



THE IMPEDIMENTS TO THE FEDERAL STRUCTURE OF INDIA

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KEYWORDS :

Federalism or the vertical division of powers means that there are different levels of government in a nation.

In India, the federal structure comprises the Union/Central government, the various state governments and the Panchayats (rural areas) and municipal corporations (urban areas).

We must note that we are a holding together federation: power is decentralised and shared between the Centre, states and the third tier for the sake of representation of states as well as to ensure efficient administration.

Our Constitution makers wanted to vest more powers with the Centre as they were apprehensive that if the Centre and States be given equal powers, it would be a threat to the integrity of the nation.

If states are given greater powers, they may attempt to secede away from the union, therefore in order to ensure the security as well as unity of the state, we opted for a quasi-federal model of federalism (federal but with a strong centre).

However, we have witnessed a number of instances where the Centre has tried to undermine the autonomy of the state governments.

The following are some major challenges to federalism in our country:

- The office of the governor: One of the most important powers of the Governor which often comes in conflict with the federal structure of our country is the power vested upon him by Article 154 of the Constitution of India. This article states that all the executive powers of the state are held by the Governor. This provision implies that the Governor can appoint the Chief Minister and the Advocate General of the State, as well as the State Election Commissioners.
- Interference of the Centre in state matters: The Parliament legislated on the matter "agriculture" which falls under the state list, to enact the three contentious farm laws, thus overstepping its jurisdiction.
- Centralised Planning: Economic and social planning fall under the Concurrent list, meaning that both the State and the Centre should conduct economic and social planning decisions together with equal authority.

However, India's central government tends to have an upper hand over national and regional planning.

One illustration of the Centre's inclination is the founding of the former Planning Commission.

Economic dominance over a country's financial planning forces the Centre to go against India's basic federal structure since it becomes evident that centralised planning nullifies the federation's basic rule of power division between the Centre and the States.

The establishment of a Planning Commission, presently known as NITI Aayog, is an example of the Centre assuming much more power over planning or centralised planning as compared to the states.

- Dependence of states on the centre: In Financial matters too, the centre holds a greater authority than the states.
- The states have to rely on the Centre for various resources, this in a way undermines the spirit of federalism.
- Centralized Amendment Power: In India, the Centre has the power to amend the Constitution through Article 368 and other provisions, although, in a conventional federation, the power to amend the Federal Constitution is divided between the federation and its states. Despite the fact that the ratification by 50% of the

states is needed in specific limited areas, the Indian Union's states have almost negligible authority over the amendments.

I believe that a situation of one-party dominance (as witnessed in the first three general elections where Congress remained as the ruling party and in the current time where the BJP has been in the government for nine years) may be detrimental to the spirit of democracy and may also pose a threat to federalism.

This is because when a single party continues to dominate and replace regional parties, it tends to misuse its powers to spread to an even greater territory.

For example: As early as in 1957, the Congress party had the bitter taste of defeat in Kerala.

In the assembly elections held in March 1957, the Communist Party won the largest number of seats in the Kerala legislature. The party won 60 of the 126 seats and had the support of five independents. The governor invited E. M. S. Namboodiripad, the leader of the Communist legislature party, to form the ministry. On losing power in the State, the Congress party began a 'liberation struggle' against the elected government. In 1959, the Congress government at the Centre dismissed the Communist government in Kerala under Article 356 of the Constitution. This decision proved very controversial and was widely cited as the first instance of the misuse of constitutional emergency powers.

We often see the party that forms the government at the Centre undermines the autonomy of the state governments.

Undoubtedly, healthy centre-state relations are of utmost importance for a good democracy.

Thus, acting within one's jurisdiction and respecting the other federal units becomes quite crucial for the governments.

I strongly feel that the constitutional principle of federalism must be preserved in its true sense so that it not only reflects in our practical life and serves the best interests of the public.

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