GSSCORE

An Institute for Civil Services

MAINS TEST SERIES 2023

GS MAINS Q&A

TOPICAL TEST - 18

(5 QUESTION)

POLITY

Local bodies, Scheduled areas

POLITY - 5

Time Allowed: 50 Mins. *Max. Marks: 75*

1. **Has cooperative federalism lost its relevance in the wake of competitive federalism in India? Discuss the need for middle ground between two ideas for holistic national development.**

2. **How are Legislative Councils different from Rajya Sabha? Do you think that the Legislative Councils are unnecessary and unrepresentative of the people? Discuss.**

3. **The Indian Constitution has structurally made the Union government more powerful than the state. In this context, explain the provisions that create a strong central government in India. Also, discuss the areas where the Parliament legislates in a state's field during abnormal times.**

4. **In order to ensure smooth and proper functioning of the administrative machinery at the centre and state levels, the Constitution of India embodies provisions for meeting all types of eventualities resulting from the working of the federal system. Discuss.**

5. **There is an acute sense of relative deprivation in the underdeveloped regions of many states in India. In this context discuss the fault lines in the Indian federalism that has led to the multiple demands for new states. Suggest measures to address the issue of federal reorganization.**

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POLITY - 5

1. Has cooperative federalism lost its relevance in the wake of competitive federalism in India? Discuss the need for middle ground between two ideas for holistic national development.

Approach

1. ***Introduce by explaining about federalism, cooperative and competitive federalism (40 words)***
2. ***Highlight the reasons for federalism moving from cooperative to competitive (60 words)***
3. ***Mention government steps to promote competitive federalism (50 words)***
4. ***Highlight the need for both cooperative federalism and competitive federalism (60 words)***
5. ***Conclude on balanced grounds (40 words)***

Hints:

Federalism is a form of government in which the sovereign authority of political power is divided between the various units. This form of government is also called a "federation" or a "federal state" in the common parlance. These units are Centre, state and panchayats or the municipalities. The centre also is called union. The component units of the union are called variously as states

Cooperative federalism involves the Centre and States governments cooperating with each other for the overall development of the nation. It involves the participation of all the States in the creation and implementation of national policies of the country. It is the horizontal relationship between the Centre and the States. **Competitive federalism** is a concept where centre competes with states and vice-versa, and states compete with each other in their joint efforts to develop India

Federalism moving from cooperative to competitive:

- **For faster progress** and to ensure that no one lags behind, there is a need to consciously infuse a spirit of competition between States which is presently attempted.
- **Liberalisation:** Competitive federalism is already at work in economic policies since liberalisation. States via with one another to hold investors meet; Chief Ministers go abroad to promote trade relations; State governments enter into agreements with foreign
- **Economic interests:** Regional meetings are also held to promote common economic interests.
- **Share in National Resources:** 15th Finance commission in its report has given weightage for fiscal efforts and demographic performance. Hence naturally states will become competitive to gain the highest share of national resources.

Need for both cooperative federalism and competitive federalism:

- Cooperative and competitive federalism are **two sides of the same coin**. The competition alone cannot give the best results; it is competition with cooperation that will drive real change.
- Competitive federalism provides the **dynamism** that needs to be unleashed. We need cooperative federalism to balance competitive federalism.

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- States need to learn from each other not only in terms of policies, but also the apt messaging with regard to **reform**.
- To bring competition, the centre should cooperate with the states by providing **necessary autonomy** in their policy making and allocating them the required funds to spend based on their own priorities. The cooperation forms the ground base on which competition can begin.
- Fierce competition between States is considered a healthy atmosphere for realising our aim of **Make in India.** At the same time, NITI Aayog is set to provide for the constitution of Regional Councils to promote cooperation between States for joint progress.

Government steps to promote competitive federalism

- **NITI Aayog:** The government has replaced the old Planning Commission by establishing NITI Aayog. The NITI Aayog is formed to empower and strengthen the state governments.
- **Financial autonomy:** Share of states in central tax revenue has been increased from 32% to 42% after the recommendation of the finance commission. It will provide Greater financial autonomy as well as discipline.
- **Expenditure:** States have freedom expenditure based on their own priorities, strength , prudence and to plan their states projects.
- **Centrally sponsored schemes:** The government also declared that the states will have freedom to plan their expenditure based on their own priorities and the states are free to change centrally sponsored schemes.
- **Rankings:** NITI Aayog has announced a plan of ranking states on social indices on the basis of their performance in social sectors. The purpose seems to be to link the disbursal of Central funds with State's performance on these indices. It will promote a healthy competition among States to improve their performance.

