



EVOLUTION OF INDIAN FEDERALISM AND ANALYTICAL STUDY OF NEW TRENDS

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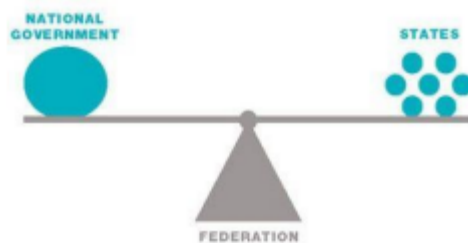
ABSTRACT

The Indian model of federalism is characterized by a contradiction, to begin with: that of being a "centralised federalism." This paradox makes the Indian model of federalism potentially one of the most intriguing typologies in the world. This article offers a temporal framework in the discourse on Indian federalism by detailing the history of the country's federal structure in four separate time eras, beginning with the establishment of the Indian republic and continuing up to the present day. This study also provides a temporal framework in the discourse on American federalism by outlining the history of American federalism in four different time periods. It demonstrates how the political elements that were dominant throughout each of these periods helped to build the Indian federal discourse, despite the fact that the constitutional setting of the Indian polity was centralized. In this study, diverse patterns of Indian federal reaction across time, driven by a variety of political issues, are examined, and ideas for enhancing India's federal framework are provided.

Keyword: *Federalism, New Trends, Indian*

INTRODUCTION

The concept of federalism has, unsurprisingly, elicited a variety of opinions from various academics. Proudhon made this observation in his final major book, *The Federal Principle*, which he published in 1863. "Either the twentieth century will begin the age of federations or mankind will step back into purgatory for 1,000 years" . A system in which both the executive and legislative branches of government may carry out their duties is at the heart of federalism. In a federalist system, there are typically two tiers of government: the federal and the state. The first type of organization is a centralized authority, which is responsible for overseeing the day-to-day operations and activities of a specific region. For instance, our Indian constitution establishes that India, like many other countries, is a federal state. You are aware that there are two levels of parliament in the United States; at the national level, we have the government of the union, and at the state level, we have the governments of the different states.



The English word "federal" comes from the Latin word "foedus," which literally translates to "covenant." The concept of a system of holy and permanent covenants between God and man was the original inspiration for the creation of this phrase in 1665. Therefore, theologians of the seventeenth century were the first people to employ it. Later on, the concept of social contract got associated with the phrase, and the term began to be linked to a distinct intention to construct political society on the principles of collaboration and coordination rather than on the ideas of subordination. In point of fact, the core of the federal system resides in the stringent adoption of the spirit of collaboration and coordination rather than the attitude of compulsion and submission. This is what makes the federal system so unique. As a result, the nation's public decision-making is distributed, and it is only after this step that a federal system is established. It is maintained through a culture that is based on bargaining or consulting. According to Daniel J. Elazar, one of the most important aspects of a federal government is "the primacy of bargaining and negotiated co-ordination among several power centres." Federalism is defined by Carl J. Friedrich as a union of groups, which can either be union states or communities such as political parties, trade unions, and other types of organizations. Friedrich uses the phrase in an inclusive meaning, and according to him, a federation of student unions is formed when many student unions come together to establish an apex level organisation. Some political scientists restrict a federation to a territorial community, which is a community that lives inside a specified territory. This is called a territorial community federation. Therefore, "an indestructible union of indestructible units" best describes what a federation is. The idea is political in nature and pertains to specific territory. A form of government that is characterized by the existence of a written constitution, an independent judiciary, and state-level decision-making authority, and that ensures the fair allocation of power among the many constituent parts. According to the principle of governance, power and authority are distributed between the national and local government units in such a way that each unit is given a sphere of power and authority that only it may exercise, while other powers must be shared. This arrangement of power and authority is known as decentralization.

Emerging Trends in Federalism

Despite the fact that there are now more unitary states than federal ones in the globe, the federal system of government has been adopted by a significant number of nations that are spread throughout all of the continents. Additionally, several nations are looking at the possibility of adopting a federal system of government as a method of effectively resolving the ethnic



conflicts that exist inside their own borders. Many individuals believe that the only way the problem of Tamil-speaking people in Sri Lanka can be handled is if the country decides to form a federation. To put it another way, there are a variety of reasons why a federal system is being favored.

During its formative years, the idea of federalism was largely influenced by the legalist tradition of political thought. This was due to the fact that law school students were the pioneers in researching this idea. The issues that are posed about federalism today, on the other hand, are more political and economic in nature than they are legal. This indicates that there has been an undeniable shift in emphasis and an ascent of political determinants of federalism. The three most essential aspects of political determinants are ideological, structural, and procedural. Political determinants involve a variety of different characteristics. When seen from this perspective, the contributions of non-legal variables to the maintenance of the federal system become far more significant. In point of fact, the existence of a set of social attitudes that mutually reinforce one another and are tolerant of geographic plurality and, as important, the rule of law is a necessity for a functioning federation.

Federations that are able to function properly include within themselves both the ability to fashion suitable instrumentalities and the resilience to accommodate the tensions that are inherent in the system.

