

Reflections on the 'Quasi-federal' Democracy

What is the issue?

Since recent events have underscored the federal democratic structure, Indian federalism needs an institutional amendment despite being a basic structure.

What are the recent faultlines in the federal structure?

K.C. Wheare analyses India's "centralized state with some federal features" as "quasi-federal".

- **Legislative disruptions** - The Rajya Sabha passed a record number of Bills amidst a number of adjournments.
- Whenever any party with a massive majority in any state finds itself marginalised in the central legislature, it disrupts proceedings.
- **Colonial legacy** - India's federal structure underpinned on the colonial 1935 Act.
- Nothing about States' rights and their territorial boundaries were talked enabling the Centre to unilaterally alter State boundaries and create new States.
- The Indian Constitution itself has been amended 105 times in 70 years compared with 27 times in over 250 years in the United States.
- **Division of power** - The constitutional division of power and resources remains heavily skewed in favour of Centre along with residual, concurrent and implied powers.
- The higher judicial appointment, promotion and transfer becoming a central prerogative hampers the role of judiciary.
- **All India Services** - All India Service personnels are recruited and trained by the Centre which they work under various states affecting the separation of powers.
- **Role of Governor** - Governor appointed by the Centre is a constitutional authority which at recent times are transforming federal "link" to one of a central "agent" in the States.
- **Division of subjects** - The critical instruments of national governance are

assigned or appropriated by the Centre but States are left with politically controversial subjects such as law and order and land reforms.

- **Conflict resolution** - There is no federal chamber to politically resolve conflicts.
- Rajya Sabha cannot veto its legislations unlike the U.S. Senate. It can only delay leading to disruptions.

Kesavananda Bharati v. State of Kerala - Federalism to be a part of basic structure of the Constitution

What are the lessons to be learnt?

- The federal flaws are structural reinforcing conflicts adding threat to national security.
- We might learn from the mistakes of neighbouring Sri Lanka and Pakistan.
- India's national security deserves a functional **democratic federal alternative** to its dysfunctional "quasi-federal" structure.

Source: The Hindu

