



Mains Practice Question

Q. Indian constitution is federal in nature, but unitary in soul. Examine (150 words)

15 Feb, 2019 GS Paper 2 Polity & Governance

Approach:

- Write the meaning of federal and unitary system of government in the introduction
- Describe the federal and unitary characteristics of Indian constitution.
- Examine how the centre government is more powerful than states.

Introduction

- A unitary system is composed of one central government that holds all the power, but a federal system divides power between national and local forms of government.
- 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”.

Body

Federal features of Indian constitution:

- **Division of Powers:** The Seventh Schedule of the Constitution contains three lists of subjects which show how division of power is made between the two sets of government.
- **Written Constitution:** The Constitution of India is written. Every provision of the Constitution is clearly written down and has been discussed in detail.
- **Supremacy of the Constitution.**
- **Supreme judiciary:** The Supreme Court of India is the highest court of justice in India.
- **Bi-cameral legislation:** The Indian Parliament, i.e., the legislature has two houses - the Lok Sabha and the Rajya Sabha.

Unitary or Non-Federal Features:

- **Single Constitution:** There are no separate constitutions for the States. In a true federation, there are separate constitutions for the union and the States.
- **Centre's control over States:** The States have to respect the laws made by the central government and cannot make any law on matters on which there is already a central law.
- **Rajya Sabha does not represent the States equality:** In a true federation, the upper house of the legislature has equal representation from the constituting units or the States.
- **Existence of States depends on the Centre:** The boundary of a State can be changed by created out of the existing States.
- **Single citizenship:** In a true federal state, citizens are given dual citizenship. In India however, the citizens enjoy single citizenship, i.e., Indian citizenship or citizenship of the country as a whole.
- **Unified judiciary:** India has a unified or integrated judicial system. The Supreme Court is the highest court of justice in the country and all other subordinate courts are under it.
- **Proclamation of emergency:** When emergency is declared, the Union or Central governments become all powerful and the State governments come under the total control of it. The State

governments lose their autonomy.

Following provision proves though India is **federal in nature** but its soul is unitary:

- In **legislative matters**, the Union Parliament is very powerful. It has not only exclusive control over the Union list and the residuary powers, but it has also dominance over the Concurrent list and the State list. This is of important for uniformity of laws in the country.
- In **administrative matters also**, the Central government has been made more powerful than the States. The State governments have to work under the supervision and control of the Central government. The States should exercise its executive powers in accordance with the laws made by the Parliament. It can control the State governments by directing them to take necessary steps for proper running of administration. If the State fails to work properly or according to the Constitution, it can impose President's rule there under Article 356 and take over its (the State's) administration.
- **Financial matters**, the President of India has the power to make alterations in the distribution of revenues earned from income-tax between the centre and the States. The Centre has also the power to grant loans and grants-in-aid to the State governments. The Comptroller and Auditor General India and the Finance Commission of India which are the central agencies also have control over the State finances.

Conclusion

In 1983, the **Sarkaria Commission** emphasized co-operative federalism in India. It is a fact that India has a strong Central government but it should not always try to interfere in the matters of the States. Both the governments should respect one another's power or authority and work harmoniously.

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