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What do you mean by cooperative federalism

From Federalism in America Cooperative federalism is a model of intergovernmental relations that recognizes the overlapping functions of the national and state governments. This model can be contrasted with the model of dual federalism, which maintains that the national and state governments have distinct and separate government functions. In general, cooperative federalism asserts that governmental power is not concentrated at any governmental level or in any agency. Instead, the national and state governments share power. For instance, bureaucratic agencies at the national and state level normally carry out governmental programs jointly. Because the governments' responsibilities are split between many levels of government, citizens and organized interests have many access points to influence public policy. The constitutional foundations of the cooperative model of federalism are threefold. First, the proponents of cooperative federalism rely on a broad interpretation of the Supremacy Clause (Article VI) of the Constitution. Second, they contend that the Necessary and Proper Clause (Article 1, Section 8), also known as the Elastic Clause, allows the national government to make laws that are essential to carrying out the government's inherent powers. Finally, they hold a narrow interpretation of the Tenth Amendment. Although the term "cooperative federalism" was originated in the 1930's, the roots of cooperative federalism reach back to the administration of Thomas Jefferson. During the nineteenth century, the national government used land grants to support a variety of state governmental programs such as higher education, veterans' benefits, and transportation infrastructure. The Swamp Lands Acts of 1849, 1850, and 1860 are a prime example of this strategy. Under the various versions of this law, Congress ceded millions of acres of federal wetlands to 15 interior and coastal states. The acreage was "reclaimed" (i.e., drained) by the states and sold, with the profits being used to fund flood control. This strategy was later used in the Morrill Act of 1862, which gave land grants to the states to help fund the creation of state colleges. The model of cooperative federalism was expanded during Franklin D. Roosevelt's New Deal. The influence of the national government over social welfare policies continued after World War II and into the 1960's when Lyndon B. Johnson declared his War on Poverty. Johnson's efforts to expand this safety net are often referred to as "creative federalism." A "rights revolution" during the late 1960's and 1970's extended the idea of cooperative federalism as the national government became involved in issues such as the environment, job safety, mental health, education, and the rights of disabled individuals. As the national government shaped new public policies to deal with these issues, it relied on the states to implement a wide array of federally imposed mandates. The modern view of cooperative federalism is very different than the model used in the nineteenth century. In the 1970's, federal mandates became more exacting and binding, and no longer emphasize unconditional assistance to the states. The national government also provided deadlines for compliance and could penalize the states for failing to meet them. Some political scientists have a stricter interpretation of cooperative federalism. John Kincaid, for instance, has designated the time period of 1954-78 as the time frame for cooperative federalism in the United States. Since the late 1970's, there has been a swing toward the model of dual federalism, especially during Ronald Reagan's administration. BIBLIOGRAPHY: Russell Hanson, "Intergovernmental Relations," in Politics in the American States: A Comparative Analysis, 7th ed., ed. Virginia Gray, Russell L. Hanson, and Herbert Jacob (Washington, DC: CQ Press, 1999); John Kincaid, "From Cooperative to Coercive Federalism," Annals of the American Academy of Political and Social Science 509 (May 1990): 139-52; and Marc Landy and Sidney M. Milkis, American Government: Balancing Democracy and Rights (Boston: McGraw-Hill Higher Education, 2004). Mary Hallock Morris Last updated: 2006 SEE ALSO: Coercive Federalism; Creative Federalism; Dual Federalism; Marble Cake Federalism; New Federalism (Reagan) Federalism is derived from the Latin word foedus, which means "agreement" or "treaty". Thus, a federation is a new state (political system) that is formed through a treaty or an agreement between the various units. It is a philosophy or ideology of political organization that involves a combination of the principles of centralization, non-centralization, and power-sharing. In a country like India, the spirit of co-operative federalism should guide the relations between the Centre and the States on the one hand, among different States and between the States and the Panchayati Raj Institutions and the Urban Local Bodies. [1] History of Cooperative Federalism in India Since the ancient period, kingdoms or empires have ruled the Indian subcontinent through a federal policy of non-intervention in local affairs. This policy of non-intervention in local affairs was a practical necessity because natural diversities of the people of the subcontinent were so great that they could only be made a part of a single empire if no or very little effort was made to impose a common set of beliefs. Successful monarch Akbar understood diversities of the subcontinent and hence ruled through a policy of cooperative Federalism. Further disintegration of Maurya's and Mughals is partly attributed to centralized tendencies of monarchs like Jahangir and Aurangzeb. Moreover, after the Revolt of 1857, when the British decided to withdraw their interventionist measures like Doctrine of Lapse and banned the use of greased cartridges of animal fat, the British were simply conforming to a pattern of Government that was already ages old. [2] Then seeds of Cooperative federalism can be traced right from the Regulating Act of 1773 which set up a system whereby the British Government supervised the work of the East India Company but did not take power for itself. The Government of India Act 1919 provided for a federal India, however superficial, by envisaging a dual form of government called 'dyarchy'. The same was sought to be achieved by the Government of India Act, 1935. From 1946 to 1950, the leaders of India's Freedom Movement and the founding fathers of the Constitution had the task of drafting the Constitution. The members of the Constituent Assembly aimed to build a united polity out of a highly fragmented and segmented society, which they attempted through strengthening the "Union" or federal order, by shifting residuary powers to it. [3] Many politicians thought that only a strong center could effectively drive economic development and ensure equity. Hence the trend generally was toward ever more centralization under the Congress Party from independence to the 1980s. During the 1980s, however, Union-state relations became more rancorous, the Congress party began to decline, and a coalition government, the National Front, assumed power in New Delhi as a result of the 1989 elections in part because centralized federalism driven by a monopoly party for some 40 years had fallen far short to achieve objectives outlined in the Constitution. Since 