

Federal Structure Under Coalition Government

Lalit Kumar Sharma¹

ABSTRACT

The breakdown of the national consensus on a parliamentary majority in India, a phenomena which is characteristic of the function of parliamentary governments in the developing countries, has led to a new trend, that is coalition to identify the federal division of power with sub-national pluralism Federalism is an instrument of power sharing between independent authorities viz. Union and State. Coalitions have become an inevitable and indispensable part of the national and regional politics in the present politics of India, and coalitions in India primarily owe their existence to a set of determined people, who combine to govern for personal and party ends. The unifying force is power. It is the pooling of ambitions that at present scenario regional parties are sharing power at the centre and helping in the process of consensus is not true. In fact they do not necessarily participate in governance of the country. They stay parochial in their outlook. Populism is their method to gather support. Thus the regional parties have come to stay in the Indian political system and their relevance is not only confined to their respective states but it also extends, to the national scene. The federal approach in governance is the result of the assertion of the regional parties. Their participation in the coalition government is the reinforcement of the “periphery” and federal governance at the centre. The BJP-led coalition government NDA and congress-led coalition governments UPA at the centre trying to be more federal in its organization and the use of Article 356 is to the minimum as compared to one party dominant system in India. The plural character of our society, as witnessed today, one cause of coalition politics in India and feeling of regionalism may arise either due to the continuous neglect of a particular area or region by the ruling authorities. Indian federalism is unique, in the sense that it created a space for reconciliation of regional aspirations with the imperatives of national polity.

KEYWORDS: *Bhartiya Janta Party, Coalition Government, Regional Political Parties, Indian Federalism*

I. INTRODUCTION

The Indian Polity can best be described as ‘Parliamentary democracy’. India is a democratic polity. The parliamentary system refers specifically to a kind of democratic polity, wherein the supreme power vests in the body of people’s representative called parliament. The parliamentary system is one in which parliament enjoys a place of primary and pre-eminence in the governance of the state. Under the constitution of India, the Union legislature called ‘Parliament’ is the pivot on which the political system of the country revolves. The struggle for national independence was over by August 15, 1947. When India gained independence, the constituent assembly, functioning under a modified government of India Act 1935, became the provisional parliament¹. India has adopted its constitution by acclamation on January 26, 1950 and become parliamentary democracy, federal, republican, and secular. These were some members of the assembly who pushed for a Gandhian constitution, one that would provide for a decentralised state with the village panchayats as its nucleus. The vast majority however, were committed from the beginning to a centralised parliament government.

A constitution is a set of laws and rules setting up to machinery of the government of a state and which defines and determines the relations between the different institutions and areas of government, the executive, the legislature and the judiciary, the central, the regional and local governments. The constitution of India is not an exception to this rule and it has its own basic principles. A careful study of the constitution will show that there are at least six basic principles which are embodied in it and which form the foundations of democracy in India. These are popular sovereignty, fundamental rights, and directive principles of state policy, judicial independence, federalism, and cabinet government. The preamble, the directive principles, and the fundamental rights constitute the more important feature of our constitution. The preamble of the Indian constitution deals with the system of government which is sovereign, socialist, secular, and democratic².

In our system, we elect members of parliament. The adult population of those who are eighteen years and more constitutes the electorate entitled to vote. They can elect any representative they like for sitting in the Lok Sabha, and state assemblies. They are directly elected by people. India has followed parliamentary democracy as its form of government. There is the provision of election at regular and fixed intervals, to

¹ Project Officer, Institute of Integrated Himalayan Studies, (UGC Centre of Excellence) H. P. University, Summer Hill, Shimla

ascertain the opinion of the people and to elect the representatives to the parliament and the different state legislatures. The government derives its authority from the people³. The executive is responsible to the legislature and through it to the people of India. India launched her grand democratic experiment on the basis of universal adult franchise and political freedom and the electoral political process has revolutionised the levels of consciousness of an “unchanging India”. Federalism in India refers to relationship between the central government and the state governments of India. Historically, the state of Jammu and Kashmir was accorded a status different from other states owing to an explicitly temporary provision of the Indian constitution namely Article 370. Union territories are unitary type, directly governed by the Union Government Article 1 (1) of the constitution stipulates two tier-governance with an additional local elected government. Delhi and Pondicherry were accorded legislatures under Article 239 AA and 239 A respectively⁴.

