



The Shifting Dynamics of Centre-State Relations In Indian Federal Structure

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Objective

- Analyze the evolution of Federalism in India
- To study the Constitutional provisions as regards the nature of Indian federal structure
- To understand the trends of Centre-State relations in their varied manifestation
- Trends which showcase weakening federation
- Trends which showcase counter balancing
- Analyze the revolving issues as regards the federal provisions.
- Measures to reform and strengthen the Indian Federal system

Introduction

- Evolution of federalism in India is best understood as a continuous yet changing process in the entire realm of the political economy rather than just one event.
- When India became independent from British Raj, its political map was not what it looks like today. There were provinces that were directly under British control, and there were independent Princely states.
- The Constituent Assembly, on December 31, 1947 had 299 members from 12 provinces and 70 Indian states.
- Today, India has 28 States and 9 Union Territories.
- India's federal structure has generated a lot of interest, research and criticism.
- As the republic completes its 75 years, it can be said that the biggest tests still await Indian federalism

Evolution Of The Concept of Federalism in India

- The Constitution makers took the Government of India Act, 1935 as the base of new constitution.
- Refrained from having a fully federalized political system, because of the fear of further disunity and successions.
- As a result though the states are sovereign in their prescribed and their execution in co-existence with legislative powers, the powers of the states are not co-ordinate with union.
- That's the reason why Indian Federation is often describes as 'Federation sui generis' or 'Federation of its own kind.'
- Indeed the word 'Federation' finds no mention in the Constitution.
- Article I describes it as the 'Union of States'.

Constitutional Provisions

- The relations between Centre and state are divided as:
- A. Legislative relations:
 - Articles 245 to 255 in Part XI of the Constitution deal with the legislative relations between the Centre and the State
- B. Administrative relations :
 - The administrative jurisdiction of the Union and the State Governments extends to the subjects in the Union list and State list respectively. Articles 257 to 263 deal with administrative relation
- C. Financial relations :
 - Article 264 to 293 deals with the provisions of financial relations between Centre and State

Asymmetric Nature of Indian Federalism

The key features of Indian federalism is set to address the specific local, historical and geographical context:

1. There are special provisions applicable to some states like Maharashtra, Gujrat , Manipur and Nagaland etc. under Article 371.
2. Unilateral discretion with the Parliament –to reconstruct the boundaries of the states.
3. The Union Laws prevails-in case of deadlock over Concurrent List.
4. Parliament can make laws on state subjects-on extra ordinary situations.
5. Union Government has Economic superiority-in terms of resources as well in the discretion of allocation of resources



6. Union Governments power of appointing the Governors of the State and dissolving State government by proclaiming President Rule

7. Single Citizenship

8. Single Constitution-for both centre and state.

9. Integrated Institutions of Governance—Integrated Judiciary, All India Services, Election Commission, NITI Aayog.

However, in the journey of the evolution interest and diverse political dynamics of the state level actors have challenged the centralizing nature of the Indian polity.

Dynamic Phases of Indian Federalism

- The journey of evolution, the regional interest and diverse political dynamics of the state level actors have constantly challenged the centralizing nature of Indian polity.
- Following phases mark these developments:

First Phase: One Party Federation- 1952 to 1967

- A consensual model of federalism with the co-existence of national and state leadership in their respective realms.
- Despite the era of Congress domination the following factors enabled the decentralization of Indian polity-
- i) Creation of linguistic state
- ii) Language Agitation

Second Phase-Expressive Federalism- 1967-1989

1. Conflictual Federal Dynamic, due to centralising tendency

2. The Centre frequently resorted to invoking Article 356 to dissolve the government's led by opposition parties

- As a result the autonomy of the states drastically reduced
- This led to the violent crisis in Assam, Kashmir, Mizoram and Punjab in the late 1970's and early 1980's
- The Centre appointed the Sarkaria Commission in 1983, to look into the Constitutional provisions related to Centre-State relation.
- This era is therefore, marked as the beginning of expressive federation- as the regional political forces interacted with the dominant Union government for their demands and succeeded to some extent.

