CHAPTER-II

FEDERALISM: A THEORETICAL DIMENSION

In the contemporary world, federalism as a political idea has become increasingly important as a way of peacefully reconciling unity and diversity within a political system. The increasing importance of the federal idea is discernible in the 21st century, in spite of the observation of some critics like Harold J. Laski that, "the epoch of federalism is over". Even K.C.Wheare in 1945 conceded that under pressure of war and economic crises the trend in existing federations was towards a concentration of central powers sufficient in some cases to threaten the federal principle. But in 1953, Max Beloff noticed that federalism was enjoying "a widespread popularity such as it had never known before". The Nineteenth Century was characterized by the spread of liberalism and the twentieth century by the spread of Democracy. Whereas the 21st century belongs to Federal-Liberal democracy. A look at the constitutions enacted and adopted since the end of world war-II would show how federalism has been taken to as a means of political unity among the new nations in Europe, South America, Asia and Africa.

Federalism is a dynamic theory of nation and state building. It is primarily a theory about institutionalized political co-operation and collective co-existence. In other word's, federalism is a grand design of 'living together' in the matrix arrangement of what Daniel Elazar conceptually terms as 'self-rule' plus 'shared rule'. This is so due to the modern scientific discoveries and inventions and the consequential modifications in economic and social relationships. The
state, which was once conceived as monistic is now the biggest aggregate of an organized political society consisting of a variety of association through which a citizen is enabled to live his full life. Man is a progressive being, who is acquiring more and more knowledge and applying it to lead his life in the family, village and town, state and world. This very nature implies man's sociability to create variety of groups or association with the state to satisfy his diverse desires. This creation became acute problem when he proceeded to determine the inter-relationship of these associations, economic, cultural, religious etc. and after examining one can agree with Laski that “The structure of social organization must be federal if it is to be adequate. Its pattern involves, not myself and the state, but all these and their inter-relationships. For when I respond to the demand of the state, their grows up between us a process which alters both response and demand. That process is compounded not merely from my state-context, but from the total environment in which I find myself”. 5

Thus by seeing the growing popularity of federalism in recent years as a model of political organization, the survival of the older federations through the challenges posed by changing circumstances, economic crisis, and global wars, and the launching of functional federalism provide a strong justification to re-examine and analyze the various approaches to the definition of federalism, and analysis of the federal political system.

CONCEPT OF FEDERALISM

Federalism is frequently spoken of as an American invention. And this may be a correct statement if the particular kind of union
created in 1787 is taken as the archetype of federalism. Nowhere before had so close union been combined with so much freedom of the component parts. At the dawn of history the usual method of making big government was conquest, the method of forming a league or alliance, of tribes or other local units was occasionally used. When the organs of the league had more than military duties and among primitives they often had religious duties as well it is not unreasonable to describe them as federations, or confederacies. In the late 19th century, after modern federalism had become a well-established political form, historians have been to look back on these primitive leagues. The range of past and present governments are commonly referred to as federalism, some are centralized dictatorships and others are loose alliances with barely any central institutions at all (e.g. the old Swiss Confederations before 1878) some are successful governments that have survived the test of territorial civil war (e.g. the United States), while others are fragile constructs that have fallen apart almost as soon as they were born (e.g. the British West Indian Federation). With such a wide range of governments described with one word, it becomes very difficult to define the word in scientifically useful way.

Bible is regarded as the first book to discuss the problems of a federal polity. Ancient Israel is considered as the first example of a union of constituent polities based on a sense of common religio-nationality. It was described as a linkage of people and institutions by mutual consent without the sacrifice of their individual identities. It aimed at evolving a society based on co-ordinate rather than subordinate principle. Politically, it stood in favour of a political order
operating on the principle of bargaining and negotiated co-ordination among several power centers as a prelude to the exercise of power within a single political system. Even Ancient Greece may be considered as the earliest example of federal institutions. City-states in Greece enjoyed direct form of democracy where each citizen was entitled to vote and exercise power over legislation and general administration. These City-states were autonomous within themselves and they were free from any encroachment of external superior authority. But these city-states came together for the purpose of self-defense (i.e. the fear of foreign domination). It was only when their freedom was threatened that these city-states formed unions with varying degrees of cohesion. But these unions dissolved as soon as the fear of foreign aggression was gone but were formed when the fear again appeared. They were united by sense of common need or crisis but failed to inculcate a sense of nationhood on some permanent temporal basis.

Even Big empires... Persian, Roman, Magadhan, Mauryan, Gupta etc flourished from time to time which allowed cultural identity to their sub-units but could not evolve them into a form of strong and permanent federation. They lagged far behind and required political development reaching the milestones of sovereignty and nationalism.

When we come to the question of federalism in the medieval political organizations, it was essentially immutable contractual relationship that linked various contracting parties while guaranteeing their rights. Actually these federations were leagues and confederations, which were united through a perpetual covenant.
binding under prevalent international law. The constituent states delegated some specific powers to a common government retaining full rights including the right to come out of those collectivities. Though we could find some federal principles in multiple monarchies, legislative unions, empires, and decentralized unitary systems, but they could not be regarded as genuine or authentic federation. It was because these federations could not evolve a mechanism to maintain the terms of their political contracts and this loose organization led to decay. The Swiss Confederation is the only exception because it survived till its reconstitution on modern lines in 1848.

Modern federalism came into existence with the rise of the principles of sovereignty and nationalism. The first modern federalism appeared at the age of Nationalism. Jean Bodin analyzed the possibilities of federation in the light of sovereignty, where again was the formal or legal expression of the principle of nationalism. In fact the allocation of powers between the union and its units is directly related with the evolution and growth of nationalism in a polity. A federation can allow greater autonomy to its units if there is greater amount of nationalism. Greater amount of nationalism permits greater amount of autonomy to its units.

In 1603, Johannes Althusius was the first to perceive that federalism was really concerned with the problems of national unity. He is regarded as the real father of modern federal theory. He connected it with popular sovereignty and distinguished federalism from leagues, multiple monarchies and confederations. But he could not develop a full-fledged theory of federalism because he favoured
hierarchical principles and put emphasis on the corporate organization of society. In the sixteenth and seventeenth centuries, the rise of the nation-state provided federal solutions to the problems of national unification. According to Elazar it founded on three problems:

1. The conciliation of feudally rooted hierarchies with a system demanding fundamental social equality in order to facilitate the sharing of power.

2. The reconciliation of local autonomy with national unity in an era of political upheaval that required most nations to maintain a state of constant mobilization basically incompatible with the toleration of local differences.

3. The problems of executive leadership and succession which was not solved until the United States invented the elective presidency.\textsuperscript{6}

In the 18\textsuperscript{th} century, Modern imperialism also contributed to federalism. This can be found in the writings of pre-revolutionary theorists like Montesquieu and Adam Smith. Based on imperialistic design, Britain created popular assemblies in her colonies of North America. The American during the course of their struggle for independence translated those ideas of semi-federal institutions into a working system of government. When they were free from ramshackle of European feudal societies, they continued to strengthen their federal system, facing one after another-major events and in the end, successfully provided a model of federalism to many polities throughout the world. The Americans had all other social, political,
cultural and economic diversities, along with emerging tide of unity and cohesion, which all contributed towards the success of an effective federal system. The founders of United States of America transformed and organized the principles of federalism into a practical system of government. They were able to do so because, being a post-feudal society, they could develop themselves as a nation without the disadvantages that beset earlier federal systems.

In this connection Elazar rightly observes: "The successful operation of federal systems require a particular kind of political environment, one which is conducive to popular government and has the strong traditions of political co-operation and self-restraint that are needed to maintain a system which minimizes the use of coercion. Beyond the level of tradition, federal systems operate best in societies with sufficient homogeneity of fundamental interests or consensus to allow a great deal of latitude in political operations and to place primary reliance upon voluntary collaboration."7

Thus federation began with the rising sense of common nationality, some emergent crisis, or underlying consensus among some autonomous states, and culminates in an irrevocable compact for making a federation. The terms of the compact and the division of powers of functions are made by the federating units as co-ordinate and co-equal bodies. Thus federation is an outcome of the will to live together by preserving internal autonomy.

**MEANING AND DEFINITION OF FEDERALISM**

An initial difficulty in any discussion of federalism is that the meaning of the word which has been confused by dramatic changes in
the institutions which it refers. Hence, before one can discuss the institutions of federalism, it is, therefore necessary to explain the word and reconcile its references. The word federalism has entered English language, via French, from Latin. 'Foederatus' means, "bound by treaty" deriving from 'Faedus (=treaty)' and 'fideral (=to trust)'. The term means a covenant or an agreement. In very broad sense, every intergovernmental alliance would be a federation, but in early medieval times, the words for a federation had a more restricted sense. They referred to that particular kind of alliance in which the allied governments create an additional government to act for them in atleast certain matters. With this term, the original sense of federalism can be expressed as a political organization with constituent and central governments.

The definition of federalism as given by several scholars may be accurate but is never complete. Many years ago, Franz Neumann asked rhetorically: "Have the terms, 'federalism', 'federal government' or 'federal state' definable meanings?" He points out that even a most superficial study of the various kinds of federal government fails to show any element common to all, except a juristic one. And, juristically a federation has been defined as a political organization with two levels of government-federal and state-each enjoying power and autonomy within its defined jurisdiction.

