

Federal Features Of Indian Constitution

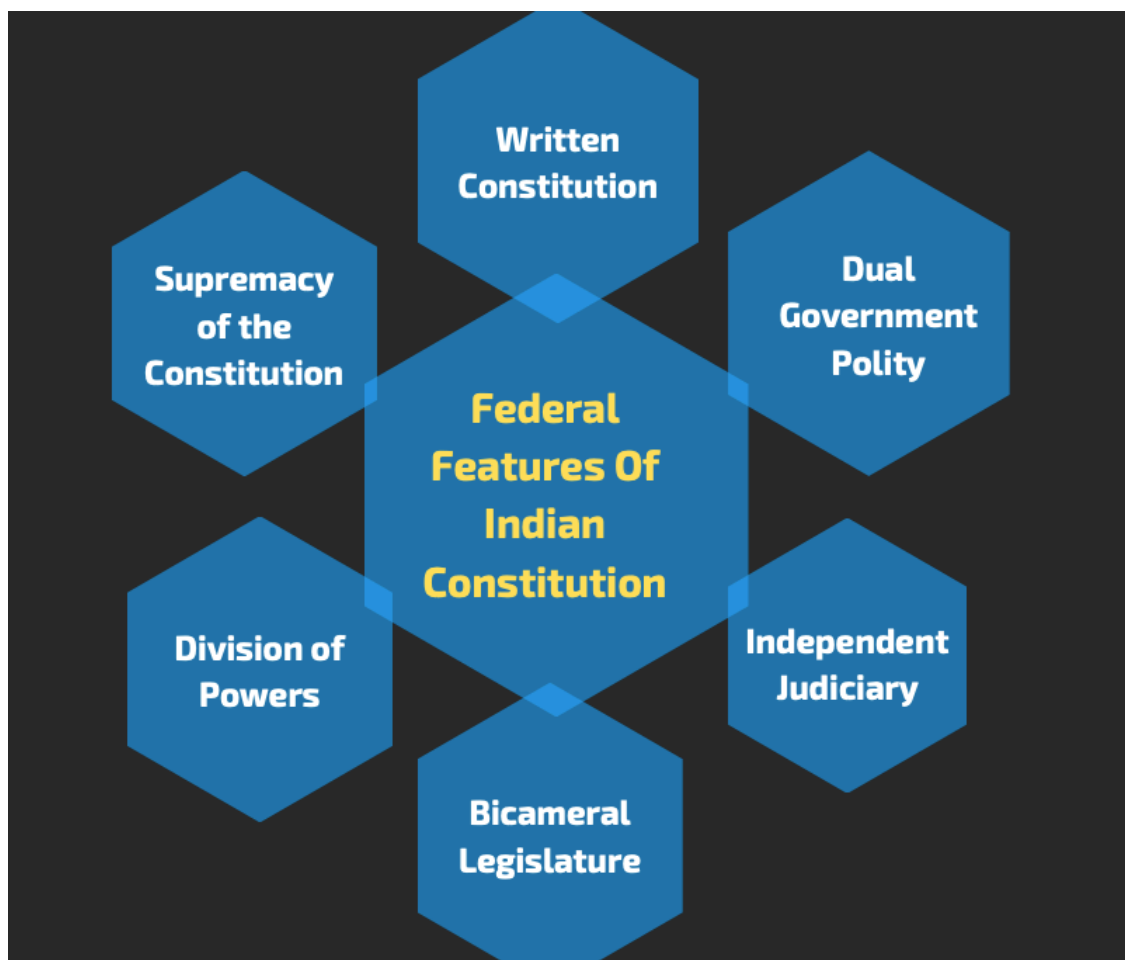
What is the Meaning of “Federal”?

It is “having or relating to a system of government in which several states form a unity but remain independent in internal affairs”

For Example, if you say India has a different state like MH, MP, Bihar, etc and each state is having its own internal and independent system through which states all affairs do happens. Hence each state is working independently for its betterment.

Now you have understood the meaning of the word Federal let's now understand what are the characteristics of the Indian Constitution.

