Quest Journals
Journal of Hindi, Political Science and Home Science
Volume 15 ~ Issue 6 (Nov. – Dec. 2025) pp: 11-14
ISSN(Online) : 2347 – 2305
www.questjournals.org

Research Paper

Indian Federal System an Overview

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Abstract
The theory and practice of Indian federalism substantiate the hypothesis that it is a prefectorial federal system under which the Union Government possesses commanding position and exercises dominant control over the States.

I. Introduction

Although the origin of federalism could be traced to ancient Greece, the word ' federal ' entered into the English language in the 17th century. Ever since the emergence of the US federal system in 1787, it has become popular in diversified, segmented and continental – size societies. As A.V. Dicey rightly observes: "it seeks to reconcile unity with multiplicity, centralization with decentralization and nationalism with localism. " Friedrich "federalism is the process of federalizing a political community, that is to say, the process by which a number of separate political community, that is to say, the process by which a number of separate political communities process by which a number of separate political communities enter into arrangements for working out solutions, adopting joint policies and making joint decisions on joint problems. " Daniel J. Elazar says federal principles and arrangements have become so widespread because they suit the modern temper and federalism is designed to achieve some degree of political integration based on a combination of self – rule and shared – rule. According to his study, federal system operated in the following 19 countries (1987) with the constitutional arrangements of constituent states / units.

Separate Written constitutions	**Common Federal- State Constitutions:**	**Constitutional Statutes**
1. Argentina	13. Comoro Islands	18. Australia
2. Austria	14. India	19. Canada
3. Brazil	15. Nigeria	
4. Czechoslovakia	16.Pakistan	
5. West Germany	17. United Arab Emirates	
6. Malaysia		
7. Mexico		
8. Switzerland		
9. U.S.A		
10. U.S.S.R		
11. Venezuela		
12. Yugoslavia		

In 21 non – federal countries federal arrangements have been made. They include Antigua and Barbuda, Belgium . Burma, (Myanmar) People's Republic of China, Colombia, Fiji, Ghana, Italy, Japan, Lebanon, Netherlands, Papua – New guinea, Portugal, Solomon Islands, South Africa, Namibia, Spain, Sudan, Tanzania, Great Britain, and Vanuatu / New Hebrides . Even Sri Lanka has adopted federal principles within the framework of Unitary System to solve the burning ethnic problem.

Collapse of Federal System in some countries

In some countries federal system could not work owing to various political and social reasons. Chile prepared a federal constitution in 1826, but abandoned it in 1830. In 1886, the Colombian federation was transformed into the unitary system. Federalism was abandoned in these countries when strong leaders emerged. In New Zealand federalism which worked from 1852 to 1876 could not succeed because culturally it was a unified society with no problems of foreign war and hence it rejected federalism in 1876. In South Africa federalism did not work successfully since its adoption in 1910, and it was excluded from the category of

federalism. However, there was a move to reestablish federal system in 1998. The West Indies Federation, formed in 1958 was terminated in 1962 after Jamaica and Trinidad – Tobago decided to withdraw. The federation of Rhodesia and Nyasaland, adopted in 1953 fell apart after 10 years of existence when Nyasaland, adopted in 1953 fell apart after 10 years of existence when Nyasaland because an independent country under the name of Malawi, and when northern Rhodesia attained independence under the name of Zambia. In Uganda federalism was abandoned in 1966 owing to political instability and military intervention. Indonesia rejected it because the Dutch tried to impose this system on it.

The roots of Indian Federalism

The unsuccessful operation of the unitary system during the British regime, the sociological complexities, continental-size of India, multi-linguism, wide regional disparities and other related factors did influence the British Government to popularize the federal system in India. "The Act of 1935 became a landmark in the evolution of the federal idea in India ..... And it served to perpetuate a belief in the inevitability of federalism. " the importance of the Act of 1935 was that the provinces were endowed with a legal personality under a federal scheme. Thus the British support, the operation of provincial autonomy from April I, 1937, and the federal experience gained by the Indians greatly influenced the Constitution – makers in favour of this system.