William Riker a profound scholar defined federalism as "a political organization in which the activities of government are divided between regional governments and a central government in such a way that each kind of government has some activities on which it
makes final decisions." He also defined saying that "the essential institutions of federalism are... a government of the federation and a set of governments of the member units in which both kinds of governments rule over the same territory and people and each kind has the authority to make some decisions independently of the other." This definition places all governments on a continuum with respect to centralization. At one extreme we can see fully centralized government in which all basic policy is made in the central government, although there may be some or a great deal of administrative decentralization. At the other extreme are alliances in which the central organ of the bureaucracy of the alliance cannot make any policy decisions without first consulting all the member governments.

K.C. Wheare has stated a definition as a test: "Does a system of government embody predominantly a division of powers between general and regional authorities each of which in its own sphere is co-ordinate with the others and independent of them? If so, that government is federal." The concept behind Wheare's definition is the notion of sovereignty and the necessity for full and formal juristic independence of levels of government. Furthermore, it leads to the understanding of federalism as a range of phenomena rather than as a single constitutional thing.

According to Herman Finer "a federal state is one in which part of the authority and power is vested in the local areas while another part is vested in a central institution." Sometimes the state is split up into two or more units with the definite object of forming a federal union among them. This was seen in the case of Canada in the year
1867 when the union of Canada was split up into two provinces (the Quebec and the province of Ontario) and the British North America Act was Passed establishing a federal government in that colony.

According to Prof. A.V. Dicey, "Federalism means the distribution of the force of the state among a number of o-ordinate bodies each originating in and controlled by the Constitution."\(^{11}\) This definition explains that under a federal form of government the central government co-exists with the various governments of the states that compose the federation. Federalism presumes loss of a part of sovereignty by the state governments individually. The state governments are given or they retain certain spheres of administration as stated in the constitution.

According to Elazar, "the word 'federalize' is used to describe the unification of 'sovereign' states into a federal polity and also the permanent devolution of authority and power within a nation to sub national governments, in this ambiguity lies the essence of federal principle the perpetuation of both union and non-centralization."\(^{12}\) In a federal government, power is diffused vertically and laterally, functions in co-operation with the constituent polities. It is a system of government which tends to strike a balance between regional and the nationalistic forces, aiming at accommodating the twin principles of unity and diversity- a compromise between centripetal and centrifugal forces of a political society.

According to Nathan, "Federation is an aggregate of smaller states which while retaining each its separate identity are united together for common purpose in a nation which theoretically atleast is indissoluble."\(^{13}\)
According to Birch, "A federal system of government is one in which there is a division of powers between one general and several regional authorities each of which, in its own sphere is co-ordinate bodies each originating in and controlled by the constitution."14

J.W. Garner says in political science and Government (1955): "Federal government as distinguished from unitary government is a system in which the totality of governmental powers is divided and distributed by the national constitution or the organic act of parliament creating it, between a central government and the governments of the individual states or other territorial subdivisions of which the federation is composed."15

Thus the federating states enter into a compact and create a bigger state, replacing the older smaller states by re-designating them as sub-states, states, cantons, constituent units, provinces, etc. the instruments by which their relations are governed, forms the "fundamental law" or 'basic structure'. Thus by federal constitution we mean that the constitution by which "one important part of government is discharged by a number of different authorities belonging each to one district or province of the country, and another part of the government is discharged by a single authority distinct from all others and belonging to the whole country."

ESSENTIAL CHARACTERISTICS OF FEDERALISM

Federalism is a set of institution erected to serve a particular type of social, political and economic situation. The phenomenon that is created is not static but dynamic. It goes through a process of evolution and change because a complex of psychological, social,
political and economic factors which necessitate federalism may require one type of instrumentality at one time another type at some other time. It is possible to identify basic features of a federal constitution but there is no single model. The constitutions of federal unions are a spectrum: the responsibilities of the different levels of government vary; the nature of their institutions differs; they do not all represent the member states the same way; they have different powers of taxation; some are presidential, others parliamentary; some are much decentralized; some are increasingly centralized. Federal constitutions also evolve with use: some federal unions retain strong decentralized features (Switzerland), others become increasingly decentralized (Belgium), and others become more centralized (U.S.A).

The constitution of a federal polity determines:

1. The number and nature of the constitutional units, and the orders and tiers of government
2. The scope of autonomy for constitutional units and their territorial integrity, if any;
3. The role that the constitutional units are to play in the national government;
4. The competences, powers and responsibilities of various orders and tiers of government and the scope and place of concurrent and residual powers;
5. The mechanisms and the role of institutions for resolving conflicts between the orders/tiers of government, besides providing rules for inter-governmental and inter-jurisdictional relations;
6. The role of a supreme court as an umpire in intergovernmental relations; and

7. The process of constitutional amendment so as to establish a balance between constitutional stability and constitutional adaptability.

There are certain necessary conditions for the creation of a federal system (Karl Deutsch): 16

1. Mutual compatibility of main values;

2. A distinctive way of life;

3. Expectations of stronger economic ties or grains;

4. A marked increase in political and administrative capabilities of at least some participating units;

5. Superior economic growth on the part of at least some participating units;

6. Unbroken links of social communications, both geographically between territories and sociologically between different social strata;

7. A broadening of the political elite;

8. Mobility of persons at least among the politically relevant strata;

9. A multiplicity of ranges of communications and transactions;

10. Some previous political association and similarity of political institutions.
At present 25 federal countries in the world encompass some 2 billion people, or nearly 40 percent of the world population. Federal systems have been adopted by (i) aggregating independent states to a union, that is, from confederation to federation [Examples: the USA, Canada, Switzerland], or (ii) devolution from unitary to federal system [Examples: Belgium, Brazil, Mexico, Spain, South Africa] or (iii) constitutional declaration that the system would be a 'union of states' in which, for legislative and administrative functions, there would be a central government and separate governments for constituents units (states) [Examples: India, Nigeria, Ethiopia, Sri Lanka]. A close study of the constitutions and actual working of all federations show that there are certain points common to all of them. Let us discuss one by one.

1. Supremacy of the Constitution:

The constitutions whether Unitary or federal, are legally supreme. But in a federation the constitution occupies a place of peculiar importance. As already said, a federal constitution is an agreement between a number of states that combine together to establish over themselves a new government to which they mutually agree and of their free will, assign a certain part of their authority. Thus the federal constitution comes into being by this deliberate resignation of some of their powers by the component states, contain the terms and the conditions of the contract between those states on the one hand and the newly established central government on the other. When the federation is established, each government, whether state or central, exercises its authority just in accordance with the
provisions contained in the constitution and is not supposed to go against any of its provisions. If there is no limit to its powers, both neither the central government nor the state governments can understand the extent of its own authority or that of the other; and therefore, there can be no security to any of them. It is clear that in unitary constitution, there is no peculiar agreement or delimitation of powers of government or the existence of several governments. Therefore the constitution of a federal state becomes peculiarly important as contradistinguished from a unitary government. Thus the constitution is the supreme law of the land and the laws passed by the union or the state governments must confirm to the constitution.

2. **Written Document:**

When Constitution is supreme and its provisions a contract between combining states, it becomes necessary to be clearly defined. That is, it should be a written document, because when a federation is formed the several federating states have to decide upon the terms on which they are prepared to federate. This is a very complicated contract affecting every sphere of their absolute independence and so it becomes necessary to draw the terms in clear. Definite words have to be reduced to writing if future interpretations are to be clear and misunderstandings are to be avoided. Since the basis of a federation is a voluntary agreement, a written constitution is a notable feature of federal system. There are different political identities, with different customs and political institutions, covering a large population and territory, an unwritten constitution is therefore, not practical for
a federation because the former is based on shared history, values and customs. Moreover, a federation does not exist on its own but is the result of an agreement between different constituent units and, therefore, a written constitution is a necessary variable. It is legal mechanism for integrating diverse units. An attempt should be made to solve the problems that are likely to arise in the remote future. All the modern federations like the USA, Australia, Switzerland and Canada have hammered their constitutions and they are written in nature.

3. Rigid Constitution:

Another, feature of the supremacy of a federal constitution is its peculiar rigidity. No doubt all written constitutions are more or less rigid, but the rigidity of a federal constitution is an inherent feature of its character and cannot be avoided as may be done in the case of a unitary state. The constitution of a federation should be rigid, specially the part concerning the federal structure, so that the centre does not change the list of subjects to suit itself. 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. Neither the central government nor the state governments should be given the sole power to amend the constitution. It is for this reason that in a federation amendment of the constitution is rigid.

In India the constitution prescribes three different methods for amending the different provisions of the constitution. In the first category it can be amended by a majority of the total membership in each house and by a majority of not less than two-thirds of the
members present and voting in each house of parliament. In the second category it requires a majority of the total membership in each house and majority not less than 2/3 of the members present and voting in each house of parliament.

In case of America, the congress will propose the amendment bill and 2/3 majority in the congress should pass it and it should be ratified by three quarters of the state. Sometimes the state will initiate the amendment, to the Constitution. For this 2/3 of the states should apply for amendment. Then the congress will summon a convention to make proposals for amendment and lastly it should be approved by the three quarters of the states.

In Switzerland, if both the houses of the federal legislature agree by passing resolution to revise the constitution either wholly or partially they may draft the proposed new constitution or a particular amendment and submit it to a referendum of the people and the cantons. If it is approved by the majority of the citizens voting at referendum and majority of the cantons, then the revision is adopted.