Conclusion:

Therefore, there has to be a balance between cooperative and competitive federalism. Cooperative and Competitive federalism cannot be successful if they are separated from each other. Both these concepts, though different, have the same goal – the economic growth and development of the overall Indian economy.

2. How are Legislative Councils different from Rajya Sabha? Do you think that the Legislative Councils are unnecessary and unrepresentative of the people? Discuss.

Approach

1. ***Briefly introduce with legislative council (60 words)***
2. ***Differential between Rajya Sabha and legislative council (50 words)***
3. ***Arguments in favour of the Council. Arguments against the Council (80 words)***
4. ***Give suitable conclusion to the argument (60 words)***

Hints:

India follows a bicameral system at both the centre and state level. Under this system, the state's legislature is divided into two parts - Legislative Assembly, and Legislative Council or Vidhan Parishad. The members of the Legislative Assembly are directly elected by the people through assembly elections; and, the Legislative Council is a permanent body, and indirectly elected. In other words, the Legislative Council is the upper house of the state. Recently, the West Bengal Legislative Assembly passes a Resolution to re-establish the Legislative Council, which was abolished in the year 1969. Its institution is outlined in Article 169 of the Constitution of India. A member of a legislative council is referred to as an MLC.

Difference between Legislative Councils and Rajya Sabha

- **No federal significance:** The Rajya Sabha consists of the representatives of the states and thus reflect the federal element of the polity. It maintains the federal equilibrium by protecting the interests of the states against the undue interference of the Centre. Therefore, it has to be an effective revising body and not just an advisory body or dilatory body like that of the council. On the other hand, the issue of federal significance does not arise in the case of a council.
- **Heterogeneously constituted:** The council is heterogeneously constituted. It represents different interests and consists of differently elected members and also include some nominated members. Its very composition makes its position weak and reduces its utility as an effective revising body. On the other hand, the Rajya Sabha is homogeneously constituted. It represents only the states and consists of mainly elected members (only 12 out of 250 are nominated).
- **British model:** The position accorded to the council is in accordance with the principles of democracy. The council should yield to the assembly, which is a popular house. This pattern of relationship between the two Houses of the state legislature is adopted from the British model. In Britain, the House of Lords (Upper House) cannot oppose and obstruct the House of Commons (Lower House). The House of Lords is only a dilatory chamber —it can delay an ordinary bill for a maximum period of one year and a money bill for one month.

It is considered important for several reasons:

- **A Check against Hasty Legislation:** The Legislative Council would be necessary to protect the interests of the people against the hasty and ill-considered legislation initiated and passed by the lower Houses.
- **Initiation of Non-Controversial Bills in Upper Chambers:** The Bills of non-controversial nature can start their course in the Councils first. It lessens the burden of the lower House and enables it to fully concentrate on measures of greater importance.
- **Accommodation of Election Shy Talent:** The legislative councils do accommodate such mature and serene personalities not only through the nominated quota at the disposal of Governor but also through the quota reserved for teachers and the graduates.
- **Thorough Discussion on the Bills:** Political antagonism or factional rivalry is almost nonexistent in the Council. Hence the standard of debates in the Legislative Councils is high.
- **Hardly a Barrier:** The Council cannot put insuperable barriers in the way of Assemblies, as they can delay the Bills only for a period of four months.

The Council is criticized for the following reasons:

- **Either Superfluous or mischievous:** If a majority of the members in the upper house belong to the majority party in the lower house, the upper house will become a mere ditto chamber. If on the other hand, two different parties are holding sway in the two Houses, the upper house will delay the bills for four months unnecessarily.
- **Not an Effective Check:** It was emphasized that powers of the Legislative Councils are limited to the extent that they can hardly impose any effective check on the Assemblies.
- **Backdoor Entrance of the Defeated Members:** A Legislative Council may be utilized to accommodate discredited party-men who may not be returned to the Assemblies.
- **Costly Institution:** It would be an expensive experiment and a big drain on the State's exchequer.
- **Stronghold of Vested Interests:** The Legislative Council serves only as stronghold of vested interests, which are not expected to support progressive legislation.
- **Utility Doubtful:** The provision for their abolition in the Constitution itself further confirms that even the Constituent Assembly was doubtful about the utility of these chambers.

