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Bring out clearly the difference between unitary and federal forms of government. Explain.

## Unitary and Federal forms of Government

The states of modern era are too large to be administered by a ruler or a monarch. These states are divided into number of divisions and sub-divisions. Each of these divisions and sub-divisions has its own administrative body called provincial and local governments. These provincial and local governments are distinguished from central government at the centre or capital. The relations between governments at the centre and its units determine the form of government in that state. Federalism is the form of government where powers are divided between centre and federating units. According to Hamilton <sup>22</sup> "A federation is an association of states forming a new one."<sup>23</sup> On the other hand, when powers are concentrated at the centre then it is called unitary form of government.

# Elucidating the Difference between Unitary and Federal Forms of Government

A federal form of government is the one in which supreme powers in the state are distributed between central government and governments of federating units, by the constitution, thus making each government supreme in its own sphere of powers. While the unitary form of government is one in which the supreme governmental authority is vested in central government by the constitution.

## Federal Government

→ 2 levels of government  
(Central government +  
Government of federating  
units)

→ Political Powers Shared  
by 2 levels of government

→ Constitution is Rigid

→ Lack of  
Uniformity of laws

## Unitary Government

→ 1 level of government  
(Central Government)

→ Political Powers  
held by central  
government only

→ Constitution is flexible

→ Uniformity of laws

# Merits of Federalism over Unitary System of Government

In federal system of government, a national harmony is maintained due to cooperation between central government and governments of federating units. Federalism is better than unitary form of government due to supremacy of constitution, strong checks and balance of powers in federation, supremacy of judiciary, vitality of local governments and coordination between powers from top to ground level of politics.

**In the opinion of Dicey:**

“Federalism is political contrivance intended to reconcile national unity with the maintenance of state rights.”

**a- Distribution of powers between centre and federating units:**

Unlike unitary system of government where powers are concentrated at centre, in federal system of government the supreme powers are distributed between centre and its units by the constitution. For example: in US, Pakistan, India, Germany, Malaysia,

Belgium; the governments of federating units derive their powers from constitution not from the central government like in UK, Japan, KSA where central government has sovereign authority to increase or decrease the powers of governments of its divisions and sub-divisions. Contrary to unitary form of government, if any change has to be made in the powers of provincial or local governments, amendment in constitution of state has to be done. Its clear example is 18<sup>th</sup> amendment of constitution of Pakistan.

→ 18<sup>th</sup> Amendment of Constitution of Pakistan: This amendment of constitution clearly depicts that in a federal system of government, powers of federating units can be increased through constitution only. In Pakistan, this amendment was done to increase the autonomy of provincial governments.

## b. Rigidity of Constitution

In federal system of government, the most prominent merit is the rigidity of its constitution while in unitary form of government the constitution is flexible and can easily be amended by central government. The rigidity of constitution in federalism ensures the

supremacy of constitution over central government.

## → Comparison of Constitution of UK and US:

In UK, the central government is considered to be supreme over constitution as any amendment in its constitution can be made by the simple majority of House of Commons of UK. Thus, its constitution is the most flexible constitution of the world. While in US, the constitution was executed in 1787 and till 1791 there were 11 amendments and it took almost 250 years for remaining 16 amendments. Because in US for any amendment in constitution, the bill of amendment has to be passed by each parliament of 37 states of US other than centre of US. This makes its constitution the most rigid ones in the world.

## c- Supremacy of Constitution

In federal system of government, the constitution is supreme over central government since the constitution of federal state is:

- Rigid
- Written
- It can be amended by supreme court only

While in unitary form of government, the central government is supreme over constitution.

It can pass any bill, any law that is against human rights thus the central government can even violate the constitution of state due to its supreme authority.

→ **Supremacy of central government of UK over its Constitution**: In UK every bill that is passed by the House of Commons is actually prepared by the cabinet. As Ramsay Muir has called the cabinet led by the Prime Minister as the <sup>steering wheel of</sup> ship of the State. Thus, the whole state of UK has to follow the law prepared by House of Commons as it is prepared by the cabinet under the leadership of Prime Minister. And in UK all the supreme powers are exercised by Prime Minister so he is supreme over constitution. Even if House of Commons prepare a bill that is against human rights, people of UK have to follow it as it is actually prepared by central government of UK under the leadership of cabinet chief i.e. Prime Minister who is <sup>-ip</sup> supreme over all rights.

**Stephen Leslie says that: You have to kill your blue eyed babies if House of Commons of UK pass this bill.**

## d. Supremacy of Judiciary over Central Government

In federalism, contrary to unitary form of government, judiciary has strong check over laws passed by the government. The Supreme Court has authority to take action against the laws or bills approved by central government if they violate human rights or constitution of the state.

