BLOGS

Federalism in India: Meaning, Features, Benefits

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Concept of federalism

The word **“federal”** is derived from the Latin word **“foedus”** meaning both **“league”** and **“covenant”**. Since the first federal constitution was that of the US, future constitutions were judged in comparison with it to ascertain whether they were federal or not.

However, since every constitution has essential as well as subsidiary features, even if a new constitution differs from the US Constitution in subsidiary features, it can still be considered federal in nature if its nature is essentially similar to that of the US Constitution.

There are two conflicting notions about the idea of federalism.

C. Wheare provided a strict definition of the idea of federalism. However, according to this strict notion, he was unable to classify even four constitutions as federal. He therefore drew a

distinction between a federal constitution and a federal government.

Birch and Elzar provided a broader definition of federalism. They emphasized that federalism did not imply autonomy but rather mutual cooperation. Birch coined the term “cooperative federalism.” Elzar said that federalism means a relationship of cooperation and partnership between the Centre and the State.

In India, there is a 3-tier system of government consisting of the Central Government, State Governments, and panchayats.

Therefore, there are two sets of relationships-

- That is between the Panchayats and the state government. This relationship cannot be classified as a federal one because it is one that is unilaterally regulated by the state government through the passage of laws.
- That between the state government and the central government. This relationship can be classified as a federal one because it can only be regulated by a constitutional amendment, which requires ratification by at least half the states.

Therefore, a federal government is different from a decentralized one. Decentralization was first brought about by the Government of India Act, 1919. Federalism was only brought about by the Government of India Act, 1935.

Essential features of federalism

Dual Polity

- There should be two layers of government, and both should have complete administrative paraphernalia.
- Distribution of Powers
  - This should not necessarily be equitable.
  - In fact, it is observed that the centre is usually dominant.
  - The distribution of powers should be authentic.It should be written in the Constitution.
- It should be written rigidly, i.e., it should be difficult to amend the Constitution.

- The Constitution should be supreme.
- A judicial review should be present.
- There should be a Federal Court for the resolution of disputes.
- Equality among states- In the US, all states have the same powers, and states that are newly admitted must necessarily have the same powers.
- In India, there is variety in center-state relations.

When is a federal system necessary?

- It is a plural society, not based on ideology but on stable diversity such as ethnicity, religion, geography, etc.
- Pluralism is, for the most part, territorially entrenched.
  - In India, before independence, partition was done on the basis of religion.
  - However, the post-independence organization of states was done on the basis of language.

Benefits and Drawbacks of Federalism

Advantages of Federalism

- It brings about unity.
- The smaller the level of government, the closer it is to the people, i.e., the people have more opportunities to participate in the political process.
- It leaves room for experimentation with policies on a smaller scale, thereby minimising losses.
- It assists in the growth and enrichment of different cultures.

Disadvantages of Federalism

- Weak government.
- Rigid government (it is difficult to change the distribution of powers).
- Legalistic (involvement of the Federal Court in disputes).

Federal Nature of the Indian Constitution

All the features of a federal constitution are borrowed from other constitutions.

- However, it has certain distinguishing features of its own.
- It is a “constructed federation,” i.e., it is not a bringing together of previously independent entities because the states were created by the Centre.
- The States, having been used to a Central Government, are unaware of the limits of their power, leading to inter-state disputes (for example, water disputes) as well as intra-state disputes (Telengana, Vidarbha, etc.).
- It is still an evolving federation.
- The representatives from a state generally vote on the basis of their political affiliations rather than on the basis of the state to which they belong.
- It is not the first Constitution based on cooperative federalism. However, the others are all so by practice, whereas in India, it is embodied in the text of the Constitution.
- The Center’s administrative and judicial powers depend on the state machinery for enforcement.
- It tries to do away with the disadvantages of a federal system. It overcomes the problem of weak government through provisions for the declaration of both general and financial emergencies.
- The most important economic powers are in the hands of the Centre. It has learned from the mistakes of the United States.
- It overcomes the problem of rigid government through provisions that allow for redistribution of powers (Article 252) without the need for constitutional amendment. The courts do not have any interpretive powers in this regard.
- In order to implement any international treaty, Parliament may legislate on any subject on the State List.
- It overcomes the problem of legalism by allowing for the settlement of disputes between the states and the Centre through non-judicial means.
- The Constitution leaves financial distribution to the Finance Commission, which is a non-judicial entity.
- It allows for flexibility, as the Centre may allow a state law to operate despite it being contrary to a Centre law.

- The Center has the responsibility of bringing the States into existence (Article 3A).
- All resources belong to the Centre. The Center can supersede the state government if it fails to comply with its directions.
- Federalism is part of the basic structure of the Constitution.

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