

Changing Dynamics of Indian Federalism

Manha Pratyaksha¹, Smita Tyagi²

¹Student, Amity Law School, Amity University, Noida

²Professor, Amity Law School, Amity University, Noida

Abstract

One of the main tenets of the Indian government, federalism, has changed significantly since it was first implemented. In order to better understand the changing dynamics of Indian federalism, this research study will look at the historical background, constitutional provisions, and current issues (Dasgupta, 2018). It explores the interactions between the federal government and the states, examining elements that affect federal relations, including social, political, and economic shifts. Additionally, the influence of globalization, regional ambitions, and decentralization initiatives are discussed in the article (Sridharan, 2012). It aims to deepen knowledge of Indian federalism and influence the policy dialogue for efficient government by bringing attention to possibilities and concerns.

Introduction

A pillar of India's political system, federalism represents the country's determination to accommodate the diversity of its social, cultural, and linguistic heritage while maintaining a single national identity. With its roots in India's long war for independence, federalism has come to be seen as a workable way to balance the interests of the country's many regions and promote a feeling of shared identity. India's federal structure has constantly changed since achieving independence in 1947 in response to shifting socio-political environments and economic demands. In order to better understand Indian federalism, this essay will examine its complex historical foundations, constitutional structure, and current issues. The goal of this research is to provide light on the nuances of Indian federalism and its consequences for 21st-century government by dissecting the complex dynamics of central-state interactions, decentralization initiatives, and regional ambitions. By doing this, it hopes to support academic debate and policy decisions that support India's federal system in becoming more robust and inclusive.

Background of the study - In pre-independence India, debates about the division of powers between the colonial government and princely kingdoms started to gather steam. This is when the idea of federalism first emerged. The desires of different regions and people for self-governance under a single national framework were reflected in the Indian Independence movement itself. The Indian Constitution was created in 1950 with these goals in mind, establishing the federal principles that now drive the nation's political system. Political, economic, and social forces have since molded the substantial changes that have occurred to Indian federalism. Central-state relations have changed throughout time in response to shifting court rulings, legislative modifications, and power dynamics. Furthermore, by encouraging participatory democracy and grassroots government, the decentralization process "which was sparked by the creation of urban local bodies and Panchayati Raj institutions" has further altered the federal landscape. However, there are issues with Indian federalism, including tensions between national unity and regional ambitions, interstate conflicts, and budgetary imbalances, which call for a closer look at the dynamics of the system and its implications for good governance.

Research objective

To examine the growth, history, and significant turning points of Indian federalism since independence
To study the Indian federal system's constitutional structure, which includes the Union and state power allocation, intergovernmental relations systems, and federal dispute resolution components

Review of literature

The body of research on Indian federalism offers a thorough examination of its historical development, constitutional underpinnings, and current difficulties. It also offers insightful analysis of the intricacies of government in the largest democracy in the world. Mohanty provides a thorough examination of the historical evolution of Indian federalism in his essay "India's Changing Federalism: Achievements, Challenges, and Prospects," highlighting the influence of social, political, and economic variables. Mohanty provides light on the methods by which federalism functions in India, highlighting both its advantages and disadvantages, by analyzing the constitutional clauses and institutional structures controlling central-state interactions.

Singh's edited collection, "Federalism in India," similarly explores several facets of Indian federalism, such as fiscal federalism, decentralization, and intergovernmental relations, by bringing together essays from eminent academics. The collection emphasizes the necessity for policy interventions to address rising concerns including regional inequities and identity politics. It does this by presenting nuanced insights into the difficulties of federal government in India through a varied array of views. Furthermore, researchers who have studied the effects of globalization and economic reforms on Indian federalism, such as Mitra and Singh, contend that reevaluating fiscal arrangements and resource distribution methods has become necessary as a result of economic liberalization. Their research highlights the need for adaptable governance systems that can accommodate the demands of globalization while maintaining the sovereignty of subnational entities, underscoring the dynamic nature of federalism in response to shifting socio-economic circumstances.

