

UNDERSTANDING THE CONCEPT OF COOPERATIVE FEDERALISM IN THE CONTEMPORARY CONTEXT



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Introduction:

The Indian Constitution adopted a parliamentary system at the central and state levels. In the parliamentary system, elections are held at the central level for the Lok Sabha and at the state level for the Legislative Assembly. In elections, a hung Lok Sabha or Vidhan Sabha is formed when one party does not get a majority. From then on, the process of forming a front between the political party and the party leadership begins. After the formation of the alliance, the President or the Governor is informed about it by the leaders of the alliance. A coalition government is formed under the leadership of the Prime Minister at the Center and the Chief Minister in the State. A coalition is a form of government in which at least two parties come together to govern. The United Front government is an amalgamation of political community and political power that is temporary and for a specific purpose.

From the point of view of Indian Unionism, the period 1967 to 1989 as well as 1989 to 2010 is important to examine the impact of the Commonwealth system and partisan system on Indian Unionism. The partisan system performed three types of functions in the team system. The first is the means of co-ordinating between the Center and the States, the second is the principle of creating tension between the

Center and the States and the third is the principle of disintegration of the federal system. The influence of the Indian partisan system on the federal system can be examined in the above context.

By 1967, Nehru's personality had dominated the Congress at the Center and in the states. The federal system seems to be affected by the monopoly power of the Congress. Dr. According to Fulchand, "India's federal structure looked like an integrated structure. Although the Center could not impose its will on the states through the constitution, it was imposing its will through partisan means. India, which was theoretically federal, was an integrated system in practice."

He had a majority in Parliament and the State Legislature during the Congress rule. Since the national movement, the organization of the Congress has remained central. The Pradesh Congress was under the influence of the All India Committee, the All India Committee under the influence of the Central Executive and the Central Executive under the influence of Shrestha. Not only policies and decisions but also the tendency to take decisions regarding the Chief Minister and Ministers of the state increased. From the selection of candidates in the Rajya Sabha elections to the resolution of differences and partisan issues and the

application of discipline, the interference of the elites increased. The tendency towards centralization in the Indian federal structure was due to the centralist attitude in the party structure, especially the 'high command' culture in the Congress party. What is the Congress party really doing on the basis of the "democratic centralization" of the Communist Party where the flow of power is from the top to the bottom?"²

The long period of unilateral domination of the ninth general election in 1989 marked the end of the era of multilateral-minority rule and coalition rule at the national level. The period after 1989 is considered to be an important period in the Indian federal system. The term 'lead' or 'joint' is mainly used to refer to the amalgamation or aggregation of different elements (in this case the term 'lead' or 'joint' is used in reference to multilateral governance). Such aggregation is limited to either a joint action or a goal. Such a goal is limited to either a collective goal or a fear. Attempts are made to recognize this objective through joint action rather than individual action. This action is temporary and for a limited period of time. The constituent parties in the alliance do not abandon their line, principles or ideas as well as outside the alliance but the behavior of these constituent parties is different.

The politics of the front in which the pre-election front, the late front, the parliamentary front, the executive front as well as the ruling front have been studied. Electoral lead is an agreement between the parties that seeks to divide votes among themselves. The inter-election lead is the lead made during the election. It seeks to oppose the establishment of power or

the coming of a joint government. The post-election front is the front of those who came together to establish power after the election. Lead in the legislature is a group that has come together to oppose or support a policy or law. Executive Front or Governing Front in which the parties participate in the distribution of power. Ultimately, the ruling alliance, which is India's contribution to the concept of 'alliance', has both the advantage of being with the ruling party.

The main focus of the issue is not the lead of national parties at the national level but the lead of national and state parties at the national level. From 1969 to 1977 the Multilateral Front was experimented with. The Congress also came to power in the state in alliance with other parties. But it did not have an impact on national politics as the Congress party always got a majority in Parliament. But not all of these fronts were really federal fronts. Janata Paksha is the amalgamation of different parties into one party. So it was not in the form of a federal front.

The Federal Front National Front is a front with a regional perspective in which the parties try to preserve their identity and maintain diversity.³ This kind of diversity was lost in the Janata Party's alliance and internal strife led to the party's decline.

