

CHAPTER - 7

FEDERALISM

Q1. From the list of following events which ones would you identify with the functioning of federalism? Why?

1. The Centre on Tuesday announced Sixth Schedule status to GNLFF-led Darjeeling Gorkha Hill Council, which would ensure greater autonomy to the governing body in the Hill district of West Bengal. A tripartite Memorandum of Settlement was signed in New Delhi between the Centre, West Bengal government and the Subhas Ghising-led Gorkha National Liberation Front (GNLF) after two days of hectic deliberations.

2. Government for action plan for rain-hit States: Centre has asked the rain-ravaged States to submit detailed plans for reconstruction to enable it to respond to their demands for extra relief expeditiously.

3. New Commissioner for Delhi: The Capital is getting a new municipal commissioner. Confirming this, present MCD Commissioner Rakesh Mehta said he has received his transfer orders and that he is likely to be replaced by IAS officer Ashok Kumar, who is serving as the Chief Secretary in Arunachal Pradesh. Mehta, a 1975 batch IAS officer, has been heading the MCD for about three-and-a-half years.

4. CU Status for Manipur University: Rajya Sabha on Wednesday passed a Bill to convert the Manipur University into a Central University with the Human Resource Development Minister promising such institutions in the North Eastern States of Arunachal Pradesh, Tripura and Sikkim as well.

5. Funds released: The Centre has released Rs. 553 lakh to Arunachal Pradesh under its rural water supply scheme. The first installment was of Rs.466.81 lakh.

6. We'll teach the Biharis how to live in Mumbai: Around 100 Shiv Sainiks stormed J. J. Hospital, disrupted daily operations, raised slogans and threatened to take matters into their own hands if no action was taken against non-Maharashtrian students.

7 Demand for dismissal of Government: The Congress Legislature Party (CLP) in a representation submitted to State Governor recently, has demanded dismissal of the ruling Democratic Alliance of Nagaland (DAN) government for its alleged financial mismanagement and embezzlement of public money.

8 NDA government asks naxalites to surrender arms: Amid a walkout by opposition RJD and its allies Congress and CPI (M), the Bihar government today appealed to the naxalites to shun the path of violence and reaffirmed its pledge to root out unemployment to usher in a new era of development in Bihar.

Answer 1:

1. The very much fact that the state concerned, i.e. West Bengal was appointed as a party to the settlement marks the event as a manifestation of working of federalism.

2. It throws light on the sensitivity of the centre which wants to provide help to the rain-ravaged states to sort out their problems. Hence, it can be identified as federalism.

3. It shows the transfer of an officer from one place to another, showing federalism.

4. In the Constitution of India, education-subject comes under the concurrent list to strengthen federation by establishing central institutes to be identified as a functioning of federalism.

5. This is also federalism because centre releases funds for states under its rural water supply scheme. (Arunachal Pradesh)
6. This cannot be identified as federalism because the act of Shiv Sainiks does not promote fraternity, cooperation or mutual trust and respect.
7. This identifies the federalism
8. This is a function of state government.

Q2. Think which of the following statements would be correct. State why.

- 1. Federalism enhances the possibility of people from different regions to interact without the fear of one's culture being imposed upon them by others.**
- 2. Federal system will hinder easier economic transaction between two different regions that have distinct types of resources.**
- 3. A federal system will ensure that the powers of those at the centre will remain limited.**

Answer 2:

1. This is correct because the federal government distributes the power between the central government and the state government and local selfgovernment.
2. This statement is not correct because the resources are of distinct type and federalism gives impetus to the economic transactions among different regions.
3. This is correct because federalism refers more power to the constituent units of federation.

Q3. Based on the first few articles of Belgian constitution – given below – explain how federalism is visualised in that country. Try and write a similar Article for the Constitution of India.

Title I: On Federal Belgium, its components and its territory.

Article 1: Belgium is a Federal State made up of communities and regions.

Article 2: Belgium is made up of three communities: The French Community, the Flemish Community and the German Community.

Article 3: Belgium is made up of three regions: The Walloon region, the Flemish region and the Brussels region.

Article 4: Belgium has four linguistic regions: The French speaking region, the Dutch-speaking region, the bilingual region of Brussels Capital and the Germanspeaking region.

Each «commune» (county borough) of the Kingdom is part of one of these linguistic regions. Article 5: The Walloon region is made up of the following provinces: The Walloon Brabant, Hainault, Liege, Luxemburg and Namur. The Flemish region is made up of the following provinces: Antwerp, the Flemish Brabant, West Flanders, East Flanders and Limburg.