Studies and conversations about Indian federalism have also been greatly aided by scholarly publications like Economic and Political Weekly and The Indian Journal of Federal Studies. The problems of multi-level governance, cooperative federalism, regional ambitions, and other topics have been explored in depth in articles by academics like Sridharan, Arora, and Bhargava. These articles have looked at many aspects of federal government.

Historical context

Pre-Independence Era: The fight against British colonial control gave rise to a growing number of discussions about governing forms. It was difficult to conceive a post-colonial governance framework because of the Indian subcontinent's numerous cultures, languages, and geographical areas. Princely states, regional movements, and nationalist leaders expressed their desire for self-governance and autonomy.

Recognition of Regional Aspirations by Freedom Fighters : The necessity of accommodating regional demands within a cohesive national framework was recognized by leaders like as Sardar Vallabhbhai Patel, Jawaharlal Nehru, and Mahatma Gandhi. The Congress Party acknowledged the variety and complexity of India when it adopted the federal system. The goals resolution of the Constituent Assembly established the groundwork for the Indian Constitution by enshrining federal ideas.

Framing of the Indian Constitution : Indian federalism underwent a sea change with the drafting of the Constitution in 1950. The US Constitution and the Government of India Act of 1935 were among the

many sources of inspiration for the founders of the federal system, which established a balance of powers between the Union and the States. State sovereignty was preserved while a framework for cooperative governance was established by the Constitution, which also defined the functions of the federal government, the states, and concurrent list items.

Influence of British Colonial Legacy : Federalist principles were implemented by British colonization through institutions like diarchy and regional autonomy. The experience of colonial authority, which was marked by a centralized and bureaucratic governance system, influenced post-independence discussions on federalism. Affected by the remnants of colonialism, leaders attempted to achieve a balance between national power and local autonomy.

Constitutional frame work from indian Federalism

Distribution of Powers : The Union List, State List, and Concurrent List are the three lists used by the Constitution to define the legislative authority that each state and the federal government has. Included in the Union List are topics like foreign policy, military, and currency that are exclusively subject to federal legislation. Security, public health, and agriculture are among the issues on the State List that are exclusively under state legislative authority. Topics including criminal law, marriage, and bankruptcy are on the Concurrent List, which comprises laws that the Union and the states can enact simultaneously.

Residual Powers : The residuary powers of the Union government encompass any item that is not specifically specified in either the State List or the Union List. This clause guarantees national unity by giving the central government the upper hand in cases of doubt over legislative jurisdiction.

Executive Powers : The Union government delegated executive powers to the President of India in his capacity as head of state. Nonetheless, the Prime Minister's Council of Ministers is in charge of carrying out the majority of governmental duties. Chief Ministers of each state lead their governments and are in charge of the executive branch.

Legislative Process : State legislatures operate at the state level and the Parliament at the federal level in the legislative process. While laws passed by state legislatures are only effective within the boundaries of the different states, legislation passed by the parliament are applicable throughout all of India. Nonetheless, the legislation established by the Parliament takes precedence over state and federal laws when they deal with related matters.

Judicial review

In India, judicial review is a fundamental component of the constitutional structure that gives the judiciary "especially the Supreme Court and High Courts" the authority to assess whether laws and government acts are constitutional. Judicial review has been assumed from sections like Articles 13, 32, and 226 of the Indian Constitution, although not being stated in specifically. The court uses this process to evaluate whether laws and acts comply with constitutional requirements. It specifically ensures that individuals' fundamental rights are protected and that federalism ideals are upheld. Examining legislation passed by state and federal legislatures as well as executive branch decisions made by the federal and state governments are all included in the purview of judicial review. By use of processes including original jurisdiction, appellate jurisdiction, and writ jurisdiction, judicial review ensures that government officials are held accountable and gives individuals a way to seek remedy for rights breaches. Judicial review is essential to maintaining the federal balance in the context of central-state relations because it helps resolve conflicts, interprets laws pertaining to the division of powers, and decides cases involving legislative

competence. In general, judicial review promotes the rule of law, defends individual rights, and upholds India's federal system of government by acting as a check on governmental overreach.

