



Federalism, Features of Federalism and India as a Federal State : A Review

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Introduction : Federalism is at its core a system where the dual machinery of government functions. Generally, under federalism, there are two levels of government. One is a central authority which looks after the major affairs of the country. The other is more of a local government which looks after the day to day functioning and activities of their particular region.

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For example, our Indian Constitution says that India too is a federal country. As you know we have two levels of parliament, the at center the Union government and at State level, we have the individual State governments.

Features of Federalism

The best way to comprehensively understand the federal system is to learn about its features. These characteristics combined reflect the true essence of federalism. Let us study them.

The essential feature, which is the definition of federalism is that there are two levels of governance in the country at least. There can even be more. But the entire power is not concentrated with one government.

All levels of governance will govern the same citizens, but their jurisdiction will be different. This means that each level of government will have a specific power to form laws, legislate and execute these laws. Both of the governments will have clearly marked jurisdiction. It will not be that one of the government is just a figurehead government.

Another important feature is that the constitution must guarantee this federal system of government. Which means the powers and duties of both or all governments must be listed down in the constitution of that country hence guaranteeing a federal system of governance.

As stated above the federalism of a country must be prescribed by the constitution. But it is also important that just one level of government cannot make unilateral changes or amendments to the important and essential provisions of the constitution. Such changes must be approved by all the levels of the government to be carried through.

Now there are two levels of government with separate jurisdictions and separate duties. Yet there is still a possibility that a conflict may arise between the two. Well in a federal state, it will fall upon the courts or rather the judiciary to resolve this conflict. The courts must have the power to interfere in such a situation and reach a resolution.

While there is power sharing between the two levels of government, there should also be a system in place for revenue sharing. Both levels of government should have their own autonomous revenue streams. Because if one such government depends on the other for funds to carry out its functions, it really is not autonomous in its true nature.



India – A Federal State

Indian model of federalism is called quasi-federal system as it contains major features of both a federation and union. It can be better phrased as ‘federation sui generis’ or federation of its own kind. Article 1 of the Constitution of India states that ‘India that is Bharat shall be a union of states’. Indian federation was not a product of coming together of states to form the federal union of India. It was rather a conversion of a unitary system into a federal system.

It is a compromise between two conflicting considerations such as autonomy enjoyed by states within the constitutionally prescribed limit (State List) and the need for a strong centre in view of the unity and integrity of the country (Union List).

India is a federal country. But not once in the constitution is the word “federation” ever mentioned. Instead what is said is that India is a “Union of States”. Actually many historians believe that India is a quasi-federal country. It means it is a federal state with some features of a unitary government. Let us see the reasons.

The constitution of India has essentially prescribed a federal state of government. As you already know we have several levels of government, The Government at the center, which is the Lok Sabha and the Rajya Sabha. Then the various state governments, the Vidhan Sabhas and the Vidhan Parishad. And finally, we have the Municipal Corporations and the Panchayats, which are forms of local governance.

Our constitution makes a clear demarcation about legislative powers and jurisdictions. It is done through the three lists.

Union List: This includes subjects that carry national importance, like defense, finance, railways, banking etc. So such subjects only the Central Government is allowed to make laws.

State List: Includes all matters important to the functioning of a particular state like transport, Trade, Commerce, agriculture etc. The state government is the deciding authority for framing laws on these subjects

Concurrent List: This list includes topics on which both the Union and the state government can make laws. These are related to education, forests, trade unions etc. One point to be noted is if the two governments are in conflict with these laws, the decision of the Union Government will prevail, It is the final authority.

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