

Federalism

Check Point 01

Q. 1. In federalism, different tiers of government have their own jurisdiction, mention areas regarding which they have their own jurisdiction.

Answer: Federalism is a form of governance which revolves around power sharing between a general government at the centre (federal government) with regional governments (provincial, state, cantonal, territorial or other sub-unit governments) in a single political system. And the tenets of this power sharing is usually outlined in the constitution. The different tiers govern the same people, but each has their own jurisdiction in specific matters of legislation, taxation, and administration as mandated by the constitution.

Q. 2. What determines the extent of sharing of power between the Union and the State Government?

Answer: In any federation, the Constitution determines the extent of sharing of power between the Union and the State Governments. For e.g. in Brazil, The Constitution of the Federative Republic of Brazil determines the extent of power-sharing between its 27 federative units including the federal district. In India, the Seventh Schedule of the Indian Constitution delimits the subjects of each level of governmental jurisdiction, dividing them into three lists, namely, The Union List outlining the jurisdiction for the Union Government. The State List, outlining the jurisdiction for the State Government and the Concurrent List, outlining subjects on which both the State and the Union have jurisdiction to make laws.

Q. 3. Suggest two keys features of federalism.

Answer: The two key features of federalism are:

(i) There are two or more levels of government and the governments at different levels should agree to some rules of power sharing.

(ii) They should also trust that each would abide by its part of the agreement. The constitutionally granted powers of jurisdiction are thus unable to be changed by any single level. They require the consent of all government levels.

An ideal federal system has both aspects: mutual trust and agreement to live together.

Q. 4. What do you mean by concurrent list?

Answer: The Concurrent List includes the subjects on which both the Union Government as well as the State Government have jurisdiction. This includes subjects such as education, forest, trade unions, marriage, adoption and succession. In case of

the conflict regarding the laws on subjects of the Concurrent List between the State and the Union government , the law made by the Union Government prevails.

Check Point 02

Q. 1. When did the era of Coalitions Government start in India?

Answer: The era of the Coalitions Government started in India in 1990. This period saw the rise of several regional political parties in the states of the country. Since no political party got an outright majority in Lok Sabha, the major political parties had to form alliances with the regional parties to form a government at the Centre.

Q. 2. Which incident was regarded as a major test for democratic politics in our country after independence?

Answer: A major test for democratic politics in our country after independence was the creation of linguistic States. In 1947, several old states had their boundaries restructured to create new states and these boundaries were drawn based on linguistics preferences. This was done to enable people speaking the same language to reside in one state. This incident is considered a major test because several national leaders feared that this would ultimately lead to a breakdown of democracy in India. But experience has shown that this has led to more unity in the country along with the easier administration.

Q. 3. How Many scheduled languages are recognised in India?

Answer: The Census of India in 1991, found 114 major Languages in India. Of these 22 languages are included in the Eighth Schedule of the Indian Constitution and are therefore called 'Scheduled Languages'. The following are the Scheduled Languages – Assamese, Bengali, Bodo, Dogri, Gujarati, Hindi, Kannada, Kashmiri, Konkani, Maithili, Malayalam, Manipuri, Marathi, Nepali, Oriya, Punjabi, Sanskrit, Santhali, Sindhi, Tamil, Telegu and Urdu.

Q. 4. Is there any national language in India?

Answer: India does not have any national language and this was done to ensure the protection of the other languages. India does have an official language. As per Article 343 of the Constitution of India, India's official languages shall be Standard Hindi (the dialect known as khadi boli) written in the Devanagari script and English. These are the official languages of India at the Central Government level.

Check Point 03

Q. 1. How many seats are reserved for women in Local Government?

Answer: As per the Women Reservation Bill or the Constitution Bill, 2008, the Constitution of India provides a reservation of 33% of all seats in all local bodies

including Rajya Sabha and Lok Sabha for women. This Bill was the 108 Amendment when passed and is now a lapsed Bill.

