FEDERAL SYSTEM

Government Classified into

- Federal
  - Switzerland
  - US — Russia
  - Canada — Brazil
  - Powers are divided between national & regional govt by constitution
- Unitary
  - Japan
  - France — Italy
  - Britain — China
  - All power vested in national & regional govt, derive authority from national govt.

Federation can be formed

- 1. By way of integration
  - Militarily weak & economically backward states come together
  - Ex: US
- 2. By way of disintegration
  - Unitary state is converted into a federation by granting autonomy
  - Ex: Canada

Federal Features of the Constitution

1. Dual polity
2. Written Constitution
3. Division of Powers
4. Supremacy of the Constitution
5. Rigid constitution
6. Independent Judiciary
7. Bicameralism

Unitary Features of the Constitution

1. Strong centre
2. States not Indestructible
3. Single constitution
4. Flexibility of the Constitution
5. No Equality of State Representation
6. Emergency Provisions
7. Single Citizenship
8. Integrated Judiciary
9. All-India Services
10. Integrated Audit Machinery
11. Parliament's Authority over State list
12. Appointment of Governor
13. Integrated Election Machinery
14. Veto over State Bills

The constitution of India provides for a Federal System of Govt

Federal System adopted due to

- 1. Large size of Country
- 2. Socio-cultural Diversity

'Federation' no where mention in Constitution

According to B. R. Ambedkar

'Union of States' preferred to 'Federation of State' to indicates two things

- 1. Not result of an Agreement
- 2. States have no right to secede

Indian Federal System is based on 'Canadian Model'

FEDERAL SYSTEM

Comparing Features of Federal & Unitary Government

Federal Government

1. Dual Government
2. Written Constitution
3. Division of Powers
4. Supremacy of the Constitution
5. Rigid constitution
6. Independent Judiciary
7. Bicameral Legislature

Unitary Government

1. Single Government
2. Constitution may be written or Unwritten
3. No division of Powers
4. Constitution may be or may not be Supreme
5. Constitution may be Flexible or Rigid
6. Judiciary may be or may not be Independent
7. Legislature may be Bicameral or Uni-cameral

Critical Evaluation of the Federal System

K. C. Wheare

Described constitution of India as ‘Quasi – Federal’

According to K. Santhanam

Factors for unitary bias of the Constitution

1. Dominance of Centre
2. Emergence of powerful Planning Commission

Granville Austin

Called Indian Federalism as a “Cooperative Federalism”