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## Challenges to the Federal Structure of the Indian Union

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- The Indian union functions on a federal structure of governance implying decentralization of power which allows power to be divided between the central government and the states.
- Indian federal system is a quasi-federal system containing features of both a federation and a union.
- **Article 1** of the Indian Constitution suggests that the territory of India shall be classified into three categories:
  1. Territories of the States
  2. Union Territories
  3. Territories that the Indian Government can acquire at any point in time

Currently, there are 29 states and 7 union territories. The government of India can acquire some states at any point pertaining to factors such as cession, occupation, conquest or subjugation. Foreign territories such as Dadra and Nagar Haveli, Goa, Puducherry, and Sikkim have had been acquired by the Indian government since the constitution started functioning.

**Article 1:** India, that is Bharat, shall be a Union of States.

### Major Challenges to the Indian Federal structure

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#### 1. Regionalism:

- **Meaning:** This is the most alarming challenge to Indian federalism. Regionalism basically implies an inculcation of a strong sense of love and respect for one's region, ethnicity, language, and culture. It is this love which makes regions fight for greater autonomy within the nation and directly putting the authenticity of Indian federalism in danger. Regionalism started with the creation of the state of Andhra Pradesh as a consequence of the death of Potti Sriramulu in 1953 after he fasted for 52 days demanding a separate state for Telegu speaking people. This was just the beginning. In 1954, the States Reorganisation Committee headed by Fazal Ali recommended the formation of 16 new states and 3 union territories. The year, 2000, saw the formation of 3 more states on linguistic lines namely- Chhattisgarh, Jharkhand, and Uttarakhand. In 2014, the state of Telangana was declared as the 29th state of the Indian Union. The latest protests for Gorkhaland and Bodoland have been revived.
- **Challenge:** Regionalism establishes itself through demands for autonomy on the grounds of language, basically. These demands are usually never silent methods of request, rather they tend to take major violent forms; disrupting the political and cultural environment of the nation as a whole. The nation thus faces the challenge of internal security in the form of insurgency and this causes upheavals in the basic notion of Indian federation.

## 2. Governor's Office:

- **Meaning:** The constitution of India puts forward the provision of a governor for each state. The governor is chosen directly by the President of India and runs a tenure of 5 years. The President can dismiss the Governor whenever. The governor of each state is vested with a lot of executive, judicial, legislative and financial powers.
- **Challenge:** The most important power of the Governor which sometimes comes in conflict with the federal structure of the country is the power vested upon him by the Article 154 of the Indian Constitution which states that all the executive powers of the state are held by the Governor. This provision implies that the Governor can appoint the Chief Minister and the Advocate General of the State, and State Election Commissioners. The most paramount executive power at his disposal is that he can recommend the imposition of constitutional emergency in a state. In January 2016, the State of Arunachal Pradesh saw the imposition of President's rule in its territory despite there being an already elected government in the same. On July 13, the Supreme Court overruled the Governor's decision as unconstitutional and order was soon restored in the state with the revival of the Congress government in Arunachal Pradesh. But, what came in the light amidst all this chaos was how the over supportive relationship with the Central government and the Governor of the State can impose serious threats to the quasi-federal style of Indian Governance.

**Article 153:** There shall be a Governor for each state.

## 3. Centralized Planning:

- The items in a state list of a country are enjoyed by the state, the items in the Union list are enjoyed by the Centre and the items in the Concurrent list are enjoyed by both the State and the Centre. One of the items in the Concurrent list is economic and social planning hence implying that the decision of the same should be taken collectively and with equal discretion by both the State and the Centre.
- But, Central government tends to control the national and regional planning in India without any inhibitions at all.
- The vivid example of Centre's assumption of sole authority over the planning or Centralized planning is the establishment of a Planning Commission, now known as NITI Aayog. This committee is appointed by the centre; hence it indirectly underlies the grounds of a state's dependency on the Centre for financial aids. Such hegemony over the financial planning of a country makes the Centre go against the basic federal structure of India as it becomes quite clear that Centralized planning as such nullifies the primary rule of a federation and its requirement of the division of power between the Centre and the State.

#### 4. Single Constitution and Citizenship:

- **Meaning:** India as a nation functions only on one single constitution and the provisions as well as restrictions led down by the articles in the constitution is applicable to each state and union territory of the country equally. **Article 370** of the Indian Constitution provides for an exception for the state of Jammu and Kashmir and allows it to have a constitution of its own. Single Citizenship implies that a citizen born within Indian territory or migrated in the country, can hold the citizenship of India and it alone and can enjoy the rights that the constitution of the country offers. A person cannot hold dual citizenship and enjoy the rights of India as well as another country at the same time. While Article 5 lays down the provisions of being a citizen of India, Articles 6 and 8 provides guidelines of citizenship for people migrating from Pakistan or people of Indian origin residing in a foreign country. **Article 9** talks about the provision of single citizenship.
- **Challenge:** The quasi-federal structure of the Indian governments, as we know, requires the administration to be divided between the State and the Centre. But the inculcation of Single Citizenship and Single Constitution somewhere beats the sketch of such a structure. The provision of Single Citizenship does not consider a citizen's identity as a member of a particular state. This indirectly establishes that the most integral of powers still remains and shall always remain with the Centre alone. While the provision of a Single Constitution helps the country function on the same rules thus promoting equality and unity, it definitely poses as a challenge to Indian Federation; since the states are handicapped for securing true autonomy in the way it runs and hence governs at the mercy of the Centre.

**Article 370:** (1) Notwithstanding anything in this Constitution,— (a) the provisions of article 238 shall not apply in relation to the State of Jammu and Kashmir.

**Article 9:** No person shall be a citizen of India by virtue of article 5, or be deemed to be a citizen of India by virtue of article 6 or article 8 if he has voluntarily acquired the citizenship of any foreign State.

## **5. External Forces:**

- Not only insurgency but violent forms of protest from external forces like neighbouring countries or otherwise can pose a serious threat to the Indian federal structure.
- The North-Eastern states of the country are always in a zone of communal tension; not only because of internal demand for autonomy and power but also because of a constant interference of China and other neighbours in the affairs of such Indian states.
- The issue of Tamils in Sri Lanka still lingers as a problem for India. We all know that the issue of Pakistan and its demand for Jammu and Kashmir never really stops. These external factors make the country go through communal divisions and thus the federal structure vulnerable to manipulation.

These were some of the major challenges to the Federal structure of the Indian Union.