



## Indian federalism: An analysis of its changing nature and recent trends

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### Abstract

Worldwide the governments are classified into two i.e., unitary government and the federal government. This classification is based on the division of power between national government and the regional government. By definition, a unitary government is one in which all the powers are vested in the hands of the national government (central government) and on the other hand the federal government is one in which all the powers are divided between the national government (central) and the regional government (state). Therefore, India is a parliamentary democracy which adopts constitution as a supreme law of the nation. Although Indian constitution is federal in structure but there are different views about the nature of the constitution. Dr. B.R. Ambedkar the chairman of the drafting committee clarifies that the Indian constitution is federal in structure but some constitutional experts find it unitary in nature. K.C. Wheare called Indian constitution a Quasi-federal constitution.

As said above, Federalism is one of the features of the Indian democratic system that has given rise to the democratic politics in India. India has been assimilated with various types of federal systems like directive federalism, centralized or unitary federalism, negotiating or bargaining federalism, and cooperative federalism. Many ways of federalization are visible in the federalist trend, one major way of federalism is seen especially during the era of the 90s, in which the introduction of green federalism is being felt.

This Research paper forms a Historical Background of Indian Federalism. Along with the analysis of federal politics since independence to till date, it even provides the challenges faced by it and it tries to focus more on the centre state relationship. The changing nature of centre-state relationship defines different types of federalism in India. Before analysing the term federalism, if we follow the trends of federal politics, it appears that the terminology itself works behind federal politics. Actually, the word 'federalism' has been used in different contexts from time to time.

The literal and ideological usage has distorted its meaning. A state federalization is that organizational form in which there is both national unity and regional unity within society. An autonomous balance is established between national and regional unity. It is a process in which some independent, political units manage a way in which they can solve common problems. They solve such problems by making joint policies and taking joint decisions. In other words, Federalism is a constitutional mechanism to achieve common national objectives of the state by incorporating the opposite forces of the central and divisional tendencies, where unity in diversity is ensured.

**Keywords:** India, federalism, unitary, cooperative, central government, state government, green federalism, directive, negotiative, bargaining

### Introduction

Federalism does not have such definite and rigid principles that every historical situation has equally applied. Federalism as a principle of governance under various circumstances that takes on different forms. In this context, some of the basic concepts and ideas are necessarily seen important related to federalism. Federalism is an institutional body in any type of political system based on the division of power. The first is at the regional level and the second is at the central level. Each government would be autonomous in its own area. In this form people have dual identities and loyalties, they also belong to their respective regions and even to their own nation. Each level of the political system has its own characteristics and there is also a separate government at every level be it a grassroots level (Local Government), state level, or central level. Federalism further called as decentralization of power. The detailed outline of dual government is usually present in a written constitution. The constitution is the supreme authority and also the source of the powers of both types of governments. The federal government means the division of power between centre and state. The central government has the

responsibility for subject matters like defence and currency etc., whereas regional or State governments are accountable to bodies of local importance like healthcare and education etc. In Indian model of federalism there is a system of an independent judiciary to prevent any kind of conflicts between the centre and the states. It even resolves the conflict if arises any.

In the light of these features and basic concepts, the Indian federalist provision is also been used. Referring to Article 01 of the Constitution of India It has been said that "*India, that is Bharat shall be a Union of States*". Dr. Ambedkar explains it in the Constituent Assembly and said that the Indian Union has not been born out of any agreement. The second important thing is that no state has the right to separate themselves from Indian Union. Although The discussion has always been about whether India fits the federal scale? Some of the other features of Indian Constitution are the division of powers between the center and the states, independent and powerful Judiciary, Independent Election Commission, Supremacy of the Constitution, and Parliament. Yes, the constitution adopts many features of federalism on the basis of amendment etc.

but despite of all this, the Indian federal system was still called as a quasi-federal. In other words, the Indian constitution is said to be “*federal in form but unitary in spirit*”.

