

The Paradox of ‘Centralised Federalism’: An Analysis of the Challenges to India’s Federal Design

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ABSTRACT

The Indian model of federalism may be one of the most interesting typologies in the world, characterised as it is by a paradox, to begin with: that of being a “centralised federalism”. This paper provides a temporal framework in the discourse on Indian federalism by outlining the history of the country’s federal structure in four different time periods, from the birth of the Indian republic to these contemporary times. It shows how the prevailing political factors in each of these phases served to strengthen the Indian federal discourse, despite the centralised constitutional setting of the Indian polity. The paper highlights the different patterns of Indian federal response shaped by various political factors over time, and offers recommendations for strengthening India’s federal design.

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INTRODUCTION

The term 'federalism' refers to the constitutionally allocated distribution of powers between two or more levels of government in the modern nation-state system—one, at the national level and the other, at the provincial, state or local level.¹ The most salient aspect of a federal form of government is that the governments at both the national and the state level function in their respective jurisdictions with considerable independence from one another.^a Some of the notable federal polities in the world are the United States (US), Canada, Switzerland, Australia and India.

Understanding the meaning of the term 'federation' provides a window for examining the broad typologies of federal polities. 'Federation' is derived from the Latin word *foedus*, which means treaty or agreement. A federation, therefore, is a political system that is formed through a treaty or agreement between its various constituent units.² When few contiguous provincial units voluntarily come together to form a strong union, a federation is formed. The US is a classic example of a 'federation of states.' Apart from this model of provincial units "coming together" to form the federation, there is another type of federal model—where the geographically vast and culturally diverse state gives autonomy to its provinces for administrative convenience and for representing the regional interests. This model of federation is called the "holding together"^b federation.³ Indian federalism has been

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- a Federalism is in sharp contrast to the unitary model of government where all the administrative powers are entirely vested upon the national government and the regional governments, if any, entirely derives their powers from the national government.
 - b. It is called "holding together" federalism as the constituent units do not necessarily volunteer to form the federation, rather the state creates a decentralised power structure in order to ensure administrative autonomy to the states for political balance and stability.

broadly designed based on the second model. The Indian Constitution laid down a political system which is federal in nature—i.e., there are two tiers of government: at the national level, and the state level.^c However, the Indian Constitution has structurally made the Union government more powerful than the states—therefore the seeming paradox of “centralised federalism.”

Political scientist, Philip Mahwood, has argued that in culturally diverse, developing countries like India, federalism is chosen not merely for administrative requirements but for the very survival of the nation.⁴ However, despite possessing a keen understanding of the multi-dimensional nature of India's vast diversities, the framers of the Indian Constitution refrained from creating a fully federalised political system in India at the time of the country's independence, because of their fear^d of further disunity and secessionist tendencies in the country which was already being subjected to partition.⁵

During the Constituent Assembly debates, the first prime minister, Jawaharlal Nehru cautioned that “it would be injurious to the interests of the country to provide for a weak central authority which would be incapable of ensuring peace, of coordinating vital matters of common concern and of speaking effectively for the whole country in the international sphere.”⁶ Other prominent members of the assembly also demanded a stronger Union government necessary for India's survival and political stability, given its vast diversity based on religion, language, caste and ethnicity.

c. There is a third tier of local self-government in India in the form of panchayats and Municipalities which got a strong constitutional foundation with the 73rd and 74th Amendment of the Constitution.

d. The fear was understandable as the newly independent, socially vulnerable nation already witnessed one of its most violent manifestations of fragmentation at the time of partition of India and Pakistan in 1947.

It is incorrect, however, to conclude that India's constitutional structure is entirely tilted towards empowering the Union government over the states. There exist some highly crucial federal features in the Indian Constitution.^e Dr B R Ambedkar assured the Constituent Assembly: "The Constitution is a Federal Constitution...The Union is not a league of states...nor is the states the agencies of the Union, deriving powers from it. Both the Union and the states are created by the Constitution, both derive their respective authority from the Constitution."⁷ To govern such a diverse polity, a structure of "asymmetrical federalism"^f was adopted.⁸

This paper outlines the history of Indian federalism, and makes an assessment of how the regional interests and diverse political dynamics of the state-level actors have constantly challenged the centralising nature of the Indian polity since the birth of the Indian republic. The paper will divide the discussion in four phases: a.) One-party Federalism (1952-1967); b.) Expressive Federalism (1967-1989); c.) Multi-party Federalism (1989-2014); and d.) the return of Dominant Party Federalism (2014 onwards).^g It will analyse how political factors have

e Some federal features are as follows: dual polity, the establishment of the union and the state governments which has a clearly differentiated jurisdiction of powers sanctioned by a written Constitution where the powers of the centre and state are clearly laid down in the union, state and concurrent lists. Furthermore, the state rights are safeguarded by making the amending procedure of the federal features of the Constitution rigid which is possible only with the consent of the majority of the states. Apart from the immunity against arbitrary amendments by the centre, the independent judiciary has been created to arbitrate any dispute between the centre and the states. Lastly, the bicameral structure of the Indian parliament has been created to represent the interests of the 'federating states' in the upper house (Rajya Sabha) of the parliament.

f The Union and the state governments do not have equal powers in all aspects and there are differences in which some states and other provincial units of India are governed. This creates asymmetrical federalism in India.

g These divisions have been formulated by the author.

facilitated the regional assertion despite the powerful position of the Union government.⁹ The other factors that have influenced federalism in India will not be discussed in this paper. The paper will focus on the political dimensions that have led to the regionalisation and federalisation^h of the Indian political landscape.