Third Phase-Multi-party Federalism- 1989-2014

- The rise of the regional parties led to the era of the beginning of coalition politics at the national level.
- This blend of national and regional narratives have paved the way for more decentralised and pluralistic multiparty federalism.
- It found its manifestation in three major policies and institutional changes-

i) Financial Autonomy

ii) Judicial safeguard

iii) Institutionalized Local Self Government

73rd and 74th Amendment Acts, 1992 strengthened the third tier of Indian Federalism at Municipal and Panchayat level.

Fourth Phase- The return of dominant party federalism

- The 2014 general election challenged the era of coalition politics at national level
- The need for empowering the States and Co-operative federalism was realized and some major steps were taken –
 - i) The centralized Planning Commission was replaced by NITI Aayog
 - ii) Goods and Service Tax was implemented
 - iii) Union Government accepted 14th Finance Commission Recommendation.

The above development has helped to create a more federally balanced Indian polity

Trends which showcase Weakening Federation

Certain tendencies and emerging threats have been challenging the stability of the federal framework.

- They are:
 - i) Increasing centralized tendencies
 - ii) Events in relation to Delhi and Kashmir
 - iii) Objection in association with passing Farm law
 - iv) Rising regional demands
 - v) Office of the Governor
 - vi) Economic Incompatibility of the Units
 - vii) Developmental Challenges
 - viii) Fiscal crisis.

Trends which showcase counter balancing

- Despite all the tussles the centre and states have the mutual need for survival.
- This reinforces the synergy amongst them which can be seen in the following cases-
- i) Strengthening horizontal federalism-encouraging the idea of competitive and co-operative federalism through induction of initiative like Measurable Performance Indicators (MPI's)
- ii) Financial Devolution Reforms
- iii) Federal Governance during COVID-19
- iv) Increased federal character-due to the creation of NITI Aayog and GST Council.

Judicial Character of Federalism in India

- The Indian judiciary has heard a number of cases involving the issue of the federal character of the Indian constitution.
- The first significant case where this issue was discussed at length by the apex Court was *State of West Bengal V. Union of India*. The apex court held that the Constitution of India is not truly Federal in character.
- *State of Karnataka v. Union of India* - The Indian Constitution is not federal in character but has been characterized as quasi-federal in nature.
- *Kesavanand Bharati v. State of Kerala* - federalism to be a part of the basic structure of the constitution which means it can't be tampered with.
- *National Capital Territory of Delhi v Union of India*, 2018.

Measures to Reform And Strengthen Indian Federal Structure

1. Redistribution of powers.
2. Effective utilization of Federal bridging Institutions
3. Strengthening the office of the Governor.
4. Widening fiscal capacities
5. Pragmatic Federalism
 - In many judgements the Supreme Court emphasised on the importance of 'Pragmatic Federalism 'for achieving constitutional goal that leans on the 'Principle of Permissible Practicability'
 - The idea is to move from ' One-size fits all model' towards ' Flexible model of federalism'.

Conclusion

- Even as Indian federalism has the bias for Union Government, the States have also sought to assert their interest and influence over the years.
- Extreme political centralization or chaotic political decentralization can both lead to the weakening of the Indian federal structure.
- The right balance must reconcile the need of the national unity on one hand and regional autonomy on the other.

