

# **Indian Federalism: A Cooperative Framework Or A Paradox.**

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## **Introduction to the types of federalism that can exist:**

Federalism is a type of government in which each of the State legislative assemblies derive their sovereign power from the Constitution of the country and not from another superior form of government. It is different from a unitary state wherein the sovereign power rests with the monarch or the Union government. Federalism, in its basic sense, means division of legislative and executive power between central government and regional governments so that each government can work independently in its own sphere.<sup>1</sup> A federal union may be formed in two ways; firstly, when the states come together without any compulsion on their own discretion as in the scenario of the United States of America and secondly, when the provinces of a union are transformed into federal units like India. Division of power is an essential and an imperative feature of a federal form of government and this division of powers is possible by way of a written constitution.

## **Types:**

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<sup>1</sup> M. Asad Malik, *Changing Dimensions Of Federalism In India: An Appraisal*, 2 ILI LAW REVIEW, 85, 85 (2019).

- **Cooperative federalism:**

This is a form of government in which the states or the federal units collectively solve the problems with a cooperative and harmonious spirit. In this type of a model, the line of division of powers between the union and the federal units is blurred and they work collectively. They also do not find instances of blaming or finding each other at odds. The model of cooperative federalism was expanded in the 1930s as the sweeping state-federal cooperative programs of President Franklin Roosevelt's New Deal initiative brought the nation out of the Great Depression and remained the norm throughout World War II up until the Cold War.<sup>2</sup> Many political scientists have constantly argued that the European Union (EU) is also entering into the era of cooperative federalism as its units are moving from strict legislative separation to working in an environment of shared ideals and responsibilities and, from rigidity to flexibility. The challenges of this model will be dealt with under 'Constitutional provisions obstructing cooperative federalism'.

- **Competitive federalism:**

The concept of competitive federalism originated in the early 1990s after the initiation of the economic reforms of Liberalisation, Privatisation and Globalisation during the tenure

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<sup>2</sup> THOUGHT CO, <https://www.thoughtco.com/types-of-federalism-definition-and-examples-5194793> (last visited 5th November 2022).

of P.V Narasimha Rao. In this model, the states compete with the fellow states and the Union. The competition is mainly in terms of investment that ensures administrative efficiency and encourages developmental activities because developed states tend to attract more investors. On one hand there is vertical competition between the union government and the state governments and on the other hand there is horizontal competition among the state governments. However, there are a few challenges to this model:

- ❖ States that have weaker economies require more assistance than the other states. However, their needs are not considered in this competitive environment.
- ❖ In the long run, it might lead to an unequal economic growth and development of the entire country.
- ❖ The states with a weak economy are unable to compete with the other states thus, resulting in widening the gap between the developed and the developing state.

### **India's model of federalism- cooperative competitive federalism**

The English word 'Federation' derived from the Latin word "Foedus" which means 'treaties or agreement' (or referring to an alliance of individuals or groups to promote specific and common interests).<sup>3</sup> Federal states are those states which are

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<sup>3</sup> *Supra* note 1, pg 2.

developed by a treaty or an agreement.<sup>4</sup> It is a system where sovereignty is divided between the core-centre and peripheral-states.<sup>5</sup> But Indian federalism is not the result of any agreement or treaty. Federalism is not defined as such and it is true that there exists a certain vagueness and sometimes confusion about its meaning.<sup>6</sup> In India, the origin of the term ‘federation’ can be traced back informally to the Government of India Act of 1919 and officially to the Government of India Act of 1935. After independence, the Constitution makers were clear about the fact that a unitary form of government would not be a workable model in a country like India with such a diverse population. However, the Drafting Committee used the word ‘Union’ while drafting the Constitution. Dr. B.R. Ambedkar explained the reason for using ‘Union of States’ instead of ‘Federation of States’. To quote him, “The Drafting Committee wanted to make it clear that though India was to be a federation, the federation was not the result of an agreement by the States to join in a federation, and that the federation not being the result of an agreement, no State has the right to secede from it. The federation 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 integral whole, its people a single people living under a single imperium derived from a single source. The Americans had to wage a civil war to establish

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<sup>4</sup> *Supra* note 1, pg 2.

<sup>5</sup> *Supra* note 1, pg 2.