### → Supremacy of Judiciary in US:

The supreme court of US has authority to nullify any law approved by the parliament if

- it goes against constitution
- it goes against human rights

Recently, US supreme court has passed anti-abortion bill for protection of human rights. On the other hand, <sup>in UK</sup> all civil laws are to be passed by simple majority of House of Commons (thus cabinet forms all civil laws for the state).

**Constitutional Doctrine of Congress' "Implied Powers"** affirmed by US Supreme Court: The Chief Justice of US John Marshall affirmed this doctrine to empower the centre in order to prevent disintegration of US. This doctrine clearly shows the supremacy of judiciary in US.

## e- Vitality of Local Governments

The local governments are given significant importance in federal system of government. They are considered as integral parts of<sup>-to</sup> central government because the governments of federating units understand well the problems or issues of their provinces or areas. So, central government give them (their) equal importance as these local governments are allotted powers by the constitution and in federation central government is under the supremacy of constitution. On the other hand, in unitary system of government central government is given supreme authority so it ignores subordinating governments thus the issues or problems of backward areas remain unresolved. In Pakistan since there is federal system of government so equal importance is given to provincial governments as of central government. Provincial governments are even allowed to frame laws for<sup>-nts</sup> resolving the issues faced by their provinces.

→ **Punjab Food Authority Act 2011**: This is a provincial law framed by provincial assembly of Punjab, which is applicable within Punjab only. This example clearly depicts the importance of provincial governments in federalism.



# Merits of Unitary Form of Government over Federalism

Although there are numerous aspects in which federalism has leading edge as compared to unitary form of government. But there are also some points that clearly show demerits of federalism and unitary system <sup>itself</sup> proves to be better than federalism. Since in unitary form of government there is uniformity of laws, reduced chances of secession and strong administration; this shows the success of unitary form of government over federalism.

## a. Uniformity of laws:

The biggest merit of unitary form of government is uniformity of laws and policies throughout the state because it has no autonomous units like federal system of government.

Contrary to unitary form of government, in federalism due to principle of concurrent powers the autonomous units can do legislation for their provinces that is leading towards non-uniformity of laws in the state.

→ **Comparison of UK with Pakistan** : In UK all civil laws are prepared by central government under the leadership of Prime Minister so all people of UK living in different areas will follow the same laws. However, in Pakistan every province has a different status of Police order 2002 that clearly depicts the non-uniformity of laws in federalism. The province of Punjab follows Police order 2002, KP promulgated "Police Act 2017", Balochistan promulgated "The Balochistan Police Act 2011" and Sindh once repealed Police order 2002 and reverted back to Police Act 1861 however province again switched to Police order 2002 under Sindh amendment act 2019. This non-uniformity of laws play a key role in increased discrimination and crimes in state.

## b. **Less Chances of Secession**

One of the merits of unitary system of government is that there are less chances of secession in this system of government. Because of dominance of central government, it doesnot allow any other local or provincial government to gain autonomy. So there is uniformity of laws in the state

accompanied by strong checks of central government over provincial or local governments that could promote anti-state narratives for getting their autonomy. While in federalism, the risk of secession is increased.

### → Increased chances of secession in federalism

- Federalism has been a cause of civil war in USA during 1861-64 and of brief civil struggle in Switzerland in 1847.
- Even today it is a cause of political struggles and tensions in Indian Union, the Dravidian Deccan, the Nagas, Sikhs and Kashmiris are agitating for secession and independence from India.
- In Pakistan, <sup>the non-state actors like</sup> 'BLA' are trying to disintegrate Pakistan. These non-state actors use tribal chiefs and political parties for creating hate among ethnic groups for one another so that they could fight for independence. Recent Baloch protests clearly highlight the risk of secession in federalism.

## c- Strong Administration

In unitary form of government, the central government is the main administrative body that does not allow <sup>its</sup> subordinating units or judiciary to bypass it in any decision. Moreover, judiciary and local or provincial governments have no authority to take any action against central government. This leads to strong administration in unitary form of government.

→ **Weak administration in federalism:** In federal system of government like Pakistan, judiciary is supreme over central government. So, (due to) intervention of judiciary in political matters leads to violation of trichotomy of power enshrined in constitution. **Dispute among Government of Sindh and Federal government over ownership of hospitals** being a political issue should be resolved between political parties only. But the interference of supreme court soared the already acrimonious relations between two governments.

# Concluding Thoughts

The unitary and federal forms of government have both merits and demerits so the main thing that makes the form of government successful or unsuccessful is the way of governance and administration. Both federal and unitary forms of government have successful examples for the world like UK as the best <sup>example</sup> of unitary form of government and US as the best <sup>example</sup> of federalism. So, neither of two systems are absolutely perfect but it is strong governance structure that can increase their proximity to perfection.

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