The Indian Constitution has an inherent bias for the Union government, and this dominates the political structure of India: the central government is superior authority to the states in various ways. Indeed, the term 'federation' finds no mention in the fundamental law of the land.ⁱ Article 1 describes India as a 'Union of States', and not 'Federation of States', for two reasons, as articulated by Ambedkar.¹⁰ First, the federation in India has not been formed at that time, due to an agreement between the federating states; and second, the states in India do not have the right to secede.¹¹ Therefore, the federation is called 'Union' in India's case as it is indestructible.¹² Australian Constitutional expert K.C. Wheare once described the Constitution of India as "quasi-federal": "Indian Union is a unitary state with subsidiary federal features rather than a federal state with subsidiary unitary features."¹³ (Table 1 shows the key Constitutional provisions that reflect a degree of bias for the Union government.)

h The term 'regionalisation' refers to the political factors at the regional level or those created by the regional actors that influence the political discourse at the national level. On the other hand, such regionalising tendencies can be termed as 'decentralisation' or 'federalisation' when such tendencies or demands get reflected in the legal-constitutional-governmental setting.

i The constitutional definition of the Indian state indicates the bias of the Indian federal structure towards the Centre.

Table 1: Constitutional provisions and Bias for the Centre

1.	The union parliament has been given the unilateral discretion to reconstruct the boundaries of the states. ^j
2.	The Union list contain more subjects than the State list.
3.	In case of a deadlock between the Union and states over subjects in the concurrent list, the Union law prevails.
4.	The union parliament can also legislate on any state subjects under extraordinary circumstances.
5.	The union government also has sweeping economic superiority in terms of resources as well as in its discretion in allocating resources to the states.
6.	Union Government's power of appointing governors in the states and dissolving state governments by proclaiming president rule if the Centre deems fit.
7.	Single Constitution for both Union and State governments.
8.	Single citizenship.
9.	Institutions of governance like single system of courts, all-India public services and integrated audit machinery and the integrated election machinery.

Various Sources:^{14,15,16}

2. REGIONAL ASSERTION VS. CENTRAL DOMINANCE

Even as Indian federalism has a bias for the Union government, states have also sought to assert their interests and influence over the years, whether in times of one-party dominance or multi-party coalition politics. The following paragraphs outline the instances of regional and state-level assertion in the history of Indian federalism.

j The centre merely needs to solicit the view and not the approval of the state concerned to redraw the state boundaries, making India an 'indestructible union of destructible states.'

2.1 First Phase: One-party Federalism (1952-1967)

In this phase, the influence of the regional leaders within the “Congress System”^k and the rise of linguistic autonomy movement^l marked the regional assertion over the national politics which consolidated the federal spirit right from the time of Indian independence. The following paragraphs outline the political factors that enabled the decentralisation of Indian polity despite the dominance of the Congress party.

Political Clout of Regional Congress Leaders

Following the general elections in 1952—the first after independence—the Indian National Congress (INC) party emerged as the most dominant party at the centre as well as the states. The Congress party would from thereon completely dominate Indian politics, until the 1967 elections when it faced a major electoral setback. The federal arrangement was such that the national political scene was presided over by Congress's national leadership, led by the prime minister, Jawaharlal Nehru, while the regional Congress leaders had a mass base of their own and possessed considerable power and influence in their respective states. Political scientists, Yogendra Yadav and Suhas Palshikar, have observed that Congress's success was “a combination of its state level organization along with Nehru's plebiscitary leadership and popular appeal.”¹⁷ The co-existence¹⁸ of national and state leadership in their respective realms of influence was a consensual

k Political scientist Rajni Kothari used the term “Congress System” to explain the party's overarching dominance in Indian politics after independence as the party succeeded in presenting itself as the “authoritative spokesman of the nation as well as its affirmed agent of criticism and change”. See Rajni Kothari, “The Congress System in India”, *Asian Survey*, Dec., 1964, Vol. 4, No. 12 (Dec., 1964), pp. 1161-1173

l These movements refer to the demand for the creation of language-based states and resentment against the imposition of Hindi in South Indian states.

model^m of inner party federalism¹⁹ that marked the era of Congress dominance. Even after the death of Nehru in 1964, the regional leaders continued to play an important role in national politics.ⁿ The political decline of these notable regional leaders of Congress would happen eventually, after their electoral defeat in the 1967 national elections and following their power tussle with Indira Gandhi.²⁰

In Kerala, the dissolution of the Communist government led by E. M. S. Namboodiripad in 1959, by the Centre under Nehru's watch, was an exceptional case in federal relations. It showed early signs of how Indian federalism can deteriorate when the states come under the rule of the parties that are opposed to the national ruling party at the centre. Therefore, the limitations of the consensual federalism and the beginning of a more confrontationist federal interaction had emerged, in a limited manner, in this phase of one-party dominance.

