

FEDERALISM

(CREATION OF NEW STATE)

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What is Federalism, How new states are formed?

- Meaning
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Meaning Of Federalism

- Federalism is the mixed or compound mode of government, combining a general government (the central or "federal" government) with regional governments (provincial or state governments) in a single political system. Its distinctive feature, exemplified in the founding example of modern federalism by the United States under the Constitution of 1787, is a relationship of parity between the two levels of government established. Federalism can thus be defined as a form of government in which there is a division of powers between two levels of government of equal status.

- Federalism differs from [confederalism](#), in which the general level of government is subordinate to the regional level, and from [devolution](#) within a [unitary state](#), in which the regional level of government is subordinate to the general level.^[3] It represents the central form in the pathway of regional integration or separation,^[4] bounded on the less integrated side by confederacies and on the more integrated side by devolution within a unitary state.^[5]
- Leading examples of the [federation](#) or federal state include the [United States](#), [India](#), [Brazil](#), [Mexico](#), [Russia](#), [Germany](#), [Canada](#), [Switzerland](#), [Argentina](#), and [Australia](#). Some also today characterize the [European Union](#) as the pioneering example of federalism in a multi-state setting, in a concept termed the federal union of states.^[6]

Types of federalism

- Dual Federalism
 - Asymmetric federalism
 - Cooperative federalism
 - Competitive federalism
 - Creative Federalism
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Creation of new states

- The demands for the formation of linguistic states began in August 1946, little more than a month after the elections to the Constituent Assembly.
- During the freedom movement, the Indian National Congress had favored the provincial division of the country on linguistic basis. The Nehru Committee of All Parties Conference in 1928 said “language as a rule corresponds with a special variety of culture, tradition and literature. In the linguistic area all these factors will help in the general progress of the province.”
- The Linguistic Provinces Commission also known as Dhar Commission, which was appointed by the Government on June 17, 1948 at the recommendation of Constituent Assembly
- Similarly, the Jawaharlal-Vallabhbhai- Pattabhi Committee, that was appointed in the same year by the Indian National Congress in its findings sounded a caution against linguistic principles and shifted its emphasis on security, unity and economic prosperity of the country for reorganization of states.

- However, Sriramalu, a prominent Congress leader from Telugu speaking region of the then Madras Province went on fast unto death from October 19, 1952 demanding a separate state for Telugu speaking people. Large scale violence that followed his death after 56 days of
- fasting on December 15, 1952, compelled the Government to announce the creation of the first state on linguistic consideration and Andhra Pradesh was formally created on October 1, 1953. This opened a flood gate of demands for creation of new states and the Government finally appointed a State Reorganization Commission (SRC) in 1954 with Justice Fazl Ali as Chairman and Hriday Nath Kunzru and K.M.Pannikar as members. By and large the SRC recommended creation of states taking into consideration the preservation of the unity and security of the nation, linguistic and cultural affinity of the people and financial, economic and administrative viability.

Supreme Court verdict

- Indian Constitution envisioned a situation where a state may refuse to provide its view or provide negative views about a formation of a new state, and therefore gave full powers to Indian Parliament to go ahead with its decisions irrespective of opposition from the State Assembly.
- In this case, *Babu Lal Parante v. State of Bombay*⁹, the Court explains the provisions of Article 3 of Indian Constitution: The period within which the State Legislature must express its views has to be specified by the President; but the President may extend the period so specified. If, however, the period specified or extended expires and no views of the State Legislature are received, the second condition laid down in the proviso is fulfilled in spite of the fact that the views of the State Legislature have not been expressed.

The case of Telangana

Hyderabad is the largest city of the Telangana region in Andhra Pradesh. A Movement for separate Telangana State is a burning topic since 1948. Telangana came under the Muslim rule of the Delhi Sultanate in the 14th century. In 1948, Indian Army ousted Nizam to include Hyderabad and its regions into India. In 1953, Andhra was formed as a State under Reorganization of States based on linguistic lines. Though there was a demand for a separate state of Telangana in the year 1956, it was merged with Andhra, which has resulted in several protests in Hyderabad. It was quelled by police killing and also, some of the protestors. But due to unrelenting efforts by the people of Telangana region, it got the status of a separate state on June 2, 2014 by an act of the parliament

Conclusion

The constitutional provision under Article 3 was incorporated with a benevolent idea to realize geographical and economic unification of India but now it seems that this provision has become a tool for satisfying regional and linguistic aspirations of people and an instrument to achieve electoral gains. The two terms “Linguistic” and “Cultural” have never been more misused than in recent times.

Suggestions

- Under the cover of reorganization of states, a gradual balkanization of the country should not be encouraged, as that would defeat the Preamble mandate of and our persistent quest for ‘national integrity’.
- The need of the hour is to concentrate more on development of the states already existing.
- There should be formation of a new body which looks into state reorganization.