<sup>6</sup> *Supra* note 1, pg 2.

that the States have no right of secession and that their federation was indestructible. The Drafting Committee thought that it was better to make it clear at the outset rather than to leave it to speculation or to dispute.”<sup>77</sup> This conveys that the usage of the phrase ‘Union of States’ is a feature unique and indeed peculiar to the Indian Constitution. This does not make our constitution any less federal as the basic spirit of federalism, i.e. the division of powers between the Centre and the States, has been incorporated in our constitution.

As long as the constitution serves its purpose, there must not be any difference of opinion as to what form of government does India follow. Features like an independent judiciary, supremacy of the Constitution and rigid procedure of amendment convey the fact that India is a federal system. Lately, political and governmental changes have led to a change in the policy-making and policy-planning structure of the country. This indicates the post-2014 era of the National Democratic Alliance regime. The present government took some drastic steps towards strengthening the state governments. The government replaced the Planning Commission with the NITI Aayog which was focused on building a cooperative spirit among the states. When our Constitution was first created, it only comprised the notion of cooperative federalism through mechanisms like the Inter-

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<sup>7</sup> M. Asad Malik, *Changing Dimensions Of Federalism In India: An Appraisal*, 2 ILI LAW REVIEW, 85, 91 (2019).

state council, Zonal council and 7th schedule.<sup>8</sup> But in the course of time, as States competed to attract capital and Investment to facilitate and stimulate economic activity and improve administrative efficiency, the need for Competitive capitalism was founded.<sup>9</sup> It ensures minimum waste and maximum resource usage by stimulating healthy competition among states in creating physical and social infrastructure.<sup>10</sup> The NITI Aayog has paved the way for a new model of a healthy yet competitive environment for the states in terms of indices like School Education Quality Index, Sustainable Development Goals Index, State Health Index, India Innovation Index and Composite Water Management Index and Export Preparedness Index.<sup>11</sup>

## **A pragmatic view: has India's cooperative model been hindered?**

- **Government of NCT of Delhi (Amendment) Act:**

The National Capital Territory of Delhi holds a unique position within India's federal structure. Being the seat of the central government, it faces a complex interplay of central authority and local governance.

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<sup>8</sup> ECONOMIC TIMES, <https://economictimes.indiatimes.com/news/politics-and-nation/view-cooperative-competitive-federalism/articleshow/93806020.cms?from=mdr> (last visited 5th November 2022).

<sup>9</sup> Id. note 8, at 4.

<sup>10</sup> *Supra* note 8, at 4.

<sup>11</sup> *Supra* note 8, at 4.

The NCT Amendment Act, passed in 2021, aimed to clarify certain aspects of Delhi's administration, particularly the distribution of powers between the Lieutenant Governor (LG) and the elected government.<sup>12</sup>

One of the key provisions of the NCT Amendment Act was regarding the powers of the LG vis-à-vis the elected government of Delhi. The Act reinforced the position of the LG as the administrative head of the NCT, stating that the term "government" referred to the LG acting on the aid and advice of the Council of Ministers. This clarification aimed to resolve the ambiguity surrounding the roles of the LG and the elected government, which had led to numerous conflicts and legal battles in the past.<sup>13</sup>

The Government of National Capital Territory of Delhi (GNCTD) (Amendment) Act came into existence in April 2021<sup>14</sup>. This amended four sections of the GNCTD Act of 1991 and prominently focused on granting powers to the Lieutenant Governor (L-G) of Delhi. The most prominent among these amendments was the clarification of the expression "Government" referred to in any law to be made by the Legislative Assembly to mean "the Lieutenant-Governor", thus establishing the primacy of the L-G over the elected government.<sup>15</sup> It

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<sup>12</sup> "National Capital Territory of Delhi (Amendment) Act, 2021," Gazette of India, March 28, 2021, <http://egazette.nic.in/WriteReadData/2021/226475.pdf>.

<sup>13</sup> National Capital Territory of Delhi (Amendment) Act, 2021, § 3(1), Acts of Parliament, 2021 (India).

<sup>14</sup> THE HINDU, <https://www.thehindu.com/news/cities/Delhi/comply-with-new-gnctd-act-l-g-tells-assembly-speaker/article65690927.ece> (last visited 5th November 2022).

<sup>15</sup> *Id.* note 12, at 5.

also grants an opportunity to the L-G of Delhi to give his or her opinion on any matter before any decision is taken by the cabinet on that matter. This has been highly criticised as time consuming and is said to cause unnecessary delays in the legislative process as there is no time frame within which the L-G is obliged to give his or her opinion.