Q. 2. Define the role of Gram Sabha in rural local government.

Answer: A meeting of all the adults living within the area covered by a Panchayat is called a Gram Sabha. It constitutes of any adult (18 years or more) living within the panchayat area. This meeting which is held two to four times a year is an example of local participation in the decision-making process. The meeting allows local people to discuss topics related to local governance and local development. This in turns influences the Panchayat to implement development programs which are mandated, supervised and monitored by the Gram Sabha. This establishes the overarching influence of the Gram Sabha on the Panchayat. The Gram Sabha also needs to provide its consent regarding the decisions of the Panchayat. The decisions taken by the Gram Sabha can only be annulled by the same members of the Gram Sabha.

Q. 3. Porto Alegre is a popular city of which country?

Answer: Porto Alegre is a popular city in the country of Brazil. The official year for the city's foundation is 1772. It has hosted the World Social Forum along with the FIFA World Cup. But its real fame lies because of a government experimentation that was carried out here. It adopted the system of popular participation in the definition of public investment. This process in public administration is called the Participatory Budget.

Q. 4. What political and government set up has been organised by the city Porto Alegre?

Answer: The city of Porto Alegre in Brazil has adopted the system of popular participation in the definition of public investment. It has successfully combined decentralization with participative democracy. This process in public administration is called the Participatory Budget. Participatory budgeting is a process of democratic deliberation and decision-making, in which ordinary people decide how to allocate part of a municipal or public budget. Participatory budgeting allows citizens to identify, discuss, and prioritize public spending projects, and gives them the power to make real decisions about how money is spent. The first full participatory budgeting process was developed in the city starting in 1989. Participatory budgeting in its most meaningful form took place in the city from 1991 to 2004.

Self Assessment

Q. 1. Which country has carried out an extraordinary experiment that combines both, decentralisation and participative democracy?

Answer: Brazil has carried out an extraordinary experiment that combines both, decentralisation and participative democracy. A city called Porto Alegre in Brazil has adopted the system of popular participation in the definition of public investment. This process in public administration is called the Participatory Budget.

Q. 2. Under the federal system in India, which subject come under the state list?

Answer: The State List or List II has 61 items listed under it and belongs to Schedule Seven in the Constitution of India. These items range from public order, police, trade, and commerce within the state, agriculture, several taxes, elections to state legislatures etc. The respective state governments have exclusive power to legislate on matters relating to these items.

Q. 3. For which list, both the central and state Government can make laws?

Answer: The Concurrent List or List III of the Seventh Schedule of the Indian Constitution lists 52 items on which both the central and state government can make laws. These items include criminal law, forests, adulteration, civil procedure, etc. The Concurrent List includes the subjects on which both the Union Government as well as the State Government have jurisdiction. In case of the conflict regarding the laws on subjects of the Concurrent List between the State and the Union government, the law made by the Union Government prevails.

Q. 4. How is rural Local Government popularly known as?

Answer: Rural local government is popularly known as the Panchayati Raj System in India. It was introduced by a constitutional amendment in 1992, although it is based upon the traditional panchayat system of South Asia. It was established to practice a more decentralised form of governance. It consists of three levels – Gram Panchayats at the village level, Panchayat Samiti at the Block level, and the Zila Parishad at the district level. This system exists in all states and union territories except for Nagaland, Meghalaya, Mizoram and Delhi. The funding for the panchayats is received from the Central and State Finance Commissions as well as centrally sponsored schemes. The system provides for the essential services and facilities to the rural population.

Q. 5. which state in India has a special status?

Answer: The special category status was historically granted to certain regions in India which had been at a disadvantage with respect to other parts of the country. This concept was first introduced in 1969 during the Fifth Finance Commission and initially included Assam, Nagaland and Jammu & Kashmir. Since then, eight more states have been included namely, Arunachal Pradesh, Himachal Pradesh, Manipur, Meghalaya, Mizoram, Sikkim, Tripura, and Uttarakhand.

Q. 6. Name the Union Territories of India.

Answer: India has seven union territories ruled directly by the central government and are as follows – Chandigarh, Dadra and Nagar Haveli, Daman and Diu, Lakshadweep, Puducherry, Andaman and Nicobar Islands and the National Capital Territory of Delhi.

