

# INDIA'S FEDERAL DESIGN: A CRITICAL ANALYSIS

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## ABSTRACT

The Indian Constitution has all the features of a federal Constitution; the centre and states are independent in making laws in the respective fields assigned by the Constitution. However, the centre has supremacy in certain situations that are also mentioned in the Constitution itself. If either government tries to transgress the limits, an independent judiciary plays an important role, as the apex court is considered the protector and guarantor of the Constitution. The concept of federalism in India has kept changing since the commencement of the Constitution. The Indian model of federalism may be one of the most interesting types in the world, characterised by the fact that it begins with a paradox: "centralised federalism."

This paper involves the temporal framework in the discourse on Indian federalism by tracing the history of the country's federal structure in four different time periods, from the birth of India as a republic to these contemporary times. This shows how the political factors prevailing in each of these four different phases served to strengthen the Indian federal discourse, despite the centralised constitutional set-up of Indian politics.

This paper tries to achieve the aim of highlighting the different patterns of Indian federal response shaped by the various political factors over time and provides recommendations for strengthening India's federal structure.

Keywords: Federalism, constitutional validity, centre-state relationship

## 1. INTRODUCTION

The term 'federalism' refers to the constitutionally allocated distribution of powers between the various levels of government, which forms the nation-state system in modern times. The powers are vested one at the central/union level and the other at the provincial, state, or local level. The aspects of the federal form of government at both the union and state levels operate with considerable independence from each other within their respective jurisdictions. Some notable federal systems in the world are the United States of America (USA), Switzerland, Australia, Canada, and India.

Understanding the meaning of the word 'federation' provides a window to examine the broader typology of federal politics. The word 'federation' is derived from the Latin word 'foedus' which means treaty or agreement. A federation, therefore, is a political system created through a treaty or agreement between its various constituent units. A federation is formed when some adjacent provisional units voluntarily come together to form a strong union. The U.S.A. is a classic example of a union of states. In addition to this model of provincial units coming together to form a federation, there is another type of federal model—where a geographically vast and culturally diverse state has its own rights for administrative convenience and to represent territorial interests give autonomy to the provinces. This model of federation is called "holding together"<sup>1</sup>. Indian federalism is largely designed on the basis of the second model. The Indian Constitution has prescribed a political system that is federal in nature, i.e., two forms of government. The levels are the national level, and the state level. However, the Indian

<sup>1</sup> M Laxmikanth, Indian Polity/ Part II System of Government/ Chapter XIII Federal System Pg no. 306 (New Delhi: Mc GrawHill Education, 8<sup>th</sup> Edition.2019)

Constitution has structurally made the central government more powerful than the states, so there seems to be a paradox of 'centralized federalism'<sup>2</sup>.

Philip Mahwood, has argued that in culturally diverse, developing countries like India, federalism is chosen not only for administrative exigencies but also for the survival of the nation<sup>3</sup>. However, despite having a deep understanding of the multidimensional nature of India's vast diversities, the framers of the Indian Constitution avoided creating a fully federalized political system in India at the time of the country's independence, fearing further inequality and separatism in the country. Tendencies that were already falling prey to divisiveness. During the debates of the Constituent Assembly, the first Prime Minister, Jawaharlal Nehru, cautioned that "it would be detrimental to the interests of the country to provide a weak central authority that would ensure peace, coordinate important matters of common concern, and bring the whole country to the international arena." Other prominent members of the assembly also demanded a strong central government, essential for India's survival and political stability in view of its vast diversity on the basis of religion, language, caste, and ethnicity. However, it is not correct to conclude that India's constitutional structure is completely tilted towards empowering the central government over the states<sup>4</sup>. There are some very important federal features present in the Indian Constitution. Dr BR Ambedkar assured the Constituent Assembly: "The Constitution is a federal constitution; the Union is not a league of states; nor is the state agencies of the Union, which derive powers from it". Both the Union and the State Constitutions are created by; both derive their respective rights from the Constitution". To govern such a diverse polity, a structure of "heterogeneous federalism" was adopted<sup>5</sup>.

