

IS THE INDIAN CONSTITUTION FEDERAL IN NATURE?

AUTHOR – RIYA & NIKHIL RATHEE

RESEARCH SCHOLARS AT GURU GOBIND SINGH INDERPRASTHA UNIVERSITY

BEST CITATION – RIYA & NIKHIL RATHEE, IS THE INDIAN CONSTITUTION FEDERAL IN NATURE?, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 5 (13) OF 2025, PG. 320-327, APIS – 3920 – 0001 & ISSN – 2583-2344

ABSTRACT

The Indian Constitution is often called “quasi-federal” because it blends federal and unitary features in a unique way. This paper offers a structured analysis, around nine pages long, to examine whether the Indian Constitution is truly federal in nature. This paper examines whether the Constitution of India is federal in nature. It begins with the constitutional text and highlights the features that support federalism, such as the division of powers, written constitution, dual polity, and bicameralism. It then considers opposing unitary features, including a strong Centre, residuary power, single citizenship, and emergency provisions.

The analysis covers the ways in which India’s “quasi-federal” nature has been shaped by the Supreme Court and constitutional precedents. Important rulings are discussed, including “Kesavananda Bharati,” “State of West Bengal v. Union of India,” “S.R. Bommai v. Union of India,” and “Indira Nehru Gandhi v. Raj Narain.” According to the argument’s conclusion, India’s constitution is best characterised as “quasi-federal,” with strong centralising tendencies that are restrained by judicial review and changing political practices.

Numerous debates and court decisions have centred on the Indian Constitution’s federal nature. A dual system that explicitly distinguishes between the Union and the States is established by the Constitution. In addition, it grants the Centre principal control over financial, administrative, and legislative issues. The framers’ goal of maintaining national integrity and unity in a culturally diverse nation while permitting regional autonomy for effective governance is reflected in this blend. Federal characteristics are demonstrated by the establishment of a bicameral legislature, the division of powers in the Seventh Schedule, and the existence of an independent judiciary. However, features that centralize power, such as the residuary powers of Parliament, single citizenship, emergency rules, and the restructuring of state boundaries under Articles 3 and 356 show a bias toward a unitary framework.

With significant decisions like Kesavananda Bharati v. State of Kerala (1973), State of West Bengal v. Union of India (1963), and S.R. Bommai v. Union of India (1994), the judiciary has been instrumental in establishing India’s federal identity. These cases collectively upheld federalism’s inclusion in the Constitution’s “basic structure.” India’s federalism has evolved over time from a model of central control to one that promotes state collaboration and competition. This shift is supported by intergovernmental bodies like the Finance Commission and the NITI Aayog.

Keywords – Quasi-federal , center-state relations, constitutional division powers

Introduction

Since independence, there has been ongoing discussion about whether the Indian Constitution is "federal." The response influences how we perceive power dynamics, constitutional rights, and the political equilibrium between the federal government and the states. In order to reach a useful conclusion regarding India's federal character, this paper examines the constitutional text, judicial interpretations, and political practices. "Federalism": what is it?⁵⁴³

Federalism refers to the constitutional division of powers between two levels of government—typically a national or central government and states or provinces—where both have independence in specific areas, and this division is guaranteed by the constitution. Typical characteristics consist of:

- A written constitution that specifies the division of powers
- Two levels of government, each with independent existence
- A judiciary to resolve disputes
- A bicameral legislature representing constituent units
- Constitutional safeguards to prevent the unilateral removal of state powers

Federal features in the Indian Constitution several structural elements of the Indian Constitution indicate federalism: written constitution and authority division:⁵⁴⁴

The Union, State, and Concurrent Lists (Seventh Schedule) demonstrate a distinct subject division.⁵⁴⁵

The Center's Bicameralism:—One aspect of federalism is that the Rajya Sabha represents state interests in Parliament.

Independent judiciary:— The Supreme Court resolves Centre-State disputes and enforces constitutional boundaries.

Constitutional amendment procedure:— Article 368 requires varying majorities for certain amendments that affect federal features, requiring ratification by half the states, indicating that states can influence constitutional changes.

Unitary features in the Constitution

However, there are also strong unitary features in the Constitution:—

Article 1: "India, which is Bharat, shall be a Union of States" The word "Union" denotes the supremacy of the Centre and the indestructibility of states.⁵⁴⁶

Residuary legislative power: In contrast to many federations, where the states hold these powers, Parliament has residuary legislative power.