### **A Historical Background of Indian Federalism**

In twentieth century, during the fifth decade when many states of Asia and Africa were gaining independence from colonial tendencies, at that time India became the first newly independent republic to adopt a parliamentary federal structure in the Constituent Assembly. The acceptance of Federal system in India was the product of mixed political and social movements. Some examples of such movements are like Karachi Session of the Indian National Congress (1931), Motilal Nehru Committee Report (1928) Government of India Act 1935, State Committee Report 1945, Indian Independence Act (1947) etc. These all event dominated the Constituent Assembly and these ideas were actually practical. The Indian Constitution came into force on 26 January 1950. Dr. Ambedkar, the Chairman of the Drafting Committee in the Constituent Assembly clarified and assured that Indian constitution is federal in structure. Some constitutional experts felt that Indian constitution is unitary in nature. Therefore, sir Ivor Jennings observed that the “*Indian constitution is neither federal nor unitary but it is a combination of both*”.

The constitution of India laid the foundation of a unique federal system. The purpose of this was to accommodate the multi-diversities of Indian culture. Thus, Indian federalism can best be understood within four major phases:

1. First phase: One-party federalism 1952-1967 (directive or centralized federalism). Term used by Ivor Jennings.
2. Second phase: Expressive federalism 1967-1989 (cooperative or expressive federalism). Term used by Granville Austin.
3. Third phase: Multi-party federalism 1989-2014 (negotiating or bargaining federalism). Term used by Morris Jones.
4. Fourth phase: Return of the Dominant party federalism 2014-present (again towards cooperative federalism).

But here we are trying to understand the Indian federalism under two broad categorizations.

### **Federal Politics in Independent India**

Constitution Makers of Indian counted federalism as a functional tool of a powerful state. Simultaneously, after independence the Indian leaders focused on the outer and inner security which also formed stressed on the institutionalization of a strong federalism in the Indian system of governance. On the basis of both these conditions, the journey and work dynamics of the federal system in independent India can be viewed roughly by dividing it into two parts.

1. Part one: Federal politics since 1952-1990.
2. Part two: Federal politics since 1991-Present.

#### **Part one: Federal Politics since (1952-1990)**

The Indian federal system during this time period is expressed in the form of directive federalism because the command of power was in the hands of the almighty elite. Congress Party of 1950-60 was at the top of the electoral horizon. It has also swept all the national and almost all the state level elections. Due to the massive victory of congress,

the word 'Congress System' was coined in the context of the Congress Party and during this era the centre- state relationship followed the trend of directive federalism. During this phase the role of the Congress was as an observer under the leadership of Prime Minister Nehru. After 1967, there was a rapid decline in the supremacy of the Congress Party in Indian federalism. The Congress Party was reduced to a simple majority at the centre. Whereas by the middle of 1967, out of 17 states the congress lost 8 important states and the result was a major defeat of the Congress government. However, congress formed a central government in national politics (central level). Even after disputes between the centre and the states, the Cooperation persisted and the potential for cooperative federalism was to be realized in due course. After the fourth general election, the manner in which the regional leaders supported Prime Minister Indira Gandhi was an example of cooperative federalism.

The rise of unitary (centralized) federalism in Indian federalist politics is also visible after the fifth Lok Sabha election. When congress won the majority in the election, the party gave the slogan like *Garibi Hatao*, nationalized 14 banks, announced the end of the Privy-purse of the maharajas. The above examples shows that Indian federalism was again turning towards centralization. Significantly at this time Political institutions were beginning to crumble. The internal democracy within the Congress Party had disappeared. In June 1975 at the time of declaration of internal emergency of 19 months the bricks of Indian federalism were breaking. It showed us how weak was our institutional wall. But it can be clearly said that in a limited time only emergency has shown that the federal system has developed the right mechanism of self-purification, due to which it remains federal even today.

