

Changing Dynamics of Federalism in India: An Analysis



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Abstract

Federalism in India, though enshrined in Indian Constitution, has undergone significant transformations since independence, influenced by political, economic, and socio-cultural developments. "Changing Dynamics of Federalism in India is the area of concern to seek and examine the evolving nature of Indian federalism in light of recent trends and challenges. While the Indian Constitution provides for a quasi-federal structure, the balance of power between the Centre and the states has frequently shifted due to changing political regimes, economic liberalization, and judicial interpretations.

The study explores the historical foundations of Indian federalism and assesses how federal relations have been shaped by centralizing tendencies, regional assertions, and the emergence of coalition politics. This paper divides the evolution of federalism into various phases. The special attention is given to the impact of GST implementation, cooperative federalism initiatives like NITI Aayog, and the increasing central influence in areas such as fiscal allocations, internal security, and policy-making. The study also examines the role of regional parties in their inter-state disputes, and state responses to centrally imposed policies, particularly in sectors like health, education, and disaster management.

By employing a qualitative analysis of constitutional provisions, key legislative and policy developments, and landmark judgments and the concerning controversy between the Governor and the State Government has been dealt therein. The paper also deals in holistic perspective on whether India is moving toward greater centralization or true cooperative federalism. It concludes by highlighting the need for a more balanced federal framework that accommodates regional aspirations while preserving national unity. The research underscores the importance of dialogue, institutional reform, and political will in strengthening Indian federalism in an increasingly diverse and dynamic polity.

Keywords: *Federalism, Constitution, Parliament, State Government, Federal System, Regional Parties, Amendments*

Introduction

The fundamental feature of "federalism" is the division of powers between the constituent units of a federation. Decentralization is, in this manner, a baseline of any federation in the world. The division of powers between the Centre and States is the foremost essential feature to decide the jurisdiction for the working of the central government and the constitutional units existing within the constitutional framework.

The Constitution of India which was adopted on January 26, 1950, enumerates the essential characteristics of federalism, but at the same time, not like other federations in the world, the federalism of India is centred around the Union Government. In addition, each state is invested with significant powers and opportunities within its relegated territory. As

is the case of genuine federations like USA, the word "federation" has not been specified in the Indian Constitution as the federation existing in India isn't the result of an understanding between the states. Moreover, the states have no right to withdraw from the Centre. It is an indestructible confederation of destructible organizations, and Indian Parliament, under the Constitution, can alter/change the territories of existing states to create new states, merge two or more states, and create new borders and boundaries between states just with the simple majority of both the houses of Indian parliament. With the same provision, the Indian Parliament has the power to change the name of a state without its prior approval. However, given that India is the birthplace of diverse social, cultural, religious and geographical conditions as well as

continental size of the country, it is not possible for the federal government to independently enact legislation that considers the special needs of all states. States are, therefore, also empowered to enact laws that meet their social, cultural and geographic needs on the subjects given in concurrent list. In India, federal structures are being replaced by unity structures to manage national crisis, national emergencies and curb separatist tendencies. At the same time, however, various efforts are being made to strengthen cooperation between the federal and state governments to ensure the smooth functioning of the federal system. At the best, India can, therefore, be described as a cooperative federation with a strong centre to maintain national sovereignty, unity and integrity. The present paper strives to examine the changing dynamics of federalism in India over the last seven decades and presents an overview of the centre state relation in India. The change in the political party at the centre have led significant changes in the working and structure of Indian federalism. It has undergone various stages of evolution. An attempt will be made to map all the stages of its growth.

India's well known government framework has seen continuous changes in a peculiar political and socio-economic milieu grounded in a complex but diverse nation. After more than seven decades of its inception, it is important to look at the dynamics of centre state relations in India and evaluate its effect on India's democratic governance and legislative issues. Unnecessary to say, it has advanced over the period of nearly seven decades and has experienced distinctive measurements at distinctive stages.