This paper outlines the history of Indian federalism and assesses how regional interests and the diverse political dynamics of state-level actors have continually challenged the centralised nature of Indian politics since the birth of the Indian republic. The paper will divide the discussion into four phases: a) one-party federalism (1952–1967); b) Expressive federalism (1967-1989); c) Multi-party federalism (1989-2014); and d) a return to dominant party federalism (2014 onwards). It will analyse how political factors have facilitated territorial assertion despite the powerful position of the central government. Other factors affecting federalism in India will not be discussed in this paper. This paper will focus on the political dimensions that have led to regionalization and federalization of the Indian political landscape.

The Indian constitution has an inherent bias towards the central government, and this dominates India's political structure: the central government is the superior authority to the states in various ways. In fact, the word 'federation' has no mention in the fundamental law of the land." Article 1 describes India as a 'Union of States' and not a 'Union of States', for two reasons, as explained by Ambedkar: firstly, India did not have a federation at that time, due to an agreement between the federated states; and secondly, the states in India did not have the right to secede. Therefore, in the case of India, the federation is called the 'Union' because it is indestructible. The Australian constitutional expert KC Wheare once described the Constitution of India as "quasi-federal": "The Indian Union is a unitary state with subsidiary federal features instead of a federal state with subsidiary unitary features."

## CHAPTER 2: REGIONAL ASSERTION vs. CENTRAL DOMINANCE

Even as Indian federalism has a bias for the central government, states have over the years sought to assert their interests and influence, whether in times of single-party dominance or multi-party coalition politics.

### 2.1 FIRST PHASE: One Party Federalism (1952- 1967)

In this phase, the influence of regional leaders within the 'Congress system' and the rise of the linguistic autonomy movement marked regional authority over national politics, which strengthened the federal spirit since Indian independence. The following paragraphs outline the political factors that enabled the decentralisation of Indian politics despite the dominance of the Congress. After the 1952 general elections – the first after independence –

<sup>2</sup>Alfred Stephan, "Federalism and democracy: Beyond the US model". *Journal of Democracy* Vol 10(4), (1999):19–34.

<sup>3</sup>Philip Mawhood, "The Politics of Survival: Federal States in the ThirdWorld", *International Political Science Review*, Vol 5(4), (1984): 521-531.

<sup>4</sup>Mohit Bhattacharya, "The mind of the founding fathers," in *Federalism in India: Origins and Development*, ed. N. Mukarji & B. Arora (Vikas PublishingHouse, 1992), 87–104.

<sup>5</sup>Constituent Assembly Debates, Volume V, 20 August 1947.

the Indian National Congress (INC) party emerged as the dominant party at the centre and in the states. From then on, the Congress party completely dominated Indian politics until the 1967 elections, when it suffered a major electoral setback. The federal system was such that the national political scene was presided over by the national leadership of the Congress under Prime Minister Jawaharlal Nehru, while regional Congress leaders had their own mass base and wielded considerable power and influence in their respective states. Yogendra Yadav and Suhas Palshikar have observed that the success of the Congress was a combination of its state-level organisation with Nehru's public opinion leadership and popular appeal<sup>6</sup>. Even after Nehru's death in 1964, regional leaders continued to play an important role in national politics. The political downfall of these notable regional leaders of the Congress would eventually follow, following their electoral defeat in the 1967 national elections and their power struggle with Indira Gandhi<sup>7</sup>. The dissolution of the communist government led by Nambudiripad was an extraordinary case in federal relations. It showed early signs of how Indian federalism can deteriorate when states come under the rule of parties that are in opposition to the national ruling party at the centre. Therefore, in this phase of single-party dominance, the limits of consensual federalism and the beginnings of a more confrontational federal dialogue emerged in a limited way<sup>8</sup>.

## Triumph of Linguistic Dynasty

### ➤ Creation of Linguistic States

Soon after independence, there was a popular demand for the creation of linguistic states, indicating the assertion of regional sentiment over the centralised design of nation-building<sup>9</sup>. The American scholar Selig Harrison, in his work *India: The Most Dangerous Decades*, considered the strength of this popular regional resistance against the unitary and homogenous model of nation-building as a potential challenge to the Indian state during this period<sup>10</sup>. The central government had initially decided against creating a linguistically organised state for fear of division. However, pressure was created by a continuing regional movement in favour of linguistic states, which led to the reorganisation of states on the basis of language. This was the first assertion of territorial identity, which forced the central government to accede to the political demands of the states. While the central government had the authority to draw, remove, and redraw state boundaries, pressure for regionalization in the form of regional autonomy from the various major language groups — and later, tribal communities as well — forced the centre to initiate a formal reorganisation<sup>11</sup>.