- **A Heterogeneous Chamber:** The composition of the Legislative Council is a blend of direct election, indirect election and nomination makes the Council a hotchpotch of representation.

Conclusion:

The State Legislative Councils were established to serve such a purpose. It was expected that the Upper House consisting of graduates, teachers, outstanding persons in the fields of art, literature, science, and social service, would check-mate the radicalism of the lower House. However, the Councils in some states have proved to be ornamental superfluities. The Legislative Councils have been criticized for being unnecessary and unrepresentative of the people. They are considered a burden on the state budget and cause delays in passing legislation.

3. The Indian Constitution has structurally made the Union government more powerful than the state. In this context, explain the provisions that create a strong central government in India. Also, discuss the areas where the Parliament legislates in a state's field during abnormal times.

Approach

1. ***Briefly contextually introduce with the division of powers between centre and state***
2. ***Discuss the Provisions that create a strong central government in India***
3. ***Explain the Areas where the Parliament legislates in a state's field during abnormal times***
4. ***Conclude with the rationale behind creating strong centre in India***

Hints:

The basic structure of government being federal in India, there are two sets of government viz. the Union and the State Governments which derive their powers directly from the constitution. Both these governments enjoy coordinate powers and are not inferior to each other in a federal polity. However, the division of powers between the two units of governments is not on the lines of water tight compartments.

Provisions that create a strong central government in India

- The very existence of a State including its territorial integrity is in the hands of Parliament. The Parliament is empowered to 'form a new State by separation of territory from any State or by uniting two or more States…' It can also alter the boundary of any State or even its name. The Constitution provides for some safeguards by way of securing the view of the concerned State legislature.
- The Constitution has certain very powerful emergency provisions, which can turn our federal polity into a highly centralized system once emergency is declared. During an emergency, power becomes lawfully. Parliament also assumes the power to make laws on subjects within the jurisdiction of the States.
- Even during normal circumstances, the central government has very effective financial powers and responsibilities. In the first place, items generating revenue are under the control of the central government. Thus, the central government has many revenue sources and the States are mostly dependent on the grants and financial assistance from the Centre.
- India adopted planning as the instrument of rapid economic progress and development after independence. Planning led to considerable centralisation of economic decision making. Planning commission appointed by the union government is the coordinating machinery that controls and supervises the resources management of the States. Besides, the Union government uses its discretion to give grants and loans to States. This distribution of economic resources is considered lopsided and has led to charges of discrimination against States ruled by an opposition party.
- There may be occasions when the situation may demand that the central government needs to legislate on matters from the State list. This is possible if the move is ratified by the Rajya Sabha.

The states that executive powers of the centre are superior to the executive powers of the States. Furthermore, the central government may choose to give instructions to the State government. The following extract from an article of the Constitution makes this clear.

Areas where the Parliament legislates in a state's field during abnormal times

- If the Rajya Sabha (under **Article 249**) declares by passing a resolution (two-thirds of the members present and voting) that it is necessary for the **national interest** that the Parliament should make laws on a matter in the State List, then the Parliament becomes competent to make laws on that matter. The resolution remains in force for one year and it can be renewed any number of times but not exceeding one year at a time.
- The Parliament acquires the power to legislate with respect to matters in the State List, while a proclamation of **national emergency** is in operation (Under **Article 250**).
- When the legislatures of two or more states (Under **Article 252**) pass resolutions requesting the Parliament to enact laws on a matter in the State List, then the Parliament can make laws for regulating that matter. A law so enacted applies only to those states which have passed the resolutions. The effect of passing a resolution under the above provision is that the Parliament becomes entitled to legislate with respect to a matter for which it has no power to make a law and the state legislature ceases to have the power to make a law with respect to that matter.
- The Parliament can make laws on any matter in the State List for implementing the international treaties, agreements or conventions. This provision enables the Central government to fulfill its international obligations and commitments.
- When the President's rule is imposed in a state, the Parliament becomes empowered to make laws with respect to any matter in the State List in relation to that state. A law made so by the Parliament continues to be operative even after the president's rule.
- In respect of matters on which both the Parliament and the state legislatures have the power of legislation, the executive power rests with the states except when a Constitutional provision or a parliamentary law specifically confers it on the Centre.
- Therefore, a law on a concurrent subject, though enacted by the Parliament, is to be executed by the states except when the Constitution or the Parliament has directed otherwise.

