

However being the creature of the constitution the state has no right to secede or claim sovereignty..... Both are coordinating institutions and ought to exercise their respective powers with adjustment, understanding and accommodation to render socioeconomic and political justice to the people, to preserve and elongate the constitutional goal including secularism,”

The essential character of the Indian federalism is to place the nation as a whole under control of a national government, while the states are allowed to exercise their sovereign power within their legislative and co-extensive executive and administrative sphere. These weak methodological formulations are contrary to the founders' vision of union constitutionalism and its federalism.

In this context, one would like to mention that the founding fathers deliberately avoided any doctrinal fixity; instead, they innovated and scripted a new form of federalism, which retains the meta-theoretical propositions and core philosophy of federalism, but departs in its structural designs and framework of resource distribution and power relationship. It is precisely the reason that an eminent scholar of India's constitutional law M.P. Jain has to comments that the, 'Indian federal scheme while incorporating the advantages of federal structure, yet seeks to mitigate some of its usual weaknesses of rigidity and legalism. It does not, therefore, follow strictly the conventional or orthodox federal pattern.

(A) Federalism with strong centre:

Historically, the adoption of the concept of federalism was more of a necessity than choice. The practical problems of governing culturally and regionally diverse India knocked on the door of British administration quite early thus resulting in Montague-Chelmsford report on the constitutional reform (1918) which stated that, “our conception of the centralized future of India is a sisterhood of states, self-governing in all matters of purely local or provincial interest,” based on this report government of India devalued some power and authority to the provinces.

The Simon Commission report (1929) also proposed schemes for devolution of financial power and sharing of income tax proceeds between the central government and provinces. Finally government of India act 1935 prescribed a federal type union of autonomous provinces wherein, the Governor General got power to overrule the provincial government. Again in cabinet mission plan of 1946, certain proposals of loose asymmetrical federation were mooted. All these proposal of loose federation were almost a dead letter for the newly emergent Indian nationalist elite who were in favour of centralized federal union. This resulted in the adoption of heavily centralized system of parliamentary federalism.

All the formative reports and document of union power committee between 26 December 1946 and April 17, 1947 had clearly stated that India needs federalism with strong centre. What notionally the strong centre? It is the possession of certain power that characterizes a centre as strong or weak. But such power-attributes do not go without corresponding responsibilities.

Thus, one of the members of constituent assembly said that, “The attributes of a strong centre are that it should be in a position to think and plan for the well being of the country as whole, which means that it must have the authority not only to coordinate the activities of states during the time of stress and strain, but also the power of initiative to give direction to the various provinces in regard to economic development of the country. The second attribute of strong centre is that it should be in a position to supply the wherewithal to the provinces for their better administration whenever the need arises. The attribute of strong centre is that it must have sufficient power to protect the country against foreign aggression and represent the whole country at the international level. In normal time, strong centre is bound to respect provincial autonomy of federal democracy and local self government. The entire constitutional provisions under Article 245 to 254 and emergency powers under Article 352 to 360 declared that our constitution is in favour of strong centre as compare to state and local government. From 1950 to 1989, one party dominant rule in India and the functioning of our democratic system has proved that centre remains dominant in each and every field of administration like legislative, executive and administrative.

(B) Cooperative Federalism:-

Until late 1980's, the parliamentary centralism was ushered in by the One-Party dominant system, the 1989 parliamentary elections were a watershed in bringing about greater federalization of the Indian political system. One of the important reasons for this development was the shift from one-party dominant system to a multi-party system and prominent rise of regional political parties. As a result of this development, the coalition or minority government at the centre became norms for more than two decades (1989 to 2014). After a gap of twenty five years first time B.J.P. party under the leadership of Sh. Narendra Modi get majority in lower house of our parliament. But, still this government is running in coalition of national democratic alliance (NDA).

Another historical development took place in constitutional and federal history of India, by virtue of the 73rd and 74th Amendment Act to the Indian constitution. The 73rd and 74th Amendment Act made the rural local bodies respectively a compulsory and statutory provision. It was entrusted with powers and function as institution of self-government and such may contain provision of the devolution of powers and responsibilities.

Their main responsibilities are, "the preparation of plan for economic development and social justice" in the matter listed in eleventh and twelfth schedules for the rural and urban local bodies respectively. Both the above schedules are broadly derivatives of the state list and these are meant in further refining the development and welfare functions of the state in the process, federation also.

