

Question

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

I. Introduction:

The government refers to the institutions and agencies that exercise political power and are responsible for making and implementing laws and policies. According to **Michel Foucault** the techniques, rationalities, and strategies through which power is exercised and maintained within the society. The government, under the modern nation-state, is compelled to occupy territory

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and determine the most effective means of governance. It can be either Unitary or federal form of government.

II. Unitary Government:

Unitary government is a kind of government system in which a single power, which is known as the central government, controls the whole government. In fact, all powers and administrative divisions authorities lies at the central place. It is different from federal form of government. In unitary government, central government has the power to increase or curtail the power of subnational units. The unitary system is

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based on the concept of consistency, unity, and identity that's why centralization of power and authority system remains at the top. The decision making power rests with the central government. There are not so many options for change and new innovation as the people have a very limited voice in this form of government. It is less expensive as compared to the federal government because the number of powerful people remains very low. The concept of freedom of speech and expression always remains at a low priority that's why most of the principles of unitary government are much similar to that of dictatorship.

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system of government. Its distinctive features are as follows

(a) Concentration of Powers:

A unitary government is one in which all the powers of administration are vested in a single centre. The centre is **omnipotent**. A unitary state may be divided into small units for the sake of administrative convenience but the units do **not** have any constitutional status of their own. In other words, the constitution does not confer any powers on the units. The powers enjoyed by units are the gifts of the centre and as such these can be taken back. In words

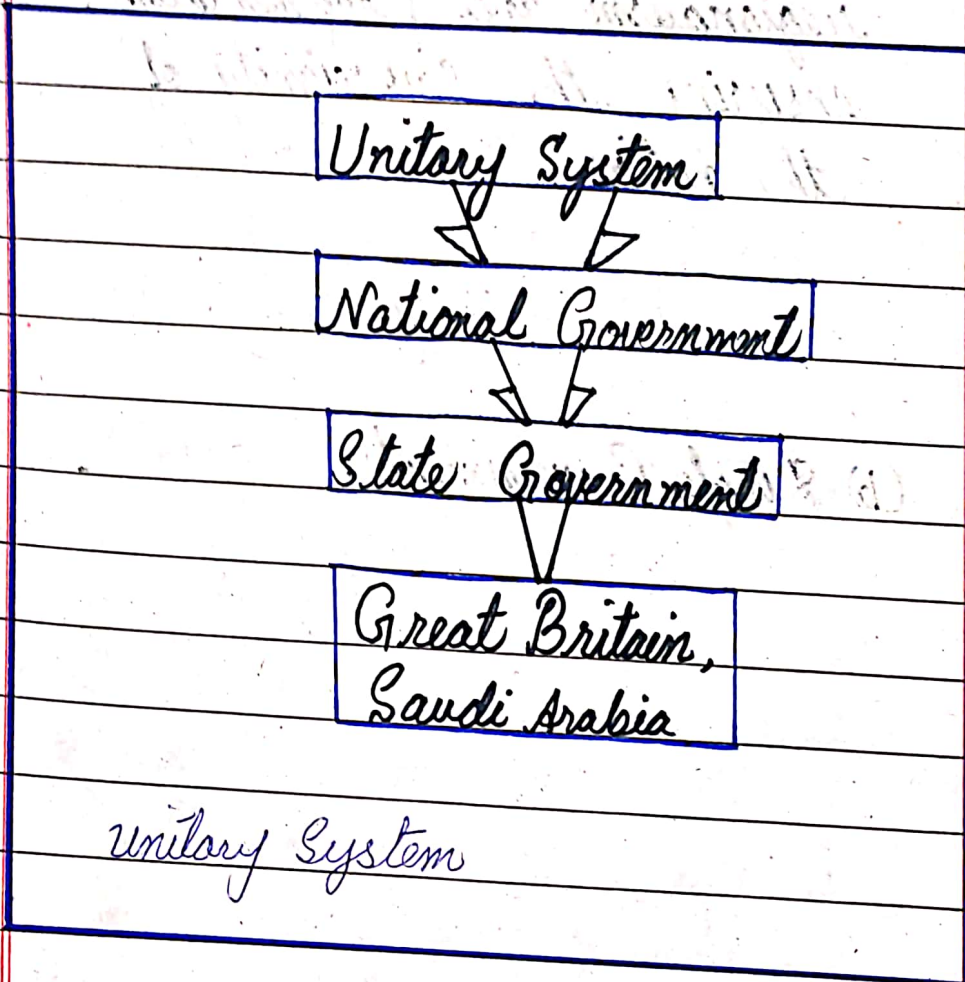
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of Napoleon Bonaparte "Unitary government is a shield against regionalism and fragmentation, ensuring the sovereignty of the nation". Thus, the units are not autonomous and independent in any way.

