

Federalism

LONG ANSWER TYPE QUESTIONS (4 MARKS)

Previous Years' Questions

Q.1. Why the exact balance of power between the Centre and the State Governments varies from one Federation to another ? Explain with two examples. [Delhi 2008]

Ans. The exact balance of power between the center and the state government varies from one federation to another is due to the nature of route adopted by the country like :

- (i) Coming together federation.
- (ii) Holding together federation.

In the Political Sphere

- Coming Together Federation : In this type of federation independent units (states) come together on their own to form a union or federation. Their main aim is to form a bigger unit, so that, by pooling sovereignty and retaining their identity they can increase their security. Federations of USA, Switzerland and Australia are the examples of coming together federation.
- Holding Together Federation :
Under this type of federation, the federal government decides to divide its power between the constituent states and the national government. In this, type of government the central government tends to be more powerful vis-a-vis states.
Holding together sometimes gives unequal power to constituent states. Even some states are granted special powers. Indian, Spain and Belgium federations are the examples of holding together federation.

Q.2. Describe any four features of federal government. [AI 2008]

Ans. 'Federal Government' is a set of government in which powers are distributed between a central authority and various constitutional units. The key features of a federal government are as follows :

- (i) Two or more levels of Government :
In a federal government there are two or more levels of government at the State, provincial and local levels. As an exception in India we have third level of government i.e. at the local level.
- (ii) Constitutional Status : Federalism provides constitutional guarantees for the existence and authority of each tier of government. The jurisdiction of the respective levels or tiers of government are specified in the constitution.

- (iii) **Independent Judiciary :** Independent judiciary is the essence of federal government. Here courts have the power to interpret the constitution and the powers of the different levels of government.
The highest court acts as an umpire if a dispute arises between different levels of government in the exercise of their respective powers.
- (iv) **Financial Autonomy :** In order to ensure financial autonomy federalism provides specified sources of revenue for each level of government. Every level is free in its own way to impose taxes and raise funds through remunerative enterprises.
In this way a federal government has dual objectives i.e., to safeguard and to promote unity of the country by way of mutual trust and agreement to live together.
- (v) **Distribution of Powers :** In federalism different tiers of government govern the same citizens, but each tier has its own jurisdiction in specific matters of legislation, taxation and administration.
- (vi) **Equal Status :** In federal constitution the fundamental provisions of the constitution cannot be unilaterally changed by one level of government. Such changes require the consent of both the levels of government.

(Any four)

Q.3. Describe in brief the language policy of India.

[AI 2008]

Ans. Language policy is a safeguard to the languages. It is one of the important aspects of our constitution. Under this policy besides Hindi, 21 other languages are recognised as scheduled languages by the constitution. Main features of India's language policy are as follows :

- Our Constitution does not provide for any national language; the government however has accorded the status of official language to Hindi,
- Each state in India has its own official language.
- Beside Hindi, there are 21 other languages recognised as 'scheduled languages' by the constitution. Other languages are recognised as the non-scheduled languages.
- Constitution of India provides for the use of English along with Hindi for official purposes.
- Most of the government work in each state takes place in the official language of the concerned state.
- Promotion of Hindi continues to be the official policy of the government of India but promotion does not mean that the central government can impose Hindi on states where people speak different language.

Thus, the framing of the language policy is the test for Indian federation. It inspires the confidence in different language speaking people that no language will be imposed on them. In a way 'Language policy' has strengthened the unity and integrity of India,

Q.4. On what type of principles is the Indian Union based ? Describe the threefold distribution of legislative powers between Union Government and the State Governments.

[AI 2008]

Ans. The Indian Union is based on the principle of 'Holding Together Federation' i.e., the Union to the unit rather than from the units to the Union. Our Constitution says that 'India shall be a 'Union of States', It is basically a federal system with striking unitary features. Hence, it is also called 'Quasifederal.'

'The power sharing' arrangement in our country is mainly based on the 'Quasifederal nature' of the federation.

The constitution therefore, clearly provides a three-fold distribution of Legislative powers between the union government and the state government. These folds are :

(i) Union List (ii) State List (iii) Concurrent List

- (i) Union List : Union List is the first fold of the three List system. It includes subjects of national importance because we need a uniform policy on the Union List subjects throughout the country. It has 97 subjects.
- The Parliament is solely empowered to enact laws on the Union List subjects.
 - Defence, atomic energy, foreign affairs, railways, banking, posts and telegraphs are the important Union List subjects.
- (ii) State List : State List is the second fold of the three fold division. This list contains subjects of state and local importance such as police, trade and commerce, agriculture and irrigation. It has 66 subjects.
- The state legislature alone can make laws relating to the subjects mentioned in the state list.
- (iii) Concurrent List : This list constitutes the third fold of the List System. The Concurrent list includes subjects of common interest to both the Union government as well as the state government. Such as, education, forests, trade unions, marriages, adoption and succession.
- Both the Union as well as State governments can make laws on the 'Concurrent List'. But in case of a conflict between the Central and State Laws, Central Law Prevails.