KEY FEATURES OF FEDERALISM

Federalism is a system of government in which the power is divided between a central authority and various constituent units of the country. Usually, a federation has two levels of government. One is the government for the entire country that is usually responsible for a few subjects of common national interest. The others are governments at the level of provinces or state that look after much of the day-to-day administer of their state. Both of these levels of governments enjoy their power independent of the other. In this sense, federations are contrasted with unitary governments. Under the unitary system either there is only one level of government or the sub-units are subordinate to the central government. The central government can pass on orders to the provincial or the local government. But in federal system, the central government cannot order the state government to do something. State government has powers of its own for which it is not answerable to the central government. Both these governments are separately answerable to the people.

There are some key feature of federalism, which reflects centre-state relations:

1. There are two or more levels (or tiers) of government.
2. Different tiers of government govern the same citizens, but each tier has its own jurisdiction in specific matters of legislation, taxation, and administration.
3. The jurisdiction of the respective levels or tiers of government are specified in the constitution. So the existence and authority of each tier of government is constitutionally guaranteed.
4. The fundamental provision of the constitution cannot be unilaterally changed by one level of government.
5. Courts have the power to interpret the constitution and the powers of different levels of government. The highest court acts as an umpire if disputes arise between different levels of government in the exercise of their respective powers.
6. Sources of revenue for each level of government are clearly specified to ensure its financial autonomy.
7. The federal system thus has dual objectives: to safeguard and promote unity of the country, while at the same time accommodate regional diversity. Therefore, two aspects are crucial for the institutions and practice of federalism. Governments at different levels should agree to some rules of power sharing. They should also trust that each would abide by its part of the agreement. An ideal federal system has both aspects mutual trust and agreement to live together⁵.

WHAT MAKES INDIA A FEDERAL COUNTRY?

We have earlier seen how small countries like Belgium and Sri Lanka face so many problems of managing diversity. What about a vast country like India, with so many languages, religions, and regions? What are the power sharing arrangements in our country? Let us begin with the constitution. India had emerged as an independent nation after a painful and bloody partition. Soon after, independence, several princely states (565) became a part of the country. The constitution declares India as a Union of states. Although it did not use the word federation, the Indian Union is based on the principles of federalism. In this paper above we mention seven features of federalism. All these features apply to the provisions of the Indian Constitution. The Indian constitution provided for a two-tier system of government the union government and the state governments, later a third tier of federalism was added in the form of Panchayats and Municipalities. As in any federation, these different tiers enjoy separate jurisdiction. The constitution clearly provided a threefold distribution of legislative powers between the union government and the state governments. Thus, it contains three lists⁶. Union list includes subjects of national importance such as defence of the country, foreign affairs, banking, communication, & currency. The Union government alone can make laws relating to the subjects mentioned in the union list.

State list contains subjects of state and local importance such as police trade commerce, agriculture, and irrigation. The state governments alone can make laws relating to the subjects mentioned in the state list. Concurrent list includes subjects of common interest to both the union government as well as the state governments. Such as education, forest, trade unions, marriage, adoption and succession. Both the union as well

as the state governments can make laws on the subjects mentioned in this list. If their laws conflict with each other, the law made by the union government will prevail. The subjects that do not mention in above said lists or subjects like computer software that came up after the constitution was made, according to our constitution the union government has the power to legislate on these 'residuary subjects'. Thus, all states in the Indian Union do not have identical powers. Some states enjoy a special status⁷. Jammu and Kashmir has its own constitution. Many provisions of the Indian constitution are not applicable to this state without the approval of the state Assembly. Indians who are not permanent resident of this state cannot buy land or house, here. Similar special provisions exist for some other states of India as well.