Challenges in Indian Federalism

Fiscal Imbalances: Significant differences still exist between the Union and the states' budgetary demands, despite efforts at fiscal decentralization, with the states mostly depending on central transfers. Their ability to successfully handle issues related to local development and maintain budgetary autonomy is restricted by this dependency. Furthermore, fiscal uncertainty and intergovernmental tensions are made worse by the complexity of indirect tax systems and the lack of a comprehensive GST structure.

Inter-State Disputes: Cooperative federalism and intergovernmental interactions are severely hampered by interstate conflicts, especially when they center on matters of resource distribution, water sharing, and boundary disputes. Protracted legal fights stemming from these conflicts sometimes impede collaboration and coordination between governments, as well as the settlement of important issues.

Threats to State Autonomy: States' autonomy is undermined and the federal system is weakened by the Union government's growing meddling in subjects that are customarily the province of the states and its centralization of authority. The federalism embodied in the Constitution is undermined by policies like the imposition of President's Rule in states and federal legislation that intrude on state territory.

Regional Aspirations and Identity Politics: Language, cultural, and ethnic variety fuels regional ambitions and identity politics that threaten national cohesiveness. The stability of Indian federalism is threatened by the emergence of regional political parties that support further autonomy or statehood. These parties are a reflection of underlying contradictions between regional interests and national integration.

Administrative Capacity Disparities: Disparities in state administrative capability impede fair allocation of opportunities and resources. The implementation of decentralized government and the achievement of the expected benefits of federalism are hampered by weak institutional capability in certain states.

Impact of Globalization and Economic Reforms: Increased integration into the global economy affects state economies and modifies conventional power relations, adding new complexity to Indian federalism. This is due to economic reforms and globalization. Inclusive growth and sustainable development are hampered by state-to-state economic gaps that are made worse by uneven development and unequal resource availability.

Conclusion

In conclusion, this research paper has offered a thorough examination of the shifting dynamics of Indian federalism, including its historical development, constitutional foundation, current issues, and suggested legislative changes. Indian federalism was shown to have developed in response to the country's varied social, cultural, and linguistic fabric through a historical context analysis. This development was based on the country's struggle for independence and the necessity of recognizing regional ambitions within a single national framework. Analyzing the constitutional framework revealed the underlying ideas and institutional framework that underpin Indian federalism, explaining the complex division of powers between the Union and the states, procedures for intergovernmental relations, and clauses for settling claims made by the federal government.

Nevertheless, in the current setting, Indian federalism faces considerable problems notwithstanding its previous successes. The efficient operation of the federal system is hampered by a number of powerful barriers, including fiscal imbalances, interstate conflicts, challenges to state sovereignty, regional

ambitions, differences in administrative competence, the effects of globalization, and economic changes. In order to solve structural flaws and promote equitable growth, these issues highlight the necessity of proactive policymaking and cooperative governance. A more resilient and successful federal system in India can be fostered by implementing the suggested policy recommendations, which include strengthening intergovernmental mechanisms, encouraging inclusive development, promoting cooperative federalism, and enhancing fiscal autonomy.

The study essentially advances our comprehension of the nuances of Indian federalism and its effects on development, democracy, and governance. Stakeholders in India may create well-informed plans and actions to enhance federal governance, promote national cohesion, and advance sustainable development by examining the historical foundations, constitutional provisions, and current issues surrounding the country's federal system. To fulfill the hopes of India's heterogeneous population and secure the country's economic future, a strong and adaptable federal structure is ultimately necessary.