Features of Federalism

Learning about the components of the federal system is the most effective approach to get a holistic understanding of that system. When taken together, these features reveal the genuine nature of federalism in its purest form. Let us investigate them further.



1. There must be at least two different levels of government in the country in order for it to be considered a federal system. This is the defining characteristic of federalism. There is even the possibility of more. However, there is not a single government that holds sway over all of the authority.
2. All tiers of government will exercise authority over the same population, but their respective jurisdictions will be distinct. This indicates that each level of government will have the ability to establish laws, legislate these laws, and carry out the laws that they have formed. Both of the governments will have their respective jurisdictions clearly delineated. It is not possible for one of the governments to merely serve as a figurehead for the other governments.
3. The constitution must include a provision that guarantees this federal structure of governance. This is still another essential component. Which implies that the functions and obligations of both or all governments must be stated down in the constitution of that nation, so assuring that the country would have a federal form of governance. 4. The notion of federalism in a nation's constitution, as was previously said, is an absolute must. However, it is also crucial that the significant and fundamental sections of the constitution cannot be changed or amended unilaterally by only one level of government. This clause is included in the constitution. In order for such adjustments to be implemented, they will need to be authorized on every level of the government.
4. At this time, there are two tiers of government, each with its own distinct authority and set of responsibilities. However, there is still a chance that the two will end up having a disagreement with one another. The courts, or more accurately the judiciary, of a federal state are the ones who will be responsible for resolving this disagreement. In a circumstance like this, the courts should have the authority to step in and mediate a solution to the conflict.

Federal Features of the India Union

- There are two levels of government, namely the federal level and the state level.
- The allocation of responsibilities and duties between the federal government and the states that make up the union (the Seventh Schedule of the Constitution has three lists:
- the Union List, the State List, and the Concurrent List)



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- the supremacy of the Constitution (the fundamental framework of the Constitution is rendered indestructible by the Judiciary);
 - the partial rigidity of the Constitution;
 - the independence of the Judiciary; and • the bicameral legislature.

Importance of Federalism in India

The most important component of contemporary constitutionalism is called federalism. Decentralization of administration, devolution of authority, and unity in diversity are the three primary goals of the federalist system that is practiced in India. In the midst of vast differences in sociocultural and economic realms, the state works toward the objective of common welfare by employing the federalist political system.

Fiscal decentralization in Indian federalism

Over the past several years, the topic of fiscal decentralization has garnered the passionate interest of academic analysts as well as policy officials. The majority of observers believe that decentralization has intrinsic value; in many cases, it is considered to be an element of human wellbeing and, as a result, an aim in itself. Decentralization is seen by many who formulate public policy as a potential panacea for a variety of societal issues. It is anticipated that it will accomplish a great deal, including the facilitation of the effective allocation of resources, the improvement of governance, the acceleration of economic growth, the reduction of poverty, the achievement of gender parity, and the empowerment of weaker sectors of society. This zeal may be found in nations with federal constitutions as well as in countries with unitary systems; it has spread across countries with varied levels of development and ideological spectrums. Obviously, decentralization has been pursued in a number of different countries for a wide range of reasons and for a variety of reasons. These include the democratization of the political system, the introduction of a multi-party system, the shift from a planned economy to a market economy, and the accommodation of a varied range of ethnic, linguistic, and religious identities (Litvack, Ahmad, and Bird, 1998). The majority of the assessments, on the other hand, are predicated on the idea that decentralization would invariably lead to more effective delivery of public services, regardless of the institutional context, capability of the institutions, or economic climate in which they are anchored. This is the assumption that underpins the majority of the analyses. The availability of empirical information points to crucial prerequisites for decentralization as a means to promote efficient and fair distribution of public services. The lessons learned from the experiences of developing nations in particular highlight the fact that a



significant amount of work need to be done in order to provide the proper circumstances for fiscal decentralization to be effective in accomplishing its goals. Tanzi's (1996) contribution to this field is that he warns us that even in the achievement of allocative efficiency, a number of preconditions must be satisfied for the decentralization to be effective. This is an important point to keep in mind. When it comes to attaining successful macroeconomic stability and the state of redistribution that is intended, the criteria for coordination across different levels of government need to be even more strict. The difficulties are more acute in nations that are still developing or are in the process of transitioning.

Critical Assessment of Federal System in India

During the tenure of the coalition government in India, there has been a discernible shift in the mood of federalism. In India, the administrative and financial sides of the Union-state ties tend to take a back seat to political discourse, which seems to take precedence. It may appear as though there is minimal potential for conflict between the Center and the states where the parties that are a member of the central coalition are governing, because this gives the idea that there is little potential for conflict. Their complaint is humble or quiet, and it is well known that they enjoy special consideration and a hold on things pertaining to resources that are approved by the Center. As a direct result of this, there has been considerable speculation that the Central Government is biased towards the states in which opposition parties hold power in their own administrations. On the other hand, when one becomes aware of the allocations of the Central plan fund that are published by the Planning Commission on an annual basis, it appears that there is no such blatant discrimination. This is the impression one gets when one learns about these allocations. There is a pressing need for more people to have a more general view of justice and evenhandedness. There has been a consistent demand that the National Development Council, which is an organization that is delegated by both the Center and the states, should become more active and effective. It is possible to recall that the First Administrative Reforms Commission recommended that the NDC be required to have meetings on a semiannual and annual basis, respectively. This suggestion has not been put into action despite the fact that it has been around for more than forty years. Instead of being a simple routinized rubber stamp, the National Development Council (NDC) should re-emerge as a vocal and effective device of Centre-state conversation in concerns of development. This would be in keeping with the genuine spirit of federalism. This is an organization that has the potential to make the Indian federal economic structure more strong; as a result, this instrumentality should not become a superfluous union. Rather, it should continue to serve its current purpose.