Here are the main features of the Indian Constitution:



Written Constitution:

Yes, our Indian Constitution is Written and contains:

395: Articles and

12: Schedules

Hence it fulfils the basic requirements of having a federal government. Indian constitution is the lengthiest and most elaborated constitution in the world. And Written constitution is one of the basic features of any country to be having federal nature.

Supremacy of the Constitution:

In India constitution is Supreme meaning nothing or no one is above the law and constitution. Every power emanates from the constitution hence it is not under the control of any other body or centre or state.

There is the supreme court to maintain supremacy and to take legal action if anyone tries to violate the principle of the constitution.

Rigid Constitution:

Changing or updating the Indian constitution is not that easy. Hence it has maintained its rigidity in the required sections.

Most of the provisions of the constitutions are not easily amendable, it needs the action of both centres and states and that too with a special majority. Also if any mismatch or principle of the constitution is violated then there is the Supreme court to take care of any such violations, hence its rigidity is always maintained.

For passing out any big amendments the bill or act has to go through a rigorous and touch process of amending it through the two-thirds majority of the members present and voting in the parliament and ratified by one-half of the states.

Division of Powers:

For efficient and better functioning of Federal nature, state and center must function efficiently without encroaching each other's territories. And Indian Federation is like that only as given in the constitution.

There is the 7th schedule which contains three legislative lists which enumerate subjects of administration ie union, state, and concurrent lists. The Union List consists of 97 subjects. Among them are defense, foreign affairs, post, railway, and telegraph, etc.

Also, there is a state list that consists of 66 Subjects. It includes inter-alia public order, police, administration of justice, public health, education, agriculture, etc.

The Concurrent List has 47 subjects including criminal law, marriage, divorce, bankruptcy, trade unions, electricity, economic and social planning, etc.

There is a clear division of power for these subjects like the Union Government enjoys exclusive power to legislate on the subjects mentioned in Union List. And State Government Has full authority on the subject stated in State List. And both center and state can legislate on the Concurrent List. Also, Residuary powers are given to the center.

Independent Judiciary:

Indian constitution has provided the Supreme Court the highest court of the country. Also, every effort has been made to see that the judiciary in India is independent and supreme.

If any Law or act violates the constitutional values the supreme court can declare it an unconstitutional or ultra-virus. Constitution also has taken care of the independence of the Supreme court for that our judges are not removable by any executive and their salaries also cannot be curtailed by the Parliament.

Bicameral Legislature:

Indian constitution has given us the Lok Sabha and Rajya Sabha a bicameral legislative system. In a federation, this is a must and essential condition for maintaining the federal nature and having a say in the states and their voting values.

Lok Sabha consists of the elected representative of the people, and Rajya Sabha mainly consists of the representatives elected by the State Legislative Assemblies.

Note: All states are not given equal representation here.

Dual Government Polity:

Meaning both centre and state runs through their governments. The centre is having its system and states have their government to maintain the federal nature. The Centre has a central government and the state has state governments.

Hence Here you have understood the basic features of the Indian federal government. Also, you must know some basic facts to increase your knowledge to another level. You must know what is the nature of Indian Federalism to understand the soul of federalism in our constitution.

What is the nature of Indian federalism?

According to the Indian constitution:

"India as a 'Union of States' which implies two things: one, Indian Federation is not the result of an agreement by the states; and two, no state has the right to secede from the federation.

Hence Indian constitution is Federal in Form but Unitary in Spirit.

Also, some famous constitutionalist have said what about the Indian constitution: 'quasi-federal' by K.C. Wheare, 'bargaining federalism' by Morris Jones, 'co-operative federalism' by Granville Austin, 'federation with a centralizing tendency' by Ivor Jennings and so on.

There is some basic difference between the Federal and Unitary systems of government.

And their basic features:

The Constitution of India establishes a federal system of Government. It contains all the usual features of a federation, viz., two Governments, division of powers, written Constitution, the 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, viz., a strong Centre, single Constitution, single citizenship, flexibility of Constitution, integrated judiciary, the appointment of state governor by the Centre, all-India services, emergency provisions and so on.