



Mains Practice Question

Q. The constitution of India makes the Centre stronger than the States and provides a quasi-federal polity. Discuss. (250 words)

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Approach

- Enlist the features that make India a federal country.
- Enlist the features of Indian Constitution that reflect an centralising tendency.
- Conclude Suitably

Introduction

The Constitution of India establishes a federal system of government as it contains all the usual features of a federation, viz., dual administration, division of powers, written Constitution, supremacy of Constitution, rigidity of Constitution, independent judiciary and bicameralism.

However, the Indian Constitution also contains a large number of unitary or non-federal features. Moreover, Article 1 of the Indian constitution describes India as a 'Union of States'.

Body

Features of Indian Constitution that reflect an centralising tendency

- **Inequitable Division of Power**

- The division of powers is in favour of the Centre and highly inequitable from the federal angle. As the Union List contains more important subjects (like defence, currency, external affairs, citizenship, railways) than the State List, the Centre has overriding authority over the Concurrent List and the residuary powers have also been left with the Centre.

- **No Territorial Integrity with States**

- The Parliament can by unilateral action change the area, boundaries or name of any state.

- **Flexibility of the Constitution**

- The Constitution of India embodies not only the Constitution of the Centre but also those of the states.
- Further, the bulk of the Constitution can be amended by the unilateral action of the Parliament and the power to initiate an amendment to the Constitution lies only with the Centre.

- **Emergency Provisions**

- During an emergency, the Central government becomes all powerful and the states go into the total control of the Centre.
- It converts the federal structure into a unitary one without a formal amendment of the Constitution.

▪ **Appointment of Governor**

- The governor is the head of the state, but is appointed by the President. He holds office during the pleasure of the President.
- He also acts as an agent of the Centre.

▪ **Integrated Constitutional Offices**

- Indian constitution provides for an integrated audit machinery, election commission and states have no control over these offices.
- Also, features like Single Citizenship, Integrated Judiciary and All India Services also signifies centralising tilt.

Conclusion

On careful analysis of almost every federation in the world, there is an ultimate centralizing tilt. So as to maintenance of integrity and to serve the specific needs of the country.

The Supreme Court in **Kuldip Nayar v Union of India** held that Federalism is a basic feature of the Constitution of India and it is unique in its nature and is tailored according to the specific needs of the country.

Therefore, it would not be wrong to conclude that the Constitution of India is federal in structure and unitary in spirit i.e. it is quasi- federal in nature, as stated by K C Wheare.

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