Triumph of Linguistic Diversity

Creation of Linguistic States

Immediately after independence, there was a popular demand for the creation of linguistic states, signaling the assertion of regional sentiment over the centralised design of nation-building.²¹ American

m Prime Minister Nehru's famous letters to the chief ministers on the issues of national importance can be seen as a testimony of what Austin finds the harbinger to 'cooperative federalism' in India. <https://frontline.thehindu.com/cover-story/letters-for-a-nation/article6629971.ece>

n The regionalised composition of the Congress party's national organisational apparatus, played an instrumental role in the appointment of prime ministers like Lal Bahadur Shastri and Indira Gandhi in 1964 and 1966, respectively. Regional leaders like K. Kamaraj, Atulya Ghosh, N. Nijalingappa, S.K. Patil, Nelaam Sanjiva Reddy and others collectively known as the 'Syndicate' played a key role in shaping the Indian political discourse.

scholar Selig Harrison, in his work, *India: The Most Dangerous Decades*, considered the strength of this popular regional resistance against a unitary and homogenised model of nation-building as a potential challenge for the Indian state in this period.²² The central government had initially decided against creating linguistically organised states, fearing disunity. The pressure, however, was created by a sustained regional movement in favour of linguistic states and led to the reorganisation of the states on the basis of language.^o It was the first assertion of regional identity, which compelled the Union government to accept the political demands of the states. While the Union government had the authority to make, unmake and remake state boundaries, the push for regionalisation in the form of territorial autonomy from various major language groups—and later, tribal communities²³ as well—compelled the Centre to adopt a formalised arrangement of reorganising the federating states in India.

The Language Agitation

The Union government's proposal to declare Hindi as the national language met with strong opposition from the non-Hindi speaking states.^p Despite the passing of the Official Language Act, 1963—which made Hindi the sole official language of India—the Centre realised that such an imposition might provoke resentment, which could escalate to violence and therefore threaten the stability of the country. Such unrest would also have opened many other fronts of ethnic and linguistic

o This started with the demand for a separate Andhra Pradesh in 1953 which compelled the central government to accept language as a category for carving out states for territorially concentrated majority linguistic and tribal communities.

p Article 351 of the Indian Constitution mandated the central government to promote Hindi “so that it may serve as a medium of expression for all the elements of the composite culture of India.” Article 343 provided that English would only be operative for a period of 15 years.

contestations. The Union government decided to adopt bilingualism and declared that English, along with Hindi, would continue to be used for all official purposes of state communication in the country.^q Analyst Paul Brass has observed that the preeminence of the use of English in official communication was a victory of India's pluralism as it put the burden of language learning on both the Hindi as well as non-Hindi speakers.²⁴ The fact that the regional languages are dominant in every state^r reflects the spirit of a decentralised polity.

The Centre had to surrender, in some respect, to the popular pressure for cultural and political autonomy of the regional units.²⁵ However, in this era of one-party dominance under Congress, the contentious questions of centre-state relations and the evolving federal dynamics were mostly addressed within the organisational fold of the Congress party itself, where most state governments belonged. Kerala was an important exception. It is only after the 1967 elections when Congress dominance declined, and a more fragmented party system emerged in India. It is in that period that the centre-state relations took a more conflictual turn.

2.2 Second Phase: 'Expressive' Federalism (1967-1989)

This phase of Indian federalism has been defined in widely contradictory terms in various scholarly works.^s Morris Jones described

q The principle of Bilingualism is followed in South Indian states, like in Tamil Nadu. See K Venkataramanan, "What is the three-language formula", *The Hindu*, 8 June 2019, <https://www.thehindu.com/news/national/what-is-the-three-language-formula/article27698700.ece>

r While the issue of language pluralism in the centre and the states appears to have reached a consensus, the issue of minority languages and communities within the linguistically formed states, remains contentious.

s In 1968, Weiner wrote in an assuring note regarding Indian federalism that the autonomy of states is considerable and it was safe from encroachment of the centre.

Indian federalism as “bargaining federalism” in 1971²⁶ while Haqqi and Sharma have characterised it as “centralized federalism” in 1977.²⁷ This was when the Congress party’s dominance was starting to weaken in many states, though still etched in national politics.²⁸ The 1967 elections was important for Indian federalism as the dominant Congress party suffered a considerable electoral setback in the national as well as state elections.[†] Many regional parties and anti-Congress coalitions formed governments in the states, marking the emergence of an era of “expressive” and more active and directly conflictual federal dynamics between the Congress-led centre and the opposition parties-led state governments.²⁹ Another development was the power tussle³⁰ within the Congress that led to the split of the party in 1969, and the centralisation of power in the hands of Congress leader Indira Gandhi after her massive victory in the national elections of 1971.³¹

The Rise of Centralising Tendencies

The centralisation of the Congress party created an impact on India’s federal dynamics in two ways: the erosion of Congress’s political base, and the encroachment of regional autonomy.

† The Congress party garnered its lowest tally of seats in the Lok Sabha since independence (284 seats) and lost the elections in many states like Bihar, U.P., Rajasthan, Punjab, West Bengal, Orissa, Madras, and Kerala. Even in some of the states where it won with narrow majorities, its members defected to opposition parties. Many Congress stalwarts suffered significant defeats in the elections and regional actors outside the Congress system started emerging in the political fray in many states. One such example can be the defeat of charismatic Congress leader, K. Kamaraj in Tamil Nadu and the meteoric rise of the Dravidian leader, C.N. Annadurai who hailed from the regional party of Tamil Nadu, Dravida Munnetra Kazhagam (DMK). The regional parties and coalition of anti-Congress opposition parties collectively called the Samyukta Vidhayak Dal (SVD) formed the government in many states in India in 1967.

