

A COMPARATIVE STUDY OF FEDERALISM ISSUES IN INDIA THAT STRUCTURE AND CHALLENGES

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Abstract: This paper aims to provide a comprehensive analysis of Indian federalism, both in general and in the contemporary era. It covers various issues that have been frequently discussed in recent times. There is a widespread debate surrounding the federalist aspect, questioning whether the federal government in India is suitable or not. Additionally, great importance is placed on the constitutional norms and the fundamental objectives of federalism. In the federal system, both the central government and the state governments are considered equal partners. They are committed to the principles of 'self-rule' and 'share-rule'. However, there have been numerous controversies and contradictions due to the uncertain nature of our federal working system. Recently, there has been a growing trend to focus on the key concerns of federalism. These discussions have been ongoing for over seven decades. The federal system has been subject to criticism, highlighting its strengths and weaknesses. Moreover, certain trends have emerged that disrupt the balance of power and the cooperative nature of Indian federalism. For example, the political developments surrounding the Citizenship Amendment Act, 2019, and other related issues have sparked intense debates on the understanding of federalism. Furthermore, there is tension between the Union and the states regarding the implementation of the National Register of Citizens (NRC) and the Citizenship Amendment Act (CAA). States like Kerala, Punjab, Rajasthan, and West Bengal argue that Indian federalism has become more competitive than cooperative over time. On the other hand, interstate river disputes, the demand for new states, the impact of Covid-19 on Indian federalism, and other factors have further complicated the center-state relations. This paper presents various recommendations and potential suggestions to support India's federal system. It is now imperative for India and its citizens to reevaluate the federal concepts in order to address the challenges and maintain a harmonious balance between the central and state governments, as well as inter-state relations.

Keyword: Federalism, State relations, Indian constitution, partnership, Federation, Governmental capacity

1.0 Introduction:

Federalism is an order of management at which point capacity is detached betwixt a main expert and constituent governmental parts. Indian Federalism is various from the type of Federalism trained in nations like the United States of America. In this post, we resolve painstakingly 15 issues or challenges of federalism of India. The Indian model of Unitarianism cannot completely be depicted as an almostgeneral plan because it holds an appearance of two together organization and joining Article First of the Indian constitution states that 'India that is to say Bharat be going to be a merger of states'. Indian partnership is not an amount to meet of states that form the allied cause of India. It was somewhat a change of the complete order in combined structure. This item will define painstakingly about few of the challenges and issues that the Federal form of India faces inside the framework of the Indian Constitution enacts a general whole accompanying few complete facial characteristics. It is occasionally named an almost-allied structure, as it holds fundamentals of two together partnerships and joining. The Constitution designates the dispersion of lawmaking, managerial and executive capacities 'tween the merger administration and united states of America governments. The lawmaking capacities are classification under a Union List, a State List and a Concurrent List, mirroring the capacities awarded upon the cause administration, united states of America governments and the capacities joint with ruling class. The Constitution again determines for bureaucratic rules of a multilevel or multilayered partnership accompanying diversified styles of governmental capacity disposal. The Indian Unitarianism is singular in allure circumstances, as it has progressed from a complete method under British rule to a combined whole subsequently freedom. Indian unionism has confronted various challenges and issues over opportunity, to a degree the unification of royal states, semantic rearrangement of states, local campaigns and demands for independence, centre-state connections and conflicts, monetary unionism and capability giving, joint unionism and bury-state arrangement, etc.

2.0 The Question Is Whether India Is A True Union

The model of unionism in India has been called "almost a unionist concept" because it has two important features: collaboration and access. The better design could be "an organization or an attractive partnership." Article 1 of the Indian Constitution states that "India, that is, Bharat, shall be a nation." The Union of India is not a mechanism for states to come together to create a united India as a whole.

2.1 Indian Union's Federal Feature

- Both federal and state governments
- Separation of powers begins halfway between two points. Consolidation and Temptation Factors Constitutional Supremacy
- Principles of Law
- Judges I'm sorry
- Bicameral system

2.2 Description Of Features Of Constitutional Unity

The strong central coalition government has strengthened its authority in such dangerous times. Article 200 of the Indian Constitution gave the United States the authority to provide aid to large corporations. Other events are linked;

- Unitary Constitution
- Unitary Political Independence
- Flexibility of the Constitution
- Integrated Judges
- Appointment Center
- Txhua Qhov Kev Pabcuam Indian

Federalism ensures that emergency is the final and necessary judge of new law. The gist aims of Indian unionism are wholeness in variety, deterioration in charge, and decomposition in presidency. Through Unitarianism, united states of America pursue the aim of prevailing prosperity among roomy difference in socio-educational and financial circles.