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THANK YOU

QUIZ

1. Constitution guarantees which of the following to the states of India-

- A. Territorial Integrity
- B. Sovereignty
- C. Right to secede from union
- D. None of them



2. The Sarkaria commission is related to which of the following -

A. Electoral reforms

B. Centre -State relation

C. Banking and Finance sector

D. Freedom of press in India



3. Which schedule of the Indian constitution divides legislative powers between the Union and State?

- A. 6th schedule
- B. 7th schedule
- C. 8th schedule
- D. 9th schedule



4. The Indian Constitution provides three lists for the distribution of power between Center and States which Article regulates it-

A. Art 4 - 5

B. Art 56-57

C. Art 141-142

D. Art 245- 246



5. Which of the following is not included in the state list

A. Police

B. Law & Order

C. Prison

D. Criminal Procedure Code

6. Which of the following is true regarding the right of the Centre to make laws?

i) Parliament can legislate for the whole or any part of the territory to implement any treaty or international agreement with other country

ii) For this purpose any law passed by the parliament cannot be held illegal on the basis of the relation the subject mentioned in state list

A. Both I & II

B. Only I

C. Only II

D. Either I or II



7. When did the president declare emergency on the request of PM Mrs Indira Gandhi

A. 25 June 1975

B. 20 Oct 1975

C. 22 Oct 1975

D. 22 Dec 1976



8. Which of the following decision the State legislature cannot take ?

A. Deploying more police personnel for the safety of a women

B. Recruiting soldiers in the Indian army

C. Employing teachers in state government school

D. Introducing a bill in the Vidhan Sabha on welfare of farmers.



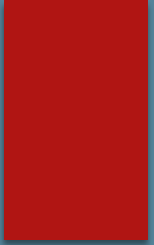
9. Art 249 of the Indian constitution deals with-

A. Emergency powers of the president

B. Dissolution of Lok Sabha

C. Administrative power of parliament

D. Legislative powers of the parliament with respect to the matter of state list



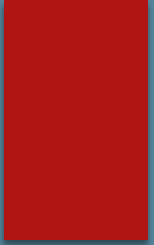
10. A resolution passed under clause (1) of art 249 shall remain in force for a period not exceeding-

A. One month

B. Three months

C. Six months

D. One Year



11. Under which Article of the constitution, taxes are collected and levied by the centre but distributed between Centre and State.

A. 268

B. 269

C. 270

D. 271

12. Relation of Centre State lies in which of the following Schedule-

A. 7th

B. 8th

C. 6th

D. 9th



13. In which part of the constitution legislative relation between Centre and State are mentioned?

A. Part X

B. Part XI

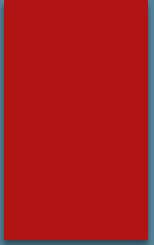
C. Part XII

D. Part XIII



14. In which respect have Centre- State relations are been specifically termed as municipal relations-

- A. Centres control over the state in legislative sphere
- B. Centres control over the state in financial sphere
- C. Centres control over the state in administrative sphere
- D. Centres control over the state in planning process



15. Which of the following institutes are considered necessary to promote unity among diversity in the Indian federation?

A. Inter State Council and National Development Council

B. Finance Commission and Regional council

C. Unitary Judicial system and All India Services

D. All the Above



16. What is the source of Inter-State Council-

A. Constitution

B. Parliamentary laws

C. Recommendation of Planning Commission

D. Approved resolution by Chief Minister.

17. The Committees which examined Centre- State relations are-

- i) Sarkaria Commission
- ii) LM Singhvi Committee
- iii) Rajamannar Committee
- iv) M.M Puchhi Commission

A. i) and iv)

B. i) and iii)

C) i) , iii) and iv)

D) All of the above



18. Which of the following is true-

A. During National emergency, the states are brought under the control of Union and State Assembly is suspended

B. During Financial emergency, salaries of Judges of High Court can be reduced by the President

C. A & B

D. None



19. Which of the following statements are true:

(i) Union list at present has 100 subjects

(ii) State listing at present has 66 subjects

A. Only i)

B. Only ii)

C. Both i) and ii)

D. None

20. Which of the following subjects are included in State list?

i) Corporation tax

ii) Agriculture

iii) Industries

iv) Banking

A. Only i) and ii)

B. Only i) and iii)

C. Only ii) and iii)

D. All of the above