The mass-based popular regional leaders of the Congress party were sidelined, resulting in the concentration of power in the Congress central leadership. Only those who were “loyalists” to Indira Gandhi were installed as state party leaders and chief ministers. As a result, the party was deprived of its organisational strength at the grassroots^u that earlier had been built with the support of the popular state-level leaders.³² Over time, the Congress vote share started to decline. In 1971, the national elections were separated from the state elections. The Congress party fought the elections mainly based on national issues and Indira Gandhi’s personal popularity. This gave Congress victories in three national elections in this period (except in 1977). The Congress also won the state elections in 1972 due to Prime Minister Indira Gandhi’s electoral appeal. However, the social base of Congress’s electoral support began to shrink gradually from this time due to organisational weakness at the local level and the absence of strong state leaders.^v This era also coincided with the political rise of many regional parties in a number of Indian states.³³

The ruling Congress faced dual challenges: the rise of regional political forces in states like Punjab, Andhra Pradesh, Tamil Nadu, West

u In the absence of powerful regional leaders, political mobilisation was left to the unmediated direct communication between Indira Gandhi and the public. But this had limited electoral longevity without organisational support, as the Congress’s electoral base gradually started to weaken at the grassroots. It is true that Congress achieved spectacular electoral victories in 1971, 1980 and 1984, riding on Indira Gandhi’s personal popularity and due to the absence of a credible oppositional force; but it was losing grip over the states.

v During this period, Congress also had to get into electoral arrangements with regional parties for political advantage in some of the state elections. This stopped Congress from contesting many seats in such states, further reducing its vote share as well as political organisational strength in those regions. Moreover, it scored better electoral results during this time in states like Maharashtra and Andhra Pradesh, where the organisational mechanism of the party was still strong under powerful state leaders.

Bengal, Assam, Jammu and Kashmir and other states, and the shrinking organisational capacity of the Congress state units. Prime Minister Indira Gandhi dissolved state governments led by opposition parties by invoking Article 356,^w and installed Congress governments in those states. In 1977, when the Janata government came to power at the Centre, it also dissolved the Congress-ruled state governments to install Janata party-led governments in the states.^x This period witnessed a confrontational centre-states relation as the federal power positions were occupied by opposing political parties. The Congress party was at the Centre and anti-Congress political bloc—comprising of major regional parties—were in power in many states. The Centre frequently resorted to invoking Article 356 to tame the “recalcitrant” states. In this context, scholar Bhagwan D. Dua argued³⁴ that due to the “excessive use of president rule”, the “autonomy of states has been reduced to a farce”. Such excessive centralising tendencies gave rise to a conflictual nature of federalism.

Conflictual Federalism

In this period the regional demands led by the Akalis in Punjab and All Assam Students Union (AASU) in Assam emerged. The political ambitions of the non-Congress state actors in Jammu and Kashmir, Andhra Pradesh, Tamil Nadu and Karnataka were also coming to the

w Article 356 of the Indian Constitution empowers the central government to proclaim president rule in any state if the Centre is of the opinion that there is a breakdown of constitutional machinery in that state. In such situation, the Centre dissolves the state government and legislature and rules the state directly.

x However, the Janata government which otherwise commendably restored the constitutional sanctity that Indira Gandhi attempted to tamper with during the emergency, justified the dissolution of the state governments as a course correction of Gandhi's undemocratic political legacy. Gandhi's Congress after returning to power in 1980 returned the favour by once again dissolving the state governments led by Janata Party and its allies.

centrestage of national politics.³⁵ Indira Gandhi's centralising tendency of controlling the states with an iron grip, met with stiff resistance from different states. As Paul Brass observed: "The process of consolidating power in India is inherently tenuous and the power begins to disintegrate immediately at the maximum level of concentration. The pluralist, regionalist and decentralising tendencies will invariably reassert themselves against any centralising authoritarian regime."³⁶ The political crisis in Assam, Kashmir, Mizoram and most importantly Punjab in the late 1970s and early 1980s escalated due to the centralising intentions of the Union government at that time. This brought the regional sentiments of different constituencies against the Union government, which turned into powerful and violent movements.^{37,38} At this point of federal tensions, the Union government appointed the Sarkaria Commission in 1983 to look into the constitutional provisions on Centre-state relations.^y

Centre's Reconciliation Attempts with Regional Demands

In 1984, the newly elected Union government under Rajiv Gandhi had to accommodate the regional demands for autonomy and decentralisation in the states.³⁹ These reconciliatory efforts to win back the confidence of the regional forces strengthened the federal spirit. As a result, these affected states gradually achieved stability. As the national ruling party realised the need for the empowerment of the regional forces for the sake of national unity, they ceded political space

y The Commission, in its report, gave elaborate recommendations for decentralisation of power and strengthening of states by suggesting effective constitutional reforms, which remains mostly on paper even today. See Jaytilak Guha Ray, "Sarkaria Commission on Centre-State Administrative Relations in respect of Public Order Duties", *The Indian Journal of Political Science*, Vol. 51, No. 1 (Jan. - March 1990), pp. 46-53

to the regional actors in many states. This phase witnessed the coming to power “of parties or leaders opposed to the Congress, through peaceful means.”⁴⁰ However, Rajiv Gandhi’s era was also marked by similar centralising tendencies.^z This phase also found some initial attempts by the Centre to strengthen the architecture of the local self-government in India; it met with limited success.