The Indian federal politics did not see a radical change after the sixth general election. The Janata party government tried to negotiate with the governments of the states. The Marxist government of West Bengal has always been central with regard to financial matters and tried to surround the existing central government. Thus, in this context the rise of bargaining federalist tendencies can be seen.

The above tendencies helped in the changes that took place after the formation of the Congress government in the 1980s. this era again witnessed cooperative federalism in India. Formation of regional party like Akali Dal in the year 1980 in Punjab, and to remove the bitterness between the Centre-state relation the formation of the Sarkaria Commission in 1983 is an important step towards federalization. During same time the negotiation of central government with Punjab in 1985, Assam and Mizoram in 1986, and Tripura in 1987 marked as a 'mile stone' in Indian federal politics. It is important to mark that despite this tendency of federalization, unlike Indira Gandhi's government Rajiv Gandhi's rule also saw the tendency of centralization and homogeneity in the system of governance.

#### **Part Two: Federal Politics since (1991-Present)**

Indian Federal Politics After 1990s saw the era of coalition politics which marked the gradual beginning of *mandir, mandal and bhumandal*. In the changing scenario the of politics the rotation of these three concepts marked a new trend in Indian federal politics.

As Douglas Varney said "Indian political system was Quasi-federal but today it has reached from the status of Quasi-federal to the position of Quasi-confederal. In this situation it is important to mark that in Quasi federal position the central government was more powerful, while the state governments had the upper hand in the Quasi-confederal situation. And as the stature of the state governments increases, they seem to be bargaining on each issue with the central government. This is why this phase is called bargaining federalism.

The Central governments formed between two decades from 1989 to 2009 like VP Singh (1989) Chandrasekhar (1989), PV Narasimha Rao (1991), H.D Deve Gowda (1996), Indra Kumar Gujral (1997), Vajpayee (1998 and 1999) and Manmohan Singh's governments (2004 and 2009). All these government was a coalition government, which further shows the tendency of bargaining federalism. The important thing to mark about this was that the corruption cases increased as a side-effect.

On the other hand, the increasing power of regional parties has given a new direction to the entire national politics. BSP and SP in Uttar Pradesh, JD(U) and RJD in Bihar, DMK and AIADMK in Tamil Nadu, Akali Dal in Punjab, Haryana Vikas Party in Haryana, Shiv Sena in Maharashtra, BJD in Odisha and Trinamool Congress of West Bengal's has formed an alliance with the two major national parties of india i.e., the Congress and the BJP, according to their respective interests. Now the congress with its alliances created UPA (United Progressive Alliance) and BJP with its alliances created NDA (National Democratic Allaince). All these regional parties have their own and specific regional interest, they demanded special package for their states, and has been continuously pressurizing the national parties on issues like statehood. the central government kept the notion of 'salad pot' alive here.

Prof. M. P. Singh, an expert on the federalist system, consider Prime Minister, President, Governor, Election Commission, as important trend of increasing federalization in politics. The increasing share of states in financial federalism is considered very important. But at the same time in this era bargaining and cooperation are less but the trend of tension between center-state relationship can also be observed. Behind this tension and change in the nature of federalism can be traced from two major factors. first, the globalization added new dimensions in Indian politics as well as economic reforms attached new roles and responsibilities to the states. Second, the federalism of the party system had emerged as a new dimension, it established itself with logic which can be considered as a revolutionary development.

### **Green Federalism**

In the changing world, the climate change is considered as a major problem. The various types of problems are like pollution, biodiversity, deforestation, depletion of ozone layer etc. The whole concept of federalism is around it and further strengthened by incorporating green federalism. It is to be noted that the Directive Principles of State Policy in our Constitution Under Article 48A, although talks about environmental protection, but the policy didn't emphasis on doing it due to the presence of a directive element, no concrete initiative could be taken towards its implementation. For the first time the 13th Finance Commission (Chairman Dr. Vijay Kelkar) underline its

need. He said that the time has come to think about our climate and the national and regional government should work together to prevent the destruction of ecology, climate change and biodiversity. He further elaborated that it is the time to achieve the goals of Sustainable Development.