4. Co-existence of Two-Governments:

Another special feature of a federal state is the co-existence of two governments, the central or national or federal government and the state or provincial government. Federating states agree to set up the central government for the exercise of certain specific powers without losing their own individual existence. After the establishment of a federation the central government work within the sphere of authority allotted to it, just as the state governments work within the spheres allotted to them. For ex: India-State, USA-State, Switzerland-cantons, and Canada-province.
5. Division of Powers:

As already said, federalism is the co-existence of two governments, each with its own specified sphere of administration. This necessarily involves the distribution of powers between these two governments—the central or federal government and the state government. This division of power is, indeed, the very essential condition of a federal government whose formation is based upon this and this principle alone. If any one of these governments is entirely vested with all the political authority there is at once established a unitary form of government and the necessity of a federal government is ruled out.

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. Indian constitution provides for three lists—union, state and concurrent—distributing powers. The union list consisted of 97% subjects, the more important of which are defence, foreign affairs, railways, posts and telegraphs, currency and so on. The state list consist of 66 subjects including, inter-alia, public order, police, administration of justice, public health, education, agriculture and so on. The concurrent list embraced 47 subjects including criminal law, marriage, divorce bankruptcy, trade unions, electricity, economic and social planning and so on. The union government enjoys exclusive power to legislative on the subjects mentioned in the union list, the state governments, have authority to legislate on the subjects of state list under normal circumstances. And
In U.S.A., the governmental powers are divided between the centre and the state by means of a written constitution. In U.S.A the enumerated powers are exercised by the central government, but the residuary powers are left to the state governments unlike in India. Whenever there is a conflict between centre and the states, it will be decided by the Supreme Court whose decision is final.

Canada was the second country to adopt the federal system. In 1867, the British Parliament passed the North America Act, and the dominion of Canada was born. Canada did not follow the American example regarding the distribution of powers. In the Canadian Constitution there is a list of enumerated subjects assigned to the exclusive jurisdiction of province (federal units); over the remaining subjects the dominion government is to exercise control. Thus the residuary powers in Canada are with the centre.

In Australia residuary powers are with the units. According to the constitution, the centre is given very wide powers, and the residuary powers are with the units and these units have no right to secede.

6. Independent Judiciary

For a federation it is essential that the judiciary should be impartial and independent. A Federal Court is indispensable to a federation. It acts as the guardian of the Constitution. This principle
has been playing an important and key role in the working of federal
government. The judiciary has occupied a very important status in
federal countries like the United States, Switzerland, Australia, and
Canada. And in India, the Constitution has provided for a Supreme
Court and every effort has been made to see that the judiciary is
independent and supreme. The Supreme Court of India can declare a
law as unconstitutional or ultra vires, 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 Parliament. The Constitution divides the
powers between central and state governments, no doubt the conflict
between the central and state governments is bound to arise
frequently if the centre encroaches on the state subjects, then it is a
violation of the constitution. And in some times the centre may curb
the powers given to the states and impose some restrictions on the
states. In that case the Supreme Court decides the validity of such
acts of a federal government.

Most of the federal governments in the modern world have given
more prominence to judiciary and in these federations the doctrine of
judicial review has been playing a dominant role. Especially, in the
United States the judicial review occupies an important place. In the
U.S. if the federal and the state legislatures pass on act beyond their
jurisdiction, then the Supreme Court will declare the act as
unconstitutional or ultravires.

In Switzerland the federal tribunal is not competent to declare a
federal law unconstitutional, but it can only declare cantonal law
unconstitutional. Thus the court is not the guardian of the
constitution, as its power of judicial review is only concerning cantonal legislatures.

7. 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. Many of the modern federations have adopted this principle of bicameralism. America Canada, Australia, Switzerland, Russia including India has adopted the bicameral system. Dr. Herman Finer observes "legislatures are bicameral for two broad and different reasons; as a part of federalism and as the result of a desire to check the popular principle in the constitution."17 Under this principle, the constituent states are represented in the upper chamber of the legislatures. The different federations have been following a different method of representation in the Upper Chambers.

In America, senate is the second chamber. The American Senate is the most powerful second chamber in the world. In America there are fifty state and each state sends two members to the senate. Therefore, there is an equal representation to all the states in the American senate. This is a democratic body and the members are directly elected. In America, this principle has been working most successfully, under here federal structure.

The constitution of India provides for a bicameral legislature at the center consisting of Lok Sabha and Rajya Sabha. While the Lok Sabha consist of the elected representatives of people, the Rajya Sabha mainly consists of representatives elected by the state legislative assemblies. It represents the states on the basis of
population. The state legislative assemblies elect the 238 members on the principle of proportional representation with single transferable vote. The president of India nominates the 12 members. Thus unlike the American senates, election to Rajya Sabha is indirect. Thus all the states have not been given equal representation in the Rajya Sabha. In fact some political scientists have said that it is against the federal principle.

Thus, we can say that, so far as the meaning of federalism is concerned federalism is a modern conception. The theory and practice of this government is older than American federation that came into existence in the year 1787. The federal idea is very old concept, which has been applied and practiced only during the last two centuries. This is the result of historical evolution.

**FACTORS TO THE GROWTH OF FEDERALISM**

Different countries in different ages of history, adopted federal forms of government for different reasons. As a solution to the problems raised in these countries necessitated for the application of federalism and this was the outcome of their environmental factors and circumstances. These factors, which enabled federal policy to take root in it, were all of its own and were not necessarily common to any other country. There are various factors, which contributed to the growth of federalism, and it is clear that there is no particular set of circumstances, alone which helps the growth of federalism. Keeping this point in view let us discuss the motives and factors that have either helped in its formation i.e. contributed to the growth of federalism.
1. Geographical Factor:

As we know that the essence of federalism is a close cooperation or union between political states. The first thing, which helps union or contributes to the growth of sympathies between political states, is neighborhood. From the most ancient times right upto the present day political union of a federal character has been successful only between states whose boundaries touch each other. In ancient Greece we find only those city-states forming unions which lay close to each other. During the Middle Ages the Hanseatic League was formed between cities, which were widely apart. But distance, later led to the loosening of the bonds of union and ultimately to the breaking up of the league. Even in 1867, influence of neighborhood enabled the British Colonies in North America to federate together. Despite several disintegrating factors, it is their contiguity, which has kept the several Cantons of Switzerland together as one nation. The fathers of Australian Commonwealth had longed for the inclusion of New Zealand in the Australian federation, but the sea more than counterbalanced the aggregating tendencies and their pious hopes have not been fulfilled even upto the present day. And for the same reasons Newfoundland did not join the dominion of Canada till 1950. The idea of establishing federal union between the various members of the so called commonwealth of British nations has not gone beyond the sphere of academic discussions mainly, among other reasons, on account of the long distances that separate these nations. The ocean has proved too formidable to allow federal ties to grow stronger, although other aggregating tendencies favour a federal union. Even, the various provinces of South Africa united in 1900 as the
geographical contiguity of the country proved more powerful than racial animosities and other strife's.

On 15th August 1947, the five hundred and odd Indian states became sovereign under the terms of the Indian independence act of July 1947. Their relationship with the British Crown, which was the paramount power ceased, as the treaties, sanads, and engagements, which determined those relationships, came to an end. The rulers of the states assumed full sovereignties, and became free to determine either to accede to or federate with either Pakistan or India or to remain independent. Within a very short period the rulers decided to join the neighbouring dominion and gave proof of neighbourhood being the most important motive in forming political unions.

Hamilton in his book 'the Federalist' had expressed regarding the United States of America. He said, "it has often given me pleasure to observe, that independent America was not composed of detached and distant territories, but one connected, fertile wide-spreading country was the portion of our western sons of liberty. Providence has in a particular manner blessed it with a variety of soils and productions, and watered it with innumerable streams, for the delight and accommodations of its inhabitants. A succession of navigable waters forms a kind of chain round its borders, as if to bind it together; while the noblest rivers in the world, running at convenient distances present them with highways for the easy communication of friendly aids, and the mutual transportation and exchange of their various commodities."\(^18\)

Therefore, the physical neighbourhood and contiguity of the country have always been the most important, even an essential factor in the formation of federations.
2. Defence Factor:

The geographical contiguity of the country alone is not an essential factor in the formation of federations, but it is also dictated by several other factors among which the problem of defence occupies a very prominent place. Australian colonies were under their separate independent governments and did not think of closer union, but federal union was necessitated when the menace of foreign powers threatened the peace of the pacific. Viscount Bryce remarks: “however, after 1883 the general scramble among the great European powers for unoccupied territories all over the world began, when it extended to the western pacific, to bring external affairs to the minds of the Australians who felt that their interest in the islands, especially New Guinea and the New Hebrides, which lie north and north-east of them, could be more effectively pressed if the whole people spoke through one authority. This helped to revive the project, often previously discussed, of creating a federation of all the Australian colonies, a scheme naturally indicated by commercial and fiscal consideration but retarded by the jealous care with which each community sought to guard its local independence.”¹⁹ The federal council established in 1885 was the first attempt to unite but the council did not possess the powers to raise a national army for the defence of the whole continent island. The report of Major General Bevan’s in 1889 emphasized the need of a closer union between the colonies for purpose of their common defence.

Even the Lombard league and to some extent the Hanseatic League were the result of need of common defence. Even the Swiss
Cantons would have remained under their separate governments if the aggressive designs of the Hapsburg had not goaded them into uniting, particularly for self-defence.

Even Jay speaking about the importance of self-defence against the imperialistic attitude of European nations in the United States of America, he said: “If they see that our national government is efficient and well administered, our trade prudently regulated, our militia properly organized and disciplined, our resources and finances discreetly managed, our credit re-established, our people free, contended and united, they will be much more disposed to cultivate our friendship than provoke our resentment. If on the other hand, they find us either destitute of an effectual government (each state doing right or wrong as to its rulers may seem convenient), or split into three or four independent and probably discordant republics or confederacies, one inclining to Britain, another to France and a third to Spain, and perhaps played off against each other by the three, what a poor, pitiful figure will America make in their eyes. How liable would she become not only to their contempt, but to their outrage; and how soon would dear bought experience proclaim that when a people or family so divide, it never fails to be against themselves”

It was the motive of common defence against the rising a menacing tide of Nazi conquering hordes which had prompted Winston Churchill’s government, to propose to the French government, a federal union between England and France.

