



ILE MULTIDISCIPLINARY
JOURNAL

VOLUME 4 AND ISSUE 2 OF 2025

INSTITUTE OF LEGAL EDUCATION



ILE MULTIDISCIPLINARY
JOURNAL

WHILE THERE'S RESEARCH THERE'S HOPE

ILE MULTIDISCIPLINARY JOURNAL

APIS – 3920 – 0007 | ISSN – 2583-7230

(OPEN ACCESS JOURNAL)

Journal's Home Page – <https://mj.iledu.in/>

Journal's Editorial Page – <https://mj.iledu.in/editorial-board/>

Volume 4 and Issue 2 (Access Full Issue on – <https://mj.iledu.in/category/volume-4-and-issue-2-of-2025/>)

Publisher

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BEYOND THE BLUEPRINT : THE FEDERAL CHARACTER OF INDIA IN AN ERA OF CENTRALIZATION

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BEST CITATION – DINESH KUMAR MISHRA, BEYOND THE BLUEPRINT : THE FEDERAL CHARACTER OF INDIA IN AN ERA OF CENTRALIZATION, ILE MULTIDISCIPLINARY JOURNAL, 4 (2) OF 2025, PG. 410-417, APIS – 3920-0007 | ISSN – 2583-7230.

Abstract

The ongoing debate over federalism and centralization in India has been a significant topic since the country achieved independence. While the Indian Constitution establishes a federal system that delineates powers between the Union and the states, the Union government has often pursued methods to centralize authority, leading to increasing worries about the reduction of state autonomy. This paper investigates the changing dynamics of India's federal structure, focusing on how legal provisions, judicial rulings, and political realities have shifted the balance toward centralization. By comparing India's federal system with those of other nations such as the United States, Germany, and Canada, the paper underscores various approaches to balancing regional autonomy with central control. It also reviews important Supreme Court decisions and scholarly opinions to comprehend the implications of centralization on India's democracy and governance. Ultimately, the paper aims to shed light on whether India can sustain its federal character while adapting to the evolving political and legal landscape.

Key-Words: federalism, Centralization, Indian Constitution, Regional autonomy.

1. Introduction

India's Constitution established a governance system designed to balance power between the central government and the states, reflecting the country's immense diversity. At the time of independence, with its multitude of languages, cultures, and regional identities, the necessity for a federal structure was evident⁵⁸³. The Constitution's framers aimed to ensure that while the Union government would hold overarching authority to preserve national unity, states would have the capacity to address their specific issues and identities. However, over the years, the initial vision of federalism has faced challenges due to increasing centralization. Although India's Constitution outlines a division of powers, assigning certain areas to the Union

and others to the States, the central government has frequently taken on more control in practice. This trend toward centralization has ignited debates, particularly as state governments express concerns about their diminishing autonomy. Factors such as national security, economic policies, and political considerations have all been cited as justifications for concentrating more power within the Union government⁵⁸⁴. A significant area where this tension manifests is in the interpretation of the Constitution. While the Constitution distinctly separates powers between the Union and the States, the Union has consistently broadened its influence, particularly through laws and amendments that extend its reach. This evolution has led many to question whether the original federal intent has

⁵⁸³ M.P. Jain, *Indian Constitutional Law* 145–50 (8th ed. 2021).

⁵⁸⁴ H.M. Seervai, *Constitutional Law of India* 265 (4th ed. 2008).



been undermined. The judiciary, which plays a crucial role in interpreting the Constitution, has often favored a more powerful central government, especially in pivotal cases concerning national security and governance. Several landmark Supreme Court rulings have bolstered the centralization of power, resulting in a scenario where the central government wields considerable influence over state matters, sometimes at the expense of state autonomy.