Single Citizenship: By reducing state uniqueness, a single Indian citizenship fosters national unity. Provisions for emergencies (Articles 352, 356, 360): In times of emergency, state autonomy may be suspended and the Center's powers may be extended.⁵⁴⁷

Control over state finances and all-India services: The Center's power is reinforced by its financial and service control.

These traits point to a deliberate centralising design that has historically been supported by the need for national unity in a diverse nation.

Important constitutional provisions shaping Centre-State relations

Article 1: India is a "Union" of States; states do not have the power to secede unilaterally.⁵⁴⁸

Articles 245–255: The legislative powers of Parliament and State Legislatures are distributed through the Seventh Schedule.⁵⁴⁹

⁵⁴³ Available at <https://legislative.gov.in/constitution-of-india> last visited on September 11, 2025

⁵⁴⁴ Available at <https://legislative.gov.in/constitution-of-india> last visited on September 11, 2025

⁵⁴⁵ The Constitution Of India, 1950, Art 246, Seventh Schedule

⁵⁴⁶ The Constitution of India, 1950, Art 1

⁵⁴⁷ The Constitution Of India, 1950, Art 5-11

⁵⁴⁸ The Constitution of India, 1950, Art 1

⁵⁴⁹ The Constitution of India, 1950, Art 245-255

Article 248 & Entry 97 (Union List): Residuary powers belong to Parliament.⁵⁵⁰

Article 256: States must comply with Union laws, demonstrating subordination in certain situations.⁵⁵¹

Article 356: President's Rule allows for Central takeover (historically used and later constrained by judicial rulings).⁵⁵²

Article 368: Special procedures govern amendments affecting the federal balance.⁵⁵³

These provisions create the constitutional mechanics that result in the "quasi-federal" nature of India in practice.

Federal Nature of the Indian Constitution

The **Constitution of India** stands as one of the most detailed and distinctive documents in the world, representing a careful blend of **federal and unitary features**. While it divides powers between the **Union and the States**, it also provides the Centre with overriding authority in certain circumstances. This duality reflects the vision of the framers, who wanted a system strong enough to hold together a vast and diverse nation while still protecting the autonomy of its regions.

1. Federal Design and Division of Powers

A federal system usually ensures that both the central and regional governments operate independently within their spheres of authority. In India, this concept is clearly outlined in **Articles 245 to 255**⁵⁵⁴, which specify legislative powers. The **Seventh Schedule** of the Constitution divides these powers into three lists –

- **Union List** (for Parliament),
- **State List** (for State Legislatures), and
- **Concurrent List** (shared powers)⁵⁵⁵.

This separation ensures that each level of government can make laws on its designated subjects. The Supreme Court, as the guardian of the Constitution, resolves any conflict between these two levels of governance, thereby maintaining the balance of power. Furthermore, the **Rajya Sabha** (Council of States) provides representation to the states at the national level, reinforcing the federal character of India's political system. Such arrangements confirm that India was intended to function as a **Union of States**, not merely a centralized authority with administrative divisions.

2. Strong Unitary Bias

Despite its federal features, the Indian Constitution also gives extensive powers to the Centre, making it unique compared to traditional federations like the United States. The most evident sign of this unitary bias lies in the **residuary powers**, which rest with the **Parliament under Entry 97 of the Union List**⁵⁵⁶. In most classical federations, these powers lie with the states, but India's system reverses this principle.

Additionally, India has **single citizenship**⁵⁵⁷ and a **single integrated judiciary**, emphasizing national unity over regional identity. The emergency provisions under **Articles 352, 356, and 360** allow the Centre to take control of state functions during crises, including national, state, or financial emergencies. During such periods, the federal structure temporarily transforms into a unitary one – highlighting flexibility rather than rigidity in the Constitution.

Unlike the United States, Indian states do not have separate constitutions. All states operate under the same national document, ensuring administrative uniformity and cohesion. Financial relations also reflect central dominance: while states can collect some taxes, they depend heavily on grants and revenue distribution from the Union Government as recommended by the **Finance Commission**.

⁵⁵⁰ The Constitution of India, 1950, Art 248

⁵⁵¹ The Constitution of India, 1950, Art 256

⁵⁵² The Constitution of India, 1950, Art 356

⁵⁵³ The Constitution of India, 1950, Art 368

⁵⁵⁴ The Constitution of India, 1950, Art 245-255

⁵⁵⁵ The Constitution of India, 1950, Seventh Schedule

⁵⁵⁶ The Constitution of India, 1950, Seventh Schedule

⁵⁵⁷ The Constitution of India, 1950, Art 5-11

3. Role of the Judiciary in Safeguarding Federalism

The **Supreme Court of India** plays a central role in interpreting and protecting the federal balance. Through landmark judgments, the Court has ensured that the Centre does not misuse its powers to undermine state autonomy.