FEDERAL THEME IN THE CONSTITUENT ASSEMBLY

The objectives Resolution moved by Pt. Nehru on December 13, 1946 in the **Constitu**ent Assembly and endorsed by it on January 22, 1947 had envisaged a federal system under which greater state autonomy principle was incorporated. Although the Indian National Congress was in favour of a centralised federal system during 1930s and 1940s, it was prepared to accept a classical federal model as a concession to the Muslim League to keep India United. But the aftermath of partition, the Kashmir imbroglio, the secessionist threat by the Naga Tribal's, and the fear of centrifugal and divisive forces were mainly responsible for the change of federal perception of the constitution – makers. Hence both the Union Constitution Committee and the Union Powers Committee under the chairmanship of Nehru recommended a strong centre within a federal framework. The incorporation of the word 'federal ' was objected by K.M. Munshi, H.V. Kamath, and B. R. Ambedkar. In fact, the drafting Committee had used the word ' Union' in its draft Constitution presented to the House on February 21, 1947. Its chairman, B.R Ambedkar who in the beginning opposed federal system, refused to insert the word ' federal ' as suggested by K.T. Shah. On November 4, 1948, he remarked that " the federation is union because it is indestructible."

Thus, the Constituent Assembly produced a centralised federal system "to meet India's peculiar needs. "

Some members did express their anguish and unhappiness. Lakshminarayan Shahu said:

When at first we had started the work of framing the constitution, our idea was to make India a federal state with provinces as autonomous units..... I am afraid that the provinces may on this Constitution coming into force feel that they have been put under a new kind of slavery.

K. Hanumanthaiya from Mysore observed : " Here is a constitution which we say is a federal constitution but which in essence is almost a unitary constitution.....

H.V. Kamath described the Constitution as " a centralised federation with a facade for parliamentary democracy." Damodar Swarup rightly said, " We have framed a unitary constitution in the name of a federatrion." Other members – P. T. Chacko, Sardar Hukum Singh, Shyamanandan Sahay, Thirumal Rao, B. M. Gupta, Kazi – Syed Karimuddian, and H. Siddaveerappa also did not consider the envisaged federal system a genuine one.

Many Indian Scholars have characterised Indian Federal System as " a unitary state in concept and operation", "a Centre-oriented Federation" , " federal convertible" and " Paramount federation". In the opinion of K. V. Rao " the states are being subordinated to the Central authority". Even many foreign scholars have called it as " quasi- federation with strong centralising tendency", " the most strongly centralized of all the federal system" and territorial federation". According to Carl J. Friedrich, "Indian is certainly far from being a fully federalised state."

PREFECTORIAL FEDERALISM

The present study describes Indian federalism as " prefectorial federalism" because the union government has been vested with overriding and commanding powers not only to control states but also to erode or scuttle their limited autonomy in case they do not comply with the former's directives or otherwise. With its pronounced unitary bias it has been designed to convert itself into a unitary constitution during emergency or extra- ordinary situations. The following notable provisions are the manifestations of the prefectorial nature of Indian federal system:

(1) Articles 3 and 4 of the Constitution empower the Parliament to change the territorial contours and names of the States. The State's identity can be altered or even obliterated and 20 Acts have been enacted changes in the areas, boundaries and names of States. Ascertaining the views of the State legislatures concerned by the President is not mandatory because the President is competent to fix a time-limit within which States must express their views. Moreover, parliament is not bound to accept or act upon the views of the state legislature, even if those views are received in time. In U.S.A. and Australia , the territory of a State cannot be diminished without its consent.

(2) Certain Bills passed by the Stare Legislature may be reserved by the Governor for the consideration of the President under Article 200. The Governor's action in this regard has been held to be non-justifiable. Under article 201, the President may give his assent to such bills at any time without time-limit or exercise his veto power over them. During 1977-1985, about 1130 State bills were reserved for the President's consideration. According to Granville Austin : "In theory articles 200 and 201 invalidate the division of powers for there is no means of overriding a President's veto in the case of State legislation".

(3) Under Article 248, parliament has residuary powers of legislation with respect to any matter not enumerated in the cocurrent list. Such power shall include the power of making any law imposing a tax not mentioned in either of these lists.

(4) Article 249 contemplates parliament has residuary powers of legislation with respect to any matter not enumerated in the name of national interest. Clause(1) says, "if the Council of States has declared by a resolution supported by two thirds majority of the members present and voting that it is necessary or expedient in national interest that parliament should make laws with respect to any matter that enumerated in the State List specified in resolution....." The Rajya Sabha can renew such legislation through yearly resolutions. This article. Was first invoked in August 1950 for the effective control of black- marketing under the essential Supply and Price of Goods Act. (Separation) Act to resolve an unusual problem relating to rehabilitation and settlement of displaced persons from Pakistan. For the third time, to contain terrorist activities in Punjab and other areas in the north-west borders, Rajya Sabha adopted a resolution on August 13, 1986. But no legislation was enacted by Parliament . Although there is a federal element in the provision of article to whittle down the state autonomy when it has a two-thirds majority in Parliament. In the opinion of K. Santhanam it is a derogatory to the conception if a federation and a serious into state autonomy.