The debate over federalism versus centralization is not exclusive to India. Nations such as the United States, Canada, and Germany encounter similar difficulties in finding the right balance between central and regional powers⁵⁸⁵. By examining how these countries handle this balance, we may uncover valuable insights that could assist India in addressing its own issues. In this paper, we will delve into the ongoing tension between federalism and centralization in India, analyzing constitutional provisions, significant Supreme Court decisions, and political changes that have impacted this dynamic⁵⁸⁶. Additionally, we will compare India's federalism approach with that of other nations, seeking to understand how India's model can adapt to maintain state autonomy while fulfilling the requirements of a modern, cohesive nation. This matter is significant not only for politicians and legal scholars but also for everyday citizens, as the results will influence how power is allocated and exercised throughout the country⁵⁸⁷.

2. Federalism in India: Constitutional Provisions and the Balance of Power

When discussing federalism in India, it's important to first grasp how the Constitution establishes the framework. The creators of the Indian Constitution recognized the necessity of accommodating the country's diversity⁵⁸⁸. They allocated powers between the central

government and the states through the Union List, the State List, and the Concurrent List. These lists specify which areas each level of government can legislate on, with the Union List granting the central government exclusive authority over national matters, the State List empowering the states to handle regional issues, and the Concurrent List permitting both to legislate on shared topics. In theory, this division of powers was designed to ensure that both the central and state governments could operate effectively without interfering with one another. For instance, issues like defense, foreign affairs, and atomic energy are included in the Union List because they are vital to national security and stability. Conversely, matters such as policing, agriculture, and local governance are mainly the responsibility of state governments, enabling them to address the specific needs of their regions. However, as is often the case in governance, theory and practice can sometimes differ. While the Constitution outlines a federal structure, it also contains provisions that have allowed the Union government to exert greater control, especially during times of crisis or uncertainty. For example, Article 356⁵⁸⁹, which permits the central government to impose President's Rule in a state if it believes that the state government is not functioning according to the Constitution, has been invoked multiple times throughout India's history. This provision has frequently sparked debate, as some view it as an overreach that undermines state autonomy.

Also, Article 249⁵⁹⁰ allows Parliament to legislate on issues in the State List if it is considered to be in the national interest. This provision was included to ensure that national priorities could take precedence over regional concerns when necessary, but it is often cited as an example of centralization. The Finance Commission also plays a crucial role in balancing power between the Union and the States. While its purpose is to ensure a fair distribution of financial resources, the central

⁵⁸⁵ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* 310 (Oxford Univ. Press 1966).

⁵⁸⁶ D.D. Basu, *Commentary on the Constitution of India* 812 (9th ed. 2016).

⁵⁸⁷ Sudhir Krishnaswamy, *Democracy and Constitutionalism in India* 134 (2009).

⁵⁸⁸ K.C. Wheare, *Federal Government* 21 (4th ed. 1963).

⁵⁸⁹ India Const. art. 356.

⁵⁹⁰ India Const. art. 249.



government wields significant influence over how revenue is allocated. Over time, the Union government has retained control over substantial portions of fiscal policy, granting it considerable leverage in shaping state-level priorities⁵⁹¹. As a result, the political and constitutional landscape reflects a situation where, despite the formal federal structure, the Union government possesses a disproportionate amount of power. States have long felt that their autonomy is gradually being undermined, particularly in areas where the Union has exercised its powers to impose national policies that may not always align with regional needs. But, the Constitution also acknowledges the significance of state governments, especially regarding governance and public welfare. States are not intended to be mere administrative extensions of the Union; they are meant to have their own voice, particularly in local governance and addressing issues unique to their regions. Yet, the increasing reliance on centralization measures, particularly by the Union government, has led to growing frustration among states that feel excluded from the decision-making process. In conclusion, while the Constitution has established a framework for federalism, the ongoing reality is one of persistent tension between the desire for a strong central government and the need for regional autonomy. This delicate balance is continually being tested, and the outcome of this struggle will influence India's political future⁵⁹². The Constitution has left space for both centralization and decentralization, but the question remains: how can we ensure that both levels of government can coexist in a way that respects the federal principles laid out by the framers?