Even in the realm of fiscal federalism, the transition from the Nehruvian times of complete central control of finances under the erstwhile Planning Commission to an arrangement where states had financial autonomy⁴¹ was slightly visible towards the end in this period.⁴² The end of this period saw the Centre co-opting some regional demands through political goodwill as such an approach became essential for India’s peaceful existence. This era therefore marked the beginning of “expressive federalism” in India, as the regional political forces interacted with the dominant Union government for their demands, and succeeded to some extent.

2.3 Third Phase: Multiparty Federalism (1989-2014)

In the late 1980s, a number of emerging political, economic and institutional factors led to the “reconfiguration of Indian politics”.⁴³ Yadav and Palshikar observe that from this period, “the level of politics seemed to have changed from all-India to the states...These changes have been accompanied by the change in the idiom of politics.”⁴⁴ The rise of a number of regional parties brought a new era of multi-party system in India.

z Rajiv Gandhi also retained complete control over the state-level Congress leaders like Indira Gandhi did. See Sachidananda Murthy, “Relative strength”, *The Week*, 22 October 2017, <https://www.theweek.in/theweek/cover/relative-strength.html>

The End of Congress's National Dominance

The massive defeat of the Congress party in the 1989 national elections changed the country's national political landscape. To begin with, no other political party had been able to garner a comfortable majority in parliament for forming the government at the centre.⁴⁵ The political shrinking of the Congress party and the inability of the Bharatiya Janata Party (BJP) to emerge as the national alternative (despite BJP's relative political rise), created a political vacuum at the national level. This paved the way for the coalition of non-Congress parties comprising of some regional parties along with the outside support of the BJP and Communist Party of India (Marxist) to form the National Front Government at the Centre led by Prime Minister V.P. Singh. This marked the beginning of the era of coalition politics in India at the national level.

It was a crucial moment of regionalisation of the national political discourse as the regional political outfits at the state level got the opportunity to share national political power in the coalition governments.⁴⁶ As the coalitions were comprised of various opposition and regional parties with different political ambitions, ideologies and policies, the governments were unstable and were frequently toppled by political manoeuvring. After a series of short-lived coalition governments,^{aa} the National Democratic Alliance (NDA I) and United Progressive Alliance (UPA I & II)^{ab} marked the beginning of a stable phase of coalition politics at the national level from 1999 to 2014.

aa The unstable coalition governments at the centre which could not complete a full five-year term were led by V.P. Singh (1989), Chandra Shekhar (1990), H.D. Dewe Gowda (1996), I.K. Gujral (1997) and Atal Bihari Vajpayee (1996, 1998).

ab BJP led NDA under PM A.B. Vajpayee succeeded to run a coalition government of around 15 parties for the full tenure of five years from 1999 to 2004 which was also followed by two full terms (from 2004 to 2014) of the United Progressive Alliance (UPA) consisting of many regional political parties led by Congress party with Dr Manmohan Singh as the Prime Minister.

This era of coalition politics at the national level shaped the federal dynamics in two ways. First, the coalition governments in the early years led by non-Congress and non-BJP parties, many of which were regional outfits, tried to lead the country and provide decentralised governance.^{ac} But such attempts appeared to be fragile and thus short-lived. This suggests that the coalition of regional parties can only provide a stable political arrangement at the national level when they are united around a national political force, which is the Congress or the BJP. Such participation of the regional leaders and their parties in national politics played an instrumental role in deepening the country's federal design. The experience of national political power also reduced the confrontationist approach of the powerful regional and state-level political forces towards the Centre. The regional actors found it preferable to support either of the national coalition groups to get more effective political representation and better access to the resources of power. That would benefit their respective states and increase their political power and influence in their states as well as give them national political recognition. The aspirations of the regional leaders to climb up the political ladder to national politics through coalition-making and alliance-building have also led them to define their regional demands not in opposition to but in the larger context of the national issues.⁴⁷ This blended the national and regional political narratives and paved the way for a more decentralised and pluralist multi-party federalism in India.

ac The coalition government led by V.P. Singh established the Inter-State Council as a constitutional body to discuss contentious issues and areas of common interest among the states, in order to advance the federal spirit, however with limited practical outcome. See "Indian Federalism needs the Inter-state Council", *LiveMint*, July 19, 2016, <https://www.livemint.com/Opinion/b7GdBwczwOf35WmZj8ugM/Indian-federalism-needs-the-Interstate-Council.html>

Federalised Institutional Functioning

This era of federalisation of national politics also found its manifestations in the three major policy and institutional changes that took place during this period.

Financial Autonomy

First, the economic reforms that ushered in an era of liberalisation facilitated the dismantling of the ill-famed *license, permit and quota raj* in India. The open market economy deregulated the economic interactions which were earlier strongly controlled by the Union government. Benefitted by the reforms, the state governments now got relative autonomy^{ad} to initiate business endeavours and bring in foreign investments to their respective states. This gave state chief ministers a political opportunity to project themselves as 'drivers of growth and development'.⁴⁸

Judicial Safeguard

There were also institutional reforms during this period which further strengthened the federal spirit in India.⁴⁹ The Supreme Court in the *S.R. Bommai vs Union of India case* gave a landmark judgment that deepened the federal design of Indian politics. The judgement created immunity

ad Such freedom on the part of the states to pursue their own economic agenda have also triggered an era of 'competitive' federalism where the states compete with each other for wooing the lucrative investors to their respective states. This has further aggravated disproportionate development of the Indian states as the already resource rich and developed states would be in the better position to attract business opportunities while the poorer states would lag behind.