In **S. R. Bommai v. Union of India (1994)**, the Court ruled that federalism is a part of the **basic structure of the Constitution**, meaning it cannot be destroyed even by constitutional amendment. The Court also limited the misuse of **Article 356**, ensuring that the imposition of President's Rule in states cannot be arbitrary.⁵⁵⁸

Earlier, in **State of West Bengal v. Union of India (1963)**, the Court had also recognized the distinct and autonomous identity of states, even while affirming the supremacy of the Union in specific matters. Such judicial decisions have strengthened the notion that India's federalism, though flexible, is not purely hierarchical.⁵⁵⁹

4. Cooperative Federalism and Changing Dynamics

Over the decades, Indian federalism has evolved through political practice and administrative cooperation. The rise of **regional parties, coalition governments, and economic decentralization** has gradually increased the role of states in national decision-making.

This trend is often described as **"cooperative federalism"** – a system where the Union and the States work together on shared goals. The creation of **NITI Aayog**⁵⁶⁰ in place of the Planning Commission is one such example, as it promotes collaboration and consultation among states. Similarly, the **Goods and Services Tax (GST)** system represents a cooperative model where both the Centre and the States share revenue and legislative powers on taxation.

Commissions such as the **Sarkaria Commission (1988)**⁵⁶¹ and the **Punchhi Commission (2010)** have also played key roles in examining Centre-State relations. They recommended greater fiscal independence for states, equitable distribution of resources, and mechanisms to resolve inter-state disputes. These reforms have contributed to building a more balanced and participatory federal structure.

5. Federalism in Practice

In practice, the relationship between the Union and the States in India is dynamic rather than static. Political alignments often influence how power is shared. When the same political party controls both the Centre and several states, cooperation is smoother. However, when different parties govern, tensions can arise over financial allocations, administrative control, or law and order issues.⁵⁶²

India's federalism thus operates as a **living system**, adapting continuously to social, economic, and political realities. It is neither completely centralized nor entirely decentralized but functions through negotiation and shared governance.

6. Federal in Form, Unitary in Spirit

Most constitutional experts agree that the Indian Constitution is **federal in form but unitary in spirit**. It combines the strength of federalism – diversity, local governance, and division of powers – with the unity and stability of a unitary state. Dr. B. R. Ambedkar, while defending the structure in the Constituent Assembly, stated that India's system is "both unitary as well as federal according to the requirements of time and circumstances."

This balance ensures that the Centre can act decisively during crises, while the States retain adequate independence for regional development. The design has worked effectively for more than seven decades, ensuring India's

⁵⁵⁸ S.R.Bommai v/s Union Of India , 1994

⁵⁵⁹ State of West Bengal v/s Union Of India,1963

⁵⁶⁰ Available at <https://nios.ac.in> last visited on September 12,2025

⁵⁶¹ Available at <https://www.mha.gov.in> last visited on September 12,2025

⁵⁶² *Ibid*

unity despite linguistic, cultural, and political diversity.⁵⁶³

7. The Road Ahead: Strengthening Cooperative Federalism

The success of Indian federalism depends on healthy coordination between the Centre and the States. Reforms that could strengthen the system include:

- **Greater financial autonomy** to states to reduce dependence on the Centre.
- **Regular meetings of the Inter-State Council** for effective dispute resolution.
- **Equitable distribution of central grants and tax revenues.**
- **Encouragement of regional participation** in national policymaking.
- **Strict judicial oversight** on misuse of emergency powers.

If these principles are respected, India can continue to function as a model of **flexible and cooperative federalism** suited to its pluralistic society.⁵⁶⁴

Judicial role and landmark cases

The Supreme Court has played a crucial role in defining Indian federalism. Below are key decisions.

