

**SOS POLITICAL SCIENCE & PUBLIC ADMINISTRATION
M.A PUBLIC ADMINISTRATION II SEM
CONSTITUTIONAL SYSTEM IN INDIA(204)
UNIT-IV**

TOPIC NAME-THE FEDERAL SYSTEM



WHAT IS A FEDERAL SYSTEM

- Federalism and the federal system define the basic structure of American government. There were many disagreements at the Constitutional Convention. Many delegates feared a national government that was too strong and many delegates feared that states' rights would merely continue the weak form of government under the Articles. The Constitution created a federal system of government (federalism) as a compromise. Under federalism, power is shared and divided between national and state governments. Both levels have their own agencies and officials and directly affect the people. The Founding Fathers really had no other choice except federalism. The weak union created under the Articles would not work yet people did not want to give all the power to a national government. Federalism was the middle ground—compromise—a way to distribute authority between the states and the national government



DEFINITION

- **Federalism** is a system of government in which entities such as states or provinces share power with a national government. The United States government functions according to the principles of *federalism*



WHAT IS THE MAIN CONCEPT OF FEDERALISM?

- **Federalism** is a type of government in which the power is divided between the national government and other governmental units. It contrasts with a **unitary government**, in which a central authority holds the power, and a **confederation**, in which states, for example, are clearly dominant.
- While the Constitution addressed only the relationship between the federal government and the states, the American people are under multiple jurisdictions. A person not only pays his or her federal income tax but also may pay state and city income taxes as well. Property taxes are collected by counties and are used to provide law enforcement, build new schools, and maintain local roads.
- Throughout the 20th century, the power of the federal government expanded considerably through legislation and court decisions. While much recent political debate has centered on returning power to the states, the relationship between the federal government and the states has been argued over for most of the history of the United States.



HOW DOES THE FEDERAL SYSTEM WORK?

- A **federal government** is a system of dividing up power between a central national government and local state governments that are connected to one another by the national government. Some areas of public life are under the control of the national government, and some areas are under control of the local governments. For this reason, cop films like to create drama by making the federal government and local government bump heads over who should be investigating the crime at hand. Federal government systems usually have a constitution that specifies what areas of public life the national government will take control over and what areas of public life the state governments will take control over.



BENEFITS OF A FEDERAL GOVERNMENT

- Why does the United States have a federal government but not Great Britain? The answer has to do with size. Federal governments are best used in large countries where there exists a diverse group of people with diverse needs but a common culture that unites them together.
- For example, think of the difference between Wyoming (the least densely populated state) and New Jersey (the most densely populated state). Clearly, the needs at the local level of each state will be different, so they should have different local governments to address those needs. Nonetheless, both states share a common culture and interest and, therefore, are united by the national government.
- Federal governments help address the wide variety of needs of a geographically large country. It is no wonder, then, that federal governments exist in large countries, like the United States, Mexico, Germany, Canada, Australia, Brazil, and others.



WHAT COUNTRIES HAVE A FEDERAL SYSTEM

- In federal systems, political authority is divided between two autonomous sets of governments, one national and the other subnational, both of which operate directly upon the people. Usually a constitutional division of power is established between the national government, which exercises authority over the whole national territory, and provincial governments that exercise independent authority within their own territories. Of the eight largest countries in the world by area, seven—Russia, Canada, the United States, Brazil, Australia, India, and Argentina—are organized on a federal basis. (China, the third largest, is a unitary state.) Federal countries also include Austria, Belgium, Ethiopia, Germany, Malaysia, Mexico, Nigeria, Pakistan, Switzerland, the United Arab Emirates, and Venezuela, among others.



IMPORTANT FEATURE OF FEDERALISM

- **A Written Constitution**
- **Rigid Constitution**
- **Sovereignty of the Amending Body**
- **Distribution of Powers**
- **Independent Judiciary**
- **Bicameral Legislature**
- **Dual government policy**
- **Supremacy Of Constitution**



QUASI - FEDERAL NATURE OF INDIAN CONSTITUTION

- 1. Division of powers i. the distribution of powers by the constitution between the centre and states is unequal, center has more powers and important areas of jurisdiction within its purview. for eg the union list containing more subjects and important subjects like defence, foreign affairs etc. ii. there has also been increased dependence of states on central forces like CRPF to maintain internal security and law & order. iii. states are also dependent on the centre for resources. 2. A written and rigid constitution Indian has a written and rigid constitution and it is the basic main feature of Indian democracy. the constitution also empowers the centre to create new states to change the boundaries of the existing states. Indian constitution provides that some amendments require a special majority. 3. Bicameral legislature i. the centre is financially more powerful making states dependent on it for resources. ii. the position of Governor explains the center's stronger position, the governor is the central nominee and acts as a representative of the centre in a state. governor has the power to reserve bills for the consideration of the president, passed by the state legislature. iii. it has the power to give reports on the breakdown of state machinery to the centre. 4. Supremacy of judiciary the judiciary plays an important role in overseeing the implementation of constitutional provisions and procedures. in case of any dispute about the division of powers the high court and supreme court make a decision. in India we have unified judiciary with the supreme court at apex. the supreme court of India has the original jurisdiction to settle disputes between the union and states.



CHARACTERISTICS OF THE INDIAN FEDERAL SYSTEM.

- Decentralization of Powers
- Separation of powers
- The Written & the rigid Constitution
- Two Types of government
- Single Citizenship
- Independent judiciary



FEDERAL AND UNITARY FEATURES OF INDIAN CONSTITUTION

- On the basis of relations between the central government and the units, the governments are classified as unitary and federal. In a unitary system of government, all powers are vested in Centre while in a federal system; the powers are divided between the centre and the states by the constitution. The constitution of India provides a federal system even though it describes India as **union** of states. The term union of states implies that states have no freedom to recede from India. Indian Constitution is also called quasi-federal because it has features of both federal and unitary types of governments. It has been called a unique blend of unitary and federal features by the Supreme Court. The key federal features are written constitution; concept of constitutional supremacy; complex procedure of amendment of constitution in certain matters; an independent judiciary; clear division of powers via 7th schedule; provision of Rajya Sabha {it is a federal feature as states have been given representation in this house



WHY UNITARY FEATURES WERE ADOPTED IN THE INDIAN CONSTITUTION?

Unitary Features of constitution make a centralized government. It is a government in which all powers held by the government belong to a single, central agency. A **unitary** system is governed constitutionally as one single unit. All power is top down. the a unitary state is Asovereing state government as one single unit in which the center government is supreme.



DESCRIBE ANY THREE FEATURES OF INDIAN FEDERALISM.

- Indian federalism is a threefold distribution based on three lists:
 - I - Union List on which centre make laws such as defence, currency, etc.
 - II - State List on which state make laws such as police, trade, agriculture, etc.
 - III - Concurrent List on which both Centre and State Legislates such as education, marriage, etc.
- Centre legislate on 'residuary' subjects.
- High Courts and the Supreme Court sorts out the dispute between centre and state



CONCLUSION

- Conclude that there are certain features of federalism which are common to both India and the USA. On the other hand, India and the USA differ in many aspects related to the federal character of their Constitution. However, both the US and the Indian Federalism despite having limitations are by and large successful.



THANK YOU