UNITARY FEATURES OF THE INDIAN UNION

The Indian constitution is a blend of flexibility and rigidity. Certain provisions of the constitution can be easily amended. The constitution guarantees more powers with the union list. On the current list subjects, the parliament can make laws that can override the laws made by a state legislature on some matters. The parliament can also make laws regarding certain subjects in the state list. The representation of the states in the upper house (Rajya Sabha) is based on the states populations. In an ideal federal system, all the states should have equal representation. The executive in both the centre and the states is a part of the legislature. This goes against the principle of division of powers between the different organs of the government⁸. The Indian parliament the Lok Sabha is more powerful than the upper house and unequal powers to two houses is against the principle of federalism. And constitution also gives emergency power to the centre government. The centre is provided with emergency powers, where an emergency is imposed, the centre has increased control over states. The judiciary in India is integrated. There is no separate judiciary at the centre and the state levels. In India, only single citizenship is available to citizens. They cannot be citizens of the State as well. This helps in increasing the feeling of nationality as it forges unity amidst regional and cultural differences. It also augments fundamental rights such as the freedom of movement and residence in any part of the nation. In Indian federal the governor of a state acts as the centre's representative in the state, and parliament has the power to alter the territory of a state by increasing or reducing the area of the state. It can also change the name of the state; centre also interferes in the executive powers of the states through the all India services such as the IAS, IPS etc. These services also offer uniformity in administration throughout the nation. The election commission of India is responsible for conducting free and fair elections at both the centre and the state levels, and the governor of a state can reserve certain kinds of bills for the president's consideration⁹. The President of India enjoys absolute veto on these bills. He can even reject the bill at the second instance that is when the bill is sent after reconsideration by the state legislature. This provision is a departure from the principles of federalism. The state government or state legislature does not have the authority to remove certain key government official even at the state level like the election commissioner of a state, judges of the high courts or the chairmen of the state public service commissions.

FEDERALISM AND COALITION GOVERNMENT

Political systems are classified into federal and unitary forms of governance based on the distribution of concentration of powers between the centre and the state or in the centre respectively. The word federalism is derived from the Latin word *Foedus*, which according to Lewis' Latin dictionary means league or treaty or compact or alliance or contract or marriage contract¹⁰. Thus, federalism is a concept applied to a political system characterised by two levels of government deriving powers and functions from an authority which is not controlled by either levels of government deriving powers and functions from an authority which is not controlled by either level of government is the national or central government and the lower level of government may be called a province or state or canton. Federalism requires understanding and negotiations between the centre and state governments in the making and implementation of policies. The term coalition is derived from the Latin word 'coalition' meaning to go or grow together. It indicates the combination of a number or bodies or parts into one body or whole. In the political sense it is used to indicate an alliance or temporary union between various political groups for the exercise or control of political powers¹¹. The history of the Indian federalism can be traced back to the provisions enshrined in the government of Indian Act 1935. The Indian constitution fulfils the requirement of a federal system by prescribing the presence of two levels of governance simultaneously operating at 1) national, central, and federal governments; 2) state, regional and provincial government along with the division of powers between centre and state allocated by the constitution¹².

EMERGENCE OF COALITION GOVERNMENT IN INDIA

The process of fragmentation of the national party system and emergence of minority or coalition governments started in India from 1967, before this the Lok Sabha and state Assembly elections of the 1952, 1957 and 1962 were contested by many political parties, but the congress party maintained her electoral

dominance by winning a majority of seats in the Lok Sabha and in almost all the states in India. Since 1967, marked the emergence of coalitions and also new parties and mergers along with breakup of some parties and observation of the others. This began, the era of coalition politics or multi-party rule in India. The adoption of multiparty system and regionalism changed the centre-state relation to a certain extent. Participation of many regional parties in the coalition government at the centre particularly indicates the significant shift from centralised governance towards shared rule and federal governance¹³. With the increase in the regional parties participation in the Indian government both at the centre and the state has led to various changes and impact on centre-state relations. The impact of the coalition government on centre-state relations can be discussed under the following headings in light of the recent political developments:

The office of the governor and the increase in the demand for state autonomy. The constitution of India though federal, deliberately makes a strong union. Thus uni-federalism in India is a constitutional innovation because it consciously conceived a strong union vis a vis state¹⁴. The coalition government on the other hand makes the union weak. A coalition government also challenges cabinet form of governance. It is why federalism and coalition government are not supportive or complimentary to each other in India.

