



Challenges for Federal Structure

Instances of tussle between the agencies of central government and the state governments have now become common in India. The latest one in the list is clashes between the CRPF officers (central agency) and the state police officers of Madhya Pradesh. Such instances raise '**issue of federal structure**' in the country. Normally, the issue of federal structure and of power sharing arises either due to problem in sharing of resources between the centre and states or due to redrawing of borders between the states.

Reasons Behind Such Instances:

- State governments treating their respective states as their fiefdom.
- Ruling party in the state, being different to that in Centre, thus state governments seeing the investigation by central agencies in their respective states as political vendetta by the central ruling party.
- Central agencies are not bound to inform state forces before starting the investigation. Fear of leakage of the investigation news is another reason behind central agencies not notifying the state forces regarding the investigation in the state.
- During elections, it is seen that State political parties generally protest against investigations connected to their aides and relatives, due to the fear of losing out votes.
- Central Agencies being working under the pressure of central ruling party, thus not investigating the case properly.

Jurisdiction of Central Agencies:

- The central agencies are formed in a federal structure and have primarily the responsibility of probing issues against government staff and serious cases referred to it by courts or by the state governments itself.
- **Central Police Organizations** include Intelligence Bureau (IB), Central Bureau of Investigation (CBI), National Investigation Agency etc.
- **Central Armed Police Forces** include Central Reserve Police Force (CRPF), National Security Guard (NSG), Central Industrial Security Force (CISF) etc.
- Sometimes, it happens that central agencies have to go beyond a boundary of a particular state for complete investigation of an issue. Hence, the jurisdiction of central agencies is not restricted by the needs and bounds of the geographical territories of a particular state.
- If there is a specific subject matter that falls exclusively within the jurisdiction of a central agency, then it is upto that agency to decide what is the best manner to preserve the integrity of that particular investigation and whether it needs to liaise with the state officials or not.

Challenges for Federal Structure:

- Constitutional provisions are used by political parties to hide the real issues of corruption, fraud etc.
- Central government and State Governments' indifference and apathy towards constitutional scheme of federal structure.
- Tussles between the agencies of central government and those of state governments stress the cohesive functioning of centre and states.

Way Forward:

- Jurisdiction of central agencies is quite clear, therefore the state agencies need to cooperate with them during the investigations.
- Central Agencies need to be answerable only to the law and order of the country. Central ruling party should avoid pressurizing agencies for its vested political interests.

The onus lies both on the states as well as on the centre for better cohesion as well as for maintaining the constitutional scheme of federal structure.

Federation

- The term 'federation' is derived from a Latin word foedus which means 'treaty' or 'agreement'.
- Thus, a federation is a new state (political system) which is formed through a treaty or an agreement between the various units.
- The units of a federation are known by various names like states (as in US) or cantons (as in Switzerland) or provinces (as in Canada) or republics (as in Russia).

Federal System

- In a federal system, political authority is divided between two autonomous sets of governments, one national and the other subnational, both of which operate directly upon the people.
- Usually a constitutional division of power is established between the national government, which exercises authority over the whole national territory, and provincial governments that exercise independent authority within their own territories.

Federal Structure in India

- The Constitution of India provides for a federal system of government in the country.
- It contains all the usual features of a federation, viz., two government, division of powers, written Constitution, supremacy of Constitution, rigidity of Constitution, independent judiciary and bicameralism.
- However, the term 'Federation' has nowhere been used in the Constitution. Article 1, on the other hand, describes India as a 'Union of States' which implies two things: one, Indian Federation is not the result of an agreement by the states; and two, no state has the right to secede from the federation.
- The Constitution of India, being federal in structure, divides all powers (legislative, executive and financial) between the Centre and the states.
 - **Articles 245 to 255** in **Part XI** of the Constitution deal with the legislative relations between the Centre and the states.
 - **Articles 256 to 263** in **Part XI** of the Constitution deal with the administrative relations between the Centre and the states.
 - **Articles 268 to 293** in **Part XII** of the Constitution deal with Centre-state financial relations.