3. Comparative Analysis with Other Federal Systems

When we look at federalism around the world, India's system is unique, but it's not the

only one that has wrestled with the tension between centralization and regional autonomy. To better understand how India's federal structure stacks up, it's helpful to compare it with federal systems in other countries, such as the United States, Germany, and Canada. These nations, though different in their histories and cultures, have faced similar challenges of balancing power between central and regional governments. By examining how these countries manage their federal frameworks, we can gain insights that might help address the issues India faces today⁵⁹³.

❖ The United States: A Strong Federal System

- The United States has one of the most well-established federal systems in the world, and its Constitution clearly outlines the division of powers between the federal government and state governments. In the U.S., the Tenth Amendment explicitly states that any powers not granted to the federal government are reserved to the states. This has ensured that the states retain a high degree of autonomy in many areas, including education, health, and criminal justice⁵⁹⁴.
- One of the key features of U.S. federalism is the strength of state rights. States have considerable power to enact laws that reflect the values and needs of their local populations. In fact, U.S. states often operate with a high degree of independence and are seen as "laboratories of democracy," where new policies can be tested before being adopted at the national level.
- However, the relationship between the federal government and the

⁵⁹¹ Carl J. Friedrich, *Trends of Federalism in Theory and Practice* 98 (1968).

⁵⁹² Arend Lijphart, *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries* 85 (2nd ed. 2012).

⁵⁹³ Martin Loughlin, *The Idea of Public Law* 198 (Oxford Univ. Press 2004).

⁵⁹⁴ Pratap Bhanu Mehta, *The Rise of Judicial Sovereignty*, 19 *Econ. & Pol. Wkly.* 2282 (2007).



states has not always been smooth. For example, the Civil War (1861-1865) was fundamentally about the limits of state rights, with issues like slavery and states' autonomy leading to a bloody conflict. Even today debates over states' rights versus federal power continue, such as in areas like healthcare and marijuana legalization.

For India, the U.S. model is interesting because it highlights the value of clear constitutional limits on central power, something India's Constitution lacks in some areas. While India has a federal system in theory, the Union government's powers often overshadow state autonomy, as seen in the use of President's Rule and in areas of fiscal policy⁵⁹⁵.

❖ **Germany: A Federal System Built on Cooperation**

- Germany offers a somewhat different approach to federalism. Its Constitution, known as the **Basic Law (Grundgesetz)**, creates a federal system where the Länder (states) have significant powers. What makes Germany's system stand out is the degree of cooperation between the federal government and the Länder, especially in legislative processes.
- Germany's **Bundesrat**, the upper house of the federal parliament, gives state governments a direct say in national legislation. This structure ensures that the federal government cannot easily bypass state interests. The Länder are deeply involved in national decision-making, and this collaboration helps maintain a strong sense of state autonomy while ensuring that national policies reflect the needs of the entire country.

- The German system also provides a mechanism for resolving conflicts between the federal and state governments. The **Federal Constitutional Court** plays an essential role in ensuring that both levels of government adhere to the principles of federalism, much like India's Supreme Court does, but with a clearer focus on protecting state rights.

For India, the German model presents an interesting example of a more collaborative federal system. While India's Constitution allows for cooperation between the Union and the States, the dominance of the central government has often meant that this cooperation is less balanced. Perhaps India could learn from Germany's emphasis on shared decision-making, especially through the involvement of state representatives in national governance⁵⁹⁶.

❖ **Canada: A Model of Regional Autonomy**

- Canada's federal system is perhaps one of the most decentralized, particularly in terms of regional autonomy. The **Canadian Constitution** gives provinces significant powers, especially in areas like education, health, and resource management. Provinces have control over their own natural resources and are largely free to make decisions that best serve their regional interests.
- Canada's approach to federalism is often seen as a response to the country's linguistic and cultural diversity. With French-speaking Quebec at its core, Canada has developed a federal system that allows for the protection of minority rights and regional identities. The **Senate of Canada** and the **Council of**

⁵⁹⁵ Upendra Baxi, *Judicial Discourse and Social Change in India*, 3 J. Indian L. & Soc. 1 (1984).