Unique Federal Design

India initially embraced a government political framework with two levels of government, central and state level. An important third level (panchayat and districts level) was included after passage of the 73rd and 74th Constitutional Amendments in 1992. The Constituent Assembly adopted their own government structure for an autonomous India, often called "centralized federalism". Since structure is absolutely necessary in many key areas for a structurally stronger Union

Government, as opposed to classic federalism just like the United States or Canada. The founding fathers' decision to make a powerful centre is accepted to have been driven by fears of growing separatist propensities in nation that endured the traumatic legacy of division on the eve of independence. The Centre has greater power over the states on important issues, such as the discretionary power to redefine state boundaries. The Centre list have more subjects than the State list, and even subjects on the Concurrent list have precedence over state law. Additionally, in exceptional circumstances, the Parliament can make laws on state matters. Interestingly, the Centre Government has significantly control economic resources and, most importantly, has the authority to appoint governors and dismiss governments in the provinces of Indian Union, ensuring that centre is properly empowered to decide to do so, hence it declares a presidential system. But it is wrong to think that India's federal system is completely centralized. The Indian constitution has some important and powerful federal features such as dual government system and a limited separation of powers between the central and constitutional units enshrined in the written document. The process of amendment in federal provisions of the Constitution is also rigorous and no amendment is possible without the consent of majority of states of India. The provision of independent judiciary works as constitutional safeguard for sorting out all disputes between the units of a federation.

Evolution of federalism in India

The relations between central government and the states has evolved over time and has been heavily dependent on changes in political discourse over time. From the outset, Indian federalism was characterized by complex interactions between political actors at the central and state levels, grounded in intersecting determinants such as political partisanship, identity and resource politics. The dynamics of Indian federalism, chronologically from independence to the present, can be divided into four stages. One Party Government (1952-1967), Coalition Governments (1967-1989), Regionalisation of National Politics (1989-

2014) and the revival of One-party Government (2014 to till date).

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Phase-I

In the first phase, the Congress enjoyed absolute political hegemony as the party of freedom, both at the central level and state level, what political scientist Rajini Kothari called the "Congress System." The national politics during this period was led by Pandit Jawaharlal Nehru, the first Prime Minister of India, but local leaders and regional leaders also had considerable political influence and built-up considerable support bases in their respective regions/states. Many conflicts between the central government and the states were resolved in parliamentary party forums to prevent serious conflicts in the federation, forming a consensus model of "intra-party federalism". During this period, however, the demands of the regional leaders that forced the central government to make linguistic states and the solid resistance of southern states to the central government's order to pronounce Hindi as the national language of the country. It could be a sign of social constraint and political autonomy. Such attempts are centralized and homogenous and are against the paradigm of national integration and true federation.

Phase-II

The second phase, which began in 1967, the Indian National Congress retained power at the national level, but could not come to power in various states, and coalition governments led by regional parties primarily anti-Congress were established in many states. The second phase indicates the beginning of an era of more competitive and more direct confrontational federal power relations between Congress-led central governments and state governments led by opposition parties. After the party split in 1969, the Congress Party led by former Prime Minister Indira Gandhi became highly centralized and authoritarian, and the party's regional leadership and organizational structure suffered a big deal of autonomy.

Gandhi's popularity led to Congress victories in the national elections during this period (except for the 1977 parliamentary election), but the weakening of subordinate structures began to erode the social base of the party. Consequently, the Union government exercised its special powers to dismiss state governments ruled by opposition parties. Even when the Janata government defeated the Congress to come to power in 1977, it continued to use such coercive measures to dismiss state government ruled by the leaders of opposition parties. A conflict-ridden federation during this period, with the rise of powerful regional leaders in Jammu and Kashmir, a North Indian state as well as the states from Southern part of India, resisting the central government's claim. In the late 1970s and early 1980s, states such as Assam, Punjab, Kashmir, and Mizoram experienced a massive escalation of political crisis, partly due to their tendency to centralize. However, while Rajiv Gandhi's government adopted a centralized model of working, but it practised a conciliatory approach, by giving some space to other aspirations.

