

**Federalism in India**

- The term "federation" comes from the Latin word foedus, which means "treaty" or "agreement."
- As a result, a federation is a new state (political system) formed by a treaty or agreement between the various units.
- A federation can be formed in two ways: through integration or through disintegration.
- In the first case, a number of militarily weak or economically backward (independent) states join forces to form a large and powerful union, such as the United States.
- In the second case, a large unitary state is transformed into a federation by granting provinces autonomy in order to promote regional interest (for example, Canada).
- The Indian Constitution establishes a federal system of government in the country.
- The framers chose the federal system for two main reasons: the country's large size and socio cultural diversity.
- They recognized that the federal system not only ensures effective national governance but also reconciles national unity with regional autonomy.
- The Indian federal system is modelled after the 'Canadian model,' not the 'American model.'
- The 'Canadian model' is fundamentally different from the 'American model' in that it establishes a very strong centre.

**The Indian federation is similar to the Canadian federation in three ways:**

- In its formation (i.e., through disintegration)
- In its preference for the term 'Union' (the Canadian federation is also referred to as a 'Union')

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- In its centralizing tendency (i.e., vesting more powers in the centre than in the states)

**Federal Features - Indian Constitution:**

**The federal features of the Constitution of India are given below:**

**Written Constitution:**

- Features of the Indian Constitution is not only a written document but also the longest constitution in the world.
- Originally, it included a Preamble, 395 articles (22 parts), and 8 schedules.

**Dual Polity:**

- The constitution establishes a dual polity that includes the union at the periphery.
- Each is endowed with sovereign powers to be exercised in the field assigned to them respectively by the Constitution.

**Bicameralism:**

- The constitution provides for a bicameral legislature in which an upper house (Rajya Sabha) and a lower house (Lok Sabha).
- Rajya Sabha represents the states of the Indian Union, whereas The Lok Sabha represents the people of India as a whole.

**Division of Powers:**

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

**Supremacy of the Constitution:**

- The Constitution is the supreme law of the country.

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- The laws made by the Center and the states should be in conformity with Provision.
- Otherwise, they may be declared invalid by the Supreme or High Court through its power of judicial review.

**Rigid Constitution:**

- The division of powers established by the Constitution as well as supremacy of the constitution can be maintained only if the method of its amendment is rigid.
- It is necessary for both houses to agree to amend the constitution.

**Independent judiciary:**

- The constitution establishes an independent judiciary headed by the Supreme Court for **two purposes**:
  - one, to protect the supremacy of the constitution, and
  - two, to settle the disputes between the Centre and states or between the states.

**Unitary features - Indian Constitution:**

**Besides the above federal features, the Indian constitution also possesses the following unitary features:**

**Strong Centre:**

- The division of powers is in favor of the center and unequal from a federal point of view.
- Firstly, the Union list contains more subjects than the state list,
- secondly, the more important subjects have been included in the union list and the Centre has overriding authority over the concurrent list.

### Single constitution:

- The constitution of India embodies not only the constitution of the Centre but also those of the states.
- Both the Centre and the States must operate within this single frame.

### States not indestructible:

- Unlike in other federations, the states in India have no right to territorial integrity.
- The parliament can change the area, boundaries, or name of any state.

### Emergency provisions:

- The emergency provisions are contained in Part XVIII of the Constitution of India, from Articles 352 to 360.
- In the emergency provisions, the central government becomes all-powerful and the states go into total control of the Centre.

### Single citizenship:

- Single citizenship means one person is the citizenship of the whole country.
- The constitution deals with citizenship from Articles 5 and 11 under Part 2.

### All India services:

- In India, there are all India services [IAS, IPS and IFS] which are common to both the Centre and the states.
- These services violate the principle of federalism under the constitution.

### Appointment of governor:

- The governor is appointed by the president.
- He also acts as an agent of the Centre.
- Through him, the Centre exercises control over the states.

**Integrated election machinery:**

- The election commission conducts elections for central and state legislatures.
- But the Election commission is constituted by the president and the states have no say in this matter.

**No equality of state representation:**

- The states are given representation in the upper house on the basis of population.
- Hence, the membership varies from 1 to 31.

**Integrated Judiciary:**

- The term Integrated Judiciary refers to the fact that rulings made by higher courts bind lower courts.
- The Supreme Court of India incorporates all lower courts, from the Gram Panchayat to the High Courts.
- The Supreme Court is at the very top.

**Integrated Audit Machinery:**

- The Comptroller and Auditor-General of India has an organization that is run by officials from the Indian Audit and Account Services, a central service that is responsible for not just the Union Government's accounts and auditing, but also the accounts and auditing of the States.

**Veto Over State Bills:**

- The governor has the authority to hold certain sorts of laws passed by the state legislature for presidential consideration.
- The President has the authority to refuse to sign such bills not only in the first instance but also in the second.

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- As a result, the President has absolute (rather than suspensive) veto power over state legislation. However, in the United States
- Supreme Court Important Decision Related to Federal and Unitary Features of Indian Constitution - System of Government
- In **S R Bommai case 1994**, the Supreme Court laid down that the constitution is federal and characterized federalism as its 'basic features'.
- In the Bommai case SC said that states have an independent constitutional existence.
- They are not satellites or agents of the Centre.
- Within the sphere allotted to them, the states are supreme.
- In **Kuldeep Nayyar vs Union of India**, the Supreme Court held that federalism is a fundamental feature of the Constitution of India and is unique in its nature and is tailored to the specific needs of the country.