In ancient days the members of the Achaean league and Amphictyonic league had kept closer together for defending
themselves against the attacks of their adversaries. The confederacy of the Netherlands was formed with the primary object of opposing the attacks of the Spanish king on their liberties.

Thus the presence of common danger showed the need of common defensive measure, which effectively influenced the moulding of the character of political societies and directly helped the cause of federalism.

3. Economic Factor:

The temptation of material gains has also effected the union between different political groups by keeping them closer together. The member-towns of the Hanseatic League formed themselves into a union for commercial purposes, to monopolize the trade of the North Sea and the Baltic Sea. In this case commercial gain was the chief unifying factor. But due to the formation of East India Company and the spread of Protestantism, reduced the demand for dry herring and their trade suffered and this contributed to the breaking up of the league. The advantages of common tariff, internal trade, fisheries and foreign trade went a great way in federating the states of America in 1787. Hamilton, discussing the commercial advantages of union wrote: "there are rights of great moment to the trade of America which are rights of the Union -I allude to the fisheries, to the navigation of the western lakes, and to that of the Mississippi. The dissolution of the confederacy would give room for delicate questions concerning the future existence of these rights; which the interest of more powerful partners would hardly fail to solve to our disadvantage."21 Discussing the advantages of union he says: "the veins of commerce in every part
will be replenished and will acquire additional motion and vigour from a free circulation of the commodities of every part. Commercial enterprise will have much greater scope from the diversity in the production of different states."

In Canada too, New Brunswick, Nova Scotia and Prince Edward Island joined the Dominion of Canada due to their Commerce in the creation of greater and better communications, railways and lakes, seaports and mercantile marine. The union of upper and Lower Canada opened the prospects of better arrangement of customs and tariffs.

When the fathers of the Australian commonwealth were putting their heads together for evolving a constitution to unite the independent colonies, economic factors played an important part in determining the views of the public. In fact the first referendum taken in New South Wales did not favour a federal union because the people of that colony were afraid that the union might result in the adoption of protection. Though these views ultimately proved erroneous, it delayed the formation of the Australian federation; because at that time the two commercial principles-protection and Free trade were being intensively espoused, by their respective followers who saw in the union some imaginary dangers. But, it was the commercial gain which, was held out as an olive branch to catch the necessary number of votes to create demand for federation.

When the different colonies of South Africa were to unite, the two questions that were in the front were railways and seaports, the possession of which was considered to be a question of life and death
to the colonies as affecting their future prosperity. "The Transvaal, with its large industrial centre in Johannesburg, and without any great for customs and revenue, had wished to revise the tariff in the direction of free trade, while the coast colonies, believing that, if manufacturers were protected, they would spring up, not in the interior, but at the coast, owing to the lower cost of living and lower wages there, were in favour of higher protection, particularly as that policy coincided with their desire for more revenue. On the other hand, a union of any kind was endangered by the very strong desire of the agricultural population of the Transvaal for protection against the farmers of the cape colony. Transvaal farmers regarded the market of Johannesburg as peculiarly their own preserve, and were clamorous for protection against the successful competition from the cape." But the economic gain that was to come to them as a result of the union ultimately dismissed all other objections and effected the union.

Before the union was formed, Indian states had heir own economic policies, some of them even their own coinage and currency; all this created not a little cause of trouble between them on the one hand and India on the other. But since their integration, one uniform economic policy has replaced the confusion.

It requires no great stretch of imagination to perceive that a federation opens a wider field, a bigger market and greater commercial facilities to all the members. Just as different individuals and traders combine to float trading companies to reap the resulting commercial advantage of united efforts, similarly political groups or states come closer together for expanding their commerce and thus adding to their prosperity. It is easy to understand the manifold difficulties, which the
traders have to meet when they come across diversities in weights, measures, and coinage in traversing different countries or different parts of the same country. When these diversities are removed and uniformity established, merchants find conveniences, which are powerful incentives to union between those states. These principles, which concern economic life of nations, have largely contributed to the growth of federalism.

4. Political Motives:

It is correct to say that the bigger state by its population, larger area and wider resourcefulness commands the smaller state. Therefore in all international matters the views of big state prevail. Regarding this aspect Jay an American political scientist warned his countrymen against the dangers of dividing the confederacy into smaller independent states or into two or more confederacies; he wrote in 'The Federalist': "one government can collect and avail itself of the talents and experience of the ablest men, in whatever part of the union they may be found. It can move on uniform principles of policy. It can harmonise, assimilate and protect to solve the several parts and members, and extend the benefit of its foresight and precautions to each. In the formation of treaties, it will regard the interest of the whole, and the particular interests of the parts as connected with that of the whole. It can apply the resources and power of the whole to the defence of any particular part, and that more easily and expeditiously than state governments or separate confederacies can possibly do, for want of concert and unity of system." He also remarked: "Leave America divided into thirteen or, if you please, into three or four independent governments what armies could they raise or pay what
fleets could they ever hope to have? If one was attacked, would the others fly to its succor, and spend their blood and money in its defence? Would there be no danger of their flattered into neutrality by its specious promises, or seduced by a too great fondness for peace to decline hazarding their tranquility and present safety for the sake of neighbours, of whom perhaps they have been jealous, and whose importance they are content to see diminished. Although such conduct would not be wise, it would, nevertheless, be natural. The history of the states of Greece and of other countries abounds with such instances and it is not improbable that what has so often happened would, under similar circumstances, happen again.\textsuperscript{25} His views were not ephemeral they are of permanent importance and application by their nature.

The same view prevailed with the people of Switzerland about the year 1815 when the three races inhabiting that small country united to form a federation, and since then Switzerland has commanded a respectable position in all European politics.

Though in the League of Nations all the member-nations theoretically enjoyed equal status, the fact is that the British Empire due its largeness of size and extent always commanded greater respect in its counsels.

Ever since political history, this principle has been working. It was for this reason that t Bismarck had formed the German empire, Buest and Francis Deak had confederated Austria and Hungary, that the Australians had united together, that the South Africans had overcome the strong disruptive forces, and the efforts of them all had
resulted in the making of bigger and enjoying the privileges of being the citizens of big states that the people of these countries knowingly and purposely formed unions even by overcoming the enormous difficulties which lay in their path.

Similar principles guided the proceedings of the Assembly of Nova Scotia which in 1854, unanimously resolved that "the union or confederation of the British provinces, while calculated to perpetuate their connection with the parent state, will promote their advancement and prosperity, increase their strength and influence, and elevate their position,"26 and thus sowed the first seeds of the formation of the Dominion of Canada.

If in Europe, the several states had not formed the German Republic, they would not have individually occupied that important position which the republic had done after the war.

Sardar Vallabhai Patel accomplished the same principle in India within two years, 1947-49. Over five hundred states of varying sizes were integrated or formed the union of states, e.g., Saurashtra, Rajasthan, Madhya Bharat, Himachal Pradesh, Vindhya Pradesh, etc and brought the most rational solution to the most of complex problem as long as India remained under British Domination. And the moment the foreign rule withdrew from India, the rulers of these realized, what they had failed to realize even after the enactment of the government of India Act 1935 that the political future of the states as well as their dynasties lay in their political union with India. But where the British failed to implement the federal part of the Act of 1935, the iron man of India succeeded in winning over the Indian
princes to accept federation with India and thus laid the foundations of a strong political union.

5. Racial and Cultural Factors:

Ethnological ties naturally exercise very great influence on the life of individuals and also on the life of nations in uniting them. There are several factors which have to be investigated as how far each has helped or hindered the growth of federalism.

1) The Racial Factor:

In 1770's, the population of the 13 colonies of America contained a very large population of Anglo-Saxons though other European nations were also represented. The colonist resented the supremacy of the British Parliament because they could not tolerate the autocracy of the people who were their own kith and kin but who did not allow the colonist the same privileges of government as they themselves enjoyed on the other side of the Atlantic. Yet the war of independence left much of common feelings and sentiments between the two countries. If the racial similarities, in some measure, separated the colonies from the mother country, yet the same factor enabled the colonies to federate together in 1787, and to grow into the world's richest country and one of the most powerful nations.

Sir Henry Parkes while conducting his campaign in favour of the Australian federation, he had appealed to the racial sentiments of the people. His words 'the crimson thread of kingship runs through us all' touched the hearts of the people and thus the movement for federation increased in volume and importance.
The most important point to be noted by us is not the similarity but the dissimilarity of races, which has necessitated a federal union. The history of federalism makes it abundantly clear that racial dissimilarity, in the presence of other common interests, has been found not impeding but accelerating the cause of federalism. Lord Durham, author of federalist found the French and the English warring against each other in Canada. He wrote: "at the root of the disorders of Lower Canada lies the conflict of the two races, which compose its population; until this is settled, no good government is possible." The two races had separate schools, separate clubs and societies and the members of the two never even dined at the same table. Even the juries were perverted in dealing with the cases of criminals and their verdict always went in favour of the accused, if he belonged to their own race. Totally, their mutual animosities and jealousies had made smooth administration impossible. The ultimate solution was found in the application of federal principle. And thus the act of 1867 created the Dominion of Canada has proved successful.