Bibliography

1. Jonathan R. Rodden and Susan Rose-Ackerman, "Is Federalism Harmful to Markets? Virginia Law Review, 83(pp.1521-1570-1997)
2. A reform agenda for the 10th plan was presented by Saxena, N. C. (2002) to the Planning Commission of the Government of India in New Delhi.
3. Subnational Public Finance in India, by Ashok Lahiri, was published in April 29 issue of Economic and Political Weekly, pages 1539-1549.
4. Parikh, Sunita, and Barry R. Weingast (1997), Virginia Law Review, Vol. 83, No. 7, pp. 1593-1615, A Comparative Theory of Federalism: India
5. Economic and Political Weekly, October 20, pp. 3999-4006; Rao, M. Govinda (2001). "Taxing Services: Issues and Strategy."
6. Fiscal Decentralization in Developing Countries, edited by Vito Tanzi and Ehtisham Ahmad, Routledge, London, (Forthcoming) "Fiscal Decentralization in Indian Federalism"
7. Financing Publiques/Public Finance, Vol. 52, No. 2, pp. 299-316, "Invisible Transfers in Indian Federalism"
8. Paper delivered at the Comparative Federalism Seminar, University of Birmingham, January 18-19, on "Fiscal Transfers in a Developing Country: The Case of India."
9. Indian Council of Research in International Economic Relations, New Delhi; Acharya, Shankar (2001) India's Macroeconomic Management in the Nineties.
10. The Economic and Political Weekly, May 6, pp. 1637-1648, Montek Ahluwalia, "Economic Performance of States in Post-Reforms Period,"
11. The working paper "Perverse Incentives and Paths to Reform: Fiscal Discipline at the State level" was published in January 2002 by Anand, Mukesh, Amaresh Bagchi, and Tapas K. Sen.
12. In Oxford University Press's forthcoming book Poverty, Development and Fiscal Policy: Essays in Honor of Raja Chelliah, edited by Govinda Rao, Bahl, Roy, W. (2002), explains how to implement rules for fiscal decentralization.
13. The Ministry of Finance, Government of India (2000), Report of the Finance Commission
14. Adeney K. (2005). Hindu nationalists amid a period of regionalism and federal systems. Adeney K. and Saez L. (Eds.), Hindu nationalism and coalition politics, pp. 97-115. Publish

15. G. Austin (1999). A history of the Indian experience implementing a democratic constitution. Oxford: University Press.
16. Party of India's Janata Dal (2014). Shreshtha Bharat Ek Bharat: Sabka Saath Sabka Vikas. Election Manifesto 2014, pages 1-42. Delhi N.C. https://www.bjp.org/images/pdf_2014/full_manifesto_english_07.04.2014.pdf
17. Janata Party of India. (2019). Sashakt Bharat Sankalp Bharat. 2019. Sankalp Patra Lok-Sabha (pp. 1-43). Delhi N.C.
18. M. Brecher (1966). Succession in India: A study in decision-making. Oxford University Publications
19. As of July 28, 2020, Burman A. What changes are being made to Indian federalism by Covid-19? Indian Carnegie. retrieved from on July 11, 2021 <https://carnegieindia.org/2020/07/28/how-covid-19-is-changing-indian-federalism-pub-82382>
20. Authorities of India. (2016a). The Act against Hijacking, 2016. Legislative Department, Ministry of Law and Justice. obtained June 12, 2020, via <https://www.civilaviation.gov.in/sites/default/files/Anti-hijacking%20Act%2C%202016.pdf>
21. 2019 Government of India. The Citizenship (Amendment) Act of 2019. Law and Justice Ministry, New Delhi's Legislative Department
22. Government of India. (2020a). 2019-2020 Annual Report. Aayog Niti. 12 December 2020, taken from https://niti.gov.in/sites/default/files/2020-02/Annual_Report_2019-20.pdf
23. Government of India [2020b]. the Indian Constitution. Section of Legislation, Ministry of Law and Justice
24. Government of India (2020e). The Act of 2020, which promotes and facilitates the farmers' product trade and commerce. Department of Legislation, Ministry of Law and Justice. 29 December 2020, taken from <http://egazette.nic.in/WriteReadData/2020/222039.pdf>