3.0 Issues And Challenges Faced By The Federal India

3.1 Regionalism: Federalism is most effective when it prevents the concentration of power between the central government and the states. The demand for more states has increased in recent years, with calls for the four-fold separation of Uttar Pradesh and the creation of Gorkhaland from West Bengal. These demands pose a threat to India's federal structure. The recent resurgence of agitations for Gorkhaland, Bodoland, and KarbiAnglong, as well as demands for additional states like Vidarbha, Harit Pradesh, and Poorvanchal, further highlight the issue. The more states there are, the more the central government will be subject to the demands of state bodies on matters of national importance.

3.2 Division of Power: Separation of powers in India is based on three names listed in Article 7 of the Constitution. The powers of the central government and state governments are specifically mentioned in the federal and state names respectively. The principle of separation of powers; It is the distribution of important state issues such as defence, foreign policy, railways and revenues to the central government. Some issues requiring cooperation between central and state governments, such as criminal law, forestry, finance and social welfare, are included in the joint list. However, in case of a dispute between the Central and State governments on a matter in the concurrent list, the Centre's decision will prevail. Some provisions reinforce this power, such as Article 200 (the President reserves the power to prepare State bills to be decided by the President), emergency laws under Articles 352, 356 and 360, and agreements made by the central government with the states under Articles 256 and 257.

3.3 Lack of fiscal control in the government: The Treasury decides the allocation of taxes and subsidies and must resolve vertical and horizontal disparities between the Center and the states. Even though the 80th Amendment expanded the taxation body, there were some significant changes in the distribution of income between the Center and the states. This asymmetry in income distribution, combined with state fiscal restrictions, has led to economic inequality across the country.

3.4 Unequal Representation of Institutions: Many international organizations have used the legislative process to ensure equal representation of each party or state on the latter side and to ensure equal representation of states in order to prevent large organizations from cooperatively dominating smaller organizations. However, there is no provision for equal representation of states in the Rajya Sabha, the second house in India.

3.5 Centralized power to change: In a normal organization, the power to change the federal government is usually shared among the federal government and its units. In India, the Center has the power to amend the law under Article 368 and other provisions, with limited participation of states.

3.6 The Indestructible Union with Destructible Units: Unlike successful federations, the Indian Constitution does not include a provision for the secession of states from the Union of India. The formation of states usually involves prior consent, but in some cases, the views of concerned states are disregarded by the Union Government, as seen in the recent creation of the State of Telangana. In sensitive matters like altering a state's territory in India, the Center should give due consideration to the views of the concerned states. Arbitrary decisions by the Center, without state consent and negotiated settlements, may effectively diminish the states' significance and lead to a more unitary state, contrary to the intentions of the Constitution-makers and nation-builders.

3.7 Governor's Office: The Governor's office in an Indian state has always been problematic as it sometimes undermines the federal character of the Union of India. The Centre's blatant misuse of the powers of this constitution has led to controversy and discord in the country. The decision taken by the president despite the parliamentary elections in Arunachal Pradesh in January 2016 marked an interesting event in the constitutional history of India. On July 13, the Supreme Court declared the Prime Minister's decision invalid and ordered the reinstatement of the Congress government in Arunachal Pradesh. The public support given by the central government to the Prime Minister on this important issue shows the weakness of India's structure in terms of government. The central government's abuse of power under Article 356 is a recurring theme in the country's political history, leading to the strengthening of the central army and the state being unhappy with the government's state of Indian politics.

3.8 Unitary Constitution and Citizenship: The Indian Constitution provides a framework for the states, which, unlike the US Constitution, have the right to determine their own laws for states other than Jammu and Kashmir. Unlike other laws in international government, the Indian Constitution has introduced human citizenship based on the concept of "One Country, One Citizen". Everyone is considered a citizen of India, regardless of the state in which they live, and states do not discriminate between citizens.

3.9 Integrated Services: Integrated Judicial System is a special system of the Union of India and the Supreme Court functions as a special system of the Union of India. The Supreme Court and all other courts agreed. Unlike the traditional union, India does not have an independent court that deals solely with state matters.

3.10 Central Planning: Although financial planning and health planning are equally listed in the 7th July of the Constitution, the federal government in India still has the main power over national and regional planning. Language Conflict: India's linguistic diversity sometimes clashes with the government's spirit of the Constitution. Problems may arise when the main body of the union, which has 22 official languages and hundreds of languages across the country, tries to convert one language into another. The debate over the official language remains a contentious issue, especially with the southern states opposing Hindi being made the national language.