Kesavananda Bharati v. State of Kerala (1973)

The Court established the basic structure doctrine in Kesavananda Bharati. It concluded that the "basic structure" of the Constitution cannot be changed by Parliament. The Court explicitly recognized several features, including federalism, as part of this basic structure. This ruling protects the federal character from being discarded by parliamentary actions.⁵⁶⁵

State of West Bengal v. Union of India (1963)

This case is frequently referenced in discussions about federalism because it emphasizes the Centre's strong position in constitutional

disputes. Because states did not coordinate with the Centre and the Centre had overriding powers in a number of areas, earlier interpretations of the Indian Constitution occasionally viewed it as not being fully federal. This decision highlights that the Constitution imposes significant centralizing controls.⁵⁶⁶

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

Bommai is a historic decision. With a nine-judge panel, the Supreme Court restricted the arbitrary application of Article 356 (the President's Rule). It pronounced that federalism is part of the basic structure and clarified that state governments are not merely extensions of the Centre. The judgment made presidential proclamations subject to judicial review and established guidelines to limit misuse by the Centre, which reinforced the practical protection of state autonomy.⁵⁶⁷

Indira Nehru Gandhi v. Raj Narain (1975)

In this case, the Court evaluated constitutional boundaries during the Emergency era. It addressed amendments that sought to restrict judicial review and affirmed that certain democratic features, such as free elections and judicial review, constitute part of the basic structure. This case solidified the idea that Parliament cannot remove such essential features, indirectly safeguarding the democratic-federal balance.⁵⁶⁸

Political practice and administrative reality

While constitutional text and judicial decisions play a role, ****political practice**** has significantly shaped federalism:

Frequent use of Article 356 in the past (particularly in the 1950s to 1980s) weakened state autonomy until *Bommai* curtailed its misuse.⁵⁶⁹

⁵⁶³ *Ibid*

⁵⁶⁴ *Id.*

⁵⁶⁵ Kesavananda Bharati v/s State of Kerala,1973

⁵⁶⁶ State Of West Bengal v/s Union Of India,1963

⁵⁶⁷ S.R.Bommai v/s Union of India,1994

⁵⁶⁸ Indira Nehru Gandhiv/s Raj Narain ,1975

⁵⁶⁹ The Constituion of India,1950,Art356

Finance Commissions and Central grants have given the Centre financial authority over states.

570

Political parties and coalition governments have sometimes strengthened central dominance or enhanced state bargaining power. The practical reality is mixed: it is sometimes centralizing, sometimes collaborative, and often political.

Comparative view: federal, unitary, quasi-federal

Using standard definitions:

A classical federation - (e.g., USA, Germany) exhibits a clear and lasting division of powers, strong protection for states, and residuary powers often held by states. A unitary state-, like France historically, consolidates power and has the freedom to alter local units as it pleases. A quasi-federal system lies in between:- India's text contains federal characteristics, but aspects such as residuary powers, emergency provisions, and financial controls suggest a strong Centre. Most scholars and courts refer to India as ****quasi-federal**** or "federal but with a strong Centre." Recent case law and scholarship emphasize that federalism is a constitutional value protected by the Court.⁵⁷¹

Analysis: is India federal?

Taking into account the text, custom, and case law:

1. Textually, India exhibits a number of federal characteristics, such as a written constitution, bicameral Parliament, judicial review, and the division of powers.
2. Structurally: The Constitution also denotes central dominance through financial centralisation, emergency powers, single citizenship, and residuary power.
3. Judiciary: The Supreme Court has limited some central overreaches by defending

federalism as essential to the fundamental framework of the Constitution.

4. In practice: Depending on politics, coalitions, and judicial restraints, political practice has alternated between collaborative federalism and centralising trends.⁵⁷²

Conclusion

The Indian Constitution is best characterized as ****quasi-federal****—federal in structure and spirit, but designed with strong centralizing elements. Judicial interpretations have strengthened federalism as a constitutional value and curtailed overbearing central control over time. Political practices continue to shape the balance.

Recommendations to strengthen the federal character

1. Financial devolution: By giving states a larger portion of taxes collected centrally and reducing conditional grants, you can increase their fiscal autonomy.
2. Open application of Article 356: Provide more stringent standards for applying the President's Rule and guarantee prompt judicial review procedures.
3. Intergovernmental bodies: Instead of using ad hoc committees to settle disputes, strengthen institutional, long-term processes.
4. Strengthen local autonomy: Give municipalities and Panchayats more authority, which will make federalism more regional and citizen-centered.
5. Constitutional education: To make federalism a lived norm, encourage federal values in judicial outreach and governance training.

