

INDIAN FEDERALISM



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Introduction:

- There are mainly two important systems of governments or political systems.
- They are – 1. Unitary System &
2. Federal System of Government
- In a Unitary System of Government all the powers are vested in a single central government. All powers are concentrated. Here, local governments are not autonomous.
- U.K. is the best e.g. for a unitary system.

Introduction.....

- On the other hand, a Federal system of government is the one in which there are two sets of governments namely, the Federal & the State governments.
- In this system, powers of the governments are divided between the two by the constitution.
- Here, the State governments are not subordinate to the central governments.
- Both the governments derive their powers from the constitution.

Definitions:

- “Federal government as contradistinguished from unitary government, is a system in which the totality of the governmental powers is divided and distributed by the national constitution or the organic act of the parliament creating it, between the central governments and the government of the individual states or other territorial subdivisions of which the federation is composed.” - **J.W. Garner**
- Division powers between the centre and the states by its constitution is the cardinal feature of a federal government.
- U.S.A. is the best e.g. for a federal system of government.

Meaning of Federation:

- A federation means the following –
- 1. **Two sets of governments** namely the centre on the one hand the states on the other.
- 2. **Division of powers** between the centre and the states according to a constitution which is written, rigid and supreme.
- 3. **An Independent & Impartial Judiciary** which acts as the guardian of the constitution.



Federal Features of Indian Political System:



Some of the federal features of the Indian political system are as follows –

1. Written Constitution,
2. A Rigid Constitution,
3. Supremacy of the Constitution,
4. Dual Polity,
5. Division of Powers,
6. Independent & Impartial judiciary &
7. A Bicameral Legislature.

1. A Written Constitution:

- It has a written and a very lengthy constitution.
- It contains 395 Articles, 22 Parts and 12 Schedules.
- A written Constitution is an essential feature of a federation.
- It has all the necessary details required for the successful functioning of a federal system of government in the country.

2. A Rigid Constitution:

- A rigid constitution is very much essential for the successful functioning of a federation in the country.
- It is very difficult to amend the provisions of the constitution relating to the federal structure in our country.
- Rigidity helps in protecting & safeguarding the federal provisions of the constitution.

3. Supremacy of the Constitution:

- Constitution is the supreme law of the land.
- In India, federalism is a part of the basic structure of the constitution.
- Parliament cannot pass any Acts against the spirit of the constitution.
- And the Judiciary is the guardian of the constitution.
- Thus, the federal provisions are very safe due to the supremacy of the constitution.

4. Dual Polity:

- It means there are two sets of government.
- In India, there is a Central government at the union level and state governments for all the federating units.
- Subjects of national importance vested with the central government and the subjects of local importance are given to the states.
- A dominating central government is the dominant feature of Indian federalism.

5. Division of Powers:

- The governmental powers are divided between the centre and the states by the constitution.
- The Indian constitution provides for three lists –
 1. Union list, 99 (97)
 2. State list & 61 (66)
 3. Concurrent list 52 (47)
- In India, the constitution vested the **remaining Powers** with the central government.

6. Independent & Impartial Judiciary:

- ⦿ A federal judiciary is the final interpreter of the constitution.
- ⦿ In India, the Supreme court is the federal Judiciary and act as an impartial tribunal to settle the disputes between the centre and the states or among the states themselves.
- ⦿ It is the custodian of the constitution.

7. Bi-cameral Legislature:

- The union legislature is a bicameral legislature, constituted of Lok Sabha and Rajya Sabha.
- Lok Sabha gives representation to people whereas Rajya Sabha (literally means the house of the States) which gives representation to the states.
- In India, states are given only proportional representation in the upper house and not equal representation as in the case of U.S.A.

Unitary Features of The Indian Constitution:

- Unitary features of the constitution of India can be discussed under two different heads viz –
 - 1. Elements of Centralization &
 - 2. Elements of Uniformity.

1. Elements of centralization:

1. Centralized Division of Powers,
2. Financial dependence of States on Centre,
3. Centre can Re-draw the Boundaries of the States,
4. Unilateral amendments by the Union Parliament.
5. Presidential Veto power over State legislation.
6. Organization of Rajya Saba – central dominance &
7. Emergency Powers of the President.

2. Elements of Uniformity:

1. Single Constitution,
2. Single Citizenship,
3. Single System of law & Justice,
4. Single All – India Services,
5. Single Election Commission,
6. Single Comptroller and Auditor General
7. Single Finance Commission,
8. Single Planning Commission &
9. Single & Integrated System of Judiciary.

Nature of the System of Government in India:

- There is a controversy among the constitutional experts regarding the nature of the system of government in India.
- K.C.Wheare described it as “**a unitary state with subsidiary federal principles** rather than a federal state with subsidiary unitary principles”
- Ivor Jennings considered it as “**a quasi- federal system** with both unitary and federal features – a federation with strong centralizing tendency”
- “Indian federalism was a kind of **Co – operative federalism**” says **Morris Jones & G. Austin.**
- Supreme court in the West Bengal v/s the Union of States ruled that “**constitution of India was not true to any traditional pattern of federalism**”

General Features of Federalism in India:

1. Part of “**the Basic Structure**”,
2. **Central government is strong**, W. H. Morris
3. **Flexibility** – easily converted in to a unitary state in emergencies,
4. **Co- operative Federalism** – through Zonal Councils, Inter-State Council, Finance Commission, National Development Council, etc.
“Neither centre nor the states can impose its decisions on the other”
5. **Bargaining Federalism** – there is bargain between the union & states based on co- operation and not competition or conflict or coercion. - W. H. Morris