



Mains Practice Question

Q. How far do you think cooperation, competition and confrontation have shaped the nature of federation in India? Cite some recent examples to validate your answer. (UPSC GS-2 Mains 2020)

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Approach

- Start the answer by briefly discussing the idea of federalism.
- Discuss some recent examples that showcase the features of cooperative, competitive, and confrontational federalism in India.
- Conclude suitably.

Introduction

A federal government is one in which powers are divided between the national government and the regional governments by the Constitution itself.

The Constitution of India provides for a federal system of government. However, the Indian model of federalism is significantly different from that of the American model (referred to as the epitome of federal polity).

Indian federalism has a strong unitary bias, but due to unique socio-economic and political conditions, it has evolved to assume the various features of cooperative, competitive, and confrontational federalism.

Body

Cooperative Federalism: It envisages that the Centre and states share a horizontal relationship, where they “cooperate” in the formulation and implementation of national policies. This can be reflected in the recent steps taken by the Central Government.

- With the rollout of the GST and the formation of the GST Council, both the Centre and states government are having a say in implementing the one country-one tax system.
- The union government has abolished the Planning Commission and replaced it with NITI Aayog. One of the mandates of the NITI Aayog is to develop competitive federalism.

Competitive Federalism: It envisages the competition between the states.

- The SDG India Index, Aspirational Districts Programme, Swachh Bharat Ranking, Ease of Doing Business Ranking incorporates a sense of competition amongst the states for funds from the central government.

Confrontational Federalism: It is a result of central government transgressing into the powers of the state government.

- The unilateral revocation of the special status conferred on Jammu and Kashmir (J&K) under Article 370 of the Constitution has been criticized by many experts as against the spirit of federalism.

- Many constitutional experts have criticized the central government's decision of using a concurrent List to make laws on state list subjects. For example,
 - The union government has passed three farm laws despite agriculture being the state list subject. This has led to massive farmers' protests.
 - Under the recent NIA amendment Act, the central government may direct the NIA to investigate such cases as if the offense has been committed in India.
- The role of the governor as an agent of the central government (in Maharashtra & Karnataka) whereby governors act in a partisan way, generally against the state government whose views are not in concurrence with the party in power at union level.
- Also, there are many river-water sharing disputes amongst the states. For example Cauvery river disputes, Mahadayi river dispute.

Conclusion

In SR Bommai vs Union of India (1994), the Supreme Court held federalism a part of the basic structure of the Constitution. However, due to the strong unitary bias and particularly the way it has evolved over the years, many constitutional experts describe Indian federalism as, "federation without federalism", "a Union of Unequal States" or "Quasi-Federal In Nature".

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