The basic tenet of the federal front revolves around the central-state relationship, which embraces diversity. A federal alliance is one that incorporates federal elements into the national decision-making process through political parties. The monopoly of the Center is now a partnership between the Center and the States. This is an important change in the federal system and in the perspective of Center-State

relations.

A multi-tiered federation is built on the important characteristics of 'self-government plus co-governance'.⁴ The division of power is created in such a way that the pendulum of power is not leaning towards the constituent states and not towards the federal government. This kind of real situation is not found in reality but it is an ideal situation. The Union-State Equilibrium in the Indian Union is especially evident in the post-1989 period. In which the central government is influential and the state is acting as a participant. The Center-State conflict became more egalitarian and respectful.

Constitutionally, the central government in India is more powerful than the states and the nature of the central government's relationship with the constituent states is unchangeable. The Indian Federation is created in a special situation. In which more emphasis has been laid on the unity and solidarity of the nation. This gave more importance to the centralization of the federal system with the objective of controlling the constituent states and creating an element of nation building.⁵

This pattern of control of power took a hit after 1967. After seeing that their demands were not being answered on the party platform, these groups started forming various political parties. In the 1967 assembly elections, many of these parties succeeded in establishing power in the state. This gave birth to regional power or regionalism. His tendency was to confine himself to a particular region rather than to call himself a national.⁶ The Congress gave importance to all these incidents only in the context of federal relations. The attitude of

centralization increased at both the government and the party level. As a result, opposition to the Congress prevailed in all the regional parties.

The Union-State relations underwent major changes in the late 1980s. The Center was limited to treating the states as secondary. Until then, the federations have played an important role in the Indian decision-making system. Therefore, the formation of constituent states at the national level became an important feature of the federation. From the beginning of this decade, we have seen how multilateral governments at the national level have brought about change at the federal level. This transitional state in the federation not only led to the rise of neo-federalism but also affected the entire political process.

There are also some helpful explanations for the change in the Indian Union. The economic reform program that was implemented in 1990 gave the constituent states a major boost in economic reforms.

Contemporary Federalism and Centre-State relation

Previously Prime Minister Modi said he envisioned different states competing with each other in promoting governance initiatives, in a spirit of "cooperative, competitive federalism."⁷ Prime Minister wants the federal government and states to come together to chart a common course to progress and prosperity with a focus on growth, investment and job creation.

But it is seems that principle of cooperative federalism not working so smoothly as the centre state conflicts reached at high level. The release of funds to the states has also become a major issue of conflict in center-state relations,

especially in times of pandemics.

Even on the issue of Goods and Services Tax (GST), the opposition-ruled states are taking aggressive measures against the Center. They allege that the Center is withdrawing from its promise that in the first five years of the GST regime, states will be compensated by the Center in the event of any revenue loss. Due to the protests of the states, now the Center has to agree to borrow a part of the amount and release it to the states.

There is also a demand from the states to release more funds to overcome the economic difficulties due to the epidemic. In order to overcome Kovid-19, steps like the Center to close liquor shops were strongly opposed, especially by states like Punjab, in view of the huge revenue loss. Due to such pressure, the Center was forced to cancel its order.

Punjab withdrew its general consent to investigate the state's affairs earlier this month from the Central Bureau of Investigation (CBI), a move contrary to Prime Minister Narendra Modi's mantra of 'cooperative federalism', sparking a confrontation in relations between the center and the state. The same policy now adopted by the Chhattisgarh, Maharashtra, West Bengal government recently.

This is not the first time center-state relations in India are going through an examination. In the past, two high-level commissions were needed to examine these relationships and suggest measures for change. The first was Justice R.S. Sarkaria, a retired Supreme Court judge in 1983 and under his leadership Sarkaria Commission was formed the second one is Chief Justice of India, retired

Justice Punchhi under his leadership Punchhi commission was formed in 2007 for analysing Centre-State relation and for suggesting measure for the betterment of strong Federalism. But this conflict has never been as much as has increased in recent times.

Several opposition-ruled states have joined movements against the Center in recent months, ranging from objecting to the Modi government's recent laws in agriculture to opposing stricter rules set by the central government to fight Kovid-19 and demanding their share of GST compensation. They have been in a posture of confrontation; the Center is being accused of trying to abuse their powers on their behalf.