Critics of the NCT Amendment Act argue that it tilts the balance of power heavily in favor of the central government, undermining the principles of federalism. They contend that by vesting significant authority in the LG, who is appointed by the President (i.e., the central government), the Act undermines the democratic mandate of the elected government of Delhi. Moreover, they argue that the Act encroaches upon the autonomy of the state-like entity of Delhi, setting a concerning precedent for other Union Territories.<sup>16</sup>

Proponents of the NCT Amendment Act, on the other hand, argue that it brings much-needed clarity to Delhi's governance structure, preventing confusion and conflict. They assert that the Act does not diminish the authority of the elected government but rather defines the respective roles of the LG and the Council of Ministers, in line with the constitutional framework. They also contend that a clear delineation of powers is essential for effective governance and coordination, especially in a complex administrative setup like Delhi.<sup>17</sup>

The NCT Amendment Act and the debates surrounding it underscore

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<sup>16</sup> Vikram Sura, "The Constitutional and Political Implications of the NCT of Delhi Amendment Bill, 2021," *Economic & Political Weekly* 56, no. 27 (July 3, 2021): 16-17.

<sup>17</sup> *Ibid.*

the intricacies of federalism in India. It highlights the constant tension between centralization and decentralization, between uniformity and diversity, inherent in the Indian federal structure. While the Act seeks to streamline governance in the NCT, its implications for the larger federal fabric of the country remain a subject of intense scrutiny and discussion.

- **President's Rule:**

The decentralized nature of federalism can sometimes lead to challenges, such as conflicts between the central and state governments, administrative inefficiencies, or even breakdowns in law and order. In such circumstances, Article 356 of the Indian Constitution empowers the President to proclaim President's Rule, suspending the state government's authority and vesting executive powers in the hands of the Union. This provision, often referred to as "state emergency" or "constitutional emergency," is invoked when the governance machinery in a state fails to operate as per constitutional provisions, leading to a breakdown of constitutional order.

President's Rule is not invoked lightly; rather, it is a measure of last resort, utilized when all other options for resolving a crisis within a state have been exhausted. The decision to impose President's Rule is taken with utmost care, usually following a report from the Governor of the state or based on other credible information indicating the breakdown of governance. Once imposed, the state government is temporarily suspended, and the Governor, representing the President, assumes responsibility for the state's administration, aided by advisors

appointed by the President.

While President's Rule is intended to be a temporary measure, its implementation raises concerns regarding democratic principles and federal autonomy. Critics argue that it undermines the spirit of federalism by centralizing power in the hands of the Union government and infringing upon the rights of states to self-governance. Moreover, prolonged periods of President's Rule can erode local institutions and weaken democratic norms, posing long-term challenges to the fabric of federalism.

However, proponents of President's Rule contend that it is a necessary safeguard to preserve constitutional order and protect the interests of citizens when state governments fail to discharge their duties effectively. They argue that it serves as a corrective mechanism to prevent the abuse of power or breakdown of governance within states, thereby upholding the integrity of the federal structure.

In practice, the imposition of President's Rule has been a subject of contentious debate and judicial scrutiny. The Supreme Court of India, in several landmark judgments, has outlined stringent guidelines and criteria for invoking President's Rule, emphasizing the importance of constitutional morality, respect for democratic principles, and the primacy of federalism. These judicial interventions have played a crucial role in striking a balance between central authority and state autonomy, ensuring that President's Rule is invoked only in exceptional circumstances and for the shortest duration necessary.

President's Rule under Article 356 has been used and misused several times in the past and was again in the headlines in 2016 when it was

imposed in Uttarakhand. However, this decision was reversed by the decision of the Honourable Supreme Court. Section 45 of the Government of India Act of 1935 was the blueprint of Article 356 of the Indian Constitution. There were serious objections towards retaining this provision in India fearing its potential abuse that might hinder the cooperative federal spirit of the country. The makers of our constitution staunchly believed that this provision would be a formality in letter and would never be proclaimed. The misuse of this provision led to the landmark case of *S.R.Bommai vs. Union of India*<sup>18</sup> in which the Supreme Court remarked: “All cannons of propriety were thrown to the wind and the undue haste made by the governor clearly smacked of mala fides.” The nine-judge bench of the Supreme Court painstakingly laid down guidelines for the exercise of Article 356.<sup>19</sup> Thus, following the Sarkaria Commission’s recommendations and the *S.R.Bommai* guidelines is more than enough.

