

SUBJECT: POLITICAL SCIENCE II
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TOPIC: QUASI FEDERAL GOVERNMENT

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Quasi federal refers to a system of government where the distribution of powers between the Center and the state are not equal. India is a federation with a unitary bias and is referred as a quasi federal state because of strong central machinery.

The Constitution of India has not described India as a federation. On the other hand, **Article 1** of the Constitution describes India as a “Union of States.” This means, India is a union comprising of various States which are integral parts of it. The Indian Union is not destructible. Here, the States cannot break away from the union. They do not have the right to secede from the union. In a true federation, the constituting units or the States have the freedom to come out of the union.

India is not a true federation. It combines the features of a federal government and the features of a unitary government which can also be called the non-federal features. Because of this, India is regarded as a semi-federal state. Prof **K.C Wheare** describes it as “a quasi-federal state”. The Supreme Court of India also describes it as “a federal structure with a strong bias towards the Centre”.

Indian constitution contains both features of a federal constitution and unitary constitution. For understanding **Quasi Federal government**, we have to know that what are the federal features and what is unitary features of Indian Constitution.

The main features of Indian Federal system are as follows:

1) Division of Powers :

The division of powers between two levels of governments is an essential feature of federalism. Federalism means the distribution of powers of the state between the central and the state governments. The basis of such distribution of power is that in matters of national importance, in which a uniform policy is desirable in the interest of the units, authority is entrusted to the centre and matters of local concern remain with the states. In a Federation there should be clear division of powers so that the units and the centre are required to enact and legislate within their sphere of activity and none violates its limits and tries to encroach upon the functions of others. The Seventh schedule contains three legislative lists which

enumerate subjects of administration viz., Union, State and Concurrent lists. The union list consists of 100 subjects, the more important of which are defense, railway, posts and telegraph, currency etc. The state list consists of 61 subjects, including public order, police, administration of justice, public health, education, agriculture etc. The concurrent list embraced 52 subjects including criminal law, marriage, divorce, trade unions, electricity etc. The residuary powers have been vested in the central government.

2) Supremacy of the Constitution:

In a federation, the constitution should be the supreme source of strength, both for the centre as well as the federating units. Accordingly, Indian constitution is also supreme and not the hand maid of either the centre or of the states. If, for any reason, any organ of the state dares to violate any provision of the constitution, the court of law is there to ensure the dignity of the constitution, which is upheld at all costs.

3) A Written Constitution:

A Federal constitution must almost be a written constitution. It will be practically impossible to maintain the supremacy of the constitution and division of powers between the centre and the states, unless the terms of the constitution have been reduced into writing.

Accordingly, the Indian constitution is a written document containing 395 Articles and 10 Schedules, and therefore fulfills this basic requirement of a federal government. In fact the Indian constitution is the most elaborate constitution of the world.

4) Rigid Constitution:

A natural corollary of a written constitution is its rigidity. In a rigid constitution the procedure of amendment is complicated and difficult. But this does not mean that the constitution should be legally unalterable. A Rigid constitution, as we know, is one which cannot be changed easily. The Indian constitution is largely a rigid constitution. All the provisions of the constitution concerning federal state relations can be amended only by the joint actions of the state legislatures and the union parliament. Such provisions can be amended only if the amendment is passed by a two-third majority of the members present and by voting in the parliament, and is ratified by at least one half of the states.

5) Independent Judiciary:

For a federation, it is also essential that the judiciary is impartial and independent. A Federal court is indispensable to a federation. It acts as the guardian of the constitution. Especially, this principle has been playing an important and key role in the working of federal

government. The constitution has provided for a Supreme Court, and every effort has been made to see that the judiciary in India is independent and supreme. The Supreme Court of India can declare a law as unconstitutional if it contravenes any provisions of the constitution. In order to ensure the impartiality of the judiciary, our judges are not removable by the executive and their salaries cannot be curtailed by the Parliament.

6) Bicameral Legislature:

A bicameral system is considered essential in a federation because it is in the Upper House alone that the units can be given equal representation. The Constitution of India also provides for a bicameral legislature at the Centre consisting of the Lok Sabha and the Rajya Sabha. While the Lok Sabha consists of the elected representatives of people, the Rajya Sabha mainly consists of representatives elected by State Legislative Assemblies.

References:

- https://shodhganga.inflibnet.ac.in/bitstream/10603/98721/8/08_chapter%202.pdf