(C) Radical Federalism:-

The advent of coalition politics in India since 1990's onward, the centre-state relationship started coming under considerable strain as different political parties assumed power at the centre and in different states. The rise of regional parties articulating the aspirations of the people emphasized the need for democratic decentralization and devolution of powers. These developments spurred some state to demand reformation of centre-state relations in accordance with changing political and socio-economic dynamics in the country.

The first initiative was taken by the DMK- led government of Tamil Nadu in 1969 by constituting a three member commission, known as Rajmanner commission, to examine the working of India's constitution and to recommend the re-allocation of powers between the central government and the states. In March 1983, the chief ministers of the four southern states of India, VIZ; Rama Krishana Hegde of Karnataka, M.G. Rama Chandran of Tamil Nadu, N.T. Rama Rao of Andhra Pradesh, D. Ramachandran of Pondichery resolved to form a council for the Southern Region to re-structure centre-state relations in financial resources. They also demand that state legislatures should be given the necessary powers to enact laws in the state and concurrent lists of the Seventh Schedule of the constitution.

The Akali Dal's Shromani Anandpur Sahab Resolution of October 1973 demanding radical restructuring of the Indian federal system. The resolution, among other things, declared, "in this new Punjab the authority of the centre should be confined to the defense of the country, foreign relations, communications, railways and currency. All the residuary subjects should be under the jurisdiction of Punjab which should have the right to frame its own constitution for these subjects.

The Sarkaria Commission, which submitted its report in 1988, carried 256 specific suggestions for improving centre-state relations and a number of these suggestions were implemented.

Another commission on centre-state relations was established by then UPA government in April 2007 to take fresh look at the relative role and responsibilities of the various level of the government. The commission, which submitted its report in early 2010, came to the conclusion that 'cooperative federalism' would be the key for sustaining India's unity, integrity and social economic development in future.

Despite all the recommendations and suggestions of the committee and commission regarding federalism or centre-state relations; we can visualize in the present scenario that centre-state relations and state to state relations are very much tense and strained. Today Indian federalism is facing many challenges.

(D) Challenges:

1. Demands for New states: - Present in India has 29 state and seven Union Territories; but the demand for new state is continuously increasing. Various organizations are demanding new states like Awad Pradesh,

Bundelkhand, Harit Pradesh, Vidarbha etc.

2. Demands for State Autonomy: - Various states like Jammu and Kashmir, Punjab, Tamil Nadu, Assam etc. are demanding Autonomy and separate constitution.

3. Demands for Special Status: - Many states like Bihar, Punjab, Madya Pradesh and new emerging states are demanding special package and special status for their economic development.

4. Demand to reduce army and abolition of AFSPA: - States like J&K and Assam demanding to reduce army from their territory and abolition of Armed Forces Special Power Act.

5. Non-Cooperation to tackle Naxalism: - Naxalite affected states are not cooperating properly with central forces to counter Naxalite terrorism. Their local leader have soft corner towards Naxalite Leaders. They are not cooperating with National Counter Terrorism Centre (NCTC).

6. Unwanted stress on central government regarding foreign policy: - Some states like Tamil Nadu, West Bengal, Assam, Jammu and Kashmir are putting unnecessary pressure on central government regarding Foreign Policy matter with Shri- Lanka, Bengla Desh and Pakistan etc.

7. Dispute on Economic Issues: - in the era of Globalization and Privatization the economic issues are more important than other issues. It is difficult for state to acquire and acquisition land for the establishment of central government projects. The state and central government are fighting each other for the rehabilitation and resettlement of public who are displaced due to acquisition of their land. There is also a dispute on the issue of Good and Service Tax (GST).

8. Violation of Supreme Court Order and Direct Challenge to Federal Structure of India: - Many states are fighting with each other on the water and boundary issues, but recently the Punjab has directly violated the Supreme Court order on Sutlej- Yamuna link canal (SYL) issue by passing the first resolution in 2004 as Termination of Agreements Act and second resolution as De-notification of land bill in march 2016.

CONCLUSION:

Cordial relations between the Centre and the Sates are essential for meeting successfully the vast array of problems confronting the country. In more than sixty decades of its working, Indian federalism has shown enough resilience to accommodate societal pressure for federalization of polity, economy and society. What we need is reorienting our federal-political culture towards establishing a more inclusive polity where 'Demos' have adequate institutional space for decision-making within the broader constitutional framework of India.

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