

which the central government is supreme and any administrative divisions (sub national units) exercise only powers that the central government chooses to delegate. These are some unitary features also present in the Indian Constitution which make it ultimately Quasi-Federal in nature –

Article 1 which provides that India i.e. Bharat, shall be a Union of States. It is to be pondered here that the use of the word 'Union' was deliberate or not. Because the word 'Federation' is nowhere to be mentioned in the Constitution. It was there in the draft Constitution but was subsequently dropped and it was deliberate omission on the part of the drafting committee. The Chairman Dr. Ambedkar, justified this deletion by saying that the addition of the word Federation was not done after the ratification of the States.

Article 2 and 3 of the Constitution, give the power to the Parliament to redraw the political map of India; to create and abolish the states, change the boundaries of the States or even change their names and this can be achieved by simple legislation by way of simple majority in the Parliament and the Constitution only provides for consultation by the Centre of the concerned State. For eg – when Andhra Pradesh was divided recently into Telangana, Andhra Pradesh Assembly had passed a resolution opposing the step irrespective of that the Central Government went on with the separation. So, what the provision provides is consultation of the State Assemblies and not concurrence and the President can only prescribe a time frame within which the State Assembly has to take a call on the proposal of separation of the State or to merge 2 or more State. Also are the examples of Uttarakhand, Jharkhand and Chattisgarh. In 2007 also, the name of Uttranchal was changed to Uttarakhand. And this was achieved without amending the Constitution. So, the Central government has upper hand so far as the creation or abolition of the States concerned.

Constitutional provisions and Bias for the Centre, Federal powers and constitutional constraints

The Constitution of India has established a Single and Uniform Citizenship for the whole of the country. In a federal State like the United States of America there is dual citizenship where a citizen firstly owes allegiance to the States and secondly to the union. But in case of India though it is a Federal State there is single citizenship. It implies that all Indian citizens owe allegiance to the Indian Union. Any citizen, irrespective of his birth or residence, is entitled to enjoy civil and political rights throughout India in all States and Union Territories. The Indian Constitution does not recognize State citizenship and as such there is no distinction between the citizens of two or more States, the only exception being the State of Jammu and Kashmir. No one other than a permanent resident of Kashmir can acquire landed property in Kashmir; but it is a purely temporary provision to be abolished when Kashmir is fully integrated to

In India we have Unified Judiciary with the Supreme Court at the apex as opposed to the federal system having a dual system of courts. The Supreme Court occupies the highest place in our unitary judicial system. Attempt has been made, as far as possible, to ensure its independence and achieve the goal of ensuring justice. By virtue of its place at the apex of the judicial pyramid, the Supreme Court acts as a great unifying force. We have seen that its decisions and verdicts are binding on any court in India. As a result, there is a good possibility of integration, consistency and cohesion in the entire judicial system of the country.

Appointment on Key Positions such as the Chief Election Commissioner, the Comptroller and Auditor General are made by the Union Government and All India Services such as IAS and IPS have been created which are kept under the control of the Union.

Representation in the Legislature, which is equal in case of a true federation such as United States, is not applicable in case of Indian States. States in India have unequal representation in the Rajya Sabha. Representation of States in Rajya Sabha is not equal. According to Schedule 4, the representation of the States ranges from 2 to 31. The largest representation is that of UP i.e. 31 whereas many North-Eastern States have only one representation. The members of the Rajya Sabha are elected by the provincial/State legislatures. Even the value of the vote casted by the members in the Presidential Elections changes from State to State and is based on the population. The representation of the States in Rajya Sabha is not equal and depends from State to State, regulated by the Centre which is basically a unitary feature.

Entry IIA in List 1 inserted by the 42nd Amendment, 1976 calls for deployment of the armed forces of the Union in the aid of the civil powers of the State. Under the Armed Forces Special Powers Act (AFSPA) which is currently active in the states of Manipur and Jammu and Kashmir, when the Centre declares a specified area as a 'disturbed area', then martial law can be declared in that area, so the members of the armed forces of the Union can be deployed in aid of the civil power without the consent of the State. The Armed forces can fire upon and use force even to the extent of causing death, if there is a breach of prohibitory order. The actions of the armed forces of the Union are completely indemnified i.e. no suit or criminal proceeding can be filed against the armed forces without the prior sanction of the Central Government. For example, in the aftermath of the infamous Manorama Rape Case by the Assam Rifles, the elderly women of Assam had staged a naked march in front of the headquarters of the Assam Rifles and they were holding placards saying 'Indian Army Rape Us'. This is an example how the power can be misused in the name of welfare.