Q. 7. Which government deals with the subject in the Union List?

Answer: The Union List or List I of the Seventh Schedule of the Constitution of India lists 100 subjects over which the Parliament and by association, the central government has exclusive power to legislate. It includes subjects like the defence matters of India, Industries, citizenship, banking etc.

Q. 8. Australia is an example of which type of federation?

Answer: Australia is an example of 'coming-together' federation. This type of federation involves independent states coming together on their own to form a bigger unit so that by pooling sovereignty and retaining identity, they can increase their security.

Q. 9. Explain the difference between a federal form of government and a unitary one.

Answer: Federalism is a form of governance which revolves around power sharing between a general government at the centre (federal government) with regional governments (provincial, state, cantonal, territorial or other sub-unit governments) in a single political system. The USA is an example of the federal government.

In a system where the central government is supreme and has authority over the decision making for all subordinate local governments is called a Unitary Government. The United Kingdom overseeing Scotland is an example of this type of governance.

Thus for a unitary government, all powers lie with the central government, but in the federal government, the power is divided between two tiers of the government at the federal and local level that connects to the national government.

Q. 10. Explain how federal power-sharing in India has become more effective than in the early years after the Constitution came into force.

Answer: In the early years India although a federation was in general ruled by one major party both at the Centre and at the state levels. States ruled by rival parties were often ignored by the Centre in favour of those states ruled by the political party at the Centre exhibiting a clear misuse of power by the central government. The era of the Coalitions Government started in India in 1990. This period saw the rise of several regional political parties in the states of the country. Since no political party got an outright majority in Lok Sabha, the major political parties had to form alliances with the regional parties to form a government at the Centre. This, in turn, led to a new culture of power-sharing and respect for the autonomy of state governments. The Supreme Court also passed judgments that made it difficult for the Central Government to dismiss the views and concerns of any State Government in an arbitrary fashion. Thus, federal power-sharing in India has become more effective than in early years after the Constitution came into force mainly due to Coalitions Government and the backing of the Judiciary.

Q. 11. What do you mean by residuary power?

Answer: The Constitution determines the extent of sharing of power between the Union and the State Governments. The Seventh Schedule of the Indian Constitution delimits

the subjects of each level of governmental jurisdiction, dividing them into three lists: the Union List containing subjects on which the Union Government has sole Jurisdiction. The State List containing subjects on which the State Government has sole Jurisdiction. The Concurrent List which includes subjects of common interest to both the Union Government as well as the State Governments and both have jurisdiction on these subjects. If their laws conflict with each other, the law made by the Union Government will prevail.

But there are certain subjects like laws related to computer software, that have developed after the constitution had been created. These subjects that do not fall under any of the three lists are known as 'residuary subjects' and the Union Government has the power to legislate on these subjects. This power is known as 'residuary power'.

Q. 12. What experiment did take place in Brazil in decentralisation?

Answer: Brazil has carried out an extraordinary experiment that combines both, decentralisation and participative democracy. A city called Porto Alegre in Brazil has adopted the system of popular participation in the definition of public investment. This process in public administration is called the Participatory Budget. Participatory budgeting is a process of democratic deliberation and decision-making, in which ordinary people decide how to allocate part of a municipal or public budget. Participatory budgeting allows citizens to identify, discuss, and prioritize public spending projects, and gives them the power to make real decisions about how money is spent. The first full participatory budgeting process was developed in the city starting in 1989. Participatory budgeting in its most meaningful form took place in the city from 1991 to 2004.

Q. 13. How is federalism practised in India?

Answer: Federalism is a form of governance which revolves around power sharing between a general government at the centre (federal' government) with regional governments (provincial, state, cantonal, territorial or other sub-unit governments) in a single political system. And the tenets of this power sharing is usually outlined in the Constitution. The different tiers govern the same people, but each has their own jurisdiction in specific matters of legislation, taxation, and administration as mandated by the constitution. The Indian Union has a federal government. It originally was two-tier system with a Central Government and the State Governments. Later a third -tier was added for rural areas and is known as 'Panchayati Raj'. These different tiers have separate jurisdiction as mandated by the Indian Constitution. The following points portray how democratic politics has enabled the practice of successful federalism in India.

