this State cannot buy land or house here.
- There are some units of the Indian Union which enjoy very little power. These are areas which are too small to become an independent State but which could not be merged with any of the existing States. These areas, like **Chandigarh**, or **Lakshadweep** or the capital city of **Delhi**, are called **Union Territories**. These territories do not have the powers of a State. The Central Government has special powers in running these areas.
- This sharing of power between the Union Government and the State governments is basic to the structure of the Constitution.
- It is not easy to make changes to this power sharing arrangement. The Parliament cannot on its own change this arrangement. Any change to it has to be first passed by both the **Houses of Parliament with at least two-thirds majority**. Then it has to be ratified by the legislatures of at least **half of the total States**.
- In case of any **dispute** about the division of powers, the **High Courts** and the **Supreme Court** make a decision
- The Union and State governments have the power to raise resources by **levying taxes** in order to carry on the government and the responsibilities assigned to each of them.
- The creation of **linguistic States** was the first and a **major test for democratic politics** in our country

- Some States were created not on the basis of language but to recognise differences based on **culture, ethnicity or geography**. These include States like **Nagaland, Uttarakhand** and **Jharkhand**.
- After **1990s** saw the rise of **regional political parties** in many States of the country. This was also the beginning of the era of **COALITION GOVERNMENTS** at the Centre.
- **Coalition government** at the Centre including several regional parties led to a new culture of power sharing and respect for the autonomy of State Governments
- The formation of **linguistic** States has actually made the country, more **united**. It has also made **administration easier**
- Our Constitution did not give the status of national language to any one language. **Hindi** was identified as the **official language**.
- **Hindi** is the **mother tongue** of only about **40** per cent of Indians
- Besides Hindi, there are **21** other languages recognised as **Scheduled Languages** by the **Constitution**.
- According to the Constitution, the **use of English for official purposes** was to stop in **1965**.
- Census of India held in 2011 recorded more than **1300** distinct languages which people mentioned as their mother tongues. Languages like Bhojpuri, Magadhi, Bundelkhandi, Chhattisgarhi, Rajasthani and many others were grouped together under 'Hindi
- Census found **121** major languages. Of these **22** languages are now included in the **Eighth Schedule** of the Indian Constitution and are therefore called '**Scheduled Languages**'. Others are called '**Non-Scheduled Languages**'. In terms of languages, India is perhaps the most diverse country in the world.

- As for English, only 0.02 per cent Indians recorded it as their mother tongue
- 1<sup>st</sup> Hindi: 43%; 2<sup>nd</sup> Bengali : 8.03%; 3<sup>rd</sup> Marathi: 6.86%; Telugu, 4<sup>th</sup> : 6.70%
- **Sanskrit** is the only scheduled language with negligible use.
- In terms of population, **Uttar Pradesh is bigger than Russia**, Maharashtra is about as big as Germany Many of these States are internally very diverse.
- There is thus a need for power sharing within these States. Federal power sharing in India needs another tier of government, below that of the State governments. This is the rationale for decentralisation of power. Thus, resulted a **third-tier** of government, called local government.
- When power is taken away from Central and State governments and given to local government, it is called decentralisation.
- The basic idea behind decentralisation is that there are a large number of problems and issues which are best settled at the local level.
- A major step towards **decentralisation** was taken in **1992**. The Constitution was amended to make the **third-tier of democracy** more powerful and effective.
- Seats are reserved in the elected bodies and the executive heads of these institutions for the Scheduled Castes, Scheduled Tribes and Other Backward Classes. At least one-third of all positions are reserved for women. An independent institution called the State Election Commission has been created in each State to conduct panchayat and municipal elections. **Rural local government** is popularly known by the name **panchayati raj**.
- Each village, or a group of villages in some States, has a **gram panchayat**. This is a council consisting of **several ward members**, often called **panch**, and a **president** or **sarpanch** It is the decision-making body for the entire village
- The panchayat works under the overall supervision of the **gram sabha**

- **Gram sabha** has to meet at least **twice or thrice** in a year to **approve the annual budget of the gram panchayat** and to **review the performance of the gram panchayat**.
- A few gram panchayats are grouped together to form what is usually called a **panchayat samiti or block or mandal**.
- The members of **block or mandal** are elected by all the **panchayat members** in that area.
- All the **panchayat samitis or mandals** in a district together constitute the **zilla (district) parishad**.
- Most members of the zilla parishad are elected. **Members of the Lok Sabha and MLAs** of that district and some other officials of other district level bodies are also its members. **Zilla parishad chairperson** is the political head of the **zilla parishad**
- **Municipalities** are set up in towns. **Big cities** are constituted into **municipal corporations**.
- **Municipal chairperson** is the political head of the **municipality**.
- The political head of a **municipal corporation** is called the **Mayor**.
- There are now about **36** lakh elected representatives in the panchayats and municipalities etc., all over the country.
- There are many **difficulties** with respect to **Panchayathiraj**. (1) Gram sabhas are not held regularly. (2) Most state governments have not transferred significant powers to the local governments. (3) Nor have they given adequate resources