



## Historical context of federalism and federalism in India

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### Federalism

The beginning of federalism can be traced to the Greek city states of ancient times and the Dutch Confederacy of the second century. However, a strong example of this is found in the formation of American federalism in 1787 AD. Federalism came into existence in 1787 AD in the United States and Switzerland in 1848 AD to give effect to public sentiments. It is worth mentioning here that before the federal constitution was introduced in 1787 AD, the American colonies had drafted the Articles of Confederation in 1777 AD during the resistance from Great Britain.

On the basis of absorption and distribution of powers, we find two types of government, unitary and federal form of government. The federal form of government is a modern discovery that came into existence through the emergence of the US Constitution. Under this principle of government, power and authority are allocated between national and local government units, as each unit is assigned only the area of power and authority, which can exercise only, while others share power. Governance in the United States is governed by various levels and branches of government, all of which participate in the decision-making process.

In the smallest government from the Supreme Court, a distribution of power allows all the institutions of the system to do different things, while still working as a nation. Judge Hugo L. Black of the Supreme Court wrote that federalism means proper respect for state affairs, it is a belief of the fact that the whole country has been created as a union of separate state governments and the assumption has been made that if the state and its institutions are left free, then the national Government will do their best to perform their separate tasks in different ways.<sup>1</sup>

### Importance of Federalism in Political Culture

The United States government creates many systems and ideas, which, when bound together, create a democratic government used by the country.<sup>2</sup> In all different things, in most cases congratulate each other and therefore, work together. Two examples of this are the arrangement of federalism and the idea of political culture. They make some important aspects of the government and its operations. Federalism is the system that when it comes to policies, procedures and preferences, the United States uses its government as a frame for the distribution of electricity; this is what keeps the power between different levels of government.<sup>3</sup>

It is between national, state, or local governments. It defines and separates these powers, while protecting the rights and profits of each. Based on the perspective of a person on this subject, there are many opinions and principles related to the success of such a system. However, despite its professionals and opposition, it can be said that if nothing else, then at least citizens in politics get more. This is an important aspect, which brings it, especially when it is related to the political culture.

Political culture is a special way of thinking about how a political and economic life should be done by a country's government. These ideas cannot always be shared as a whole country. Depending on the circumstances of each and every community, they have their own beliefs about how the government should work. When it comes to political culture, there are specific things that come in the case of freedom, equality, civil duty, personal responsibility and democracy.

### Federal Principles and its Practice

Practicing the federal principle does not necessarily mean the establishment of a federal system in the traditional sense of a modern union. A consortium is a politics with a strong comprehensive government, whose constitution is recognized as the highest law of the land and which is directly related to those associations, which are dual citizens in both the federation and their constituent states. The situation of the latter and autonomy is constitutionally protected, despite the tendency of limiting the model

<sup>1</sup>James Q. Wilson, John J. DiIulio, Jr., Meena Bose, Matthew S. Levendus, American Government: Institutions and Policies, Cengage Learning, 2016, p. 80

<sup>2</sup>Herbert Croly, Progressive Democracy, Routledge, 2017, p.70

<sup>3</sup>Jack N. Rakove, Original Meanings: Politics and Ideas in the Making of the Constitution, Knopf Doubleday Publishing Group, 2010, p.164



to federalism, the federal theory is actually written in different types of structures, each suited for a specific politics. This is possible because the essence of federalism is not in any particular type of structure, but in a political system, there is a specific set of relationships between the participants. As a result, federalism is an event that provides many options for the organization of political rights and power; As long as proper relationships are developed, many types of political structures can be developed, which are in line with federal principles.

Federal principles relate to the combination of self-rule and shared rule. In broad terms, in federalism involves the relation of individuals, groups and politics in permanent, limited associations, in order to maintain the respective integrity of all parties, energetic efforts of equal thieves to be provided.<sup>4</sup> As a political theory, federalism has to do with constitutional propaganda of power so that elements in a federal system can be equally shared in the processes of administration and administration, while organizing such activities in the activities of the common government is done. In order to maintain their respective integrity, federal systems divide constitutional distribution by distributing power in the manner that is designed to safeguard all kinds of rights and rights between the general and constituent governing bodies. In the federal arrangements, basic policies are created and implemented through negotiation in a form so that all systems can share decision making and execution processes.

### **Federalism in India**

Government's principle allocates power and authority between national and local government units, that each unit is handed over in the area of power and authority, which can only exercise, while others have to be shared.

Communism has been a part of public discourse for many decades before and after independence in 1947, but since 1990, the country's national politics has seen the arrival of the coalition era.

Prior to formation of the Constituent Assembly, the Cabinet Mission Plan stressed on the central government that many limited powers are limited to foreign affairs, defense and communication. In contrast, the Muslim League and the Indian National Congress did not agree with this. Despite this, the first report of the Constituent Assembly envisages a weak center on the promotion of criss and cabinet mission schemes.