Answer 3:

- 1. Article (1):** It says that India shall be a union of states.
- 2. Article (2):** India aspires to be a society free from caste discrimination but seats in each province have been distributed among the communities of Hindus, Muslims, Sikhs and general.
- 3. Article (3):** India is a union of 29 states and seven union territories. As per Article (1) of Constitution of India:

(a) India shall be a union of states.

(b) The states and Union territories shall be specified in the first schedule.

4. Article (4): The eight schedule of the constitution of India describes 18 different languages:

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|------------|--------------|-------------|
| 1. Hindi | 2. Kashmiri | 3. Gujarati |
| 4. Bengali | 5. Assamese | 6. Konkani |
| 7. Malayam | 8. Manipuri | 9. Punjabi |
| 10. Urdu | 11. Sanskrit | 12. Sindhi |
| 13. Tamil | 14. Telugu | 15. Marathi |

Article (5): As per Article (1) (2) states that states and the Union territories shall be specified in the first schedule.

Q4. Imagine that you were to rewrite the provisions regarding federalism. Write an essay of not more than 300 words making your suggestions about:

a. division of powers among the centre and the States

b. distribution of financial resources

c. methods of resolving inter-state disputes and

d. appointment of Governors

Answer 4:

Federalism is an institutional mechanism to accommodate two sets of politics one-at the national level and the other at the regional level.

(a) Division of powers:

- I. The powers are distributed between the central and the state governments
- II. The constitution demarcates the subjects clearly in the lists.
- III. The disputes are settled by the judiciary
- IV. The economic and the financial powers have been centralized to the central government.

(b) Distribution of financial resources:

- I. Some taxes are levelled by the centre but are collected by the states, i.e. stamp duty and the taxes on the production of medicines and cosmetic preparations.
- II. Some taxes are levied and collected by the centre and are distributed among the states, i.e. succession of property other than agricultural land, terminal taxes on goods and passengers carried by railways, sea and air, taxes on railways freights and fare, taxes on newspaper, etc.
- III. The taxes which are levied and collected by the centre but are distributed between the centre and the states, i.e. income tax on the income other than agricultural land on the recommendation of the finance commission.
- IV. Bihar, Odisha, West Bengal and Assam have been given grants in lieu of export duty on jute and jute products.

(c) Methods of resolving inter-state dispute

- I. An inter-state committee can be established by the parliament if it thinks it to be fit.
- II. This committee enquires into the dispute and submits its report and recommendation to the Parliament.

III. Example- (a) Haryana and Punjab dispute on Chandigarh

(b) Maharashtra, Madhya Pradesh and Gujarat have dispute over sharing of water of Narmada river.

(d) Appointment of Governors:

The Governors of the state are appointed by the President of India on the advice of council of Ministers at Centre. He enjoys the power to remove them also. Hence, the Governors work as the representative of the Central Government in the state who inform the centre about the condition of the state if required.

Q5. Which of the following should be the basis for formation of a State? Why?

- a. Common Language
- b. Common economic interests
- c. Common religion
- d. Administrative convenience

Answer 6:

The administrative convenience should be the base for formation of a state because nowadays the people and the political process must develop a culture and a set of values and virtues like mutual trust, tolerance and a spirit of cooperation. Federalism celebrates both unity as well as diversity. But in federation, different units (states) are formed on the basis of common linguistic regions.

Q6. Majority of people from the States of north India – Rajasthan, Madhya Pradesh, Uttar Pradesh, Bihar— speak Hindi. If all these States are combined to form one State, would it be in tune with the idea of federalism? Give arguments.

Answer 6: Federalism is an institutional mechanism to accommodate two seats of politics—one at the national level and the other at the regional level. If all the Hindi speaking regions of India, i.e. Rajasthan, UP, MP, Bihar, Gujarat are combined then there would be only a unitary or single unit, this cannot be called a federation.

Q7. List four features of the Indian Constitution that give greater power to the central government than the State government.

Answer 6:

I. Strong centre:

- (a) Various subjects have been demarcated in the division of lists, i.e. union list-97 subjects, states list -66 and concurrent list-47 subjects
- (b) All the subjects, which have national importance, included in the union list.
- (c) In case of any conflict on the subjects of concurrent list, the saying of the central government is important, rather than state government.
- (d) When an emergency is imposed on the nation or partially, then the central government is empowered to frame the laws on the subjects mentioned in the state list.