Phase-III

Multi-party federalism' is the fundamental feature of third phase, a 'reconfiguration of politics in India' led to the regionalisation of national politics across regions. In the beginning the dominance of Congress party started waning in at the national level and the Bhartiya Janata Party (BJP) still struggling to rise as the credible political choice at national level, though it generated political space for many important regional political outfits to play a significant role at the national level in coalition governments and have an impact in decision making in national polity. This phase empowered various leaders of regional stature to share national power as no national political party could attain an absolute majority in the Lok Sabha in Parliament of India. As the regional players had a significant political role in the national coalition at the Centre by joining either of Congress led-UPA and BJP led-NDA, the bitter Centre-state conflicts started decreasing in this phase and the Union Governments' misuse of Article 356 to dismiss province government became rare partly due to

shifting power equations and moreover on account of Supreme Court ruling (S.R. Bommai vs Union of India case judgement, 1994) against abuse of article 356 by the Central government. This period moreover witnessed the liberalisation, privatization and globalization of the economy in India and it offered sensible independence to the provincial governments to welcome foreign investments in their respective states.

The implementation of 72 & 73rd Amendments to the Indian constitution further strengthened local autonomy at the grassroots level in India. In the truest sense of the word, the third stage opened the door to true federalism through dialogues and negotiations between the central and the states.

Phase-IV (Current)

The rise of the Bhartiya Janata Party under the charismatic leadership of Narendra Modi in 2014 and consequent formation of government has led to the revival of one-party dominance at the centre. The BJP ended a 30-year coalition government and won an absolute majority in the 2014 and 2019 parliamentary elections. Simultaneously, the party came to power in various states of Indian Union, almost establishing a party hegemony that resembled the hegemony of Congress Party popularly known as Congress system.

Although the Bhartiya Janata Party have emerged as a very strong political power at the national level as well as due to significant weakening of the Congress Party, it is mainly the regional political parties that are challenging the Bhartiya Janata Party's rise in state elections to some extent. During this period, there was great disagreement in the federal government between centrist and opposition-controlled states, with the latter defecting from the ruling party nationwide and misusing the powers of the nominal head of the state and Central Investigation Agencies to curtail the power and influence of opposition leaders who have been constantly accusing the Centre government to destabilize the state governments ruled by the opposition political parties. There was government consensus within the starting on decisions like passing of GST law, arrangement of NITI Aayog and GST Council, and acceptance of the Finance

Commission's proposal to increase states' share of funds to ease administration issues. But very regularly, the states ruled by non-BJP political parties continually remained in conflict with the Union government on a few key issues of important policies which incorporate CAA, farm laws, the purview of BSF in states, GST compensation, offer assistance and help amid the COVID-19 pandemic times. Coincidentally, the Centre has also been able to earn the bolster of a few Opposition-ruled states on conflating issues such as the abrogation of Article 370 in Jammu & Kashmir and CAA built on nationalistic board and termed it as 'national federalism'. Interface the remarkable COVID-19 crisis, had compelled the Central government to perceive the noteworthiness of decentralized working and local organization in matters of health emergency and concurred the states suitable freedom to handle the impending crisis. However, the Union government played the crucial role in planning the issues of administration at the state level. In brief while the moment dominant party system has arrived with the hegemonic rise of the BJP, the states driven by a few territorial leaders are resisted the rising patterns of centralized federalism in India.

Between 2014 and 2024, several Indian states witnessed significant controversies between their Chief Ministers and Governors. Notable instances include:

Arunachal Pradesh (2015-2016): A political crisis emerged when Governor Jyoti Prasad Rajkhowa advanced the legislative assembly session without consulting the Chief Minister, Nabam Tuki. This move led to a series of events culminating in the imposition of President's Rule in the state. The Supreme Court later termed the Governor's actions unconstitutional, reinstating the Tuki government.

