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Asymmetric federalism

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Why is in news? Discuss the importance of asymmetric federalism in India.

Constitutionally, India's governance structure is quasi-federal. While in a unitary setup, the power to legislate is concentrated in the Centre, in a federal structure, the units that form the federation have varying degrees of autonomy and powers to conduct their affairs.

In the Indian context, while states do have autonomy, the Constitution tilts towards the Centre on certain areas, thus making it quasi-federal.

For those in the concurrent list — which both the Centre and state can legislate upon — the Union law would prevail in case of a conflict between the law made by Parliament and the state legislature.

About:

Asymmetric federalism means federalism **based on unequal powers and relationships** in political, administrative and fiscal arrangements between the units constituting a federation.

Asymmetric federalism **means different constituent states possess different powers.**

One or more of the states has considerably more independence than the others, though they have the same constitutional status.

The **division of powers is not symmetric.**

Some of the provisions of Asymmetric federalism:

Special position of Kashmir:

During independence majority of population in the Kashmir valley was Muslim. State acceded to the Indian Union under special terms, which were subsequently incorporated in the **Article 370** of the Constitution.

This article provided the state with a unique position in the Indian Union, with its own constitution.

Specifically, the jurisdiction of the Centre was restricted to foreign affairs, defence and communications, with the state's legislature having residuary powers.

Northeastern hill states:

In north-east there is a distinct difference in ethnicity from the rest of India. Several divisions are based on culture and other traditions.

Most of these states were upgraded from the status of Union Territories.

In **Article 371A-J** special powers are accorded to northeastern states.

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The safeguards provided to these states through these special provisions include respect for customary laws, religious and social practices, restrictions on the ownership and transfer of land, and restrictions on the migration non-residents to the State.

State legislatures are typically given final control over changes in these provisions.

Article 239AA:

There are concessions made to states for reasons other than political necessities.

Take for example Delhi.

Article 239AA prescribes for a **unique arrangement for the administration of the national capital**.

It is not a state under the First Schedule to the Constitution, yet has the powers to legislate upon subjects in the state and concurrent lists in the Seventh Schedule.

Importance of asymmetric federalism in India:

Secure rights: These special provisions in the Constitution help in protecting fundamental rights, and compensate for initial inequalities in the social system.

Social justice: Allowance for separate laws to govern different religious groups, and provisions for various kinds of affirmative action for extremely disadvantaged groups help in ensuring justice to them.

Ensure unity in diversity: These provisions respects and preserve diversity of the country by protecting vulnerable group through special powers. This ensure unity in diversity leading to 'sabka sath sabka vikas'.

Satisfy different needs: It act as a solution to satisfy different needs of various federal units, as the result of an ethnic, linguistic or cultural difference. Asymmetric federalism has helped in reducing dissatisfaction among various states

Reduce radicalisation: Special powers given to the state of Jammu and Kashmir help in reducing radicalisation. The state of Jammu and Kashmir was given special power because the state though include several diverse population, but the majority of the population of the state is Muslim, and the state was also near the new country "Pakistan" which is a major 'Muslim' country.

Better representation in democracy: It has helped in providing representation to minority areas and areas with less population providing them justice.

Strengthen social fabric: It vent separatist and secessionist activities. By providing special powers and semi-autonomy people feel empowered and do not feel to get separated. It also prevent their exploitation from Political class in name of powers.

Challenges before Indian Federalism:

The rise of regional parties and movements based on linguistic, ethnic, religious or cultural identities has posed a challenge to the national integration and unity of India.

The **division of powers** between the Centre and the states is **not clear and balanced**.

The **fiscal relations** between the Centre and the states are **not equitable and transparent**. The Centre collects most of the taxes and distributes them to the states according to its discretion or criteria.

The **representation of states in the Parliament and other federal institutions** is not proportional to their population, area or contribution. Some states are over-represented while others are under-represented.

The **power to amend the Constitution** is vested in the Parliament with a special majority. The states have no role or say in the amendment process except in some matters affecting them.

Conclusion:

Asymmetric federalism in the Constitution of India is a testament to the foresight of its framers, who recognized the diverse nature of the country.

By accommodating regional, linguistic, and cultural differences, the constitutional framework aims to foster unity in diversity.

The evolution of federal relations, such as the abrogation of Article 370, reflects the dynamic nature of India's federalism.