### ➤ 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. 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 contestation. 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. Analyst Paul Brass has observed that the pre-eminence of the use of English in official communication was a victory for India's pluralism as it put the burden of language learning for both Hindi and non-Hindi speakers. The fact that the regional languages are dominant in every state reflects the spirit of a decentralised polity<sup>12</sup>.

<sup>6</sup>Yogendra Yadav and Suhas Palshikar, "From hegemony to convergence : Party system and electoral politics in Indian states". *Journal of Indian School of Political Economy*, 15(1-2), (2003):5-44.

<sup>7</sup>Pranav Verma and Sugghosh Joshi, "Reaffirm Cooperative Federalism", *The Hindu*, May 13,2020

<sup>8</sup>Granville Austin, *The Indian Constitution-Cornerstone of a Nation*, (New Delhi: Oxford, 1956), 186-88

<sup>9</sup>Bethany Lacina, *Rival Claims: Ethnic Violence and Territorial Autonomy Under Indian Federalism*, (USA: University of Michigan Press, 2017)

<sup>10</sup>Selig. S.Harrison, *India: The Most Dangerous Decades*, (Princeton University Press, 1960)

<sup>11</sup>D.N., "Factors in the Jharkhand Movement", *Economic and Political Weekly*

<sup>12</sup>Jan. 30, 1988, Vol. 23, No. 5, (1988):185-187. Paul R. Brass, *Ethnicity and Nationalism: Theory and Comparison*, (New Delhi: Sage Publication, 1991),110

The centre had to surrender, in some respect, to the popular pressure for cultural and political autonomy of the regional units<sup>13</sup>. 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 was only after the 1967 elections that Congress dominance declined, and a more fragmented party system emerged in India. It was in that period that 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. Morris Jones described Indian federalism as “bargaining federalism” in 1971<sup>14</sup> while Haqqi and Sharma characterised it as “centralized federalism” in 1977<sup>15</sup>. This was when the Congress party’s dominance was starting to weaken in many states, though it was still etched in national politics.<sup>16</sup> The 1967 elections were 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.<sup>17</sup> Another development was the power tussle 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.

### 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 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, which had earlier been built with the support of the popular state-level leaders.<sup>18</sup> 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 on due to organisational weakness at the local level and the absence of strong state leaders. This era also coincided with the political rise of many regional parties in a number of Indian states.<sup>19</sup>

The ruling Congress faced dual challenges: the rise of regional political forces in states like Punjab, Andhra Pradesh, Tamil Nadu, West 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, and installed Congress governments in those states. In 1977, when the Janata government came to power, it also dissolved the Congress-ruled state governments to install Janata party-led governments in the states. This period witnessed a confrontational centre-states relationship as the federal power positions were occupied by opposing political parties. The Congress party was at the center and an anti-Congress political bloc—comprising of major regional parties—was in power in many states. The Center frequently resorted

<sup>13</sup>Ashutosh Varshney, “How has Indian Federalism done?”, *Studies in Indian Politics I(I)*, (2013): 43-46.

<sup>14</sup>W.H. Morris Jones, *The Government and Politics of India*. 3rd Edition, (London: Hutchinson University Library, 1971), 150-156.

<sup>15</sup> S.A. H. Haqqi and A.P. Sharma, “Centre and State relations: A Study of structural and Processual Determinants” in *National Power and State Autonomy*, K.A. Bombwall (Menakshi Prakashan, 1977)

<sup>16</sup> Yogendra Yadav and Suhas Palshikar. “From hegemony to convergence: Party system and electoral politics in Indian states”, 5–44.

<sup>17</sup> N.C.B. Ray Chaudhury, “The Politics of India’s Coalition”, Reprinted from *The Political Quarterly*, Vol 40 No. 3, July-September 1967.

<sup>18</sup>James Manor. “India and After: The Decay of Party Organisation in India”, *Round Table*, No. 272, (1978):315-324.