Under the green federalism the special emphasis has been given on the following points:

- a. Providing resources according to the basic environmental needs so that
- b. Special focus can be given on social economic issues.
- c. This process can be made more intensive by adding multi-layered bodies to this task.
- d. The system can be made accessible and ensure transparency by making financial transfers from the center to the state and from the state to the local level in a proper chain.
- e. Need to take special initiatives on environmental protection in mountainous and subcontinental regions.

### **NITI (National Institute for Transforming India) aayog in federal structure**

It is important to recognize that the former Planning Commission although providing important policy advice was developed in a vast structure with no subject specialization and has also served the nation in important respects. Any corrective or re-structuring attempts about economy have to start from there.

We must not forget that planning commission for the first time prepared the detailed review and outlined the five-year plan for economic development, it laid the foundations based on devised strategy for its economy and for its macro-economic goals. In future how the efforts will be continued to develop the economy by the new system or NITI aayog is an important question.

If we look at the philosophical concept of the formation of NITI Aayog, it is clear that in the coming years the 'Niti Aayog' is being seen as a new chapter related to the politics, administration and to form the balance between center-states relation of the country.

Prime Minister Narendra Modi called off the Planning Commission and said goodbye to the economic policies of Nehru era. In January 2015, created a new institution NITI aayog which laid down the foundation of a revolution in the development of the global symbols of capitalism, communism, liberalism. The NITI aayog should implement its policies completely in line with nationalist and Indian philosophy. But at the same time, it is also important to note that the planning commission played an important role in development and macro policy making. Whereas NITI aayog is now alone going to be the only 'Think Tank' of the country. It has to pay greate emphasis on Theoretical Discourse and Qualitative research.

### **Indian Federalism: In the mirror of cooperative federalism**

"Not from the upper level of power but must work from the basic level... Too much centralization of power distorted the system completely. Pandit Jawaharlal Nehru, the first Prime Minister of India, prepared the background of Indian federalism with the basic spirit. In this long period of development, the status has been reached to cooperative federalism.

We are talking about looking at it in the form of federalism. 14th Finance Commission headed by Y.V. Reddy has also

been taking very bold steps, giving more financial rights to the states. (States share in the pool increased from 32% to 42%) this also paved the way for a cooperative federalism. There are necessary things between center and the state to balance the division of power. Hence the prestige, development and success of cooperative federalism will depend on what kind of state and regional methods the Center and the states take shelter of. How do the political objectives of the center and the states run in parallel and have economic capabilities and are able to run with their own set of competitions,

### Conclusion

In this research study, the various aspects of Indian federalism and its form has been studied. This paper traces the historical background as well as the various chronologies of federalism. The research paper can be concluded to the point that federalism has faced most of the complicated challenges in the last few years. This paper has been passed through Countless such occasions where we observed that the Central Government does not support the State Government. Several attempts have been made by central government to obstruct or eliminate the claim of autonomy by the state government. But at present Indian federalism practically progressing in the form of cooperative federalism. In this context Prime Minister Modi's remarks are noteworthy. PM talks of "federalism by cooperation and not by force". Because he believes that the relation of the state to the center is subordinated so it should be on top. At the same time, he also says that every government from the center to the village panchayat is a partner in making a better India.

It is important to underline that India, the world's largest democracy, continues to maintain its striving in the safety of citizens. that's why it's alive and the fruit is blooming. Federalism can be successful only when the foundation of democracy is broad and its roots are deep. As far as India is concerned, its civilizational and political identity are preserved. This country has a deep respect for the diversity of its language, culture, race and religion. India can reinforce the federal spirit and make the nation strong, by which India can take forward its great tradition of federalism.

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