### ● **Ayushman Bharat Scheme:**

‘Ayushman Bharat’ or the ‘Prime Minister’s Jan Aarogya Yojana’ (PM JAY) was launched recently by the Government of India and this health insurance scheme aims to cover 10 crore families based on Socio Economic & Caste Census (SECC) data.<sup>20</sup> PM JAY is a centrally sponsored scheme where the Center & States will share the expenditure

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<sup>18</sup> *S.R.Bommai v. Union of India*, (1994) 3 SCC1.

<sup>19</sup> ECONOMIC TIMES, <https://economictimes.indiatimes.com/news/politics-and-nation/supreme-court-nominally-signs-off-on-uttarakhand-presidents-rule-issue/articleshow/51959932.cms> (last visited 5th November 2022).

<sup>20</sup> FACTLY, <https://factly.in/why-are-some-states-not-part-of-ayushman-bharat/> (last visited 5th November 2022).

in the ratio of 60:40 for all normal states.<sup>21</sup>

The success of the Ayushman Bharat Scheme hinges on the collaborative efforts between the Union and the states, exemplifying the spirit of cooperative federalism. While the central government provides overarching policy direction and financial support, the states play a pivotal role in implementing and customizing the scheme according to local needs. Each state has the flexibility to adapt PM-JAY and HWCs to its healthcare ecosystem, leveraging existing infrastructure, engaging local stakeholders, and addressing regional disparities in healthcare access.

Moreover, the Aayushman Bharat Scheme fosters innovation and knowledge-sharing among states, facilitating the exchange of best practices and lessons learned in healthcare delivery. States are encouraged to learn from each other's experiences, adopt successful models, and iterate on strategies to improve healthcare outcomes. This collaborative approach not only enhances the effectiveness of the scheme but also strengthens the bonds of solidarity and mutual assistance among states, transcending political differences for the collective goal of healthcare for all. However, the implementation of the Aayushman Bharat Scheme also poses challenges inherent in India's federal structure. Variations in healthcare infrastructure, human resources, and administrative capacities across states can hinder uniform implementation and equitable access to healthcare services. Moreover, disparities in funding allocation and resource utilization may exacerbate

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<sup>21</sup> *Id.* note 12, at 5.

inequalities in healthcare outcomes, underscoring the need for sustained cooperation and dialogue between the Union and the states.

However, four states have refused to accept this scheme. The reason for this is the difference in the eligibility criteria of this scheme and the health schemes that these states already have in place. The PM JAY extends to those families that fulfil one of the specified criterias and thus, implementation of this centrally sponsored scheme may probably result in lowering the number of beneficiaries covered under the respective state schemes. Another criticism is that ‘health’ is a state subject under the 7th schedule of the Constitution of India and making a centrally sponsored scheme seems to dilute the power of the states. This indeed acts as a catalyst in disproving the belief in the federal structure of the Indian Constitution.

- **Abrogation of Article 370:**

This issue will be broken into 2 phases to understand the process of how Article 370 was abrogated:

- 1. Indirect amendment to Article 370 through Article 367 of the Indian Constitution:**

The Parliament’s power to make laws for the former State of Jammu and Kashmir is limited however, according to clause (1) sub-clause (d) of this Article the provisions of the Constitution could be applicable by way of a Presidential

Order only after the approval of the State Government. Furthermore, the proviso of Article 370 (3) states that the recommendation of the Constituent Assembly of Jammu and Kashmir is necessary to amend Article 370. This has resulted in a never-ending debate regarding the permanency of this Article as the Constituent Assembly of Jammu and Kashmir ceased to exist in 1957. Thus, the two ways of bringing an amendment to Article 370 would

have been either to revive the Constituent Assembly of Jammu and Kashmir or to bring an amendment through Article 368, which enshrines the procedure for bringing a normal amendment to the Constitution of India. Thus, the Union Government took a mid-way by amending Article 367, which lays down the provision for interpreting the Constitution. The Presidential order amended this Article that the Constituent Assembly of the State shall be read as the State Legislative Assembly under clause (2) of Article 370.

## **2. Governor's role:**

Due to the President's Rule, the Governor's consent was taken to amend the Constitution. Secondly, it has also been argued that this is against the spirit of the Constitution as it seems that the Union Government has taken its own consent because the Governor is the representative of the Centre. However there are cases like *D.C. Wadhwa vs. State of Bihar*<sup>22</sup>, wherein it has been held that if a legality on paper i.e. formal legality does not result in constitutional fraud. Thus, the criticisms on the Centre's move seems to be diluted.