Bihar (2015): After JD(U) leader Nitish Kumar resigned, Jitan Ram Manjhi was appointed as Chief Minister. Tensions arose when Manjhi refused to vacate the post for Kumar's return, leading to a split in JD(U). Governor Kesri Nath Tripathi's role during this period was scrutinized, especially concerning the recommendation to dissolve the assembly,

which was opposed by a majority of cabinet ministers.

West Bengal (2019-2022): The relationship between Chief Minister Mamata Banerjee and Governor Jagdeep Dhankhar was marked by frequent public disagreements. Issues ranged from administrative decisions to handling the COVID-19 pandemic. The discord escalated to the point where Banerjee blocked the Governor on social media, citing his critical posts about her administration.

Maharashtra (2019-2022): A prolonged tussle between Chief Minister Uddhav Thackeray and Governor Bhagat Singh Koshyari unfolded over various issues, including the reopening of temples during the COVID-19 lockdown and the nomination of members to the Legislative Council. The strained relationship contributed to political instability, culminating in the resignation of Thackeray and the eventual formation of a new government.

These instances highlight the complexities and challenges in the relationships between state Governors and Chief Ministers in India during this period.

Conclusion

Thus, the above discussion reveals that though the India's federal system is centralized in nature, the diverse and localized needs and aspirations of different regions for identity, autonomy and development have required governments to respond in different ways. At all four stages, attempts at centralization and homogenization were met with resistance by local, state and regional leaders who succeeded in retaining the original federal concept to some extent. By decentralizing power to the lowest level of government, the addition of a third level of local autonomy is also effectively a strong pillar of Indian federalism. However, two major challenges stand in the way of greater federal cooperation. First, in India, mutual mistrust and electoral competition between rival central and state parties have obscured opportunities for political dialogue and consensus-building, and concerns about political partisanship have plagued India's federal relations. Second, because of this smouldering political division and mistrust, inter-governmental bodies such as the Inter-State Council, GST Council, NITI

Aayog, and Zone Councils remains significantly under-utilized to resolve key issues of governance. Moreover, the COVID-19 pandemic, currently recognized by Prime Minister of India Mr. Narendra Modi, has re-emphasized the requirement of a strong federal system to ensure good governance and development in a country of diversities like India.

Be that as it may the political mishaps above call for research and reflection on federalism. The nation requires the creation of a formal institutional framework to mandate and facilitate consultations between the Union and States on legislative areas mentioned in concurrent list.

To strengthen the inter-governmental relations is also important. State governments should consider committing human resources to assist in the preparation of responses to the consultations initiated by the Union, with a particular focus on the federalist dimension. The Prime Minister could set up a forum for regular exchange of views on this subject rather than contacting each other only in case of crisis. This is very important to enforce key demands such as extending GST coverage until 2027 and including levies in divisible tax pools.

The constitution maker's intention was to ensure that the common good was upheld, and it is important that stakeholders are heard. Cooperative federalism is at the heart of consultation and dialogue, but unilateral legislation that does not trust the state will only provoke street protests. There is an urgent need to introduce reforms while balancing federalism.

India, a country of diversities, need to strike a balance between the units of federalism (state autonomy, centralization, regionalization, etc.). Either extreme political centralization or chaotic political decentralization could undermine India's federalism. The central government must ensure that the interstate council institutional mechanism is appropriately utilized to develop political affiliation between the Center and the states on controversial political issues. The steady expansion of national financial capacity must

be legally guaranteed without decreasing the center's share.

It can be concluded that the flexibility of federal government plays an important role in shaping democracy. The central government must invest resources to enable effective consultations with states as part of the legislative process. It is important to build a system in which citizens and states are treated as partners rather than actors, only that can ensure the success of Indian federalism.

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