<sup>19</sup>Iqbal Narain, (eds.) *State Politics in India*, (Meerut: Meenakshi Prakashan, 1976)

to invoking Article 356 to tame the “recalcitrant” states. In this context, scholar Bhagwan D. Dua argued 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 the conflictual nature of federalism.<sup>20</sup>

### **Conflictual Federalism**

In this period, regional demands led by the Akalis in Punjab and the 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 centre stage of national politics. 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. The political crisis in Assam, Kashmir, Mizoram, and most importantly, Punjab, in the late 1970s and early 1980s escalated due to the centralizing 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. At this point in federal tensions, the Union government appointed the Sarkaria Commission in 1983 to look into the constitutional provisions on Centre-state relations.

In 1984, the newly elected Union government under Rajiv Gandhi had to accommodate the regional demands for autonomy and decentralisation in the states. 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 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.” However, Rajiv Gandhi’s era was also marked by similar centralising tendencies. This phase also saw some initial attempts by the Centre to strengthen the architecture of local self-government in India, but they 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 autonomy was slightly visible towards the end of this period. The end of this period saw the Centre co-opt 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.” Yadav and Palshikarob serve that from this period on the level of politics seemed to have changed from all-India to the states. These changes have been accompanied by a change in the idiom of politics.” The rise of a number of regional parties brought a new era of multi-party system in India.

### **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.<sup>21</sup> The political shrinking of the Congress party and the inability of the Bhartiya Janata Party (BJP) to emerge as the national alternative (despite the 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

<sup>20</sup>Bhagwan D. Dua, *Presidential Rule in India (1950-1984): A Study in Crisis Politics*, 2nd Edition, (New: Delhi S. Chand & Company, 1985), 396.

<sup>21</sup>Sanjay Ruparelia, *Divided We Govern: Coalition Politics in India*, (New York: Oxford University Press, 2015)

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 regionalization 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.<sup>22</sup> 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, the National Democratic Alliance (NDA I) and United Progressive Alliance (UPA I and II) marked the beginning of a stable phase of coalition politics at the national level from 1999 to 2014.

This era of coalition politics at the national level shaped 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. But such attempts appeared to be fragile and therefore 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 confrontationalist 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 national issues.<sup>23</sup> This blended the national and regional political narratives and paved the way for a more decentralised and pluralist multi-party federalism in India.

## Federalized Institutional Functioning

This era of federalization 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 that were earlier strongly controlled by the Union government. Benefitted by the reforms, the state governments now have relative autonomy 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.”<sup>24</sup>

<sup>22</sup>Subrata K. Mitra and Make Pehl, “Federalism”, in *The Oxford Companion to Politics in India*, Niraja Gopal Jayal & Pratap Bhanu Mehta, (New Delhi:Oxford University Press, 2010), 43-55.

<sup>23</sup>Subrata K. Mitra and Make Pehl, “Federalism,” 46-47.

<sup>24</sup> Rob Jenkins, *Democratic Politics and Economic Reform in India*, (Cambridge University Press, 1999)

### ➤ Judicial Safeguard

There were also institutional reforms during this period, which further strengthened the federal spirit in India<sup>25</sup>. The Supreme Court in the **S.R. Bommai vs. Union of India**<sup>26</sup> case gave a landmark judgment that deepened the federal design of Indian politics. The judgement created immunity for the state governments against the arbitrary use of Article 356 by the Union government. Following this judgment, the President of India has expressed his or her reservation regarding declaring president rule in certain states. This posed considerable resistance to the centralising power that the central government exercised.

### ➤ Institutionalized 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 at the Municipal and Panchayats level. This strengthened the groundwork for the empowerment of the people at the grassroots.<sup>27</sup>

This era of multi-party coalition in national politics witnessed new fronts of centre-state tussle over national issues like foreign policy, national security decisions, and economic reforms. 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 in being in government 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 that led to national power sharing.

## 2.4 FOURTH PHASE: The return of 'Dominant Party' Federalism (2014-present)

The 2014 general elections challenged the era of coalition<sup>28</sup> politics 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. This phase marked the beginning of what is called the "renationalization of Indian politics," with the BJP as the new national political force. After its victory in the national elections, the BJP as a major political party also went ahead to capture power in 21 states in India, either on its own or with a strong regional ally. The BJP's more impressive win in the 2019 elections strengthened its position as the new 'dominant party' in India. However, unlike in the first phase, the BJP is the most dominant national political force amongst other parties but faces substantial political opposition from the national opposition party (the Congress party) and many regional parties at the state level.