(a) By organizing the Linguistic States: The creation of Linguistic States was the first and a major test for democratic politics in our country. This was done to ensure that people who spoke the same language lived in the same State. Some States were created on the basis of language to recognize differences based on culture, ethnicity or

geography. This incident is considered a major test because several national leaders feared that this would ultimately lead to a breakdown of democracy in India. But experience has shown that this has led to more unity in the country along with the easier administration.

(b) By developing a language policy: A second test for Indian federation is the language policy. Our Constitution did not give the status of national language to any one language. Hindi was identified as the official language. But Hindi is the mother tongue of only about 40 per cent of Indians. Therefore, there were many safeguards to protect other languages. Besides Hindi, there are 21 other languages recognized as Scheduled Languages by the Constitution. States to have their own official languages. This flexibility has allowed harmony to exist in the country although several violent incidents regarding the promotion of Hindi as an official language have created problems in recent times.

(c) By re-structuring, the Centre-State relations: Restructuring the Centre-State relations is one more way in which federalism has been strengthened in practice in India. The constitutional arrangements for sharing power, working in reality depends to a large extent on how the ruling parties and leaders follow these arrangements. The rise of a number of regional parties and establishment of coalition governments led to a new culture of power-sharing and respect for the autonomy of the state governments. The Supreme Court also passed judgments that made it difficult for the Central Government to dismiss the views and concerns of any State Government in an arbitrary fashion. Thus, federal power-sharing in India has become more effective than in early years after the Constitution came into force mainly due to Coalitions Government and the backing of the Judiciary.

Despite the Constitutional provisions ensuring the success of federalism in India, it is the nature of democratic politics in India that is the real reason behind the success of federalism in India. The above points demonstrate how the spirit of federalism has been ensured and practised in India, respecting the diversity for which India is famous. Federalism has allowed Indians of various diversity to reside together under the aegis of the Union and made it a shared ideal for all Indians.

Q. 14. Give two arguments in favour of decentralisation of power to local governments. What are the two provision under the amendment of 1992 which empower Local Governments in India?

Answer: Decentralisation is the process through which the decision-making processes and powers regarding the governance of the country are distributed between several branches of the government with the aim of better efficiency in administration. It follows a tiered system where the topmost authority is the central authority and retains the power to make the final decision. But the lower tiers also enjoy exclusive legislative, administrative and juridical powers which are outlined by a constitution. The best illustration of decentralisation is a federal system. At present decentralisation in India , is

a legal and constitutional system and in the normal course, this decentralisation or division of power cannot be altered whimsically. Decentralisation has been strongly supported on the specific idea that with the change of time and progress of society the responsibilities and functions of public administration have enormously increased. Two arguments in favour of decentralisation of power to local governments have been listed below:

(a) Reduces the burden on top executives: Decentralisation relieves the top executives of the burden of performing various functions. The centralisation of authority puts the whole responsibility on the shoulders of an executive and his immediate group. This reduces the time at the disposal of top executives who should concentrate on other important managerial functions. So, the only way to lessen their burden is to decentralise the decision-making power to the subordinates.

(b) Better control and supervision: Decentralisation ensure better control and supervision as the subordinates at the lowest levels will have the authority to make independent decisions. As a result, they have a thorough knowledge of every assignment under their control and are in a position to make amendments and take corrective action.

Thus, decentralisation can be extremely beneficial. But it can be dangerous unless it is carefully constructed and constantly monitored for the good of the country as a whole.

A major step towards decentralisation in India was taken in 1992 when the Constitution was amended to make the third-tier of democracy more powerful and effective. The 74th Amendment Act 1992, relating to Municipalities (Urban local Government) was passed by the parliament in 1992. The Act seeks to provide a common framework for the structure and mandate of urban and rural local bodies to enable them to function as effective democratic units of local Self Government. The two main provisions of 1992 Constitutional amendment that strengthen the third tier of government of India were as follows.

(a) Now it has become constitutionally mandatory to hold regular elections to local bodies.