Analysts say that a strong government at the center, which relies more heavily on centralization of power, amid equations of 'give and take' in relationships between various states and the Center, including previously ruled states. With the occupation of the state, the way is open for the states to adopt a more vigilant attitude, in which there is less scope for dialogue to break the deadlock.

The recently implemented agricultural laws are a clear example of this. Accusing the Center of not taking any advice, three opposition-ruled states - Punjab, Rajasthan and Chhattisgarh - have passed bills at their own level to amend the Central Acts and as a result this process has rendered them ineffective. These states argue that agriculture is a state subject and bringing any law on it is completely within their jurisdiction. This stance has opened the path of more strife with the center.

Withdrawing the general consent of the

CBI probe into cases in the state is another example. Accusing the investigating agency of pursuing an agenda of political vendetta, eight states Punjab, West Bengal, Rajasthan, Jharkhand, Maharashtra, Kerala, Chhattisgarh and Mizoram withdrew the agency's earlier permission to investigate cases in their respective states.

However, former Home Secretary G.K. Pillai feels that it is unfair to blame the states only because the CBI has politicized itself in recent times. He said, 'It has lost its credibility. It is the responsibility of the Center to bring the states together and increase their confidence in the investigating agency.'⁸

It is somewhat ironic that the equation of relations between the Center and the states, especially those in the opposition regime, has deteriorated at a time when the Center is headed by Prime Minister Narendra Modi who has been one of the most vocal advocates of cooperative federalism especially, during his tenure as the Chief Minister of Gujarat.

Conclusion:

In a large and diverse country like India, both flexibility and persistence are necessary simultaneously. A strong center was needed since the birth of the modern republic, but due to the vastness of India, no single force will ever be unable to keep it tied, and to keep all citizens happy. Decentralization is inevitable, as shown by the creation of NITI Aayog. But now, friction is constantly increasing. Everyone says that if there is not a clearly defined framework, there will be mutual conflict. The Constitution is that framework. There is a sentinel called the Supreme Court as a power-intermediary, who

helps resolve complex federal disputes.

This change is not happening suddenly. Economic liberalization from 1991 increased the importance of the central government. As inter-state trade and commerce began to increase, so did the need for a legal framework that would help speed this up, rather than stop this flow.

When the Planning Commission was in existence, at that time there was a frequent complaint from the southern states that they had to deal with the steps in fund allocation. Mega central schemes became another cause of controversy and branding of schemes was a big issue in this. As the size of the Union Budget kept increasing, the size of the schemes touching the lives of ordinary citizens was increased. Due to electoral compulsions, the best transformational schemes can also be opposed on the basic issues - instead of 'Pradhan Mantri Jan-Dhan Yojana', why not says 'Prime Minister-Chief Minister Jan-Dhan Yojana'!

There was inevitably considerable decentralization at the time of coalition governments, but problems started to emerge as soon as a majority government was established at the center. As a result of extremely complex structures affecting internal trade and commerce trade, demands for simplification began to rise continuously. But, it took almost a decade for the GST regime to start its existence. And now due to the struggle created by demonetisation, the concerns of further delay in coming to GST have become clear.

From the experience of past 70 years it is difficult to implement the concept of cooperative federalism in India. Firstly, different ambitions and aspirations are created due to a network of

variations and inequalities. Identifying them, solving them and bringing all the states together are challenging. So far this has not been done in India.

Secondly, states vary in size as well as in the availability of resources. Successful implementation of cooperative federalism needs to create an environment of healthy competition between the Center and the states. The points where this healthy competition turns into populism are dangerous.

Thirdly, the implementation of cooperative federalism will be difficult due to the fragmented political scenario of India. Today India is standing at a crossroads, facing big problems. The political classes must rise above these disputes before this demographic dividend can turn into a demographic destruction.

In principle, cooperative federalism sounds good. The present government has demonstrated remarkable understanding through the use of words like 'Team India' during NITI Aayog meetings or simple gestures like creation of an all-inclusive GST Council, etc. The Finance Commission also recommended in its 14th report that states should have a greater share of central tax revenue collection. Let us hope that the concept of cooperative federalism will continue to work in future according to its nature and expectation.

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