When we come to the history of Switzerland, here three races have successfully withstood all tests of national existence and the confederacy is now one strong nation in its administration as any other country, where only one race forms the whole population. Before the union was formed in South Africa, there were three distinct races struggling i.e., the English, the Dutch and the natives called 'kaffirs'. The war for supremacy between the two European races, to some extent, showed the necessity of forming a union with the result that a federal form of government was established.
One thing which has to be observed here is the problem of races in these countries could not have been solved, consistent with the ideal of keeping the country one united whole, except by the application of federal principle.

Another important aspect that ought to be discussed in racial question is the problem of native population, which confronts people only in colonized territories. The problem was not faced in Swiss, the Germans or any other people in Europe. But in U.S.A., the Indians and the imported Negroes were and are in quite large numbers, particularly in the southern states. But in Australia the native population is dwindling before the civilizing influence of the white settlers and 'Australia for the whites' has now become an accepted principle.

II) The Influence of Language and Literature:

In the formation of unions and federations, the diversity of languages vis-à-vis literature has offered greater difficulties than any other factors. The question of language acquires very great importance because it is only by understanding and appreciating the views of others that we can arrive at unity of purposes and these views are expressed by speech or in writing. It is not possible for the people to give up their language and literature. It is also not possible to force whole people into adopting an alien language as their own. Discussing the question of the language of a dependency being changed by the dominant country, Sir G.C.Lewis remarks: "But if it be inexpedient for the government to change suddenly the laws of a dependency, it is still more inexpedient for the government to attempt to make a sudden
change in its language...the great mass of mankind never acquire a language by study; they only know the language which they imbibe during infancy and childhood. It is no more possible for a government, by the expression of its will, and by offering rewards or threatening punishments, to change suddenly the language of its subjects, than to add a cubit to their stature or to give them a sixth sense."31

There are many complications, which the diversity of language introduces into political problem of communities. But most of these are solved by the application of federal principles. United States of America and Australia had no language difficulty to solve, but Canada, Switzerland and South Africa were considerably handicapped in their attempts to tide over the problem of multiplicity of languages. A unitary constitution with one legislature and one medium of speech was hardly suitable. And now, the only alternative was in the recognition of all the important languages and putting them all on one level as far as the administration was concerned.

According to the act of 1791 in Canada, the languages, English and French were in use in the legislature at Quebec.32 This practice created considerably administrative difficulty. Lord Dalhousie had expressed his views in a confidential dispatch, November 21, 1823, in which he wrote; “at present the use of two languages indiscriminately, in the legislature and in the court of justice, creates an extra-ordinary and absurd confusion, leads to immense additional labour and expense, and nourishes prejudice and separation of feelings between the two classes of the people."33 He clearly showed how this diversity in language and literature had checked the growth of mutual sympathies between the English and the French. Some persons held
that only English should be made to make it the lingua franca, but impracticable as their proposal did not materialize. Article XII of the act of 1840, allowed translations into French, and recognized English alone as the official language to be used in the debates and proceedings of the legislature of Canada. But lords Elgin got this article amended in 1848 and the French were allowed to use their own language. The British North America act of 1867 also finally recognized both the languages and settled the question once for all.

In Switzerland also there was the same difficulty of finding a common language, but it was overcome by the recognition of all the three languages as equal, thus respecting the susceptibilities of the three races. The canton where a particular language predominates conducts its administration through that language. This arrangement is possible only under a federal form of government.

Even in the Union of the Soviet Socialist Republic which is world's largest multinational state, there are about 100 millions of Russians out of a total population of 193 millions, 30 millions are Ukranians and the remaining 63 millions are shared by another one dozen important national groups, each claiming 5 millions and 160 smaller sub-nationalities, “with populations in hundreds in some, in tens and hundreds of thousands in other.” In all about 150 languages and dialects are spoken, and it becomes natural that in such a country inhabited by so many nationalities and races, there must be an equally diversified composition on linguistic and cultural basis. Each of the union republics has a distinct language constitutionally recognized as the official language. While, therefore Russian constitution recognizes sixteen languages as the official languages of
the U.S.S.R. in each of these union republics there is one chief official
language, besides the languages of the autonomous republics,
autonomous regions and national districts which are also officially
recognized and in which education is given to children of several
linguistic groups. Thus as in Switzerland and Canada, multiplicity of
language and literature has been one of the most important factors
that have promoted federalism in U.S.S.R.

When we come to the question of India, the federal principle was
applied to solve her constitutional problem because, among other
reasons, the people in different territories speak different languages. A
unitary system of government would have been unworkable in view of
the vastness of the country and its definite territories speaking
different languages with their own literature and culture. The
Government of India Act 1935 contained the federal plan (though it
was not put into full operation), but the Constitution of the Republic
of India while recognizing Hindi as a chief federal language, it also
recognized other languages as the official languages of the units. Thus
multiplicity of languages has played an important part in India's
adoption of federalism.

In Pakistan too the problem of linguistic diversity has become
acute, particularly on account of east Bengal insisting on the
recognition of Bengali as their provincial language. In Pakistan too the
various provinces have their own languages and for this reason,
among others, this new dominion of the Commonwealth of Nations
has to follow federal principles in drawing up its constitution in the
constituent assembly.
Thus, a country which has several languages as Canada, Switzerland, South Africa, the U.S.S.R., India and Pakistan as to apply federal principles to satisfy the tendencies of its different parts and territories.

**III) The Problem of Religion:**

In modern days religion has ceased to excite as much interest as it did in old days and modern history is free from the bloodshed of crusades and religious war. The problem of religion offers great difficulties in the unification of the various parts of a country and a unitary government seems unworkable.

In Canada there had been religious differences no doubt, but they had not accentuated political controversies. Lord Durham observed in his report: "it is a subject of very just congratulation that religious differences have hardly operated as an additional cause of dissension in Lower Canada; and that a degree of practical toleration, known in very few communities, has existed in this colony from the period of the conquest down to the present time."\(^{34}\)

But in Switzerland, the spread of Protestantism in the 16th century created religious differences of no small dimensions. The year 1531 saw the out-break of a civil war between the protestant cantons on one side and the catholic cantons on the other.\(^{35}\) In 1712 there was a second religious war. In the year 1845 the religious question reached its climax and an armed rising, which also sought to weaken the powers of the central government, and resulted in the defeat of the catholic party. But the subsequent changes and amendments in the constitution led to reconciling the Catholics who were opposed to the
liberal movement of the 19th century. Greater autonomy for the cantonal governments satisfied them and since then there has been no great religious trouble in that country.

Prior to 1946, in India the religious Schism, created by the Hindu-Muslim differences, was largely responsible for the Muslim demand for a weak federation with residuary powers to the provinces or units. The Muslim view was that the Muslims would not allow themselves to be dominated by the Hindu majority. Ultimately the partition of India was the result of the religious animosities. But the partition of the country into two sovereign states has not completely solved the original Hindu-Muslim problem; as even now Pakistan contains fifteen million Hindus and India contain forty-five million Muslims constituting their respective minorities, which have been the cause of ill-will between these neighbouring states. Religious schism led to the division of India in 1947.

Federalism can solve the religious problem successfully as it has solved many other problems, by recognizing the religious differences and granting a little more power to the provincial government or by some such device. But it must be remembered that this is applicable only in those countries where different parts and these parts are divisible into separate administrative units. Today all modern constitutions begin with the fundamental recognition of freedom of conscience and the state does not patronize any particular religion, for all constitution makers know that once the fire of religious animosities is let loose there is no end to it. Thus federalism is better able to effect religious reconciliation than a unitary government.
6. Colonial Policy:

The colonial policy of the dominant country has indirectly helped the growth of federalism in different colonies. A mother country always formed separate colonies even in the same country and treated them as separate units of administration. This resulted in the growing up of states lying near each other, semi-independent vis-à-vis the mother country, but independent of each other. And very often the treatment of these colonies by the mother country resulted in uniting them against herself. The thirteen colonies that lay scattered along the eastern coast of North America would not have set the first example of a truly federal union, if England's colonial policy, during the latter half of the 18th century, had been determined by the wiser counselors of George III. It was the encroachment upon their freedom from taxation by England that goaded the colonies into presenting a united front to the policy of English statesman, and latter on formed them into the United States of America.36

Even in Canada, the colonial policy of Britain was satisfactorily solved only by the formation of a federation of several colonies. The assembly of Lower Canada threw out the civil list and created complete deadlock in the administration showing the Canadians disapproval of the colonial policy of Britain.

Ever since the assumption of authority over the British territory in India by the British Parliament in 1858, the British government had followed the policy of divide 'et impera' to maintain its hold over the vast sub-continent of India. The Queen's Proclamation of that year assured the integrity of the territories of the Indian states, but the
rulers of these states, were not allowed to adopt any uniform method of dealings with the paramount power i.e., the British crown. But the upsurge of 'Indian Nationalism' proved too strong and in 1947, soon after the withdrawal of foreign rule, the Indian princes realized the supreme need of federal union with the rest of India. As already stated, the policy of Sardar Vallabhai Patel brought about the consummation of union on a federal basis and the constitution of the union of India brought into existence on Jan 26, 1950.

It is clear, therefore, that the policy of the mother country whether leading to the oppression of the people of the colonies or to the neglect of the true state of affairs, has invariably resulted either in a complete separation of the colonies from her or by her granting responsible government to them, but in each case resulting in the formation of a federation.