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<sup>22</sup> *D.C. Wadhwa vs. State of Bihar*, 1987 AIR 579.

In the *Kesavananda Bharati vs State of Kerala*<sup>23</sup> case, the Supreme Court had held that the Parliament can amend the Constitution but not the basic structure of the Constitution. The majority judges in that case held the federal character of the Constitution to be a part of its basic structure.<sup>24</sup> However, the removal of the special status of the former state of Jammu and Kashmir by way of an amendment seemed rather different. It appears as though the Centre took the opportunity of President's rule in Jammu and Kashmir to abrogate Article 370 of the Indian Constitution. The Centre's step has been highly criticised because a Presidential Order could only be used to make modifications or exceptions in Article 370, or to make it inoperative, with the recommendation of the State's Constituent Assembly.<sup>25</sup>

- **Citizenship Amendment Act of 2019:**

Though citizenship is a Central government subject, the state governments are entrusted with the task of implementing the law and in the current framework, the district collector has the authority to process applications for citizenship and forward them on for clearance to the home ministry, via the state government.<sup>26</sup>

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<sup>23</sup> *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461.

<sup>24</sup> FRONTLINE, <https://frontline.thehindu.com/cover-story/article29048647.ece> (last visited 5th November 2022).

<sup>25</sup> *Id.* note 20, at 7.

<sup>26</sup> HINDUSTAN TIMES, <https://www.hindustantimes.com/columns/the-assertion-of-indian-federalism-gives-hope/story-wQizTrNKZM9gCtC9X1PMAJ.html> (last visited 5th November 2022).

The Citizenship Amendment Act (CAA) 2019, passed by the Indian Parliament, ignited a nationwide debate, stirring discussions not only on citizenship but also on federalism—the delicate balance of power between the central government and the states. Federalism in India, enshrined in the Constitution, delineates the distribution of authority between the Union and the states, with each possessing its sphere of jurisdiction. Understanding the interplay between federalism and the CAA 2019 sheds light on the constitutional implications and the dynamics of governance in a diverse democracy like India.

At its core, the CAA 2019 seeks to amend the Citizenship Act of 1955, providing a path to Indian citizenship for persecuted minorities—specifically Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians—from Afghanistan, Bangladesh, and Pakistan. The Act, hailed by its proponents as a humanitarian gesture to protect religious minorities facing persecution in neighboring countries, sparked protests and criticism, with opponents arguing that it violates the secular fabric of the Indian Constitution and discriminates against Muslims.

From a federal perspective, the implementation of the CAA 2019 raises questions about the distribution of powers between the central government and the states. While citizenship falls under the Union List, granting the Parliament exclusive authority to enact laws, the enforcement and administration of citizenship-related matters, including the verification of citizenship, issuance of identity documents, and maintenance of records, largely lie within the purview of the states. This division of responsibilities underscores the

collaborative nature of federal governance, where the Union and the states must work in tandem to uphold constitutional values and ensure effective implementation of laws.

However, the contentious nature of the CAA 2019 has strained the federal relationship between the central government and several states, particularly those led by non-Bharatiya Janata Party (BJP) parties. Some states have openly opposed the Act, refusing to implement it within their jurisdictions and even passing resolutions against its implementation. This defiance underscores the inherent tension between central authority and state autonomy, with states asserting their right to dissent and protect the interests of their citizens.

Moreover, the CAA 2019 intersects with another facet of federalism—the role of states in safeguarding fundamental rights and promoting social harmony. Critics argue that the Act's religious criteria for citizenship undermine the principle of equality before the law enshrined in the Constitution and exacerbate communal tensions, potentially disrupting the social fabric of diverse states. In response, state governments have sought to address these concerns through legislative measures, public awareness campaigns, and community outreach efforts, reaffirming their commitment to constitutional values and inclusive governance.

The CAA has inserted a clause that, for all practical purposes, empowers the central government to redraft implementation rules and create a direct chain of command with the “authority specified by it” to deal with citizenship applications of persecuted minorities — thus

encroaching upon the state government's jurisdiction.<sup>27</sup>

- **COVID-19 scenario:**

One prominent present event illustrating the intersection of federalism and COVID-19 is the divergent approaches to pandemic management adopted by different countries, particularly those with federal systems of governance. In countries like the United States, Germany, Brazil, and India, where power is constitutionally divided between central and regional authorities, the pandemic response has been characterized by a patchwork of policies and strategies shaped by the unique circumstances and priorities of individual states or provinces.