II. CONCLUSION

It is true that the Indian did not have a very good experiment with coalition governments. But the coalition government in India is here to stay. In the present political scenarios, the significance of coalition politics has increased considerably. Failures of the national political parties to address the needs and expectation of voters in terms of economic development, better life style and other social securities encouraged the growth of regional political parties. The coalition form of government provides an opportunity to different socio-cultural and economic parties to participate in the governance of the nation. It brings about a lot of turf between the centre and state. The regional parties at the centre attempts to articulate and aggregate regional interests. Irrespective interest of nation which in turn affects the overall development of the nation. Also the most important office which is necessary for the proper maintenance of centre state relations that is the office of the governance is also politicised in order to maintain the stability of the coalition government.

REFERENCES

- [1]. Chitkara M.G and B.R Sharma, "Indian Republic: Issues and Perspective," New Delhi, APH publishing corporation, 1997, PP. 201-205.
- [2]. Brar J.S., "Coalition Politics in India: Problems and Prospects," in Gopal Singh, South Asia: Democracy, Discontent and Social Conflicts, (ed.), vol. 11, Delhi, Anamika Publishers and Distributors, (Pvt.) Ltd., 1998, PP. 392-397.
- [3]. Arjun Malika, I. Minich, "Coalition Government in India: Its Relevance," Third Concept, vol.17, No. 195, May 2003, P. 27.
- [4]. Gupta D.C., Indian Government and Politics, New Delhi, Vikas Publishing House (Pvt.) Ltd., 1972, PP. 175-177.
- [5]. Sharma T.R., "Local Configuration and National Parties in Himachal Pradesh", Economic and Political Weekly, Vol. XXXIV, Nos. 34 and 35, August 21-28, 1999, PP. 2467-2468.
- [6]. Chander Prakash, "Coalition Politics in India," New Delhi, Anmol Publications Pvt. Ltd., 2000, PP. 1-3.
- [7]. Singh M.P., "India's National Front and United Front Coalition Governments", Asian Survey, Vol.XLI, No. 2, March/April, 2001, P.329.
- [8]. Mehra Ajay K., "Functioning Of Coalition Cabinet: Pressures, Constraints and Compulsions", in Mahendra Prasad Singh and Rekha Saxena, Ideologies and Institutions in Indian Politics, (ed.), New Delhi, Deep & Deep Publications, 1998, PP. 288-89.
- [9]. Singh Raghuvir, "Coalition Politics: Some Considerations", in K.P. Karunakaran, Coalition Governments in India: Problems and Prospects, (ed.), Shimla, Indian Institute of Advance Study, 1975, PP. 16-17.
- [10]. Maheshwari S.R., "Coalition Governments" in Subhash C. Kashyap, Coalition Government and Politics in India, (ed.), New Delhi, Uppal Publishing House, 1997, P. 56.
- [11]. Shastri Sandeep, "Making Coalition Governments More Effective", Main Stream, Vol. XXXV, No. 10, Feb. 15, 1997, PP. 7-8.
- [12]. Payate D.C., "Some Features of the Politics of Coalition", in K.P. Karunakaran, Coalition Government and Politics in India, (ed.), New Delhi, Uppal Publishing House, 1997, P.56.
- [13]. Gamson William A., "Coalition Formation", in David L. Sills, International Encyclopedia of the Social Sciences, (ed.), Vol.II, USA, The Macmillan Company, P. 530.
- [14]. Khanna S.K., "Coalition Politics in India", New Delhi, Commonwealth Publishers, 1999, PP. 10-11.