



FEDERAL SYSTEM

A federal government is one in which powers are divided between the national government and the regional governments by the Constitution itself. Ex. US, Switzerland, Australia, Canada and Russia.

If all the powers are vested in the national government then it is called as Unitary government. Ex. Britain, France, Japan, China and Sweden.

The term 'federation' is derived from a Latin word *foedus* which means 'treaty' or 'agreement'.

Federation is a new state (political system) which is formed through a treaty or an agreement between the various units.

The units of a federation are known by various names like states (as in US) or cantons (as in Switzerland) or provinces (as in Canada) or republics (as in Russia).

A federation can be formed in two ways

❖ Integration

a number of militarily weak or economically backward states(independent) come together to form a big and a strong union.

❖ Disintegration

A big unitary state is converted into a federation by granting autonomy to the provinces to promote regional interest.ex. Canada.

Federalism in India

India adopted federal system due to two main reasons

- i) The large size of the country and
- ii) The socio-cultural diversity.

The term 'federation' has nowhere been used in the Constitution. Instead, Article 1 of the Constitution describes India as a 'Union of States'.

India is a federal system but with more tilt towards a unitary system of government. It is sometimes considered a quasi-federal system.

Elements of federalism were introduced into modern India by the Government of India act of 1919 which separated powers between the centre and the provincial legislatures.

Federal Features of Indian Constitution

1. Dual Polity

The Constitution establishes a dual polity consisting the Union at the Centre and the states at the periphery.

The Union government deals with the matters of national importance like defence, foreign affairs, currency, communication and so on.

The state governments, on the other hand, look after the matters of regional and local importance like public order, agriculture, health, local government and so on.

2. Written Constitution

one of the essential features of a federal system is a written constitution.

The Constitution of India is a written document and also the lengthiest Constitution of the world.

It specifies the structure, organisation, powers and functions of both the Central and state governments and prescribes the limits within which they must operate.

Thus, it avoids the misunderstandings and disagreements between the two.

3. Division of Powers

The Constitution divided the powers between the Centre and the states in terms of the Union List, State List and Concurrent List in the Seventh Schedule.

The Union List consists of 100 subjects (originally 97), the State List 61 subjects (originally 66) and the Concurrent List 52 subjects (originally 47).

Both the Centre and the states can make laws on the subjects of the concurrent list, but in case of a conflict, the Central law prevails.

The residuary subjects (ie, which are not mentioned in any of the three lists) are given to the Centre.

4. Supremacy of the Constitution

The Constitution is the fundamental law of the land. The laws enacted by the Centre and the states must conform to its provisions. Otherwise, they can be declared invalid by the Supreme Court or the high courts through their power of judicial review.

5. Rigid Constitution

The Constitution is rigid to the extent that those provisions which are concerned with the federal structure can be amended only by the joint action of the Central and state governments.

6. Independent Judiciary

The Constitution establishes an independent judiciary headed by the Supreme Court.

The Constitution contains various measures like security of tenure to judges, fixed service conditions and so on to make the judiciary independent of the government.

7. Bicameralism

The Constitution provides for a bicameral legislature consisting of an Upper House (Rajya Sabha) and a Lower House (Lok Sabha).

Unitary Features of the Constitution

Besides the above federal features, the Indian Constitution also shows some unitary or non-federal features.

1. Single Citizenship

Unlike other federations, there is only one national Citizenship and no separate state citizenship in India.

2. Single Constitution

Usually, in a federation, the states have the right to frame their own Constitution separate from that of the Centre.

In India, on the contrary, India has Single Constitution.

3. Strong Centre

The division of powers is in favour of the Centre

Firstly, the Union List contains more subjects than the State List.

Secondly, the more important subjects have been included in the Union List.

Thirdly, the Centre has overriding authority over the Concurrent List.

Finally, the residuary powers have also been left with the Centre, while in the US, they are vested in the states.

4. Emergency Provisions

The Constitution stipulates three types of emergencies—national, state and financial.

During an emergency, the Central government becomes all powerful and the states go into the total control of the Centre.

5. All-India Services

In US, the Federal government and the state governments have their separate public services.

In India also, the Centre and the states have their separate public services. But, in addition, there are all-India services (IAS, IPS, and IFS) which are common to both the Centre and the states.

6. Appointment of Governor

The governor, who is the head of the state, is appointed by the president.

He holds office during the pleasure of the President.

He also acts as an agent of the Centre. Through him, the Centre exercises control over the states.

7. Integrated judiciary

The judiciary in India is integrated. There is no separate judiciary at the centre and the state levels