THEORIES OF FEDERALISM

The main purpose of the federal theories is to explain the meaning, nature, extent and significance of phenomena. The 19th and first thirty years of 20th century only one theory—the classical theory—held the field. But later on the other theories have been put forward. Now we may broadly divide them into three categories:

a) The Classical Theory of Federalism

b) The Origin Theory of Federalism

c) The Functional Theory of Federalism

There is no question here of which of these theories gives us a true and correct explanation of the federal phenomenon and which fails to do so. The reason for taking this view is that each of these
theories looks at federalism from a particular standpoint and each one of them is significant in giving us an understanding of it. Each one emphasizes one particular aspect of it. The classical theory places emphasis on what federalism is, the theories of origin on the why of federalism and the functional theories on the how of it. Each is thus complementary to the others and all of them have to be studied if we are to obtain a complete and comprehensive understanding of federalism as a whole. Let us discuss one by one in detail.

a) The Classical Theory of Federalism:

The classical theory of federalism is also called the theory of dual federalism or of co-ordinate federalism. The main concern of the classical theory of federalism is to explain what federalism is. This view is based on a study of the constitution and the system of government in the classical federations namely, United States, Canada, Switzerland and Australia. The chief exponents of this theory were Dicey, Harrison Moore, Kennedy, Robert Garren, Jethrow Brown and K.C. Wheare.

The classical theory can be understood by examining the definitions of federalism given by some of its exponents. Robert Garran, an eminent Australian scholar, defined federalism as:

"A form of government in which sovereignty or political power is divided between the Central and local government, so that each of them within its own sphere is independent of the other."\(^{37}\)

Lord Bryce, in his book, American Common Wealth, described the Federal and State Governments as "distinct and separate in their action." The system, he said, was "like a great factory wherein two sets
of machinery are at work, their revolving wheels apparently intermixed, their bands crossing one another, yet each set doing its own work without touching or hampering the other."38

In the view of Harrison Moore: "a federal government exists where, in a political community, the powers of government are distributed between two classes of organization—a central government affecting the whole territory and population of the sovereignty, and a number of local government affecting particular areas and the persons and things therein—which are so far independent of each other that one cannot destroy the other or limit the power of the other, or encroach upon the sphere of the other as determined by the sovereign in the constitution."39

In the view of K.C. Wheare, the federal principle means the method of dividing powers so that the general and regional governments are each, within a sphere, co-ordinate and independent. In order to assess whether a constitution is federal or not, Wheare applied the test as follows:

"The test which I apply for Federal government is then simply this. Does a system of government embody predominantly a division of powers between general and regional authorities, each of which in its own sphere, is co-ordinate with the others and independent of them? If so, the government is federal."40

By the above definition it is clear that the idea of independence of each government of the other in a dual polity of two levels of government, general and regional is central to the classical theory. A federal system is a system in which decision making in the field of
public policy is divided between two governments, each government independent of the other and neither being in a position to encroach on the sphere of authority belonging to the other.

In order to make the "independence" of each government real and secure, the classical theorists enunciate the following conditions for federal systems:

1. A written constitution which lays down the power to be exercised by the general and regional governments;

2. The constitution should be so rigid, that can amend the constitution by unilateral action, and alteration can be made only by joint action of both the governments in the division of powers;

3. There should be an independent judiciary to settle conflicts of jurisdiction between both the governments.

4. Both levels of government directly operate on the life of the citizens; and

5. There should be allocation of adequate sources of revenue for the government at each level, general and regional.

The classical theory attaches crucial importance to the constitution but it does not conceive that the constitution is static and unchanging. It views that the constitution should embody the ideas and ideals of the people who frame it and it should undergo change when new ideas and new needs arise in society. This is the reason why all the constitutions contain provisions for amendment. In addition to this the classical theory recognizes that the decisions given
from time to time by the courts are as much a part of the constitution as formal amendments. This makes the constitution a living instrument for operating the federal systems.

**Anachronism of Classical Theory:**

The challenges of the twentieth century such as wars and depressions, economic planning and social services have made the classical theory of federalism obsolete. Though it held the field for about one hundred and thirty years, it has been subjected to great deal of criticism. One such criticism is that the classical theory explains the nature of federalism purely on the basis of law enshrined in it and the institutional structure created by it. But the legal division of powers is not strictly adhered, by the two levels of government each of which, by practice, and usage, might encroach upon an area that does not belong to it legally. The theory is also too much legalistic to take into account the convention and usages of extra-constitutional character, which shape and influence the governmental process in a federal system.

The legal institutional approach of the classical theory of federalism has also been criticized as suffering from the "formalistic fallacy." N.G.S. Kini, for example, has complained:

"Formalistic fallacy consists in the belief that political behaviour and factual operations of groups and levels within a polity can be adequately understood and explained in terms of formal provision of law and constitution (political and level myths) of a political organization. The conventional model did not go beyond a bare legal description of the formal properties of a federation."41
The critics of classical theory raise a further objection about the use of the term 'independent' to represent the relationship between the general government and the regional government in a federal political system. 'Independence', they apprehend, might mean isolation. But if a federal polity is to be a working system, neither the general government nor the regional government can operate in isolation from the other. Therefore, some students of modern federalism prefer words like 'potentiality and individuality', 'coordinate' and 'autonomy' to 'independence' for a more appropriate expression of the relationship between the general government and regional governments in a federation. Livingston, for example, redefines a federal government as "a form of political and constitutional organization that unites into a single polity a number of diversified groups or component politics so that the personality and individuality of the component parts are largely preserved while creating in the new totality a separate and distinct political and constitutional unit."

b) Origin Theory of Federalism:

The classical theorists concerned themselves with a legal-institutional explanation of what federalism is but they did not take into account why federal systems were created. This gap was filled up by the origin theory of federalism which explains the circumstances favourable to the establishment of a federal system, and which thereby seeks to define federalism in terms of the circumstantial factors and define federalism in terms of the circumstantial factors and forces. The origin theory can be studied under three categories:
The Sociological Theory:

William S. Livingston is recognized to be the first exponent of the sociological theory which was set forth by him first in his article, "A note on the Nature of federalism" in 1952 and, subsequently, in his book, "Federalism and Constitutional Change" in 1956. Later on this was refined and systematized by Watts in his book 'New Federations: Experiments in the Commonwealth', published in 1966.

The central thesis of the theory is that it is the federal nature of a society that gives birth to the federal political system. According to Livingston a federal society contains elements of diversity within its fold. The diversity may be due to differences of economic interest, religion, race, nationality, language, variations in size, separation by great distances, and differences in historical background, previous existence as separate colonies or states and dissimilarity of social and political institutions.

Another point to be noted is that the demand for political recognition put forward by groups can be fulfilled through a federal political system only when the groups inhibit particular geographical areas in the territory of the society as a whole.

A political system is essentially a territorial one and the division of powers between governments in it should be only on a territorial basis. Therefore, Livingston restricts the term 'federal society' to a
society in which diversity is territorially grouped. And these diversities must not be to break up the community into independent groups, nor should they be suppressed to make way for a unitary form of government. Thus Livingston views that a federal system of government is the natural outcome of a society being federal. This is why conventions and constituent assemblies opt for such a system. He therefore defines that a federal government as a form of political and constitutional organization that unites into a single polity a number of diversified groups or component polities so that the personality and individuality of the component parts are largely preserved while creating in the new totality a separate and distinct political and constitutional unit.42

The sociological approach is also applied by wildavsky who distinguished ‘social federalism’ from ‘structural federalism’. Wildavsky cites the common wealth of Australia as an example of structural federalism, a framework devised and adopted to retain the unity of the Australian people as a nation. To him the United states serves as a good example of “social federalism” adopted because of the social make-up of territorial, religious and other diversities located in distinct geographical areas, corresponding roughly to boundaries of the states which united under the constitution of 1787 to form the federation of the United States.43

The sociological view of Livingston and wildavsky and others has not been spared of critical scrutiny. First of all, the critics contend that Livingston has merely pointed out the various kinds of diversity but he has not explained the factors, which generate the desire among the diversities for establishing a general government within a federal government.
Secondly, it is also not true that every society containing elements of diversity necessarily results in the establishment of a federal political system. The Welsh, the Scotts, and the Ulster Irish are instances of diversities inhabiting distinct geographical areas; nevertheless, they co-exist in the unitary system of the United Kingdom. The same is true of France, Ghana, South Africa, Ceylon and Indonesia.

In the third place, Geoffrey Sawer has pointed out that social attitudes and diversities, as enumerated by Livingston, are not specific to federalism; they may result in any kind of constitutional and political system ranging from a confederal alliance to a centralized system with a good deal of de facto devolution.44

Venkatrangaiya therefore considers the theory as unsatisfactory and concludes that “the idea of federal society on which the sociological theory rests is vague and full of ambiguities, each scholar interpreting it and it’s bearing on federalism in his own way.”45

ii) The Multi-Factor Theory:

The chief exponents of this theory were K.C. Wheare and Karl Deutsch. This theory takes into account the necessary as well as the sufficient conditions of the birth of federal systems. Wheare says that the communities, which opt for the federal system, should be under a single independent government and the other is the equal desire to retain or establish independent regional government for other purpose. And he says that any theory of the origin of federalism should identify the factors, which are responsible for the simultaneous presence of both these desires. He also enumerates the factors, which produce the desire for union. They are:
1. A sense of military insecurity and of the consequent need for common defence;

2. A desire to be independent of foreign power and a realization that only through union could independence be secured;

3. A hope of economic advantage from union;

4. A political association of the communities concerned prior to their federal union either in a loose federation, as with the American states and the Swiss cantons, or as parts of the same empire, as with the Canadian and Australian colonies;

5. Geographical neighbourhood and

6. Similarity of political institutions.

He also enumerates the factors, which produce the desire for regional independence. They are:

1. Previous existence of the regions as distinct colonies or states;

2. A divergence of economic interests;

3. Geographical factors favouring regional consciousness;

4. Divergence of nationality;

5. Dissimilarity of social institutions; and

6. Existence of models of federal government.46

Given both the desires, the desire for union as well as the desire for regional independence and identity, according to Wheare, a right kind of leadership with the foresight and vision of statesman would be necessary, to devise a federal system for accommodating both the tendencies. Though Wheare lays down no criteria to determine
capacity, it might be taken to mean the capacity of the regional
governments to raise the financial resources needed to maintain their
autonomy.