⁵⁹⁶ Madhav Khosla, *The Indian Constitution and the Idea of Federalism*, 45 Mod. Asian Stud. 237 (2011).



the Federation, a collective body of provincial premiers, ensure that provinces have a voice in national decision-making.

- One of the most significant aspects of Canadian federalism is the **Notwithstanding Clause**, which allows provinces to override certain federal laws in specific situations. While controversial, this clause has provided provinces with a unique tool to protect their autonomy in cases where they feel federal policies don't align with their needs.

For India, the Canadian model offers a clear lesson in the value of decentralization and protecting the autonomy of states. India's own diversity—across language, culture, and religion—would benefit from a more robust system of regional autonomy. Though India has the **Ninth Schedule** and provisions like **Article 356**, these have often been seen as tools for centralization rather than for promoting true state autonomy. The Canadian system, where provinces have the power to push back against central legislation, shows a different, more balanced approach that India might consider exploring further⁵⁹⁷.

Drawing Parallels: What Can India Learn?

While India's federal structure is designed to cater to its unique socio-political context, the experiences of other nations offer valuable insights. The U.S. model emphasizes state rights, the German system fosters cooperation, and Canada's decentralized approach protects regional identities. In India, the central government's role often dominates, leaving states with less influence. This imbalance can lead to feelings of alienation and a sense that the states are mere extensions of the Union rather than independent entities with their own roles in the governance process.

India could look at these other countries' best practices in federal governance. A more cooperative system, where states have a stronger voice in national policy-making, could help restore the federal spirit. Similarly, clearer guidelines on the limits of central power could help maintain a balance that respects the autonomy of states while ensuring the Union's authority when necessary. At the same time, it's important to recognize that India's federal system must remain adaptable to its own needs. India's vast diversity, coupled with its complex political realities, means that any solutions must be tailored to its unique context. Nonetheless, examining how other nations manage the balancing act between federalism and centralization offers a helpful roadmap for India's evolving federal framework.

In conclusion, while India's federal system has certainly evolved, there is room for further development. By learning from the experiences of other nations, India can refine its approach to federalism, creating a system that works for both the Union and the States while honoring the Constitution's original vision.

4. Judicial Interpretation and Landmark Judgments

Judicial interpretation plays a crucial role in shaping the federal structure of India. The Indian judiciary, particularly the Supreme Court, has been at the heart of the ongoing debate between centralization and federalism. The Court's interpretation of the Constitution has often tipped the balance in favor of the Union, strengthening its powers at the expense of state autonomy. However, judicial decisions have also, at times, upheld the importance of federalism and state rights, reflecting the dynamic and evolving nature of India's constitutional framework⁵⁹⁸.

The way the Supreme Court has interpreted key provisions of the Constitution, especially those related to the distribution of powers, has had a significant impact on the relationship between

⁵⁹⁷ Arun K. Thiruvengadam, *The Place of Judicial Review in India's Constitutional Order*, 47 Asian Surv. 785 (2007).

⁵⁹⁸ Rajeev Bhargava, *What is Indian Secularism?*, 36 Econ. & Pol. Wkly. 4841 (2001).



the Union and the States⁵⁹⁹. Over time, the Court has emphasized the need for a strong central government in the interest of national unity and security, sometimes at the expense of regional concerns.

The Role of the Judiciary in Shaping Federalism

The Indian judiciary's role in interpreting the Constitution has always been twofold: ensuring the Constitution's supremacy while balancing the interests of the central and state governments. Judicial decisions often arise from political and social contexts, and the Court's interpretations are shaped by the national circumstances prevailing at the time. The Supreme Court has consistently played a key role in resolving disputes between the Union and the States, interpreting the Constitution in a way that accommodates the changing needs of governance in India.

At the heart of judicial interpretation is the question of how much power the Union should wield versus the autonomy of the States. The Union has often used its constitutional powers to justify centralization, while states have contested these interpretations to protect their interests.

Landmark Judgments on Federalism and Centralization

Several landmark Supreme Court judgments have significantly influenced the balance of power between the Union and the States. These rulings reflect the Court's attempts to navigate the delicate balance between maintaining national unity and respecting state autonomy⁶⁰⁰.

