

WELCOME TO THE VIRTUAL CLASS

SOCIAL SCIENCE

SUBJECT : CIVICS
CHAPTER NUMBER: 02
CHAPTER NAME : FEDERALISM

CHANGING YOUR TOMORROW

WHAT MAKES INDIA A FEDERAL COUNTRY?

- India had emerged as an independent nation after a painful and bloody partition. Soon after Independence, several princely states became a part of the country. The Constitution declared India as a Union of States. Although it did not use the word federation, the Indian Union is based on the principles of federalism.
- The 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. As in any federation, these different tiers enjoy separate Jurisdiction. The Constitution clearly provided a three fold distribution of legislative powers between the Union Government and the State Governments.

Thus, it contains three lists:

THE THREE LISTS OF SUBJECTS

UNION LIST

- Includes subjects of national importance such as defense of the country, foreign affairs, banking, communications and currency.
- They are included in this list because we need a uniform policy on these matters throughout the country.
- The Union Government alone can make laws relating to the subjects mentioned in the Union List.

STATE LIST

- Contains subjects of State and local importance such as police, trade, commerce, agriculture and irrigation.
- The State Government alone can make laws relating to the subjects mentioned in the State List.

CONCURRENT LIST

- It includes subjects of common interest to both the Union Government as well as the State Governments, such as education, forest, trade unions, marriage, adoption and succession.
- Both the Union as well as the State Governments can make laws on the subjects mentioned in this list.
- If their laws conflict with each other, the law made by the Union Government will prevail.

What about subjects that do not fall in any of the three lists?

Subjects like computer software that came up after the constitution was made? According to our constitution, the Union Government has the power to legislate on these 'residuary' subjects.

MORE FEATURES OF FEDERALISM IN INDIA

SPECIAL POWERS TO SOME STATES

- 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.

CENTRE –STATE RELATIONS

- 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.

ROLE OF JUDICIARY

- The judiciary plays an important role in overseeing the implementation of constitutional provisions and procedures.
- 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.

HOW IS FEDERALISM PRACTICED IN INDIA ?

LINGUISTIC STATES

- The creation of linguistic States was the first and a major test for democratic politics in our country.
- The political map of India when it began its journey as a democracy in 1947 and that of 2019, you will be surprised by the extent of the changes. Many old States have vanished and many new States have been created. Areas, boundaries and names of the States have been changed.
- In 1947, the boundaries of several old States of India were changed in order to create new States. This was done to ensure that people who spoke the same language lived in the same State. Some States were created not on the basis of language but to recognize differences based on culture, ethnicity or geography. These include States like Nagaland, Uttarakhand and Jharkhand.
- When the demand for the formation of States on the basis of language was raised, some national leaders feared that it would lead to the disintegration of the country. The Central Government resisted linguistic States for some time. But the experience has shown that the formation of linguistic States has actually made the country, more united. It has also made administration easier.

HOW IS FEDERALISM PRACTICED IN INDIA?

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. A candidate in an examination conducted for the Central Government positions may opt to take the examination in any of these languages. States too have their own official languages. Much of the government work takes place in the official language of the concerned State. 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. In Tamil Nadu, this movement took a violent form. The Central Government responded by agreeing to continue the use of English along with Hindi for official purposes. Many critics think that this solution favoured the English speaking elite.
- Promotion of Hindi continues to be the official policy of the Government of India. Promotion does not mean that the Central Government can impose Hindi on States where people speak a different language.

HOW IS FEDERALISM PRACTICED IN INDIA?

CENTRE- STATE RELATIONS

- For a long time, the same party ruled both at the Centre and in most of the States. This meant that the State governments did not exercise their rights as autonomous federal units. As and when the ruling party at the State level was different, the parties that ruled at the Centre tried to undermine the power of the States. In those days, the Central Government would often misuse the Constitution to dismiss the State governments that were controlled by rival parties. This undermined the spirit of federalism.
- All this changed significantly after 1990. This period 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. Since no single party got a clear majority in the Lok Sabha, the major national parties had to enter into an alliance with many parties including several regional parties to form a government at the Centre.
- This trend was supported by a major judgment of the Supreme Court that made it difficult for the Central Government to dismiss state governments in an arbitrary manner. Thus, federal power sharing is more effective today than it was in the early years after the Constitution came into force.

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