### The Promise of 'Cooperative' Federalism

Modi, as Chief Minister of Gujarat, realised the need for empowering the states 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 replaced by the Niti Aayog, which the Union government assured would have "active involvement of the states in the spirit of "co-operative federalism." Second, the Goods and Services Tax (GST), by which the Center 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. Third, the Union government accepted the 14th Finance Commission recommendation to give the state's 42 percent share of the funds from the central pool (from the previous 32 percent). However, how far Niti Aayog and the devolution

<sup>25</sup>M.S.A. Rao, "Some Conceptual Issues in the Study of Caste, Class, and Dominance", in *Dominance and State Power in India, Decline of a Social Order*, ed. Francine Frankel and M.S.A. Rao, Vol. I & II, (New Delhi: Oxford University Press, 1989 & 1990), 204-322.

<sup>26</sup> 1994 AIR 1918, 1994 SCC (3) 1

<sup>27</sup>Peter Ronald deSouza, "The Struggle for Local Government: Indian Democracy's New Phase", *Publius: The Journal of Federalism*, Vol 33, No. 4,(2003): 99-118.

<sup>28</sup>Niraja Gopal Jayal (eds.), *Re-forming India: The Nation Today*, (Penguin India, 2019)

of increased funds have a bearing on the deepening of federalism in tangible proportions has to be more closely examined with time, as it has its own challenges.

#### ➤ Challenges from the Dominant Political Party

The electoral strength of the BJP has increased manifold with its impressive victories in two successive national elections (2014 and 2019) and several state elections. In 2014, the BJP was able to dent the Congress vote bank significantly, but in 2019, it also made considerable inroads in the states where powerful regional parties are in power. Second, in states like Madhya Pradesh and Karnataka, where the BJP could not form the government by slender margins, defections of legislators helped it capture power. Third, once again, the role of the governor in opposition-ruled states became controversial. The proclamation of president rule in states like Arunachal Pradesh, Uttarakhand and Jammu and Kashmir during 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.

Fourth, the non-BJP states have also expressed concern regarding the Union government's intervention in state administration by directly monitoring and political appropriating the Centrally Sponsored Schemes (CSS). Lastly, the 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 demonetization, abrogation of Article 370, changing the political status of Kashmir, and the passing of the Citizenship Amendment Act (CAA) 2019 met with little resistance from the regional forces in opposition to the BJP, with few exceptions. The trend where regional actors are largely rallying behind the nationalist policy decisions of the central government marks the beginning of 'national federalism' in India.

### **The Regional Political Combat**

Despite the centralising tendencies of the dominant national ruling party, the BJP has been facing tremendous challenges in state-level elections since 2017. The BJP, led by Modi, remains largely politically unchallenged at the national level. But its reliance on national agendas and its inability to accommodate regional and local issues in the state elections resulted in its electoral setbacks despite its efforts. Further, the electoral understanding that the BJP manages to have with the regional political outfits helped it capture power in many states. Though the regional forces are unable to shape national politics, unlike in the previous phase, they provide some opposition to the political dominance of the BJP at the state-level elections 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. 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. This reveals a limited form of 'de-nationalized' party system in India, even under a dominant national party. 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 Congress or regional parties, including the ones being ruled by some of the BJP's own political allies, opposed it.

### **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 centralize the Indian federal design; and second, 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. 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, centralization, decentralization, nationalization, and regionalization. Extreme political



centralization or chaotic political decentralisation 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 is a challenge, as federalism must reconcile the need for national unity on the one hand and, on the other, regional autonomy. However, as Indian political discourse is largely being shaped by the onset of the second dominant party system in the current phase, how far such a balanced approach in the federal dynamic will be politically feasible needs to be examined. 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 in the Center'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 Center 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 Center'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 contests between the national and regional political forces. Finally, unless the third level of Indian federalism, i.e., the local self-governments, are further politically empowered, efforts to strengthen the federal discourse will fail. The recommendations given by the Punchhi Commission in 2010 are important for strengthening Indian federalism. Despite all their tussles, the Union government and the states have a mutual need for survival.