In the United States, for example, the federal system has led to significant variations in COVID-19 response measures across states. While the federal government has provided guidance, resources, and support, states have largely been responsible for implementing and enforcing public health measures such as mask mandates, business closures, and vaccination campaigns. This decentralized approach has resulted in a range of outcomes, with some states effectively containing the virus through strict measures, while others have struggled with surges in cases and strained healthcare systems.

Similarly, in India, the federal structure has played a crucial role in the pandemic response, with states taking the lead in implementing containment measures and vaccination campaigns. However, the

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<sup>27</sup> *Id.* note 22, at 7.

decentralized approach has also posed challenges, including disparities in healthcare infrastructure, resource allocation, and coordination between states. Despite the central government's efforts to provide support and guidance, the effectiveness of the response has varied widely across different regions, highlighting the complexities of governance in a diverse and decentralized country.

In Brazil, the federal response to COVID-19 has been marked by tensions between the central government and state governors, with disagreements over lockdown measures, vaccine distribution, and public health messaging. The decentralized nature of governance has allowed states to implement their strategies, often in conflict with federal policies, leading to confusion and mixed messaging among the public.

On the other hand, countries with centralized governance structures, such as China, have implemented more uniform and coordinated responses to the pandemic, leveraging top-down control and mobilizing resources at the national level. While this approach has enabled swift and decisive action in containing the spread of the virus, it has also raised concerns about transparency, accountability, and individual rights.

The divergent approaches to COVID-19 management in federal systems underscore the trade-offs between centralization and decentralization in governance. While federalism allows for flexibility, innovation, and responsiveness to local needs, it also presents challenges in coordination, consistency, and equity. As the pandemic

continues to evolve, the role of federalism in shaping the global response will remain a topic of debate and scrutiny, with implications for future crisis preparedness, public health policy, and governance effectiveness.

## **Conclusion:**

This paper mainly highlights three key aspects of India's federal model; firstly, that the model tends to strengthen the centre more than the States mainly due to the long-standing vision of our constitution makers of seeing united India wherein the secession of states is more challenging than imagined, secondly, that India used to follow a cooperative model after the replacement of the Planning Commission by the NITI Aayog but lately it has become a cooperative competitive model of federalism and thirdly, that the pragmatic instances in India showcase the actual implementation of the model of federalism wherein the Union Government seems to encroach upon the jurisdiction of the state governments.

In a country like India, which has a large and a diverse population, it is imperative to maintain an equilibrium between the major pillars of federalism namely, autonomy of states, national integration, centralisation, decentralisation, nationalisation, and regionalisation.<sup>28</sup>

Extremism and chaos in one or more of these pillars can hinder the

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<sup>28</sup> Ambar Kumar Ghosh, "The Paradox of 'Centralised Federalism': An Analysis of the Challenges to India's Federal Design," *ORF Occasional Paper No. 272*, September 2020, Observer Research Foundation.

cooperative model of federalism in India. The key takeaways include:

- A few institutional reforms can be undertaken for instance, an inter-state council for cooperation among the states as well as the Centre.
- A check on the powers of the Governor needs to be maintained in order to avoid misuse or abuse of the constitutional machinery.
- Lately, the resurgence of the states in protests against the centralised moves of the Union government can be viewed as a cautious and an optimistic step towards strengthening India's federal structure.

However, this resistance will require more than grandstanding and statements in support of India's secular, plural fabric. The states will have to take a principled stance against the BJP's attempts to consolidate majoritarian identity, and articulate a convincing ideological alternative anchored in federalism and secularism even as it risks "vote banks".<sup>29</sup>

Yet another key aspect is the strengthening of the third level of the government i.e. the local-self-governments or the Panchayati Raj. One aspect is the strengthening of the state governments and another is the strengthening of the Panchayati raj institutions at the grassroot level. Both require equal attention in terms of institutional and electoral reforms for strengthening the overall federal structure. Therefore,

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<sup>29</sup> *Supra* at note 18, at 6.

India's model of federalism has undergone several changes since the commencement of the constitution from the era of one-party supremacism to coalition politics and will continue to see changes as time passes. Therefore, the most essential prerequisite for the sustainable functioning of Indian federalism is that all the vertical tiers of the government must work in tandem with one another.