Federalism in India

India has a federal structure, yet it leans more toward a unitary form of governance than other countries do. Due to the fact that it shares characteristics with both a federal and a unitary system, it is frequently referred to as a "quasi-federal" system. According to the Indian Constitution's Article 1, "India, that is Bharat, shall be a union of states," India is currently a federal republic. The document known as the constitution does not include the word "federation." The Constitution of India, which established a separation of powers between the central government and the state legislatures, is credited with bringing certain aspects of federalism into modern India.

Constitutional Debate on Federalism

The whole administrative system in India was brought under British control, and this allowed the British to run things more efficiently. The territories of several provinces and regions were being unilaterally realigned by the colonial power (without the agreement of the people), and as a result, Indian governments lost their autonomy as well as their rights and privileges. In this context, in order to obtain full-fledged autonomy, rights, and independence, they began demanding the restructuring of state borders in all regions of the nation. Specifically, this was done so that they might achieve their goals. The federal system was implemented in British India as a means of preventing political anarchy and preserving hegemonic administrative authority over the Indian subcontinent. Because the Act of 1833 was the final step for the consolidation of authority in British India, the British authorities eventually came to the conclusion that the Indian subcontinent could not be managed using a centralized administrative structure. After that, the Government of India Acts that were passed from 1917 to 1935 were highly important in terms of adopting the federal structure and ideals into the government of India (Rath, 1984). These acts were passed between the years of 1917 and 1935. At the beginning of the 1920s, the Indian National Congress, which was the dominant political party in the nation at the time, made a commitment to rebuild the Indian states governments once independence was achieved. Following the establishment of the state of Andhra Pradesh in 1953, other social groups initiated calls for the creation of additional states as a means of recognizing their distinct identities. The primary goal of these demands was to have their own sociocultural values and standards recognized within a multiethnic community. Such demands were raised by the Gorkhaland Movement in West Bengal (Pradhan, 2012), the Bodo Movement in Assam, the Coorg Movement in the Hyderabad-Karnataka area (Assadi, 1977), the Tribal Movement in Jharkhand for making the native language the medium of education (Singh, 2014), and other similar movements across the country. Before the Constitution was ratified, the Constituent Assembly engaged in a heated discussion on the appropriateness of use



the phrases "federal" and "union." This argument took place before the Constitution was ratified. The Union Constitution Committee, which was led at the time by the Prime Minister Jawaharlal Nehru, and the Drafting Committee, which was chaired by Dr. Ambedkar, resumed their discussion. Ambedkar's proposal to include the word 'union' in the Indian Constitution was ultimately successful. 'Union of States' means a federal constitution based on a dual polity, he added, because the Federal Constitution might allow the expression of regional aims in addition to national purposes. In addition to this, it seeks to satisfy the unique ambitions and sovereign interests of the several provinces, each of which is composed of linguistically distinct ethnic groups.

OBJECTIVE

1. To investigate The Decline and Fall of the National Dominance of Congress
2. To research and investigate The Rise of Centralizing Tendencies

CONCLUSION

As a result of the previous debate, it is possible to reach the conclusion that the Indian constitution possesses all of the characteristics of a federal system. Both the center and the states have the autonomy to enact laws in the areas that are specifically allotted to them by the constitution. However, there are specific circumstances in which the center enjoys supremacy, and the Constitution itself makes reference to these circumstances. An independent judiciary plays a crucial role in the event that either administration attempts to breach the bounds, since the supreme court is seen as the custodian and guarantee of the Constitution. Since the beginning of the Constitution, the idea of federalism in India has gone through a number of different iterations. With the shift from the supremacy of one party rule to the age of coalition government that came about as a result of the change in the political system. Because of the emergence of regional parties and the precarious nature of coalition administrations, the federation has to become more adaptable and conciliatory, particularly with regard to its financial matters. One example of a significant tax reform in India's history is the Goods and Services Tax (GST), which gives each state an equal opportunity to levy taxes in order to preserve their sense of autonomy. Instead of engaging in confrontation with one another, the central government and the individual state governments are expected to operate in collaboration and coordination with one another. The three different levels of government were all elected by the people, and each level of government is accountable to the electorates that it serves. Furthermore, it is the constitutional role of each government to strive toward the improvement of the lives of the people. Therefore, it is vital for the federal government, as well



as the governments of the states, to cooperate and coordinate with one another, as well as with local organizations, in order to serve the common needs of the people. This is the case when taking into consideration developments such as globalization, technological advancement, and a paradigm shift in economic policy.

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