It is true that the multiple-factor theory lays emphasis on a
combination of several factors that give birth to federalism but as it
does not adequately explain the creation of federal systems by the
process of devolution or disaggregation. Therefore it is necessary to
turn to the political theory of federalism, which seeks to explain the
origin of federal systems formed by aggregation and those established
by disaggregation.

iii) The Political Theory:

The principle of this theory is that it considers federalism as a
solution to what is essentially primarily a political and not a
sociological problem. The solution is political because it centers
around power and stands for the division of political power. Hence it is
to be recognized that political motives play a dominant role in the
origin of federal systems.

The chief exponent of this theory is William H. Riker who
expounds it in his book, "Federalism, origin, operation, significance",
published in 1964. He examines two questions: 1. What occasions the
adoption of a federal government; and 2. What induces societies to
keep federal governments they already have?47

Riker considers that federalism one way of solving the problem
of enlarging governments. The traditional method of solving the
problem was imperialism but it has become unpopular, with the
advancing of human civilization. In modern times federalism provides for enlarged political communities without the use of coercive and aggressive methods of imperialism. Federalism is a main alternative to empire as a technique of aggregating large areas under one government. This explains its popularity in the 20th century and why all the government of large territories have federal constitutions. The reason why Riker connects federalism with the collapse of empire is that almost all the federations of today are to be found in areas previously subject to imperial rule.

The other aspect for the creation of a federal system, which Riker emphasizes, is political bargain. To him federalism is the result of political bargain in the situation which follows either the collapse of an empire, or which seeks to strengthen the enlarged political community while respecting and protecting the autonomy of the constituent units. Federalism reflects a bargain between those political leaders who desire to expand this territorial control over the whole area of the empire that collapse in order to meet military or diplomatic threat and are unable to extend their control by conquest, and those who stand for the independence of the constituent provinces to whom concessions are offered. This constitutes the essence of the federal bargain.

The merit of the political theory is that it represents federalism as essentially a politically solution to different situations that involve the potency of a political bargain. The theory successfully explains the origin of older federations like that of the United States, Switzerland, Canada and Australia as well as the formation of the new federations (since 1945) such as India, Pakistan, Malaysia, Nigeria, West Indies...
etc. the significance of the theory lies in the fact that it explains the origin of federations formed either by aggregation or by disaggregation. As an example of the latter, India might by cited by the time the British left in 1947 provincial leaders, who had already tested provincial autonomy, wanted to make it more real and substantial without losing national independence to a new foreign power. While the threat of foreign aggression generated in them the desire to build up a common system of defence and protection, they were not prepared to abandon provincial autonomy. The centralists like Nehru, Patel and others wanted expansion for enlarged governments, unity and security and were prepared to achieve this through negotiation and concession. The outcome of this bargain was the federal system of the constitution giving the whole country a strong central government and regional governments of the former provinces and acceded princely states a large measure of autonomy.

c) Functional Theory of Federalism:

The origin theory of federalism tries to explain the causes responsible for the creation and sustenance of a federal system of government, but it fails to point out how federalism, despite its extinction, tries to persist in the face of new challenges that have raised their heads in the present century. To explain this gap, we have resorted to the functional theory of federalism, which has found a vigorous exposition in the hands of a number of modern students of federalism.

The classical definition of federalism has given rise to the concept of "dual federalism" on the basis of the existence of two coordinate and
independent levels of government in a federation. The advocates of 'dual federalism' claim that in a truly federal system the central and regional governments must have their respective demarcated spheres of activity in which each can operate independently of the other, and that the maintenance of functional division between the two levels of government is the key to the maintenance of a genuine federal system.48

The theory of 'dual federalism' has come in for severe criticisms on several counts. It is argued that in spite of constitutionally guaranteed demarcation of the spheres of functions and powers between them the two levels of government in a federal system are no longer substantially independent of each other. In fact, the emphasis has gradually shifted to their partnership, interaction, and interdependence in the performance of functions allocated to each of them. Dual federalism fails to stand the empirical test of relevance and continuing applicability to older federations and to new experiments in federalism as well. In its applicability to the American federal system the theory of 'dual federalism' has been rejected by M.J.C. Vile and D.J. Elazar. Both of them suggest that the traditional conception of federalism as involving a sharp demarcation of responsibilities between two independent sets of sovereignties has never worked in practice in the United States. According to them, in the 19th and as in the 20th century, administrative cooperation and political interdependence between federal and state governments was a dominant characteristic of the American federal system, in spite of the formal division of powers of the constitution.49
The empirical study made by Watts of the six new federal constitutions of India, Pakistan, Malaysia, Rhodesia and Nyasaland, Nigeria and West Indies shows that "Cooperative federalism" became the inevitable trend in their systems. This trend has taken place because of the extension of nation wide commercial enterprise, the development of an interdependent economy, the ever-enlarging concept of the positive functions of government in modern society, the growth of national sentiment etc. all these have resulted impartial financial dependence of the regional governments upon the general governments, and the administrative dependence of the latter upon the former.

Thus each theory of federalism contains some elements of validity and usefulness, though it suffers from gaps and inadequacies. For a proper understanding of the federalism as a system, we may conclude that all the three theories are complementary each other. The first one seeks to explain what federalism is when viewed from a legal angle; the second provides explanations of the forces and factors that play an active part in the origin and formation of federal systems; and the third and last provides an analytical framework to study federalism not as a rigid legal structure but as dynamic and flexible process of cooperation and sharing between two levels of government of one and the same people. A judicious combination of the essential elements of all these theories call upon us to formulate a new definition which may be stated as follows; 'federalism is a political system which creates in a society broadly two levels of government with assigned powers and functions originating from a variety of factors and political bargain, and displaying a tendency to persist
through active response to the challenges of changing environment by a process of adaptation through creative modes of institutional as well as functional relationship.\textsuperscript{50}

**PATTERN OF FEDERALISM**

As a first step it seems necessary to identify the various federal systems that exist today or have existed in the past, and then only can we analyze them as operating political systems. Each federation has been a unique experiment with its own distinctive pragmatic way of organization for a 'more perfect union'. The analysis of the organization of federations shows the diversities in their patterns. Older federations like U.S.A., Canada, Australia and Switzerland exhibit less of differences in their patterns while such variations are more magnified in the new federations emerging in the post-second world war period. However, one can classify federations according to their nature of operations as given below:\textsuperscript{51}

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Federations

Formal centralized or Effective centralized

Unitary or Decentralized

Symmetrical or Asymmetrical

Fully or Partially
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In formal federations, the federal nature of government is limited to the constitutional form. 'Formal 'federations take into account only the legal institutions as prescribed explicitly in the constitution of the country. And these federations are also known as 'quasi federations' as are the Latin American federal systems of Argentina, Brazil and Venezuela. But in 'effective federation, not only
the constitution is federal, even the governmental machinery and the society are federal. The whole of the governmental machinery functions in a federal network. Examples are U.S.A., Canada, Australia, and even India.

Secondly classification distinguishes unitary from decentralized federations. Unitary federations have a strong central government and distribution of power is made not on the basis of regional autonomy and loyalty but on the consideration of creating a strong centre to which the balance of power is tilted. But unitary federation have become universal because of the implied power of war, defence, taxation and general welfare as in the case of united states and Australia or because of the residuary powers belonging to the central government as in the case with Canada and India. The concept of welfare state and planned development has necessitated the creation as well as the evolution of unitary federations in all political systems- mature and immature. In decentralized federations, the autonomy of the constituent territorial units predominates. But no examples can be seen of decentralized federalism within a national state and even in mature federations. Therefore, these federations are called pre-modern federations and they exist only on paper.

Thirdly, federations may be distinguished as symmetrical or asymmetrical, according to the nature of the 'state' identity. In a symmetrical federation there are no deep social cleavages (race, religion, language) coinciding with the sub-national units ("states"). Therefore, state-identity coincides with the national identity. Tarleton remarks, "In a symmetrical model, no significant social, economic or political peculiarities would exist which might demand special forms
of representation or protection." But an asymmetrical federation has a unique feature or set of features which would separate from any other states or the system considered as a whole." For example, United States, Canada are symmetric and Canada and India are asymmetric.

On the basis of the trend of federalism in the evolution of centralized federalism, we classify federations into two types namely, 'fully centralized federalism' and 'partially centralized federalism'. In fully centralized federations, the vast majority of significant political decisions are made at the centre and the notion of 'states' right is quite meaningless. All the important decisions are made by central government. Example: Soviet Union, Yugoslavia and Mexico. In partially centralized federations, constituent governments make many significant political decisions and the notion of states' or provincial rights is meaningful. Example: Canada, Australia and even the United States.

Thus, as analyzed above federalism cannot be viewed as a static institutional pattern but it should be seen as a dynamic process.