3.11 Religious Issues: While India's religious diversity has proven to be a source of tolerance, it can also lead to violence that undermines national unity. If the people had reasonable tolerance and the government had a real religious policy, religion would not interfere with the Union. Economic Incompatibilities: Economic incompatibilities between units pose a threat to the federation by causing economic and financial differences between countries.

3.12 Physical environment: The physical environment can also affect the organization by inhibiting communication. Long and difficult lines of communication can lead to misunderstandings and conflicts, such as the separation of the eastern flank from Pakistan. Additionally, poor communication can lead to neglect and inequality, as seen in India's northeast.

3.13 External Powers: Will India still have government certifications? For many countries like India, the federal government is the most appropriate form of government. Overemphasis on the power of the federal government affects its ability to effectively respond to social challenges and promote national unity. The Indian government needs to be restructured to increase its efficiency and strengthen central-state relations.

4.0 Critical Evaluation Of Government In India

The current state of government in India has changed greatly during the Union Era. Political dialogue appears to be the main focus of management and financial relations between state institutions. The country, controlled by the party affiliated with the Cooperation Centre, appears to be in conflict with the centre. Their grievances were redressed and

there was a general understanding that they were entitled to special care and discretion in the allocation of resources at the Centre. This has led some to say that the Ministry is not loyal to countries ruled by the opposition. However, the allocation decision of the central budget published every year by the Planning Commission does not constitute any discrimination. The need for the concepts of fairness and justice is increasing. The National Development Council, which was representative of the center and the states, was wanted to be strong and effective. Although the first Reform Council more than four years ago recommended that the National Development Council meet twice a year, this recommendation was not implemented. To have a true organizational spirit, the National Information Center needs to become not just a stamp of approval but a useful resource for central discussions in the country. Another issue concerns the role of national planning. Many economic plans in the country mostly reflect the priorities and activities of the central government, especially the Planning Commission. To make the government's planning process a reality, "bottom-up planning" must be the guiding principle of India's development.

5.0 Questions Based On The Topic "Issues And Problems Of Federalism In India"

Question 1: "The Constitution of India is federal in structure but federal in spirit". to explain.

The structure of the Indian Constitution aims to create a government that reflects the diversity of the country. But unlike the United States, the Indian government was created by coalition change, not by a contract between administrative agencies. This compromise is necessary to balance the liberties of the states within the boundaries of the Constitution with the need for the central government to maintain its unity, justice, and independence from the country. The constitution also includes common laws such as constitution, single citizenship, transitional constitution, joint decision-making, central government appointments, all India services and emergency services. During national and state emergencies, the federal government has no right to interdict the country or any part of it.

Question 2: A strong center is India's strong political system against separatist forces.

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Question 3: Is regionalism a threat to the unity and integrity of India? Support your answer with current examples.

Excessive love for a region, known as regionalism, often leads to the formation of regional governments or economic, cultural and political systems instead of central governments. India is a diverse nation with wide religious, linguistic, cultural, social and economic diversity. This difference often leads to regional sensitivities that threaten the unity and integrity of the country. After India's independence, language played an important role in determining national boundaries. Demand has increased in many countries in recent years, and economic development and recovery are among the reasons for distribution. But the demand also led to divisions among forces seeking secession from India. Many states and governments can create confusion and hinder the country's progress. Regionalism hinders national consciousness and unity and should be limited by strict measures and national relations.

Q4: Restrictions on the freedom of peripheral units are the best guarantee of survival of the Indian government.

Article 1 of the Constitution of India declares that India is a federal government and the states are an integral part of the federal government. After independence, India adopted the principle of "one country, one citizen" and emphasized the importance of national unity. But the Constitution also created a single form of government for the nation by granting limited autonomy to the states. The aim is not to create a unitary state with states working only in the city, but to ensure that they work independently within the state apparatus. The federal government has been deeply entrenched in India over the last 66 years, with provisions such as separate names for the states, a second assembly representing the central government, a council in the state and the influence of big money on the states. Any demand for greater autonomy to the states must be measured against the government's attitude towards Indian culture.

6.0 Conclusion

To summarize, federalism is the most suitable form of government for a diverse and vast country like India. It aims to foster cooperation between different identities through shared rule mechanisms. However, the relationship between the central government and the states, as well as state autonomy, have become crucial issues in Indian federalism. The Sarkaria Commission, appointed in 1983 by the Government of India to assess the functioning of Indian federalism, failed to provide useful recommendations for its proper structure. This highlights the truth that in spite of the fact that our structure is considered government, the intemperate concentration of control within the government government ruins its capacity to viably address financial challenges and reinforce national solidarity. In

this manner, it is fundamental to rebuild Indian federalism to improve its practicality and strength, advancing compelling center-state relations and maintaining a government convention all through the nation.

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