1989, coalition governments at the Centre, proliferating regional and state parties across the country. Redistribution of responsibilities through devolution of powers from the Union to the states and from the states to the Panchayats and allocation of financial resources to the state domain is facilitating the attainment of the objectives of the Constitution: unity, social justice, and democracy. All this indicates steps in the direction of cooperative federalism. [4] Indian Constitution and Cooperative Federalism When the Constitution was adopted in the year 1950, Sardar Patel, a strong leader, however, was strongly an advocate of the federal system and played a crucial role in crafting a federal constitution. Cooperative federalism is the horizontal relationship between union and states and shows neither is above the other. Indian constitution has incorporated instruments to ensure co-operation between the center and states to ensure that cooperation is necessary for the proper growth of the country. Therefore, few are the listed provision in the Indian constitution which depicts the core relationship between center and state. 7 th schedule It demarcates central, state, and concurrent lists based on the principle of subsidiarity. Residuary power has been kept with the center. Article 249[5] provides authority to the parliament to make on those subjects which are under state jurisdiction if the resolution passes in-state council with a two-thirds majority. All India Services An integrated judicial system has been established to enforce both states as well as central laws. All India services provide another uniting factor in cooperative federalism. This provision is enshrined in article 312 of the Indian constitution. Inter-state Council Under article 263 of the constitution has been established to discuss and investigate the subject of common interest between the center and the states. In Dabur India Limited v. State of Uttar Pradesh[6], the Supreme Court suggested the setting up of a council under Article 263 to discuss and sort out problems of central state taxation. Full Faith and Credit Clause Article 261 of the Constitution of India provides that full faith and credit shall be given throughout the territory of India to all the public acts, records, and judicial proceedings of the Union and every State. This is a step to promote cooperation and faith between the center and the states. Zonal council These are statutory bodies established under the State reorganization act of 1956 to ensure coordination. It provided for 5 zonal councils, one for each north, south, east, west, central. The northeastern council has been created under a separate act. Cooperative Federalism in Recent Policies NITI AYOJ NITI AYOJ' or the National Institution for Transforming India is a Government of India policy think-tank established by the Narendra Modi government to replace the Planning Commission. The main emphasis of NITI AYOJ is to bring the effect over center and state relationship. NITI Aayog provides relevant strategic technical advice at the center and state levels, dissemination of best practices within the country as well as from other nations, infusion of new policy ideas, it ensures that India is an active player on the global commons, etc. In this way, it will function in close cooperation, consultation, and coordination with the Ministries of the Central Government and State governments. It will provide critical directional and strategic input to the development process, focusing on deliverables and outcomes. GST GST is a single tax on the supply of goods and services, right from the manufacturer to the consumer. GST was passed by the 101st amendment, 2016 and it came into effect on April 1, 2017. The main agenda behind the whole concept of GST is "ONE TAX ONE NATION". The free movement of goods and services will give a fillip to employment opportunities and give consumers a wider choice and better prices. This economic integration will not only boost economic growth but also bind the nation better. It is an idea whose time has come and would not have materialized but for the spirit of co-operation displayed by the Centre and the States.[7] Policies Tackling COVID-19 Through a combination of various laws, regulations, guidelines, and orders, a nation-wide lockdown was enforced to control the spread of the novel coronavirus. Among these, the Disaster Management Act, 2005 was invoked on March 24 to impose a blanket lockdown to ensure consistency in the application and implementation of various measures across the country. However, even before this Act was invoked, several State Governments had used their powers under the Epidemic Diseases Act, 1897 to deal with this outbreak. Although public order and public health are subjects of the States as per the Indian Constitution, the Centre has used the DM Act to effectively bypass States and assume complete control. Then some fissures are seen in funding policies as the Centre declared that corporations donating to PM-CARES can avail CSR exemptions, but those donating towards any Chief Minister's Relief Fund cannot. This directly disincentivizes donations to any Chief Minister's Relief Fund; diverts crores in potential State revenues to PM-CARES; and makes the States largely dependent upon the Centre.[8] Conclusion Together We Are More Stronger Federalism is a concept which needs to be adopted in practice and spirit rather than a letter. In this article, we have analyzed the importance of cooperative federalism since time immemorial and to strengthen it I have some suggestions to give that are as follows: To make collaborative federalism work, more institutional reforms are required to eliminate the possibility of manipulation by ad hoc political bargaining or by welfare-reducing strategic behavior by the governments at different levels. In an era where the party system is fragmented along federal lines, the need is still felt to include State parties in federal coalitions, even when technically not necessary. The way alliance partners are treated thus becomes an important element in federal functioning. State bills should be taken on a priority list for the assent of the President as the speedy procedure of this will foster more cooperation among state and center. There should be proper enforceability of decisions in a matter related to water disputes to avoid long-lasting conflicts among states. End-Notes: The Political Economy of Federalism in India By M. Govinda Rao, Nirvikar Singh An article on "COOPERATIVE FEDERALISM" by vishl Centre for legal policy Constitution of India, 1950 1990 AIR 1814, 1990 SCR (3) 294 GST & cooperative federation: Through the eyes of the Indian constitution available at the International Journal of Advanced Research and Development Pranav Verma, Reaffirming Cooperative Federalism, The Hindu, (13-5-2020), available at Law Article in India Ask A Lawyers You May Like Online Copyright Registration LawArticles The Inherent power under Section 482 in The Code Of Criminal Procedure, 1973 (37th Chapter of th... How To File For Mutual Divorce In Delhi Mutual Consent Divorce is the Simplest Way to Obtain a D... Whether in a criminal proceeding a Caveat Application is legally permissible to be filed as pro... There has been rise of large scale factory/ industry in India in the later half of nineteenth ce... 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