(b) Single Government:

In a unitary government, there is a single set of governmental apparatus. There is a single supreme legislature, single executive body and one supreme judiciary. England is a unitary state. She has one legislature, the King-in-Council as the executive and the judicial committee of the house of Lords as her

supreme judiciary



unitary system

(C) Written or Unwritten Constitution

In Unitary system the constitution can either be written

or unwritten. In written
Constitution is codified and
compiled in a structured and
cohesive manner.

Written Constitution have been
properly framed and compiled
in a step-by-step matter, with
any subsequent changes being
added almost instantaneously.

The constitution is supreme.

The Judiciary has more power
in order to ensure constitutional
supremacy.

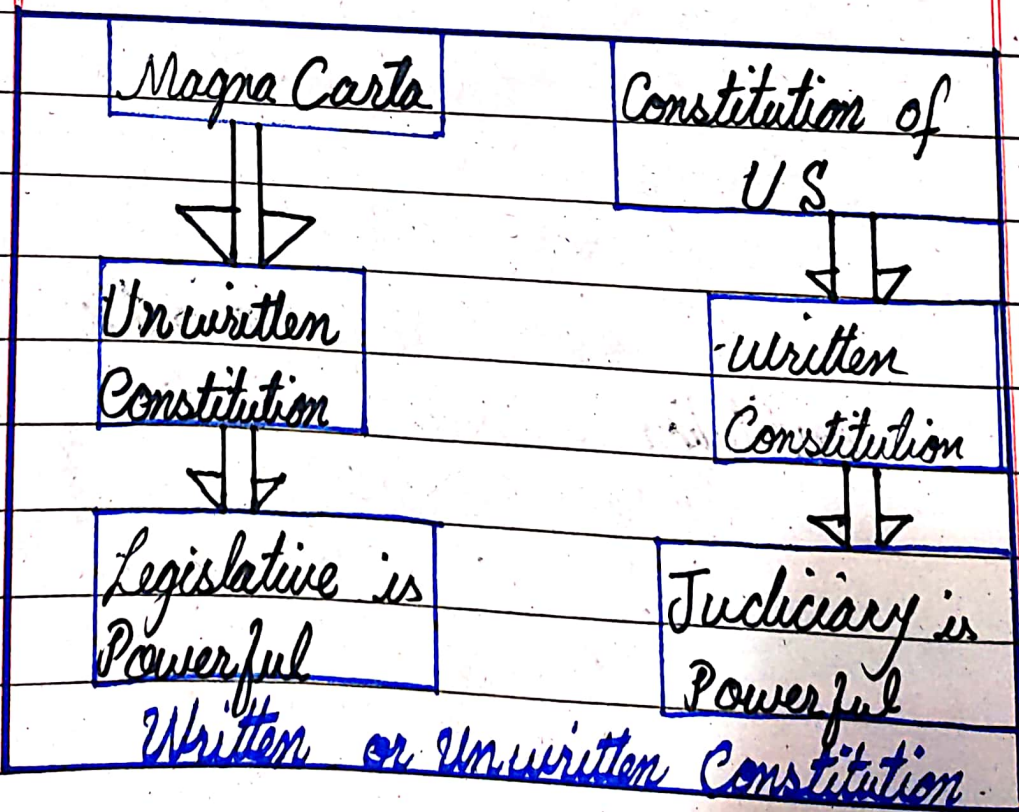
On the other hand: Unwritten
Constitution is not codified
in a structured manner.