Atul Kohli "Politics of Economic Growth in India, 1980-2000: Part II- The 1990s and Beyond", *Economic and Political Weekly*, Vol 41 No 14, (2006): 1361-1370.

for the state governments against the arbitrary use of Article 356 by the Union government.^{ae} Following this judgment, the President of India has expressed his/her reservation regarding declaring president rule in certain states. This posed considerable resistance to the centralising power that the central government exercised.⁵⁰

Institutionalised Local Self-government

This phase also witnessed further decentralisation of Indian politics as the 73rd and 74th Amendments were passed in 1992 to strengthen the functioning of the third tier of Indian federalism in the Municipal and Panchayat level. This strengthened the ground for the empowerment the people at the grassroots.⁵¹

This era of multi-party coalition in national politics⁵² witnessed new fronts of Centre-State tussle^{af} over national issues like foreign policy,⁵³ national security decisions,⁵⁴ and economic reforms.⁵⁵ As the regional parties supported the national party in the coalition government, they wanted to influence the central government's decisions in all important aspects to protect their own administrative autonomy, regional interests as well as pursue their national political agendas. However, the regional political forces equally had high stakes of being in government

ae In this case, the court ruled that federalism is a part of the basic structure of the Constitution. Hence, the arbitrary use of Article 356 by the centre in order to topple an opposition-ruled state government cannot be allowed. The court further laid down a detailed guideline to prevent further misuse of the provision regarding president rule in the states.

S.R. Bommai vs Union Of India on 11 March, 1994 AIR 1918, 1994 SCC (3) 1.

af This paved the scope for paradiplomacy by the chief ministers. See James Manor, "India's States: The Struggle to Govern", *Studies in Indian Politics*, 4 (I), (2016): 1-14.

See Andrew Watt, "Paradiplomacy of India's chief ministers", *India Review*, Vol 16, No.1, (2017): 106=124.

at the national level in tune with their rising national political ambitions. This era therefore saw some convergence of interests between the Union government and the states in a multi-party federalism which led to national power-sharing.

2.4 Fourth Phase: The Return of 'Dominant Party' Federalism

The 2014 general elections challenged⁵⁶ the era of coalition politics⁵⁷ at the national level. The BJP gained a parliamentary majority on its own and formed the government at the Centre led by Prime Minister Narendra Modi.^{ag} This phase marked the beginning of what is called the "renationalisation of Indian politics"⁵⁸ with BJP as the new⁵⁹ national political force.⁶⁰ After its victory in the national elections, BJP as a major political party also went ahead to capture power⁶¹ in 21 states in India either on its own or with a strong regional ally. BJP's more impressive victory in the 2019 elections strengthened its position as the new 'dominant party' in India.⁶² However, unlike in the first phase, the BJP is the most dominant national political force amongst other parties but faces substantial political opposition⁶³ from the national opposition party (Congress party) and many regional parties at the state level.⁶⁴

The Promise of 'Cooperative' Federalism

Modi as Chief Minister of Gujarat realised the need for empowering the states,⁶⁵ and made 'cooperative federalism' a major electoral promise in his campaign in the 2014 national elections. After coming to power, the BJP government took some major steps in the direction of strengthening the states. The centralised Planning Commission was

ag BJP marked a new phase in Indian politics as BJP became the first party to garner a parliamentary majority of its own since 1984.

replaced by the Niti Aayog^{ah} which the Union government assured would have “active involvement of the states in the spirit of “co-operative” federalism.”⁶⁶ Second, the Goods and Services Tax (GST) by which the Centre and states would “become equal fiscal partners in sharing a common indirect tax base” was implemented. A GST Council was formed to create a consensus amongst the states regarding the decision.⁶⁷ Third, the Union government accepted the 14th Finance Commission recommendation to give the states 42-percent share of the funds from the central pool (from the previous 32 percent).⁶⁸ However, how far Niti Aayog and the devolution of increased funds have a bearing on deepening of federalism⁶⁹ in tangible proportions, has to be more closely examined with time as it has its own challenges.⁷⁰

Challenges from the Dominant Political Party

The electoral strength of the BJP has increased manifold by its impressive victories in the two successive national elections (2014 & 2019) and several state elections.⁷¹ In 2014, the BJP was able to dent the Congress vote bank significantly⁷² but in 2019 it also made considerable inroads in the states⁷³ where powerful regional parties are in power.^{ai} Second, in states like Madhya Pradesh and Karnataka in which the BJP could not form the government by slender margins, defections of

ah The NITI Aayog has also set up sub-committees of chief ministers to suggest changes on important issues like Centrally Sponsored Schemes (CSS) and regional councils ‘to address specific contingencies impacting more than one state or a region, convened and chaired by the PM but made up [of a group of] chief ministers of the state.’

ai In the 2019 national elections, BJP made heavy political gains in states like West Bengal, Orissa and Telangana where strong regional parties are the dominant political forces.

legislators helped it to capture power.⁷⁴ Third, once again the role of the governor in opposition-ruled states became controversial. The proclamation of president rule in the states like Arunachal Pradesh, Uttarakhand and Jammu and Kashmir in this period once again revealed the centralising intentions of the strong Union government. The governor's role in government formation in states like Goa, Manipur and Maharashtra raised questions about the governor's preference for the ruling party at the Centre.⁷⁵

