



SNS COLLEGE OF ENGINEERING

Kurumbapalayam (Po), Coimbatore – 641 107

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DEPARTMENT OF ARTIFICIAL INTELLIGENCE AND DATA SCIENCE

COURSE NAME : 23MCT002 INDIAN CONSTITUTION

I YEAR /II SEMESTER

Unit II- SYSTEM OF GOVERNMENT

Topic : FEDERAL SYSTEM OF GOVERNMENT

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FEDERAL SYSTEM OF GOVERNMENT

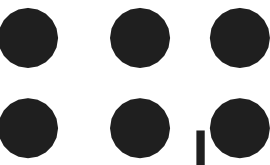


In a federation system, there are two seats of power that are autonomous in their own spheres. There are two kinds of federations:

- **Holding Together Federation** – In this type, powers are shared between various constituent parts to accommodate the diversity in the whole entity. Here, powers are generally tilted towards the central authority. Example: India, Spain, Belgium.
- **Coming Together Federation** – In this type, independent states come together to form a larger unit. Here, states enjoy more autonomy as compared to the holding together kind of federation. Example: USA, Australia, Switzerland.



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Federal Features of the Indian Union

- Governments at two levels – centre and states
- Division of powers between the centre and states – there are three lists given in the [Seventh Schedule of the Constitution](#) which gives the subjects each level has jurisdiction in:
 - Union List
 - State List
 - Concurrent List



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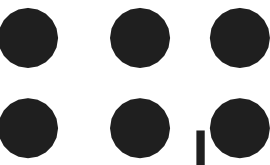
- Supremacy of the constitution – the basic structure of the constitution is indestructible as laid out by the judiciary. The constitution is the supreme law in India.
- Independent judiciary – the constitution provides for an independent and integrated judiciary. The lower and district courts are at the bottom levels, the high courts are at the state levels and at the topmost position is the Supreme Court of India. All courts are subordinate to the Supreme Court.



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Unitary Features of the Indian Union:

- **The flexibility of the constitution** – the constitution is a blend of flexibility and rigidity. Certain provisions of the constitution can be easily amended. In case the amendments seek to change aspects of federalism in India, the provision to bring about such amendments is not easy.
- **More power vests with the Centre** – the constitution guarantees more powers with the Union List. On the Concurrent List subjects, the parliament can make laws that can override the laws made by a state legislature on some matters. The parliament can also make laws regarding certain subjects in the State List.





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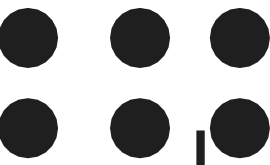


- **Unequal representation of states in the Rajya Sabha** – the representation of the states in the upper house is based on the states' populations. For example, Uttar Pradesh has 31 seats and Goa, 1 in the Rajya Sabha. In an ideal federal system, all the states should have equal representation.
- **The executive is a part of the legislature** – in India, the executive in both the center and the states is a part of the legislature. This goes against the principle of division of powers between the different organs of the government.



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- **Lok Sabha is more powerful than the Rajya Sabha** – in our system, the [Lok Sabha](#) is more powerful than the upper house and unequal powers to two houses is against the principle of federalism.
- **Emergency powers** – the centre is provided with emergency powers. When an emergency is imposed, the centre has increased control over states. This undermines the autonomy of the states. (You may also read about [President's rule – Article 356](#) in the linked article.)
- **Integrated judiciary** – the judiciary in India is integrated. There is no separate judiciary at the centre and the state levels. (Gain more information about [Indian Judiciary](#) from the notes mentioned in the linked article.)





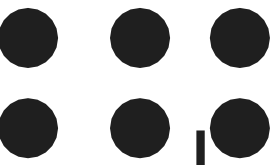
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- **Single citizenship** – in India, only single citizenship is available to citizens. They cannot be citizens of the state as well. This helps in increasing the feeling of nationality as it forges unity amidst regional and cultural differences. It also augments fundamental rights such as the freedom of movement and residence in any part of the nation.
- **Governor's appointment** – The governor of a state acts as the centre's representative in the state. The state government does not appoint the governor, the center does.
- **New states formation** – the parliament has the power to alter the territory of a state by increasing or reducing the area of the state. It can also change the name of a state.



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- **All India Services** – through the All India Services such as the IAS, IPS, etc. the centre interferes in the executive powers of the states. These services also offer uniformity in administration throughout the nation.
- **Integrated election machinery** – the [Election Commission of India](#) is responsible for conducting free and fair elections at both the centre and the state levels in India. The members of the EC is appointed by the president.



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- **Veto over states bills** – The governor of a state can reserve certain kinds of bills for the president's consideration. The president enjoys absolute veto on these bills. He can even reject the bill at the second instance that is when the bill is sent after reconsideration by the state legislature. This provision is a departure from the principles of federalism.
- **Integrated audit machinery** – the president of the country appoints the CAG who audits accounts of both the centre and the states.
- **Power to remove key officials** – the state government or state legislature does not have the authority to remove certain key government officials even at the state level like the election commissioner of a state, judges of the high courts, or the chairman of the state public service commissions



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