Unwritten Constitution evolves over a long period with a new set of laws and guidelines being added as time progresses

Unwritten Constitution is rigid, flexible or both.

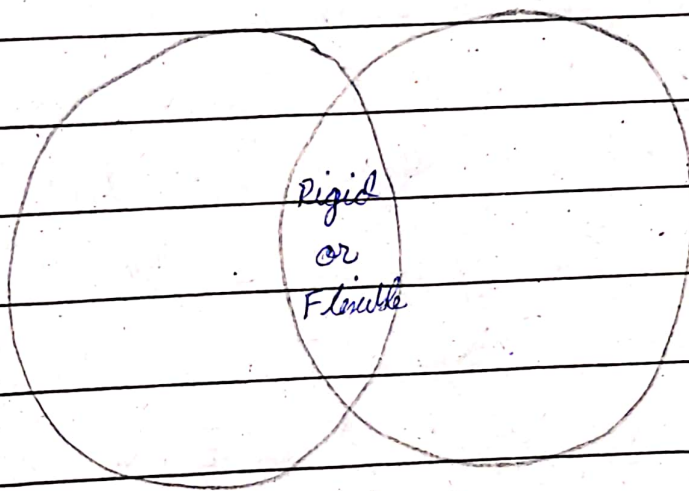
The parliament is supreme in a country where there is an unwritten constitution

The judiciary has limited powers



(d) Rigid or flexible Constitution

A unitary system is a type of government in which all of state's political institutions are under central control. The constitution of unitary system can be either rigid or flexible. A rigid constitution is a legal document that is often difficult to change and provides little room for local variation.



Constitution of Unitary System

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A flexible constitution, on the other hand, is a document that can be easily updated to reflect changing circumstances and allows for greater autonomy to individual regions. The constitution of England is flexible but that of France is slightly rigid.

(e) No Special Judiciary:

There is no need of having a special judiciary with wide powers of judicial veto in a unitary government. If the law is passed by Parliament then even the apex court cannot sit in judgment over the law passed by Parliament. The judicial system in a unitary form of government serves as

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the ultimate arbiter, ensuring the uniformity and consistency of laws and justice across the entire nation. Thus, if a law is passed by parliament it cannot be declared as null or void.

III : Federal Government :

Federal government is a type of national government in which government have powers to delegates the power to other elected member of state. It is totally opposite to the unitary government. In federation or federal government, provinces or territories enjoys some rights as are available to the independent states. However, international dealings are solely made by

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the federal government. Pakistan, India, Brazil etc are the significant examples of federal government.

In the federal system, power is jointly shared between the state and federal governments. In the federal government system, the power never rest with one national government. However, there can be certain powers and authorities that remain totally with the federal government like policies on defence, budget, international diplomacy. It's distinctive feature is given as follows

a. Division of Powers:

In a federal government the powers of administration are divided between the centre and the units

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The powers may be distributed in two different ways. Either the constitution states what powers the federal authority shall have, and leaves the remainder to the federal authority. The remainder is generally known as **residuary powers**. The

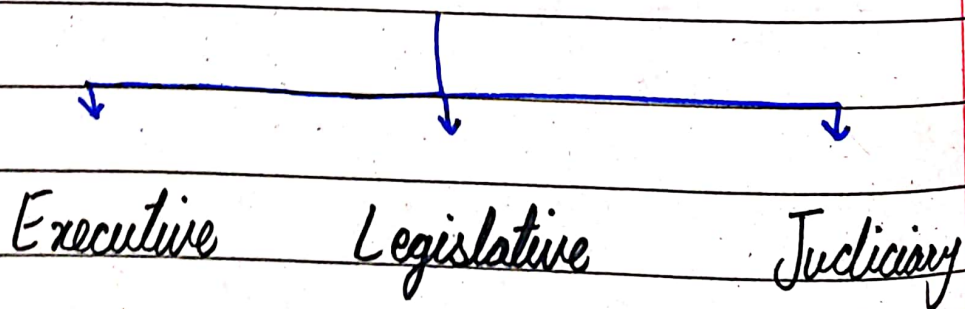
first method was employed in **America** and second method was employed by **Canada**. The federal government in U.S.A is weak in relation to the states whereas the federal government in Canada is more powerful. In federation 'one is not subordinate to the other'.