➤ State of Rajasthan v. Union of India (1977)

This case dealt with the power of Parliament to alter state boundaries and the structure of governance in India. The Supreme Court ruled that the Union

government had the authority to create new states or alter the boundaries of existing ones, overriding any objections from state governments. This judgment reinforced the idea that, in matters of national importance, the central government could exercise its powers without the need for state consent. This decision highlighted the Union's dominance over states, especially in territorial matters⁶⁰¹.

➤ Kesavananda Bharati v. State of Kerala (1973)⁶⁰²

The Kesavananda Bharati case is one of the most pivotal in Indian constitutional law. While the case primarily dealt with the scope of Parliament's power to amend the Constitution, it also clarified the relationship between federalism and centralization. The Court ruled that while Parliament could amend the Constitution, it could not alter the "basic structure" of the Constitution, including the federal nature of the polity. However, the judgment allowed certain constitutional amendments to still favor centralization as long as the federal principle was not entirely undermined. This judgment underscored the tension between federalism and centralization by establishing that the federal structure could be redefined but not fully dismantled. The basic structure doctrine created an interesting space where the Constitution's centralizing tendencies could still be challenged.

➤ S. R. Bommai v. Union of India (1994)⁶⁰³

The S. R. Bommai case, concerning the imposition of the President's Rule in Karnataka, is another landmark ruling that dealt with the centralization of power. The Court ruled that the power of the Union to dismiss state governments

⁵⁹⁹ Marc Galanter, *Law and Society in Modern India*, 17 Am. J. Comp. L. 340 (1979).

⁶⁰⁰ Sudhir Krishnaswamy, *Democracy and Constitutionalism in India*, 39 Indian L. Rev. 112 (2010).

⁶⁰¹ *State of Rajasthan v. Union of India*, (1977) 3 SCC 592.

⁶⁰² *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225.

⁶⁰³ *S.R. Bommai v. Union of India*, (1994) 3 SCC 1.



under Article 356 should not be exercised arbitrarily and must be subject to judicial review. This judgment was important because it placed limits on the Union's authority to dismiss state governments, recognizing the importance of state autonomy and the need for checks and balances in the exercise of central powers.

The Bommai case strengthened the position of federalism by setting a precedent that the Union's power over states, particularly in matters like the President's Rule, must be exercised with caution and scrutiny. It was seen as a significant decision in favor of state rights, curbing excessive centralization.

➤ Union of India v. Harbhajan Singh (2002)⁶⁰⁴

In this case, the Supreme Court interpreted the term "discretionary powers" under Article 356, reinforcing the idea that the central government could not dismiss a state government without just cause. This ruling further solidified the principles of federalism by ensuring that the Union could not arbitrarily interfere in state governance, protecting states' rights to self-governance unless there was a clear and compelling reason for intervention.

➤ NCT of Delhi v. Union of India (2018)⁶⁰⁵

This case is particularly relevant in today's context, as it pertains to the power struggle between the Delhi government and the Union government. The Supreme Court ruled that the Lieutenant Governor of Delhi is bound by the advice of the Delhi Cabinet in matters concerning the day-to-day functioning of the government. This judgment was a significant victory for the Delhi government, asserting its

autonomy in running the affairs of the National Capital Territory of Delhi. It emphasized that while the Union government has a role, it cannot dominate the functioning of Delhi's elected government, reinforcing the idea that even centrally administered areas should have a degree of autonomy.

Impact of Landmark Judgments

These judgments highlight how the Supreme Court has navigated the complexities of federalism in India. The Court's rulings have often sided with centralization, particularly in matters related to national unity and emergency powers. However, there has also been a recognition of the need to protect the autonomy of states, especially when their rights are at stake.