(5) While a proclamation of emergency is in operation, parliament has the power to make laws for the whole or any part of the country with respect to any matter in the State list under Article 250. Further, when a state is placed under president 's rule the powers of State legislature shall be exercisable by or under the authority of Parliament in terms of article 357. If there is any inconsistency between law made by parliament & law made by state legislatures(under articles 249 & 250), the law made by the former. Whether passed before or after, would prevail. Moreover, the 'Central preemption' is established under article 254 which states that in case of repugnancy between a state law made by parliament which is competent to enact or to any provision of an existing law with respect to any concurrent subject, the central law would prevail & the state law shall, to the extent of repugnancy, be void. Ivor Jennings has argued that article 254(1) can be applied to the cases of repugnancy between the Union law & the State law in different lists.

(6) Article 256 provides that the executive power of every state shall be so exercised as to ensure compliance with the central laws & the central government can give directions to states, if it appears to be necessary for this purpose Article257 establishes the control if the Union govt. over states in certain matters & says that: (i) the executive power of every state shall be so exercised as not to impede or prejudice the exercise of the executive power of the Union; (ii) every State would cooperated with the centre in the construction and maintenance of means of communication of national or military importance; and (iii) every State takes measures for the protection of the railways within the State. If necessary, the center can give directions to this effect. According to the analysis made by the Sarkaria Commission, these two articles cast a mandatory duty on the States in regard to the exercise of their executive powers.[39] There is no precedent for these two articles in American, Australian, Canadian, and Swiss federal systems. The only condition to be satisfied, as the Rajamannar Committee has pointed out, before the issue of such directions is the unilateral satisfaction of the Centre. Article 367 provides for a sanction. The view that Articles 256, 257,and 365 do not derogate from the federal principle, rather give effect to it''40 ,
Cannot be accepted because these articles subject the States to the Political surveillance of the Centre .

(7) While a Proclamation of emergency under article 352 is in operation , clause (a) of Articles 353 empowers the Union to give direction to any State as to the manner in which the executive power is to be exercised. If a proclamation of emergency is in operation only in any part of the country, the executive power of the Union to give directions under clause (a) extends to any state in case the security of India or any of its part is threatened. Article 356 empowers the centre to over throw the elected state governments Moreover,

clause (3) of Article 360 empowers the union to give directions to any state to observe the canons of financial propriety during financial emergency.

(8) Under Article 355, the Union can intervene in the affairs of states with respect to three situations, namely (a) external aggression, (b) internal disturbance, and (c) When the state government cannot be carried on in accordance with the provisions of the Constitution. These three ' expressions' used in this Article give wide scope to the centre to dabble in the affairs of state Politics. According to the Union Home Ministry, the centre can use its armed forces sue motu, even if there is no request from the state government concerned, and this becomes clear under Entry 2A of the union list inserted by the 42nd constitutional amendment Act41.

(9) As the principle of integrated Judicial system in embodied in the Constitution, the jurisdiction of High courts comes within the purview of central government. It as power to appoint and transfer High courts judges under articles 217 and 222 respectively.

(10) Through the Office of the Governor the centre can interface in the political and Administrative affairs of the States.

The governors may be directed by the centre to send adverse reports against unwanted state government or create problems and hurdles for them depending upon political situation.

II. CONCLUSION

The existence of States and the very survival of their governments depend upon the will of the Union Government. The single Constitution for the whole country (except Jammu and Kashmir), the unilateral power of Parliament to amend it, Provision for supersession of State governments and centrally appointed Governors, the reservation of State bills for the consideration of President, his veto-power over such bills, the Centre's affluent financial position, the centralized planning and party system have been mainly responsible for aberration, and distortion of Indian federal system. This type of federal scenario has led to the emergence of conflicts and bitterness between the Centre and the States, particularly in the post-Nehru period. Political instabilities at the State level caused by the Centre's frequent interventions have come in the way of economic development, progress and national integration.

REFERENCES

[1]. See, Daniel J.Elazar. " A Note from the Editor", Publius, The Journal of Federalism, Philadelphia, Temple University, Vol. 1, 1971, p.4

[2]. See his, Trends of Federalism in Theory and Practice (New York, Praeger Publishers, 1968), P.7

[3]. See his, Exploring Federalism, (Tuscaloosa, University of Alabama Press, 1987), pp.83-84.

[4]. Ibid. p.178.

[5]. According to Canadian Professor Lloyd John-Brown, Belgium adopted Federal System in 1993. Personal discussion with the author on 20-9-93.