The power enjoyed by the units are, therefore, original and not delegated by the Centre.

(b) Separate Government:

In a federal form of government both the centre and the units have their separate set of governmental apparatus. America is a federation of states. States have therefore separate legislatures and separate executive. Similar, is the case with Pakistan. In Pakistan Punjab and Sindh are separate units and they have separate legislatures and separate executive.

Branches of Federal Government



Structure of Federal Government of Pakistan

(c) Written Constitution

A federal government have written constitution. Unlike unitary system where the constitution is found in conventions. The constitution in federal form of government is codified and compiled in a structural and cohesive manner. It have been properly framed and compiled in a step-by-step matter. The constitution is supreme. Judiciary has more power in order to ensure constitutional supremacy.

Constitution of
Pakistan



Written Constitution



Judiciary is Powerful

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(d) Rigid Constitution

The constitution of a federation should be more or less rigid.

It is regarded as a sacred agreement, the spirit of which should not be easily violated.

It is **difficult to change** and provide little room for local variation. It has strict procedure of amendment.

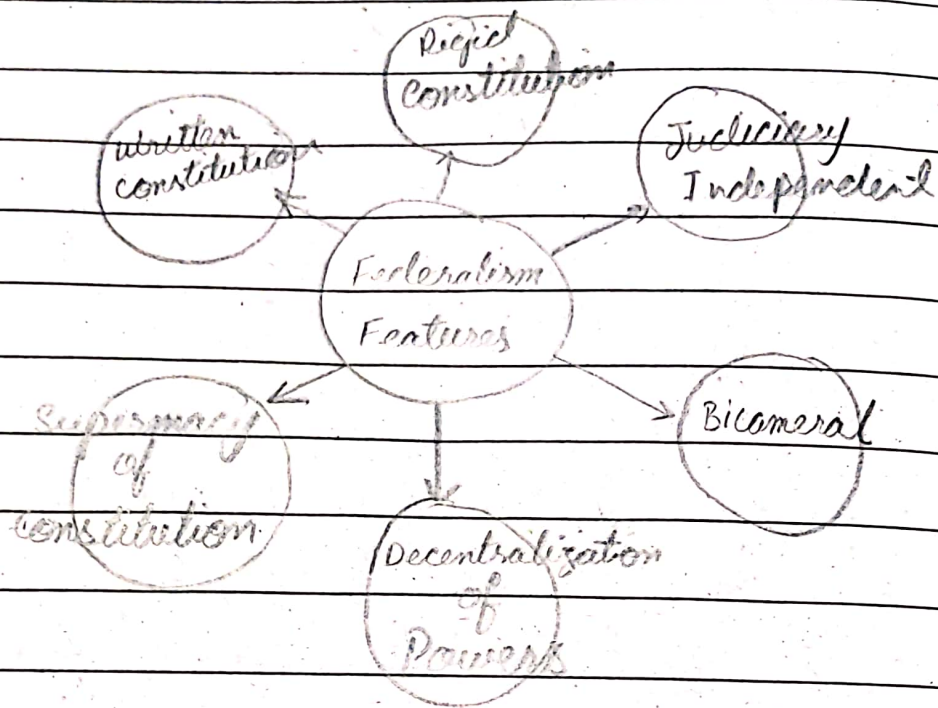
Pakistani Constitution is required to be amended by $\frac{2}{3}$ votes from both houses of Parliament along with **assent of President**.

Thus, federal government has rigid form of constitution that cannot be altered easily.

e. Special Judiciary:

In a federation, there are possibilities of constitutional disputes arising between the federal centre and the units or between one unit and another. All these disputes are to be adjudicated in the light of the constitution. For this purpose a special judiciary with wide powers must be established.

It should act as the custodian and guardian of the constitution. It should be vested with powers of declaring any law null and void if it goes against the constitution of state.



Salient features of Federal form of government

IV Conclusion:

In nutshell, one can say that both unitary form as well as federal form of government are applicable in today's world. However, with each form of government there are some pros and cons.