

**1. "INDIA HAS A FEDERATION WITH STRONG CENTRALIZATION TENDENCY".
ELUCIDATE. [20]**

India has been modeled upon a typical federal structure. The Constitution of India establishes a federal system of government. It has all the usual federal features, viz. two governments, division of powers, written constitution, and supremacy of the constitution, rigidity of the constitution, independent judiciary and bicameralism.

In contrast, the Indian Constitution also contains a large number of centralized or unitary features, viz. a strong centre, single constitution, single citizenship, flexibility of Constitution, integrated judiciary, appointment of state governors by the Centre, all India services, emergency provision etc.

In normal times India functions as a true federation but during national emergency it acts as a strong centralized system where Union Legislature and Union Executive enjoy powers to frame laws even on the State List. The governments in the affected states remain suspended or under suspended animation. Further, even if both the centre and states are empowered to make laws on the subjects found in the Concurrent List, the will of the Central government prevails over that of the state government in case of conflict between them.

Moreover, the term 'federation' has nowhere been used in the Constitution. Article 1 to the Constitution of India reads, "India, that is Bharat, shall be a union of States". This implies that Indian federation is not a result of agreement by states and no state has the right to secede from the federation.

The Constitution of India, therefore, has been described as 'federal in form but unitary in spirit' and 'quasi-federal' by K C Wheare, 'bargaining federalism' by Morris Jones, 'co-operative federalism' by G. Austin, and 'federation with centralizing tendency' by Ivor Jennings and so on.