Fourth, the non-BJP states have also expressed concern regarding the Union government's intervention in state administration by directly monitoring and political appropriating⁷⁶ the Centrally Sponsored Schemes (CSS).^{aj} Lastly, BJP has been successful in creating a dominant tacit consensus amongst most of the opposition parties regarding its major policy decisions in the name of national interest. Policies like demonetisation, abrogation of Article 370, and changing the political status of Kashmir and the passing of Citizenship Amendment Act (CAA) 2019 met with little resistance^{ak} from the regional forces in opposition to the BJP, with few exceptions.⁷⁷ The trend where the regional actors are largely rallying behind the

aj The state government who earlier had political incentives to implement the CSS now feels cornered as the schemes are directly politically appropriated by the centre in the name of PM Modi.

ak The Bahujan Samaj Party (BSP), All India Anna Dravida Munnetra Kazhagam (AIADMK), the Biju Janata Dal (BJD), Shiv Sena and YSR Congress Party unequivocally extended their support to the scrapping of Article 370 in the Rajya Sabha.

See Shaswati Das, "Rajya Sabha passes Jammu and Kashmir Reorganisation Bill; scraps Articles 370, 35A" *LiveMint*, August 5, 2019, <https://www.livemint.com/news/india/rajya-sabha-passes-jammu-and-kashmir-reorganisation-bill-scraps-articles-370-35a-1565011796209.html>

nationalist policy decisions of the central government marks the beginning of 'national federalism'^{al} in India.⁷⁸

The Regional Political Combat

Despite the centralising tendencies of the dominant national ruling party, BJP has been facing tremendous challenge in the state-level elections since 2017.⁷⁹ BJP, led by Modi, remains largely politically unchallenged at the national level. But its reliance on national agendas and its inability to accommodate the regional and local issues in the state elections resulted in its electoral setbacks despite some of its efforts.^{80,am} Further, the electoral understanding that BJP manages^{an} to have with the regional political outfits,⁸¹ helped it to capture power in many states.⁸²

al National federalism is not federalism in the conventional-constitutional sense of the term. In this form of federalism, sovereignty and autonomy of units have no intrinsic value. Units are viewed as partners in the national governance agenda of the federal government. For national federalism, the term 'cooperative federalism' acts as signifier of collective governance.

Abbe R. Gluck, "Our [National] Federalism", *The Yale Law Journal* 123(6), (2014): 1996-2043.

Heather K. Gerken, "Federalism as the New Nationalism: An Overview", *The Yale Law Journal* 123(6), (2014): 1889-1918.

Jessica Bulman-Pozen, "From Sovereignty and Process to Administration and Politics: The Afterlife of American Federalism", *The Yale Law Journal* 123(6), (2014):1920-1957.

am An analysis of Modi's speeches "revealed that he not only wore the traditional headgear and costume representative of each state and spoke a few opening sentences in the appropriate regional language, but also that he attempted to play to the sentiments of regional parties. His speeches extolled the ideals of revered state leaders from an earlier era, while criticising the current regional state leaders for not upholding their predecessors' ideals and not being true to their people. He even focused on constituency-specific issues and promised favours tailored to each state's concerns. He also assured states of a specific formula to achieve double-digit growth."

an BJP's capacity or inability to co-opt or accommodate these regional/regionalist parties in many states like Goa, Manipur, Haryana or Maharashtra, determined its grip over the state power in many states.

Though the regional forces are unable to shape national politics unlike in the previous phase, they provide some opposition⁸³ to the political dominance of the BJP at the state-level elections⁸⁴ in a limited manner, despite many regional parties being co-opted by the national ruling party in many instances. Particularly, the regionalist parties which have strong appeal based on sub-nationalism and cultural identity like the ones in Tamil Nadu, Orissa and West Bengal, have been more successful in fighting the BJP in their respective regional turfs so far.⁸⁵ Moreover, in states like Punjab, Rajasthan, Haryana or Chhattisgarh, the Congress was able to gain in state elections by relying mostly on their regional leaders and addressing regional concerns.⁸⁶ This reveals a limited form of 'de-nationalised'⁸⁰ party system in India even under a dominant national party.⁸⁷ Moreover, the main political opposition against the proposal of implementing the all-India National Register of Citizens (NRC), came from the states and regional forces. Most of the state governments ruled by Congress⁸⁸ or regional parties,⁸⁹ including the ones being ruled by some of the BJP's own political allies, opposed it.⁹⁰

Federal Governance During COVID-19

The most important moment for federalism in this phase is the revelation of the vital role⁹¹ of state governments on the ground level in managing the COVID-19 crisis in India.⁹² After initial challenges,⁹³ the Union government ceded adequate space and autonomy to the states for strengthening their healthcare facilities, managing the localised lockdowns, and implementing social security measures to mitigate the impact of the pandemic.⁹⁴ As health remains a state subject, the

ao The more nationalised a party system, the lower the degree of dissimilarity in electoral outcomes when varied by level of aggregation and type of election. But, the more incongruent or less nationalised a party system, the higher the degree of dissimilarity in electoral outcomes at the centre and the state level.

states—regardless of their political equation with the Union government in most cases—worked as main agents of healthcare providers and governance providers within their jurisdiction, with the Centre playing the coordinating role.

