

Competitive Exams: Essential Characteristics of the Federation

1. **Distribution of powers:** An essential feature of a federal Constitution is the distribution of powers between the Central Government and the Governments of the several units forming the federation.
2. **Supremacy of the Constitution:** The Constitution is binding on the Federal and the State Governments. The Central Government as well as the State Governments derives their powers from the Constitution. Also, neither of the two Governments should be in a position to override the provisions of the Constitution related to the powers and status enjoyed by the other.
3. **Written Constitution:** The Constitution must be necessarily a written one. This is basically to avoid any doubt about the supremacy of the Constitution as well as to clearly demarcate the powers between the Centre and the State governments.
4. **Rigidity of the Constitution:** This feature is a corollary to the supremacy of the Constitution. Rigidity does not mean unamendability of the Constitution, but simply means, the power of amending the Constitution, especially the regulating status and powers of the Federal and the State Governments, should not be confined exclusively either to the Federal or to the State Governments.
5. **Authority of the Courts:** There must be an authority that can prevent the Federal and State Governments from encroaching upon each other's powers. Secondly, there should be a final Supreme Court which should not be dependent upon the Federal or State Governments and should have the last word in matters involving Constitutional affairs.

Difference between a Federation and Confederation

Federation is a close association (legal) between two or more units, while Confederation is a loose association of two or more States.

In a Federation, units normally do not have the right to secede (as in India and Pakistan), but in the case of a Confederation, the States always enjoy the right to secede (e. g. CIS, erstwhile USSR). A Federation is a sovereign body, while in a Confederation the units or the States are sovereign.

In a Federation, there exists a legal relation between the Federation and its people, but in Confederation, the people are the citizens of the respective of the Confederation.

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