In order to achieve unity in diversity, India's constitutional framework purposefully combines federal and unitary elements. The federal character has been strengthened by ***Bommai***'s limitations on Article 356 and the Supreme Court's precedent upholding federalism. However, centralising factors like emergency provisions, residuary powers, and fiscal control continue to be powerful. The best

⁵⁷⁰ The Constitution of India, 1950, Seventh Schedule

⁵⁷¹ Available at <https://legislative.gov.in/constitution-of-india> last visited on September 11, 2025

⁵⁷² *Id.*

way to characterise the **quasi-federal Union** that the Indian Constitution creates is that political choices and administrative procedures are just as important to the country's federalism as the constitution's wording and legal precedents.

There is no easy "yes" or "no" response to the question of whether the Indian Constitution is federal. It necessitates a more thorough comprehension of India's distinct history, constitutional structure, and judicial evolution. When framing the Constitution, the founders faced a significant challenge. They needed to maintain unity in a country divided by language, religion, region, and economic disparities while allowing diverse provinces and princely states sufficient autonomy. The creators of the Constitution, especially Dr. B. R. Ambedkar, chose a **federation with a strong Centre**. They consciously avoided using the term "federal" in the text and preferred the phrase "Union of States."

The political structure of India was influenced by this word choice. A **federation in spirit**, supported by mechanisms to maintain national unity was established. Essential elements of federalism, including a written constitution, a bicameral legislature, a dual government system, a clear division of powers, the supremacy of the Constitution, and an independent judiciary, are all included in the Indian Constitution. The Indian system has a federal character because of these factors.

But the framers also gave the Union significant authority to advance coordinated development, economic planning, and national unity. India's federalism is not symmetrical, as evidenced by the **unitary provisions**, which include emergency powers, residuary powers with the Centre, single citizenship, financial control, and the ability to reorganise state boundaries. Even in times of political, economic, or security crises, stable governance is guaranteed by the Center's dominance in many fields. In the past, these clauses were thought to be essential to the survival of a recently independent,

multicultural, and emerging country. However, these centralising powers have evolved into a source of both stability and conflict over time.

In interpreting and balancing this delicate federal setup, the **judiciary** has played a crucial role. In landmark cases like *Kesavananda Bharati v. State of Kerala (1973)*, the Supreme Court ruled that federalism is part of the "basic structure" of the Constitution, which Parliament cannot destroy or lessen. In *S. R. Bommai v. Union of India (1994)*, the Court further reinforced the federal spirit by limiting the misuse of Article 356 and making the proclamation of President's Rule subject to judicial review. These rulings indicate that **federalism in India is not just a political arrangement but a constitutional principle**, deeply ingrained in the governance framework.

The rise of **cooperative federalism** in recent decades represents a constructive change in Indian political culture. More cooperation between the Centre and the States has been promoted by organisations like the Finance Commissions, the NITI Aayog, and the Inter-State Council.

The federal landscape has also been altered by national coalition politics and the growing influence of regional parties. As a result of this shift, the Union now actively consults and collaborates with state governments. This pattern demonstrates that Indian federalism is **dynamic** and not just confined to the written constitution, but also changes as a result of judicial innovations and political practice.

But there are still difficulties. Fiscal centralisation remains a significant problem since states are frequently unable to generate their own revenue and rely largely on grants from the federal government. The Centre's control over national planning, taxation, and the Goods and Services Tax (GST) Council can sometimes constrain states' financial independence. Furthermore, despite being permitted by the constitution, the reorganisation of states and the implementation of Article 356 continue to

cast doubt on the actual autonomy of state governments.

Given these considerations, it can be concluded that ****India's Constitution is unitary in spirit but federal in form****. It is a structure that was purposefully created to strike a balance between unity and diversity. Under this **"quasi-federal"** constitution, cooperation and complementarity between the federal government and the states are expected. As Dr. Ambedkar noted in the Constituent Assembly, "India is a Union because it is indestructible; though the country and the people may be divided into different States for convenience of administration, the country is one integrated whole."

India's federal system is not as strict as the US or as unitary as the UK. It is a ***federation*** that is adaptable to the particular social and political circumstances of India. In addition to constitutional design, the spirit of ****cooperation, respect for diversity, and balance of power**** between the Centre and the States is essential to the success of Indian federalism. In the future, maintaining the federal nature and democratic principles of the Indian Constitution will require strengthening financial devolution, fostering institutional communication, and fostering respect for one another among political players. As a result, the Indian Constitution continues to be a living document that reflects the changing nature of the biggest democracy in the world. It is federal in theory, pragmatic in design, and flexible in practice.