In this phase, as BJP remains the dominant party in India at the national level, the political opposition remains at the state and regional level. However, as BJP occupies power in many states,^{ap} either on its own or in alliance,⁹⁵ regional counter to the dominance of the Union government has been considerably weaker than in the previous phase. Despite the dominance of the national political force, the resistance by the regional parties as well as the regional leaders of the Congress party in the states is crucial for their political survival as the INC is now hobbled at the national level. As the regional forces do not have an alternative national force to align with unlike in the last phase, they have taken it upon themselves to challenge the BJP in their respective states. But BJP is displaying its capacity to form “rainbow coalitions” or “a new social force” by accommodating and co-opting the regional forces to share political power both in the states and in the Union government. This might considerably impact the nature of Indian federalism. However, as the trend suggests, even in the era of national political dominance of the BJP, it has faced some competition and electoral challenge from the states, albeit in a limited manner. Although the regional parties are unable to influence national politics the way they did in the third phase, these regional forces are posing a challenge to the national ruling party at the state-level political contest. However, as the political rise of BJP in this phase arguably marks the beginning of the

ap When the BJP came to power at the Centre in 2014, it was in power in seven states. The party had won as many as 21 states by 2018. By early 2020, BJP has lost power in quite a few states but still in power in many states in India.

“new fourth party system”⁹⁶ in India, the assertion of the states over the Union will have its own challenges. As this phase witnesses the prominence of the ‘politics of co-option’ of the regional parties by the BJP, a new pattern of ‘national federalism’ appears to be shaping the Indian political discourse. In this context, it will be further important to observe whether the federal dynamics in India in this phase will take a more ‘cooperative’, ‘accommodative’, or ‘coercive’ turn.

Table 2: The major factors that have shaped the political dimensions of Indian federalism

First Phase (1947-1967)	Second Phase (1968-1989)	Third Phase (1990-2014)	Fourth Phase (2014 Onwards)
<ul style="list-style-type: none"> • The inner-party federalism in the Congress party • The demand for creation of states based on language. • The resentment against one language for official state communication. 	<ul style="list-style-type: none"> • The political challenge to the Congress party. • The rise of strong regional forces. • Excessive use of Article 356 in opposition-ruled states. • Rise of regional demands • Efforts of reconciliation 	<ul style="list-style-type: none"> • Weakening of Congress party at the national level. • The creation of coalition governments with regional parties at the centre. • The economic reforms and financial autonomy to states • The judicial check to Centre’s use of Art 356 • The Strengthening of local self - government 	<ul style="list-style-type: none"> • The rise of BJP as the dominant party at the national level • The creation of Niti Aayog and GST Council in the spirit of cooperative federalism. • The rise of ‘national’ federalism • The political assertion of regional parties and regional leaders in the state level elections. • States’ crucial role during pandemic

Source: Author’s own

3. CONCLUSION


This paper has made two key cases: one, that the inherent structure of the Indian polity strengthens the Union government more than the states, and the attempts of the Centre to politically control the regional political landscape serve to centralise the Indian federal design; and two, the history of Indian federalism—divided in this paper in four phases—has shown the different ways whereby state-level government structures have asserted their independence in different political contexts. (See Table 2) The diverse regional aspirations have managed to constantly assert themselves, resulting in the decentralisation of governance in India.

To be sure, however, a diverse and large country like India requires a proper balance between the six pillars of federalism: autonomy of states, national integration, centralisation, decentralisation, nationalisation, and regionalisation.⁹⁷ Extreme political centralisation^{aq} or chaotic political decentralisation⁹⁸ can both lead to the weakening of Indian federalism. The right balance would prevent the Union government from repressing state autonomy beyond a point, while guarding the states against divergence that can begin to threaten national unity. Controlling these extremes are a challenge,⁹⁹ as federalism must reconcile the need for national unity on one hand, and on the other, regional autonomy.¹⁰⁰ However, as Indian political discourse is largely being shaped by the onset of second dominant party system in the current phase,¹⁰¹ how far such a balanced approach in the federal dynamic will be politically feasible, needs to be examined.

aq The legacy of partition and the subsequent major violent secessionist movements gave rise to insecurity of the Centre and therefore it attempts to keep the regional forces at bay. The notion that weak states would *ipso facto* make strong centre or vice-versa is probably misconceived.

Ashutosh Varshney, "How has Indian Federalism done?", *Studies in Indian Politics* I(I), (2013): 43-46.

However, some reforms at the institutional and political level can deepen the roots of federalism in India. First, the contentious role of the governor in suppressing the states for the Centre's interest needs to be reviewed. Second, proper utilisation of the institutional mechanism of the Inter-state Council must be ensured to develop political goodwill between the Centre and the states on contentious policy issues. Third, the gradual widening of the fiscal capacity of the states has to be legally guaranteed without reducing the Centre's share. Fourth, adequate electoral reforms for creating a level playing field for the regional political parties and regional leaders would facilitate more competitive political contest between the national and regional political forces.

Finally, unless the third level of Indian federalism i.e. the local self-governments, are not further politically empowered, efforts to strengthen the federal discourse will fail.¹⁰² The recommendations given by the Punchhi Commission in 2010 are important for strengthening Indian federalism.¹⁰³ Despite all their tussles, the Union government and the states have a mutual need for survival. 

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