It was passing the India Independence Act and partition of India, which created the Constituent Assembly to make a more unitary version of the federal system. Mahatma Gandhi supported the decentralized structure and liked a Panchayat / Village based Union. If we talk about Nehru and Ambedkar, both were in favor of a unitary system, but Patel was in favor of a federal system. All are well, and finally a healthy settlement was done, which resulted in a balance of power between the centre and the state and India was described as 'the unity of the states' and this unity was indestructible. The Union with a Citizenship Policy instead of Dual Citizenship, as well as a set structure for state governments.

There are two type of governments in India, central government and state governments in existence. Both governments are not subordinate to each other, but work independently and collaborate with each other.<sup>5</sup> Although there is a symptom of having a federal constitution in the Indian Constitution, but it is not in its strict understanding. The presence of the facilities required for the existence of an association is a unique aspect of the Indian Constitution, but in the other side, there are provisions that provide more power to the Central Government than the State Governments. After this, the Indian constitutional structure is a semi-federal structure and it was made like the 1935 Act. This Act laid the foundation of the federal form in India. It was provided for the distribution of legislative powers between the union and the provinces (the structure of that time).

These provisions were set to solve the differences between the provinces and resolve them. Acts were maintained for the spirit of cooperative relations between the provinces. Provision was made to resolve water related disputes by joining in the nuances of section 131, 132 and 133 of this Act. In fact, these provisions have to face problems related to inter-province rivers and river valleys.

On the other hand, provisions for the formation of councils for the purpose of dealing with the coordination between the various provinces of British India were made in Section 135 of the Act of 1935. Before independence the need to build cooperative relationship was felt. The Indian Constitution has included the principles in a broader form, which were originally prescribed under the Act of 1935.

### **Indian Union makes 'semi-federal' system**

There is no doubt that India has a political and constitutional structure where the federal characteristics are clear. Part of the power between the Center and the States, but the Constitution provides the central government with supreme powers and in its hands completely focuses on administrative and financial powers.

It appears that there was some lack, due to which constitutional framer was created to include facilities that worked against federal principles.

<sup>4</sup>Andreas Føllesdal, Federalism, Stanford Encyclopaedia of Philosophy, First published Sun Jan 5, 2003; substantive revision Tue Mar 4, 2014

<sup>5</sup>India. Parliament.House of the People, India.Parliament.Lok Sabha, Lok Sabha Debates, Lok Sabha Secretariat., 1962



Reiterating the powers of some central government, it has the power to reorganize the states through Parliament; Governors appointed by the centre can stop acceptance for the laws passed by the state; Parliament can override laws passed by states for the reasons of national interest.

The governors have a role in the formation of state governments and the central government is vested with the power to dismiss state governments under section 356; Remaining residues are settled with the centre and major taxation powers are with the central authority.

Fortunately, the powers to review the judiciary of the Central-State Relations are present in the federal framework. The bottom line is that the Indian political system has federal characteristics, which are embedded in an underlying core. Regardless of being operated in India and in the way it is structured, despite being semi-federal, it still includes certain features that are necessary for the federal system. To pen down some of these features.

### **Federal System in India: A Critical Evaluation**

In the coalition era, the nature of federalism has been ignored in India. Political discussions cross the administrative and financial aspects of union-state relations in India. In states where there is a coalition government, which is part of the central alliance, they give the impression that there is little conflict with the centre.<sup>6</sup> Their complaint has become humble or diminished and the general awareness is that they take special consideration and attention in matters of resources approved by the Center. As a result, it is sometimes picking up the noise that the central government is partly collaborating with the governments of opposition parties. However, when someone is aware of the allocation of the central plan fund released by the Planning Commission on the Annual Plan, it seems that there is no such cut discrimination. Even referred to a more comprehensive perception of entrusted and fairness.

There is a continuous need of the National Development Council, which is a representative body of the Central and the States, it should be more energetic and effective. It may be taken into account that the First Administrative Reform Commission had suggested that NDC should be met twice a year. Even after more than forty years, this proposal has not been put into practice. In true federal sentiment, NDC should emerge as a verbal and effective gadget of central-state negotiation in matters of development, instead of becoming a mere routine rubber stamp. Here is an organization that has the capacity to make Indian federal economic structure more powerful and therefore, this instrument should not become a susceptible union.

An associated problem relates to the role played by the state planning system. Most socio-economic schemes to be calculated at the state level are the excesses and replicas of central government's priority framework and store management projects, especially the Planning Commission. Therefore, to make the planning process federal, "planning from the bottom" should be the principle of establishing Indian expansion states.

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<sup>6</sup>Sumita Kumar, *Stability and Growth in South Asia*, Pentagon Press, 2014, p.87