(b) After the implementation of this amendment it became necessary to reserve seats in the elected bodies and the executive heads of these institutions for the Scheduled Castes, Scheduled Tribes and Other Backward Classes along with reservations of at least one-third of the total seats for women.

In many states local bodies had become weak and ineffective on account of a variety of reasons, including the failure to hold regular elections, prolonged super-sessions and inadequate devolution of powers and functions. As a result, Urban Local Bodies are not able to perform effectively as vibrant democratic units of self-government. These provisions have gone a long way to correct some of these issues and aid in the development of the local bodies as a whole.

Q. 15. Explain how federalism practised in India?

Answer: Federalism is a form of governance which revolves around power sharing between a general government at the centre (federal' government) with regional governments (provincial, state, cantonal, territorial or other sub-unit governments) in a single political system. And the tenets of this power sharing is usually outlined in the constitution. The different tiers govern the same people but each has their own jurisdiction in specific matters of legislation, taxation, and administration as mandated by the constitution. The Indian Union has a federal government. It originally was two-tier system with a Central Government and the State Governments. Later a third -tier was added for rural areas and is known as 'Panchayati Raj'. These different tiers have separate jurisdiction as mandated by the Indian Constitution. The following points portray how democratic politics has enabled the practice of successful federalism in India.

(a) By organizing Linguistic States: The creation of Linguistic States was the first and a major test for democratic politics in our country. This was done to ensure that people who spoke the same language lived in the same State. Some States were created on the basis of language but to recognize differences based on culture, ethnicity or geography. This incident is considered a major test because several national leaders feared that this would ultimately lead to a breakdown of democracy in India. But experience has shown that this has led to more unity in the country along with the easier administration.

(b) By developing a language policy: A second test for Indian federation is the language policy. Our Constitution did not give the status of national language to any one language. Hindi was identified as the official language. But Hindi is the mother tongue of only about 40 per cent of Indians. Therefore, there were many safeguards to protect other languages. Besides Hindi, there are 21 other languages recognized as Scheduled Languages by the Constitution. States too have their own official languages. This flexibility has allowed harmony to exist in the country although several violent incidents regarding promotion of Hindi as an official language have created problems in recent times.

(c) By re-structuring the Centre-State relations: Restructuring the Centre-State relations is one more way in which federalism has been strengthened in practice in India. The constitutional arrangements for sharing power, working in reality depends to a large extent on how the ruling parties and leaders follow these arrangements. Rise of a number of regional parties and establishment of coalition governments led to a new culture of power sharing and respect for the autonomy of the state governments. The Supreme Court also passed judgments that made it difficult for the Central Government to dismiss the views and concerns of any State Government in an arbitrary fashion. Thus, federal power-sharing in India has become more effective than in early years after the Constitution came into force mainly due to Coalitions Government and the backing of the Judiciary.

Despite the Constitutional provisions ensuring the success of federalism in India, it is the nature of democratic politics in India that is the real reason behind the success of federalism in India. The above points demonstrate how the spirit of federalism has been ensured and practised in India, respecting the diversity for which India is famous. Federalism has allowed Indians of various diversity to reside together under the aegis of the Union and made it a shared ideal for all Indians.

Q. 16. State any two achievements and any two problems of the Panchayati Raj System In India.

Answer: Rural local government is popularly known as the Panchayati Raj System in India. It was introduced by a constitutional amendment in 1992, although it is based upon the traditional panchayat system of South Asia. It was established to practice a more decentralised form of governance.

The structure of Panchayati Raj varies from state to state. Some states have three-tier structure (Gram Panchayat at the village level, Panchayat Samiti at block level and Zilla Parishad at district level), whereas some have two-tier structure (Gram Panchayat at village level and Panchayat Samiti at block level). A few states have only single-tier structure at the village level. Two main achievements of the Panchayati Raj System are as follows –

(a) Panchayats can best carry out the development programmes, such as mending roads, terrace, and embank the fields, building bunds, digging drains, provide fresh drinking water, etc. They are best constituted to organize voluntary labour for social upliftment and economic amelioration. Since they are directly involving the local people, resource distribution for the various development works is more appropriate and involves less risk.

