BLOGS

The Federal Structure of India: Centralization within a Union Framework

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Federalism in India

The **Government of India Act, 1935**, established the foundation for federalism in India, bringing together British India and the princely states. Inspired by the nation's vast size and diversity, the Indian Constitution established a dual polity comprising the Central Government and State Governments.

India's federal structure is unique, blending features of federalism with a strong unitary bias. The Indian Constitution establishes a framework that recognizes the division of powers between the Union and the States while ensuring a centralizing influence for national integration and governance efficiency.

This model of "centralisation within a union framework" has been instrumental in addressing India's vast diversity and complex socio-political landscape.

Article 246, read with the **Seventh Schedule**, divides legislative, administrative, and financial responsibilities into the **Union List**, **State List**, and **Concurrent List**. However, overlapping areas necessitate judicial doctrines like **Pith** and Substance, **Colourable Legislation**, and **Harmonious Construction** to resolve disputes.

The Constituent Assembly intentionally avoided using the term "federation," indicating that the states cannot secede from the Union. The Constituent Assembly envisioned India as a unified organisation with centralised features to ensure efficient governance and national integrity.

Federal Features of the Indian Constitution

The Indian Constitution embodies several key features of federalism:

1. Division of Powers: The Seventh Schedule divides legislative powers into the Union List, State List, and Concurrent List.

2. Written Constitution: The Indian Constitution is a comprehensive and written document that clearly demarcates the roles and responsibilities of the Union and the States.
3. Supremacy of the Constitution: The Constitution is the supreme law of the land, binding on all levels of government.
4. Independent Judiciary: The judiciary, led by the Supreme Court, acts as the guardian of the Constitution and resolves disputes between the Union and States.
5. Bicameral Legislature: The Rajya Sabha (Council of States) provides representation to States in the Union Parliament.

Unitary Bias in the Indian Constitution

While federal in principle, the Indian Constitution grants substantial powers to the Union, creating a strong centralising tendency:

1. Residual Powers: Unlike typical federal systems, residual powers are vested in the Union Government (Article 248).
2. Emergency Provisions: During emergencies (Articles 352, 356, and 360), the Union assumes expansive powers, overriding State authority.
3. Single Citizenship: Unlike other federations, India provides for single citizenship, emphasizing unity.
4. Integrated Judiciary: India's judiciary is a single unified system, unlike dual systems in classic federations.
5. Governor's Role: Governors, appointed by the President, often act as agents of the Union in States, influencing State decisions.

Centralising Features of Indian Federalism

Although the Constitution establishes a federal framework, several provisions tilt power in favor of the center.

1. Article 3: Reorganization of States: Parliament is empowered to create new states, alter boundaries, or rename states. While consulting the state legislature is mandatory, its recommendations are not binding. The **abrogation of Article 370** and the bifurcation of Jammu and Kashmir into Union Territories demonstrate the Centre's overarching authority.

2. Emergency Provisions: **Articles 352** and **356** transform the federal framework into a unitary system during emergencies. Misuse of **Article 356**, allowing for the dismissal of state governments, was a key focus of the **S.R. Bommai case**.

3. Parliament's Extended Legislative Competence: Under specific circumstances, **Articles 249**, **250**, and **252** enable Parliament to legislate on matters in the State List.

4. Repugnancy Doctrine: **Article 254** ensures that central laws prevail over conflicting state laws.

5. Role of the Governor: Under **Articles 200 and 201**, centrally appointed governors can reserve state bills for the president's assent, further strengthening the Center's influence.

6. Residuary Powers: According to **Entry 97 of the Union List**, subjects not enumerated on the State or Concurrent Lists fall under the Center's jurisdiction.

Judicial Interpretations of Federalism

The judiciary has played a pivotal role in defining and interpreting India's federal structure. The cases of **State of West Bengal v. Union of India** and **S.R. Bommai v. Union of India** exemplify the complex balance between the Centre and states.

State of West Bengal v. Union of India

The main question in this case was whether Parliament could purchase property that the state of West Bengal owned. The primary question was whether the Indian Constitution conferred absolute sovereignty to the states. The Supreme Court decisively rejected the concept of state sovereignty, **emphasizing the centralized nature of India's federal system**.

Key Observations of the Case

1. No Sovereign Compact: The Court noted that Indian states were not sovereign entities before the Constitution. Unlike federations like the United States, where states voluntarily ceded sovereignty, Indian states derive their authority solely from the Constitution.
2. Amendability of the Constitution: Unlike classical federations where constituent units have veto power over amendments, the Indian Constitution allows Parliament to amend most provisions unilaterally. Provisions requiring state ratification under Article 368 do not equate

to state sovereignty.

3. Division of Powers: The Court stressed that the allocation of powers between the Center and states balances national and local interests. The Union controls matters of national importance, such as defense and foreign affairs, while states handle local issues like public health and agriculture.
4. Judiciary's Role: The judiciary acts as the final arbiter of central-state disputes, ensuring constitutional compliance.

The court described the Indian Constitution as **"quasi-federal"**, emphasizing that states lack inherent sovereignty. This judgment reaffirmed the Center's dominance in maintaining national unity.

S.R. Bommai v. Union of India

The **S.R. Bommai case** is a landmark judgment addressing the misuse of **Article 356**. The Court introduced strict guidelines for invoking the president's rule, significantly strengthening the federal framework.

Key Observations of the Case

1. Federalism as a Basic Structure: The Court emphasized that even through constitutional amendments, federalism remains an integral part of the Constitution's basic structure.
2. Judicial Review of Article 356: The president's rule is now subject to judicial review. We laid down strict guidelines to prevent arbitrary dismissals of state governments, ensuring accountability.
3. Unitary Bias in Emergencies: The Court acknowledged the Constitution's unitary features during emergencies, allowing the Center to temporarily override federal boundaries.
4. State Autonomy: The judgment reaffirmed that states exercise supreme authority within their constitutional spheres. The Center cannot arbitrarily encroach upon these powers.
5. Cooperative Federalism: The Court emphasized the importance of collaboration between the Center and states in ensuring effective governance without undermining state autonomy.

The **Bommai judgment** limited the Centre's ability to misuse emergency provisions, strengthening cooperative federalism while maintaining national integrity.

Conclusion

India’s federal structure is a dynamic and evolving framework. While centralisation has enabled strong governance and national unity, it must be tempered with respect for State autonomy to ensure true cooperative federalism. The balance between Union and State powers remains crucial for the sustenance of India’s democratic and federal ideals.