On the whole Indian federal system is an example of the 'holding together nature of federalism' with the aim of decentralisation of power with a normal division of subjects under the three list system'.

NCERT Questions

Q.5. Discuss the list system of Indian federalism.

Ans. Union List is the first fold of the three list system.

- (i) It includes subjects of national importance. This list consists of 97 subjects. Most important among these are defence, atomic energy, foreign affairs, etc.
- (ii) The Parliament is solely empowered to enact laws on subjects included in the Union List.

Q.6. How is federalism practiced in India ?

Or

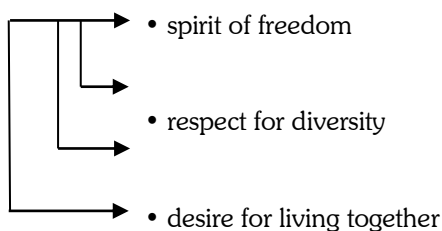
What are the constitutional provisions regarding the practical application of Indian federalism?

Ans. Practical Application of Indian Federalism.

Like other federalism,, in India also Constitutional provisions are necessary for the success of federalism but these are not sufficient for its practical application.

If the federal experiment has succeeded in India, it is not merely because of the clearly laid out constitutional provisions.

The real success of federalism in India can be attributed to the nature of democratic politics in our country i.e.,



- secular outlook

Major tests or experiments for the success of federalism.

(i) Linguistic States : Regarding federalism the first and a major test for democratic politics in our country was the creation of linguistic states. In 1947, the boundaries of several old states of India were changed to ensure that people who spoke the same languages lived in the same state.

The formation of linguistic states has made the country, more united and also made the administration easier.

(ii) Language Policy : Framing of language policy was another test for Indian federation. Under the language policy Hindi has been identified as the official language. At the same time many safeguards have been provided for other languages.

(iii) Central-State Relations : Restructuring the centre-state relations is one more way in which federalism has been strengthened in practice. The period after 1990 saw the beginning of the new era of coalition government and the rise of regional political parties in many states of the country.

All these tests and practical aspects show that in India federal power sharing is more effective today than it was in the early years after the Constitution came into force.

Q.7. "India is a country of diverse languages." Examine the statement under the linguistic diversity of India.

Ans. India is a land of diverse languages. It has many languages on the basis of regional diversities. The latest information that we have is from the census of India held in 2001.

(i) The census recorded 1500 distinct languages which people mentioned as their mother tongues.

(ii) These languages are grouped together under major languages like— Bhojpuri, Magadhi, Bundelkhandi, Chhattisgarhi, Rajasthani, Bhili Maithili, Santhali etc.

(iii) Besides, another group of 114 major languages is formed. Of these 22 languages (92nd constitutional amendment of 2003) are included in the eighth schedule of the Indian Constitution known as the scheduled languages. Others are called 'non-scheduled languages'.

All these show that in terms of languages, India is perhaps the most diverse country in the world.

Q.8. Discuss the constitutional Amendment of 1992 regarding the Decentralisation of powers.

Or

List out the attempts of the Indian Constitution in order to decentralise power.

Ans. A major step towards Decentralisation was taken in 1992 through constitutional Amendment. The Amendment made the three tiers of democracy more powerful and effective. The main provisions are as follows :

- (i) Now it is constitutionally mandatory to hold regular elections to local government bodies.
- (ii) Seats are reserved in the elected bodies and the executive heads for the scheduled castes, scheduled tribes and other Backward classes.
- (iii) One third of all positions are reserved for women in local bodies.
- (iv) State Election Commission, independent institution, has been created in each state to conduct Panchayat and Municipal Elections. Thus, after the Constitutional Amendment of 1992 the concept of Decentralisation in the federal power sharing has become more effective.

Q.9. Critically examine the concept of Decentralisation in India.

Ans. As the need for decentralisation was very much recognised in our constitution so various attempts have been made to decentralise power to the level of villages and towns, e.g., Panchayats in villages and Municipalities in urban areas have been set up in all the states.

- (i) But in all practical sense the concept of decentralisation is not very much applied in all the states.
- (ii) The local bodies are directly under the control of state governments.
- (iii) The elections to these local bodies/governments are not held regularly
- (iv) Local governments do not have any powers or resources of their own. Agriculture and commerce.

Q.10. Examine the concept of three tiers government of Indian federalism.

Ans. Federal governments have two or more tiers of governments. For a small country like Belgium two tiers are very much applicable but a vast country like India cannot be run only through these two tiers. States in India are as large as independent countries of Europe, many of these states are internally very diverse.

Hence, federal power sharing in India needs another tier of government, below that of state government. Thus resulted a third-tier of government, called 'local government' For detail Refer to Ans. 19, 20 (3 Marks)