

**SUBJECT: POLITICAL SCIENCE II**

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**MODULE: I, ORGANISATION OF GOVERNMENT**

**TOPIC: DEFINITION AND CHARACTERISTICS OF FEDERAL FORM OF GOVERNMENT**

### **Federal Government**

Federalism is a form of government where the powers are distributed between the central and provincial governments and both have their separate and well defined areas of authority. Here, the totality of government power is divided and distributed by the national constitution between a central government and those of the individual states.

Countries like USA, Switzerland, Australia, Canada, Russia, Brazil, Argentina have the federal form of government.

#### **Characteristics or Features of Unitary Form of Government**

A federal government has an agreement and there are certain essential features that ensure its proper working.

##### **i) Dual Government:**

In a unitary state as the name indicates there is only one government i.e. the Central government. In a federation two sets of governments co-exist. The national (also called central or federal) government and the government of each constituent State. These two governments derive their powers from the same source (the Constitution) and are controlled not by the other but by the Constitution. But it would be erroneous to assume that they work in watertight compartments. They govern the same people and their object is to serve the same populace so naturally their functions many at times touch and effect each other.

##### **ii) A Written and Rigid Constitution:**

Firstly, the federal government is the creation of agreement which takes place as a result of a constitution in which the powers of the federal government and the federating units and the details of their rights are listed. The Constitution is expected to be written and rigid enough so that neither centre nor the federating units may change it at their own will. Also the Constitution is sovereign in the sense that both centre and the units are subordinate to it.

Rigidity does not mean that the Constitution is not subject to any change and must remain in the same static condition. But as a corollary of the necessity of having a written Constitution

it is required that the provisions containing and regulating the distribution of powers must not be left to the discretion of the Centre or the States. The amending process should lay down as a precondition the concurrence of both.

### **iii) Division of powers:**

Secondly, an indispensable quality of the federal government is the distribution of powers of government between central government and the federating units. Normally, the subjects of national importance such as defence, foreign affairs, railways, communications, finance are entrusted to the central government whereas subjects like education, health, agriculture etc. are looked after by the provincial units. The powers may also be distributed in one of the two ways: either the Constitution states the powers that the federal authority shall have and leave the remainder to the units, or it states those powers the federating units shall possess and leave the remainder to the federal authority. For example, in the American federation the constitution defines the powers of the federal authority and leaves the rest to the federating units. In Canada, it is the reverse i.e. the constitution prescribes only the powers of the federating units and leave the rest to the central government. However, in India both the powers of the centre and the units have been listed.

### **iv) Supremacy of the Constitution:**

Constitution is regarded as a higher law which is there for the Union and States to obey and honour. None of the Units has the authority to override or disregard the Constitution. In some cases the Union may have overriding powers but not in relation to the divisions of power. Federal Constitutions guard attentively the distribution of powers and do not tolerate encroachments. Just as Public Corporations derive their powers from the Act creating them the two sets of Government owe their power to the Constitution and are in a way controlled by it and function within the limits marked by it.

### **v) Independence of judiciary:**

Thirdly, there should be an independent institution to settle the disputes with regard to the jurisdiction of the centre and the units and among the units. Such an institution can only be the Supreme Court whose function is to see that the constitution is respected in so far as it distributes the governmental powers between the contracting parties and the federal authority which by their contract they establish authority to run the administration. In completely federalised state, this court is absolutely supreme in its power to decide in cases of conflict between the federal authority and the state authorities.

**vi) Bicameral Legislature:**

A federal state has two kinds of governments having different interests and rights. There is, therefore, a need for the protection of these rights and interests. This can be done only when there is a bicameral legislature. The two houses represent the two interests. Normally the Lower House represents the interests of the nation and the upper house represents the interests of the provinces. Normally representation in the Lower House is based on population and for the upper house the principle of parity is followed that is whether a state is small or large it will have equal number of seats. This method is followed in USA and in Pakistan.

**Reference:**

<http://egyankosh.ac.in/bitstream/123456789/20943/1/Unit-13.pdf>

<https://byjus.com/free-ias-prep/characteristics-of-federation/>