(b) Panchayati Raj system ensures effective coordination between Government programmes and those of voluntary agencies. It acts as a potential school for political training of the masses and can also serve as schools of social service, health care, popular education and social progress.

Despite the various benefits of the Panchayati Raj System, it still suffers from various problems two of which have been stated below.

(a) The local Government bodies like village panchayats, municipalities and municipal corporations are under the direct control of state Governments. The official hierarchy failed to inspire confidence among the village people. Bureaucrats were unwilling to transfer power to elected representatives. They did not release funds in time. The Panchayati Raj system often is not functioning owing to the lack of political will, lack of proper evaluation and feedback, and indifference to corrective measures.

(b) The competitive elections have politicized the environment of all villages. It is alleged that panchayat elections have given birth to caste politics (casteism), communal politics (communalism) and groupism and factionalism in the villages. It is also alleged

that due to panchayat elections, a 'cold war' atmosphere prevails among various sections of the village people.

It is hoped that the Panchayati Raj System will be able to harness and develop the better characteristics of the average villagers in spite of their illiteracy and restricted range of experience. It is also expected that this system will bring new aspiration and fresh stimulus to national self-respect.

Q. 17. How can a government attain financial autonomy?

Answer: Federalism is a form of governance which revolves around power sharing between a general government at the centre (federal' government) with regional governments (provincial, state, cantonal, territorial or other sub-unit governments) in a single political system. To illustrate this one can, use the example of India and its federal structure.

The Indian Union has a federal government. It originally was two- tier system with a Central Government and the State Governments. Later a third -tier was added for rural areas and is known as 'Panchayati Raj'. These different tiers have separate jurisdiction as mandated by the Indian Constitution. To ensure financial autonomy the sources of revenue for both the central government and state governments are clearly specified in the constitution, which indicates their main sources of income. Following are some of the Articles listed in the Indian Constitution to promote financial autonomy.

1. Article 282 accords financial autonomy in spending financial resources available to the states for public purpose. Article 293 allows States to borrow without limit without consent from the Union government.
2. The President of India constitutes a Finance Commission every five years to recommend devolution of Union revenues to State governments.
3. Under Article 360, the President can proclaim a financial emergency when the financial stability or credit of the nation or of any part of its territory is threatened.

Thus from the above discussion, it is evident that the financial autonomy of a government under a federal system is entitled through the Constitution followed by the Government.

Q. 18. What was the need in the Constitution to frame language policy?

Answer: India does not have any national language and this was done to ensure the protection of the other languages. India does have an official language. As per Article 343 of the Constitution of India, India's official languages shall be Standard Hindi (the dialect known as khadi boli) written in the Devanagari script and English. These are the official languages of India at the Central Government level. States within India have the liberty and powers to specify their own official language(s) through legislation and therefore there are 22 officially recognized languages in India of which Hindi is the most used.

The section of the Constitution of India dealing with official languages therefore includes detailed provisions which deal not just with the languages used for the official purposes of the union, but also with the languages that are to be used for the official purposes of each state and union territory in the country, and the languages that are to be used for communication between the union and the states inter se.

Unlike Sri Lanka, the leaders of our country adopted a very cautious attitude in spreading the use of Hindi. According to the Constitution, the use of English for official purposes was to stop in 1965. However, many non-Hindi speaking States demanded that the use of English continue and this demand took a violent form in Tamil Nadu. The Central Government responded by agreeing to continue the use of English along with Hindi for official purposes and was criticised for favouring the english-speaking elite.

Promotion of Hindi continues to be the official policy of the Government of India but this does not mean that the Central Government can impose Hindi on States where people speak a different language. The flexibility shown by Indian political leaders helped the country to avoid the kind of violence related to language that Sri Lanka has faced.

Given this diversity of language, it was necessary that the Indian Constitution adopted or framed a language policy for the country which would celebrate the diversity and at the same time allow people to adapt if necessary. The legal framework governing the use of languages for official purpose currently includes the Constitution, the Official Languages Act, 1963, Official Languages (Use for Official Purpose of the Union) Rules, 1976, and various state laws, as well as rules and regulations made by the central government and the states.