



Federal Features of the India Union and Issues and Challenges faced by Indian Federalism

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Introduction : Federalism is the most relevant factor of modern constitutionalism. The core objectives of Indian federalism are unity in diversity, devolution in authority, and decentralization in administration. Through federalism, the State pursues the goal of common welfare in the midst of wide diversity in socio-cultural, economic spheres.

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Federal Features of the India Union

1. Two governments i.e. Union Government and State governments
2. Division of powers between the union and its constituents (Seventh Schedule of the Constitution contains three lists such as the Union List, State List, and Concurrent List)
3. Supremacy of the Constitution (Basic structure of the Constitution is made indestructible by the Judiciary)
4. Partial rigidity of the Constitution
5. Independent Judiciary
6. Bicameralism
7. Unitary Features of the Constitution

Other features include

- Single Constitution
- Single citizenship
- Flexibility of Constitution
- Integrated judiciary
- Appointment of the Centre
- All India Services
- Emergency provisions
- Importance of Federalism in India

Issues and Challenges faced by Indian Federalism

1. Regionalism

It is considered one of the significant challenges to federalism in India.

Federalism best thrives as a democratic system when it mitigates the centralization of power sharing between the centre and the states.

The pluralist character of India gives rise to many factors including regionalism. People from far northeast sometimes feel themselves at a formidable distance from New Delhi and people in southern part of the country with bigger states feel neglected having been within larger



states. Regionalism or love for one's area, despite India's tradition of successful federal rule over the years since independence, still raises its head in different parts of the country.

2. Division of Powers

Unlike the USA and Australia, in India distribution of power is made under Three Lists found in the Seventh Schedule of the Constitution. The powers of both the Central and State Governments are specifically enumerated in the Union list and State list respectively while powers mentioned in the Concurrent list are enjoyed by the two sets of governments. The residuary powers are vested in the Central government. Centralization is as such a threat to Indian federalism.

3. Absence of Fiscal Federalism

The Indian Constitution, while expressly vesting the Centre with greater powers of taxation, also provides for an institutional mechanism — the Finance Commission — to determine the share of the States in the Central tax revenues by way of correcting this imbalance.

While deciding the devolution of taxes and the provisions of grants the Finance Commission is required to address both the vertical imbalance between the Centre and the States and the horizontal imbalance between states.

4. Unequal Representation of Units

With a view to preventing the evil of predominant influence of larger units over smaller units in a federation, most federations in the world have resorted to some constitutional mechanism like an equal representation of units or states in the Second Chamber and ratification of all amendments to the Constitution by states.

5. Centralized Amendment Power

In a typical federation, the power of amendment to the Federal Constitution lies on a shared basis between the federation and its units. In India, the power of constitutional amendment lies with the Centre under Article 368 and other provisions. Although ratification of half of the states is sought for in some limited areas, the states in the Indian Union have virtually no power in this critical area of governance.

6. The Indestructible Union with Destructible Units

Unlike successful federations, India Constitution doesn't have the provision for the secession of states from the Union of India. The Union has been made indestructible with a view to protecting unity and integrity in a country like India.

However, this typical Indian arrangement checks the growing demand for secession from the Indian Union. The simmering demand for 'Dravida Nadu' comprising southern States and voice of separation in the eastern and western part of India pose a great threat to the unity and sovereignty of India.

7. Office of the governor



The office of the Governor for each state in India has been a sensitive issue as it sometimes poses a threat to the federal character of Indian Union. Centre's visible arbitrariness in misusing such constitutional office has been the subject of acrimonious debates and divergent opinions in the country.

8. Single Constitution and Citizenship

Unlike the Constitution of the USA, the Constitution of India lays down the constitution for the States as well and no state except Jammu and Kashmir has right to decide its own constitution.

9. Integrated Services

The integrated judiciary is a typical feature of Indian federation. Unlike typical federations, in India Supreme Court is the apex court and all other courts are subordinate to it. The States don't have separate independent courts dealing specially with state matters. Also, the machinery for election, accounts, and audit in India is integrated.

10. Centralised Planning

Although economic and social planning is found in the Concurrent List of the Seventh Schedule to the Constitution, the Union Government enjoys unbridled authority over national and regional planning in India. Centralised planning, through the Planning Commission, now NITI Aayog appointed by the Centre, considerable preponderance in legislative power for the Union, the financial dependence of the states on the Centre's mercy, the administrative inferiority of the states make the states meek and weak.

11. Language Conflicts

Diversity in languages in India sometimes causes a blow the federal spirit of the Constitution. There are 22 languages constitutionally approved in India. Besides, hundreds of dialects are spoken across the country. Trouble arises when the strongest unit of the federation attempts to force a particular language on others. The tussle for official language in India is still a burning issue. The southern states' opposition to Hindi as the official language of India has led to deep-seated language crisis in India.

12. Issue of Religion

India is a fine example of religious heterogeneity that sometimes gives rise to turmoil to weaken the federation. But the religious process need not be always divisive. So long as there is a reasonable tolerance on the part of the people and a genuine secular policy on the part of the government, religion may not cause imbalances in a federation.

13. Economic Incompatibilities of the units

Differences economic standards and relative economic and fiscal incompatibilities among the constituent states also pose a threat to a federation. The forces of imbalances in the field are demands for economic planning and development and for regional economic equality and



financial autonomy of states. Demand for a financial equality of a region creates problems in a federation.

14. Physical Environment

Physical environment may also create hurdles for a federation by affecting communication. A federation in which the lines of communication are long and difficult has to face the difficulty of keeping in touch with all the units.

15. External forces

External forces also create hindrances for a federation. The tension in the North Eastern States in India is due to the interference of neighboring countries. China's claim on some portion of the territory of Arunachal Pradesh on LAC threatens the territorial integrity of India. The Tamil issue in Sri Lanka creates disruptive forces in India.

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