Centre's Control over State Legislation

- The Governor can reserve certain types of bills passed by the state legislature for the consideration of the President. The President enjoys absolute veto over them.
- Bills on certain matters enumerated in the State List can be introduced in the state legislature only with the previous sanction of the President.

Conclusion:

The scheme of distribution of legislative powers between the Centre and the states is only modified in abnormal times and in rest of the time, coordination and harmony between Centre and the state are maintained for the effective operation of the federal system.

4. In order to ensure smooth and proper functioning of the administrative machinery at the centre and state levels, the Constitution of India embodies provisions for meeting all types of eventualities resulting from the working of the federal system. Discuss.

Approach

1. ***Contextually introduce with the administrative relations between the Centre and the states (40 words)***
2. ***Discuss the Constitutional provision that ensure smooth and proper functioning of the administrative machinery at the centre and state (120 words)***

3. ***Highlight the issues arising in proper functioning of the administrative machinery between centre and state (50 words)***
4. ***Conclude with the benefits of proper functioning of the administrative machinery at the two levels (40 words)***

Hints:

Articles 256 to 263 in Part XI of the Constitution deal with the administrative relations between the Centre and the states. The Constitution has clearly delimited the scope of legislative and executive authority of the union and the states. It is at the same time expressly provided under Article 256 of the Constitution that the executive power of the 'states shall be so exercised as to ensure compliance with the laws of Parliament. Also the union executive power extends to the giving of such directions to the states as may appear to the Government of India to be necessary for the purpose. It is further stipulated under Article 246 of the Constitution that if the state government fails to endorse the laws passed by the Parliament within its jurisdiction, the union government can issue directions to the states to ensure their compliance.

Functioning of administrative machinery at the centre and states

Distribution of Executive Powers

- The executive power of the Centre extends primarily to matters with respect to which Parliament has exclusive authority to make laws. Similarly the executive powers of the states extend to all those matters which are within their legislative domain.
- But with regard to the matters which are in the concurrent list there are three courses of action with the parliament in reference to the enforcement of legislation.
- It can leave it entirely to the states or may take over the task of 'enforcing it or it may take upon the enforcement of a part of the law, leaving the rest of it to the states for enforcement.
- The executive power of the union also extends to giving of directions to the states as to the construction and maintenance of means of communication declared to be of national or military importance. The union government can give directions to the states for the protection of railways within the states.
- In respect of matters on which both the Parliament and the state legislatures have power of legislation (i.e., the subjects enumerated in the Concurrent List), the executive power rests with the states except when a Constitutional provision or a parliamentary law specifically confers it on the Centre. Therefore, a law on a concurrent subject, though enacted by the Parliament, is to be executed by the states except when the Constitution or the Parliament has directed otherwise.

Obligation of States and the Centre

- The Constitution has placed two restrictions on the executive power of the states in order to give ample scope to the Centre for exercising its executive power in an unrestricted manner. Thus, the executive power of every state is to be exercised in such a way (a) as to ensure compliance with the laws made by the Parliament and any existing law which apply in the state; and (b) as not to impede or prejudice the exercise of executive power of the Centre in state. While the former lays down a general obligation upon the state, the latter imposes a specific obligation on the state not to hamper the executive power of the Centre.

Centre's Directions to the States

The Centre is empowered to give directions to the states with regard to the exercise of their executive power in the following matters:

- To ensure construction and maintenance of means of communications of national importance including national highways and waterways.
- The measures to be taken for the protection of the railways within the state.

- The provision of adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups in the state; and
- The drawing up and execution of the specified schemes for the welfare of the Scheduled Tribes in the state.

Though the Constitution has laid provision for smooth functioning of administrative machinery at the centre and states, there are certain issues as explained below:

- The election of various regional political parties in the States tends to disrupt the cooperative relationship between the Centre and the States. Two parliamentary system of government operating concurrently, one in the Centre and the other in the States, which are capable of coming under different political parties is bound to contradict one another for political gains by using the administrative machineries.
- The Constitution does not provide any strong means at the disposal of the Centre to force a State to carry out its directions, and particularly, if the State concerned is determined to defy it. Therefore, it is obvious that the Union Government must act through the agency of a Governor and its All India Civil Services. But, the Centre lacks appropriate administrative instruments to exercise authority over a defiant States which does not feel happy being controlled by the Centre.