For example, in the Kesavananda Bharati case, the Court's recognition of a "basic structure" of the Constitution, which includes the federal framework, gave some protection against the Union's attempts at unilateral centralization. Similarly, the S. R. Bommai case provided a safeguard against the arbitrary dismissal of state governments, reinforcing the idea that the Union should not have unchecked power over states. In recent years, judicial interventions have increasingly been cautious about centralization, especially when it comes to states' rights. The NCT of Delhi v. Union of India judgment, for instance, demonstrated a growing tendency to defend the rights of states (or even Union Territories like Delhi) against the central government's encroachment.

The role of the judiciary in India's federalism debate cannot be overstated. While the Constitution provides a framework for federalism⁶⁰⁶, it is through judicial interpretation that the true balance of power between the Union and the States has been tested. The Supreme Court has, at times, leaned in favor of centralization, citing national interests while also defending state autonomy when

⁶⁰⁴ *Union of India v. Harbhajan Singh*, (2002) 3 SCC 667.

⁶⁰⁵ *Government of NCT of Delhi v. Union of India*, (2018) 8 SCC 501.

⁶⁰⁶ *Kuldip Nayar v. Union of India*, (2006) 7 SCC 1.



necessary. The evolving nature of judicial interpretations reflects the dynamic tension between federalism and centralization in India and will continue to play a key role in shaping India's political future. As India moves forward, the judiciary will remain an essential player in ensuring that the balance between the Union and the States is maintained, protecting both national unity and regional diversity⁶⁰⁷.

5. Conclusion

The relationship between federalism and centralization in India has always been complex, evolving with the political, legal, and social landscape of the country. While India's Constitution lays out a federal framework, the practice of federalism has often been overshadowed by a strong central government. Over the years, judicial interpretations, political decisions, and economic factors have contributed to a gradual shift toward centralization, often at the cost of state autonomy. However, India's diversity, regional identities, and unique challenges continue to make federalism an essential feature of its political structure⁶⁰⁸.

The landmark judgments discussed in this paper have demonstrated the Supreme Court's pivotal role in balancing the powers between the Union and the States. While some decisions have reinforced central authority, others have underscored the need for safeguarding state rights and ensuring that the balance of power does not tip too far in favor of the Union. Cases like **Kesavananda Bharati**, **S. R. Bommai**, and **NCT of Delhi v. Union of India** highlight the dynamic nature of federalism in India, with the judiciary attempting to adapt to changing political and constitutional realities⁶⁰⁹.

Looking at other countries, such as the United States, Germany, and Canada, also offers valuable insights into the different ways federal systems can be structured and

managed. These countries emphasize different aspects of federalism—whether it's the protection of state rights, cooperation between the federal and regional governments, or decentralization to protect regional identities. India can certainly learn from these models, but any adaptation to its own federal system must account for the country's vast diversity, regional disparities, and the complexities of its political and social fabric⁶¹⁰.

India's federalism, while unique, is still a work in progress. There are challenges in ensuring that both the Union and the States can work together in harmony while respecting each other's powers and roles. The future of Indian federalism will depend on how the country addresses issues of governance, regional autonomy, and the role of the judiciary in ensuring that the constitutional balance of power is not undermined. In conclusion, the tension between federalism and centralization in India is not a static issue. It is a constant balancing act that requires ongoing dialogue, judicial intervention, and a nuanced understanding of the evolving needs of the country. As India continues to grow and transform, it will need to reimagine its federal system in ways that preserve the essence of its constitutional framework while adapting to the challenges of a modern and diverse nation. Balancing the powers between the Union and the States will remain one of the most critical tasks in ensuring the future stability and unity of the country while respecting the regional aspirations that form the heart of India's pluralistic identity.

⁶⁰⁷ *State of West Bengal v. Union of India*, AIR 1963 SC 1241.

⁶⁰⁸ P.K. Tripathi, *Spotlight on Constitutional Interpretation* 243 (1972).

⁶⁰⁹ S.P. Aiyar, *The Evolution of Indian Federalism*, 8 Indian J. Const. L. 221 (1986).

⁶¹⁰ R. Sudarshan, *Federalism and Economic Governance in India*, 29 India Rev. 315 (2003).