DEVELOPMENT OF FEDERALISM

The desire to build and efficient and dynamic modern state and search for distinctive identity i.e. local and regional autonomy and globalization are reasons for the development of federalism in recent years and decades. During the last years several important events have happened which have profoundly influenced men's ideas about the merits of federalism as a political concept and device to solve constitutional problems. The failure of the Weimar Republic in Germany as a result of the rise of nazi dictatorship: the abandonment
of the federal plan of 1935 in India; the making of soviet constitution
of 1936 (which has attempted to combine, in theory at least, parliamentary
ism with Soviet concept of federalism); failure of the
league of Nations (which was for some time looked upon as an
incipient federation) to maintain, if not to increase, international co-
operation for ensuring world peace; the second world war which has
brought the United States of America actively into the field of
international co-operation and which has provoked thought for the
establishment of world federation; then the establishment of the
United Nations organization on the ashes of the league as a renewed
attempt at mitigating the dangers of national sovereignty and the
ushering in of a new world order with wider field of international co-
operation through the establishment of the institutions like the
UNESCO, the FAO, the WHO, the IMF, and the world bank; the
partition of India into two independent federal states of India and the
latter as a self-governing dominion. All these have focused the
attention of thinking persons throughout the world on the efficacy of
federalism and also its limitations in solving complicated problems
arising between independent and quasi-independent states.

As a consequence, there are in the world today some 25
countries that are federal in their character, claim to be federal, or
exhibit the characteristics typical of federations. Indeed some 40% of
the world's population today lives in countries that can be considered,
or claim to be federations, many of which are multinational in their
composition.
Following is the table indicating the growth of number of federal systems:

<table>
<thead>
<tr>
<th>Year</th>
<th>Still surviving</th>
<th>Now dissolved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-1750</td>
<td>Switzerland</td>
<td>United Netherlands</td>
</tr>
<tr>
<td>1751-1800</td>
<td>United States</td>
<td></td>
</tr>
<tr>
<td>1801-1850</td>
<td>Argentina, Brazil, Mexico, Venezuela</td>
<td>Colombia, Chile, Central American Republic</td>
</tr>
<tr>
<td>1851-1900</td>
<td>Canada, Germany, Austria</td>
<td>New Zealand</td>
</tr>
<tr>
<td>1901-1950</td>
<td>Australia, India, Pakistan, Soviet union Yugoslavia</td>
<td>Burma, Indonesia</td>
</tr>
<tr>
<td>1951-1970</td>
<td>Malaysia, Nigeria, Czechoslovakia, Cameroon, Tanzania</td>
<td>Rhodesia, Mali, Congo, British West Indies, Libya, East African federation, Ethiopia, United Arab Republic</td>
</tr>
</tbody>
</table>

Federalism thus has an eminently important role to play in conflict prevention and preservation of peace both now and in the future, which is most necessary.

**PROBLEMS OF FEDERALISM**

After one understanding what federalism is, it also becomes necessary to analyse why federations fail? But this attempt to explain why a particular federal experiment failed is burdened with the difficulties, because this needs a careful study and comparative analysis of formal constitutional and governmental structures.

We have seen that all the federations formed prior to the Second World War were spontaneous, in the sense that the participants in constitution making turned them to federalism to solve their
problems. Many, of the federations formed since the Second World War are contrived, in the sense that the plan for federalism came, not from the participants, but from the colonial power engaged in spinning off its colonies. Several motives have been ascribed to colonial officers to account for this fascination with federalism. One is desire to render the new government viable, a somewhat unbelievable motive because it is too unselfishly benevolent. Another is a desire to weaken the new government by making it easy to divide and rule, also an unbelievable motive. Spiro suggest “these federations were meant essentially as makeshift arrangements designed to facilitate the transition from colonialism to independence. By ‘federating’ several colonies at different stages of constitutional advancement toward full independence, the British government was able to affect the average elapsed time before independence, to reduce the overall incidence of violence, and to shape constitutional forms and international alignments of the post-precisely through employment of all the symbolism of federalism and action based on the false analogy to the older, conventional, ‘true’ federations.”

Spiro describes, the main practical purpose of federalism is served if the imperial power successfully rids itself of its colonies. But all those, including the imperial officers did not fully understand this makeshift character of these African and Asian federalisms were completely misled. Since they were misled, they acted inappropriately and unrealistically before the practical goal was achieved. Another main reason where federations failed was absence of political bargain. The three main cases are Rhodesia and Nyasaland, east African federation and British West Indies which were characterized by the
absence of both of the bargaining conditions. And these bargaining conditions are not necessary for

1. Those that break up into constituent units, external or internal threats are not significant; and

2. Those that transform into unitary governments, provincial loyalty is relatively weak.

This case can be better understood by some examples i.e. the east African federation, have a vestigial remainder in Tanzania, the union of what were formerly Tanganyika and Zanzibar. This union was to contain Kenya, Uganda, and what is not Tanzania and was thus to be the most substantial county in black Africa. But the union was never achieved, the reasons for this is quite clear that there was no external threat in either Tanzania or Kenya and Uganda in internal domination. Hence the leaders of each government were unwilling to give up independence for which their was no gain.

Even the West Indian federation was dissolved on May 31, 1962 when Jamaica and then Trinidad withdrew. The reason for the collapse was that there was no threat internally and externally. Hence, given the insularity and high degree of provincial loyalty, there was nothing to make a bargain. Similarly the federation of Malaysia failed only in an important part of its totality on august 9, 1965, when its Malayan leaders peaceably separated Singapore for the rest of the federation. Even the central African federation failed in December 1963, by orderly process of a British statutory instrument, six months after a dissolution conference convened at Victoria Falls.
Thus in every successfully formed federalism their must be a external or internal threat, where the threat can be forestalled and the aggression can be carried out only with a bigger government. This brings the union and is the main feature, the prospective gain, in both giving and accepting the bargain. At the same time there must be some provincial loyalty so that the bargain is necessary, that is, it must be necessary to appease provincial rulers. This is what prevents the formation of a full-scale national government and thus brings about federation as an alternative.

PROSPECTS OF FEDERALISM

As we know that federalism is spreading in the world. In recent years, countries, which got independence, have adopted a federal system. India can be quoted as an example. The functioning of federal government in the U.S.A., Switzerland, Australia, Canada, holds out great hope for federalism in future. The accelerating spread of federative states ad the growing strength of the federalist idea must not, of course, lead us to see the world through rose-tinted spectacles and sit back and relax. In federative states there is a recurrent danger of centralization; the more complex the functions of a state, the stronger the tendency towards centralization. The problem of minorities is a further threat: even federative states with a long history to look back on are familiar with persistent minority problems, some of them actually entailing the threat of secession.

However the process of centralization makes scholars think that the future of federalism is dark. The actual difficulties experienced by federations like USA, Switzerland and Australia make statesmen and
thinkers apply their minds seriously opines in his 'elements of Political science' (1952): “writers hold conflicting views on the future of federalism. According to some, it is merely a transition stage bound to give way to the unitary principle in the long run.”\textsuperscript{54}The principle of leaving the residuary powers to the units as experience bears witness has weakened the position of the center. This explains why in the USA the constitutional amendments were introduced.

In the light of the new difficulties experienced by the rulers in the USA, the makers of the constitution gave a broad interpretation of constitutional provisions in favour of the federal government was given. The Supreme Court, which upheld the doctrine of implied powers, went far in strengthening the hands of the center from time to time.

In Canada, the constitution makers seeing the difficulties of the federal government in USA, it decided to make the center strong. Even in Australia and Switzerland, there is an unmistaken trend towards centralization.

In India, the constitution has a unitary bias. This again shows the trend of centralization. The strong center in India, in contrast to the relatively weak centers in other federations, can be explained by the peculiar conditions prevailing in India.

Main factors that explain the trend of centralization are:

1. Complex problems of the twentieth century such as war, economic depression, the growth of the social services and the mechanical revolution in transport and industry, the power politics are serious problems for increasing the trend of centralization.
2. Expansion of social service i.e. the concept of the welfare state calls upon all democratic governments including those having the federal pattern to render various kinds of social services. These are steadily expanding in recent years and it becomes necessary to increase the powers of the center. To some extent the cost of social services has been greatly increased in times of economic depression and by war, and this meant that the central governments had to come to the assistance of the regions. And thus the power of the central government increases.

3. The wars and economic depression of the present century, also favoured centralization. War and economic depression demand unitary control if their problems are to be effectively treated, and they impose financial loads which only the central governments have been able to bear. And all general governments grew stronger in times of war and economic depression.

But increase in the powers of the center does not mean that the units have become subservient to the center. Constitutionally speaking their position has not changed to one of subordination to the center. K.C. Wheare points out that if the functions of the center have increased in the federation, functions of the units also have increased. The process of centralization has added to the strength of federalization. There is danger to federalism only if the units in a federation are deliberately regarded the whims and fancies of interested politicians at the center.

Thus in the days to come, federalism would be best remedy for the ills of the world. In the days to come when states decide to surrender sovereignty and wish to have a world government, they will have to choose a federal system and not a unitary system.
REFERENCES


7. Ibid, p.36.


84

15. Ibid, p.117.


22. Ibid, p.43.

23. Ibid, p.44.

24. Ibid, p.46.


27. Ibid, p.50.


29. Ibid.


31. Ibid, p.60.

32. Ibid, p.61.


34. Ibid, p.63.

35. Ibid, p.68.

37. Ibid.


39. Ibid.


42. Ibid, p.4.

43. Ibid, p.6.

44. Ibid.

45. Ibid.

46. Ibid.

47. Ibid, p.7.


50. Ibid.


52. Ibid.

53. Ibid.