Conclusion:

India is undoubtedly a federation in which the attributes of statehood are shared between the Centre and Local States. A local executive fully responsible to a local Legislature ensures a good deal of local internal sovereignty and sovereignty means statehood, limited as it may be by the distribution of powers. States pursue local policies, sometimes in accordance with the policy of the Centre, sometimes not. This distinguishes them precise, from the position which prevails in administrative federations in which local units must toe the line and always follow the policy of the Centre.

5. *There is an acute sense of relative deprivation in the underdeveloped regions of many states in India. In this context discuss the fault lines in the Indian federalism that has led to the multiple demands for new states. Suggest measures to address the issue of federal reorganization.*

Approach

1. ***Briefly introduce the causal factors that fuel demands for new states. (30 words)***
2. ***Discuss whether the causal factors act as fault lines in the Indian federation. (100 words)***
3. ***Discuss ways to bridge intra-regional disparity and make development inclusive. (80 words)***
4. ***Conclude on futuristic grounds (40 words)***

Hints:

The ever increasing demand for new states has raised a number of questions with regard to the well-being of India's federal democratic polity.

Factors responsible for bringing local/regional demands into sharp focus:

- The changed mode of electoral representation has led to assertiveness of the hitherto politically dormant regions. The political articulation and mobilization along caste/ethnic/language-based social cleavages undertaken by these newly emergent state/region level parties remain territorially contained and rarely cross the regional lines.
- Growing regional inequalities in terms of income and consumption in the post-reforms period have accentuated the perception of neglect and discrimination.
- The rich regions within constituent states, attracting huge private investments and registering impressive growth, have started resenting the continued dependence of relatively underdeveloped regions on the revenues transferred to them (i.e., Harit Pradesh).

- An uncritical acceptance of the unending demands for new states would recreate a situation like that of more than 560 princely states at the time of independence. It is with great difficulty that the states like Rajasthan and Madhya Pradesh comprising of princely states have become political communities having a territorial identity.
- Political opportunism has been involved in the creation of the states. The major political parties act primarily by expediency and opportunism rather than, as is claimed, by an evaluation of the democratic and developmental potential of the smaller states.
- Constitutional provisions (Articles 3 and 4) can be easily used to redraw the political map of the country by the ruling party at the centre because of its majority in the Parliament. The say of the states is merely confined to the reference of the matter by the president to the "would be affected states" merely for the sake of eliciting its opinion before making a recommendation, which is not even binding.
- There is no proposal for referring the matter for the second time to the affected state(s) even if substantial changes have been made by the centre in the legislative bill at the time of its introduction or during the course of debate.

A few pertinent questions that confront us all and are concerned with the well-being of the federal democratic polity of India are:

- Does another wave of reorganization provide a road map to quicker growth and development in a "transforming" India?
- How long can the political class afford to ignore the aspirations of the masses in the marginal regions as the voices get louder?
- Does their salvation lie only in the division of the states or can there be better alternatives? In case division is the only option, what should be the minimum viable economic size of a state? To what extent should political consideration be allowed to outweigh economic consideration?
- Any break-up is always emotionally and politically wrenching for the people involved. What may be the remedial measures?

Finally, will the creation of more states strengthen our federal polity or will it lead to further interstate conflict as has happened in the context of the creation of Punjab and Haryana. Disputes concerning river water sharing, capital (Chandigarh) division and border demarcation have lingered on for more than four decades without any solution in sight. And it is not an isolated case.

Way Forward:

- Redrawing political boundaries brings forth gains for the electorates in terms of better representation of their preferences in the composition of the government.
- In democracies like ours, the amount of transfers that a constituency gets depends crucially on whether the local representative belongs to the ruling party.
- It explains as to why when they are part of the same state, the smaller region would vote strategically to elect representatives with preferences more closely aligned to those of the bigger region.
- There are four measures that must be considered while devising any framework to address the issue of federal reorganization. These are:
  - the constitution of a permanent State Reorganization Commission,
  - amendment of the Constitution to ensure that the demand for a new state emanates from the state legislature and not at the centre,
  - examination of economic and social viability rather than political considerations and clear-cut safeguards to encourage democratic concerns like development and
  - Governance rather than religion, caste and language as valid grounds for a new state.

Conclusion:

India may have at least 50 states in future if demands for new states are to be conceded as the Home Ministry has received representations for creation of more than 20 states. Creation of new states not necessarily leads to good governance, hence, concerted steps should be taken to address the concerns of States and reduce the intra-regional disparity.

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