2. The emergency powers:

- (a) During the declaration of national emergency, the government is changed to a unitary form, from a federation. Hence, the central government exercises the legislative and executive power of the state but state legislature or executive are not dissolved.

(b) If emergency is declared in a particular state due to failure of constitutional machinery there, the legislative power goes into the hands of the centre and the executive power goes in the hands of the president.

(c) In case of declaration of financial emergency by the president, the centre is again authorized to issue directions concerning the economy of the state and they will obey it.

3. Financial dependence of the state on centres:

(a) The centre enjoys more resources for revenue rather than the states.

(b) The states can get loan from the centre if required.

(c) The states apply for grants-in-aid from the centre.

(d) Hence, states are dependent on the centre financially

4. Appointment of Governors:

a. The governor is the head of the state as well as agent of the central government.

b. He is appointed by the President of India and remains in the office till the pleasure of the president.

c. Hence, Governors act according to the wishes of the central government.

Q8. Why are many states unhappy about the role of the Governor?

Answer 8:

1. The role of governor is referred to as interference by the central government in the functioning of the state government, hence it becomes controversial.

2. This controversy becomes much more if the power vests in the different lands at the centre and the state.

3. As per Article, 356, the Governor exercises the power to recommend the dissolution of state assembly.

4. Examples:

(i) The central government dismissed the elected governments in Andhra Pradesh and Jammu and Kashmir in 1980s.

(ii) In Bihar, also state assembly was dissolved on the recommendation of the Governor in 2005. Though, it was later pronounced unconstitutional.

5. Due to these practices of Governor, the states remain unhappy with them.

Q9: President's rule can be imposed in a State if the government is not being run according to the provisions of the Constitution. State whether any of the following conditions are a fit case for imposition of President's rule in the State. Give reasons.

1. Two members of the State legislative assembly belonging to the main opposition party have been killed by criminals and the opposition is demanding dismissal of the State government.

2. Kidnapping of young children for ransom is on rise. The number of crimes against women is increasing.

3. No political party has secured majority in the recent elections of the State Legislative Assembly. It is feared that some MLAs from the other parties may be lured to support a political party in return for money.

4. Different political parties are ruling in the State and at the centre and they are bitter opponents of each other.

5. More than 2000 people have been killed in the communal riots.

6. In the water dispute between the two States, one State government refused to follow the decision of the Supreme Court.

Answer 9:

1. The circumstance does not show the failure of constitutional machinery, hence the President's rule cannot be declared under Article 356.
2. The circumstance does not imply failure of constitutional machinery, hence the President's rule cannot be imposed.
3. It does not imply to impose the President's rule.
4. Two parties are ruling in the state and at the centre is the federalism, though they may be bitter opponents to each other but it is not the situation to impose President's rule.
5. It is fit circumstance for the imposition of President's rule because it has created a grave law and order problem in the state, hence, it shows the failure of constitutional machinery.
6. It is fit position to declare President's rule because no state can go beyond the decision of the Supreme Court and if any state is doing this it means the administration is not being carried out as per the provisions of the constitution.

Q10. What are the demands raised by States in their quest for greater autonomy?

Answer 10:

Different states and political parties have adopted different methods to demand more autonomy:

1. State demanded independent sources of revenue, i.e. Punjab and Tamil Nadu for greater financial powers.
2. Demand to enjoy residual powers by the state as states feel themselves weak and feel their interest to be horned.
3. Demand to enjoy some greater powers to legislate laws on the subjects mentioned in the state list.
4. States demand autonomy on the cultural and linguistic issues.

Q11. Should some States be governed by special provisions? Does this create resentment among other States? Does this help in forging greater unity among the regions of the country?

Answer 11:

Some state feel resentment among other states if some states are granted the special provisions by the constitution.

1. Under Article 370, Jammu & Kashmir enjoys more autonomous powers rather than other states.
2. Most of the special provisions pertain to the north-eastern states like Arunachal Pradesh, Mizoram, Assam, Nagaland, etc. Due to sizable indigenous tribal population with a distinct history and culture, which they wish to retain

under Article 371.

3. Even some hill states like Himachal Pradesh and some other states like Maharashtra, Goa, Sikkim, Gujarat, Andhra Pradesh also enjoy some special provisions.

4. Some differences in case of divisions of the part of Uttar Pradesh in Uttarakhand where the people can purchase agricultural land in Uttar Pradesh also but the people from Uttar Pradesh cannot purchase land in Uttarakhand, creates resentment among the people.

5. Hence, the other states demand the division of power in a common manner in all.