



Beyond quasi-federalism: Reassessing the federal character of The Indian Constitution

Pooja Kisan Bhosale^{1*}, Saiprasad Dudhane², Sanskruti Mishra³

¹ Research Scholar, Department of Law, Shri Jagdishprasad Jhabarmal Tibrewala University (SJJTU), Rajasthan, India

² Advocate, Bombay High Court, Mumbai, Maharashtra, India

³ CWC's College of Law, Malad (W), Mumbai, Maharashtra, India

Abstract

This paper critically examines the federal character of the Indian Constitution by moving beyond the conventional classification of India as a “quasi-federal” State. While the Constitution incorporates several classical features of federalism—such as a written constitution, division of powers, and an independent judiciary—it simultaneously embeds strong unitary elements that significantly undermine State autonomy. Drawing upon constitutional provisions, historical context, and judicial interpretation, the paper argues that the dominance of the Union has evolved from a justified necessity during the nation’s formative years into a permanent structural imbalance.

The analysis focuses on key constitutional mechanisms that reinforce central supremacy, including Article 1’s conception of an indestructible Union, Parliament’s unilateral power to reorganize States under Article 3, and the concentration of residuary and fiscal powers at the Centre. Contemporary developments such as the formation of Telangana, the India–Bangladesh Land Boundary Agreement, and the implementation of the Goods and Services Tax are examined to demonstrate how State interests are often reduced to a consultative formality rather than a decisive role. Emergency provisions and judicial deference further accentuate this imbalance.

The paper contends that the cumulative effect of these features results in the systematic marginalization of States, creating a democratic deficit in a diverse polity like India. It ultimately concludes that India can no longer be meaningfully described even as a quasi-federal State, but rather as a centrally unitary system with limited federal features, where State autonomy remains contingent on Union discretion.

Keywords: Federalism, quasi-federalism, centre–state relations, Article 1 of the Constitution, state reorganization, GST and fiscal federalism

Introduction

Historical Roots of Federalism and Its Indian Adaptation

Federalism, as a constitutional concept, emerged as a response to the practical necessity of governing large, diverse territories while preserving a degree of regional autonomy. Its modern articulation can be traced to the Constitution of the United States, which sought to balance the sovereignty of individual states with the authority of a central government. Subsequently, other constitutional systems such as Canada and Australia adapted federal principles to suit their socio-political realities. The essence of federalism lies in the division of powers between two levels of government—each autonomous within its own sphere—and the existence of a written constitution that is supreme.

When India embarked upon constitution-making after independence, the framers were acutely aware of these federal models. However, India’s historical experience was markedly different. Centuries of centralized colonial administration, deep social and cultural diversity, linguistic plurality, economic imbalance, and the trauma of Partition significantly shaped constitutional choices. The Government of India Act, 1935, provided the immediate blueprint for India’s federal structure. Although it envisaged a federation, real power remained concentrated in the Governor-General, reflecting a strong central bias. The Constituent Assembly inherited this framework but consciously strengthened the Centre further, believing that national unity and integrity

were paramount in a newly independent and fragile nation.

Thus, the Indian Constitution adopted federal features such as a written constitution, division of powers, supremacy of the Constitution, and an independent judiciary, while simultaneously embedding strong unitary elements. This unique blend gave rise to the description of India as a “quasi-federal” state—a term that has since dominated constitutional discourse.

Federal Features of The Indian Constitution

The Indian Constitution incorporates several classical features of federalism. Articles 245 to 255 establish a clear distribution of legislative powers between the Union and the States through the Seventh Schedule, which divides subjects into the Union List, State List, and Concurrent List. The existence of a rigid constitution, amendable through a special procedure under Article 368, reinforces federal balance. Moreover, the Supreme Court acts as an impartial arbiter of Centre–State disputes under Article 131, ensuring constitutional supremacy.

Despite these features, Indian federalism departs from the traditional model in significant ways. The residuary powers vest in the Union rather than the States, unlike in the United States. The presence of a single Constitution for both Union and States, single citizenship, and integrated judicial and administrative systems further dilute the federal character. These deviations justify the widespread characterization of India as quasi-federal rather than strictly federal.

The Concept of Quasi-Federalism: Meaning and Justification

The term “quasi-federal” suggests a constitutional system that is federal in form but unitary in spirit. India is described as quasi-federal because, although powers are constitutionally divided, the Centre enjoys a position of dominance over the States. Dr. B. R. Ambedkar himself acknowledged this asymmetry, stating that the Constitution could function as either federal or unitary depending on the exigencies of time.

However, the critical question remains: does the label of quasi-federalism truly capture the reality of Centre–State relations in India? While the justification initially rested on concerns of national unity and security, especially during the early years of independence, the continued central dominance even in normal times raises serious constitutional concerns. The frequent invocation of unitary features, often at the cost of State autonomy, suggests that Indian federalism may have moved beyond quasi-federalism toward a centrally skewed structure.

Article 1 And the Indestructible Union of Destructible States

Article 1 of the Constitution declares that “India, that is Bharat, shall be a Union of States.” The deliberate choice of the word “Union” instead of “Federation” is constitutionally significant. Unlike classical federations formed by an agreement among sovereign states, India’s States do not possess an inherent right to secede. The Union is indestructible, whereas States can be reorganized, merged, or even dissolved by Parliament under Article 3.

This constitutional design places States in a position of structural inferiority. Their existence, territorial integrity, and identity are subject to parliamentary discretion. Although the President is required to refer a proposed reorganization bill to the concerned State Legislature for its views, such views are not binding. This provision underscores the limited participatory role of States in decisions that directly affect their political and territorial interests.

State Reorganization and The Telangana Experience

The formation of Telangana in 2014 serves as a compelling example of Centre-dominated federalism. Despite significant opposition from the Andhra Pradesh Legislative Assembly and widespread protests, Parliament proceeded to bifurcate the State. The Andhra Pradesh Reorganization Act, 2014, was enacted primarily on political considerations at the Union level, with limited accommodation of the State’s dissenting voice.

While proponents argued that the creation of Telangana was necessary to address regional disparities and fulfill democratic aspirations, the process highlighted the constitutional helplessness of States. The Centre’s power to unilaterally alter State boundaries, even in the face of sustained opposition, exposes the fragile nature of State autonomy within the Indian federal framework.

Cession of Territory and The India–Bangladesh Land Boundary Agreement

Another significant instance demonstrating central supremacy is the cession of Indian territory to Bangladesh under the Land Boundary Agreement. The transfer of enclaves involved complex constitutional and political

issues, directly affecting border States such as West Bengal and Assam. Although the agreement required a constitutional amendment, the decisive authority rested with Parliament.

State concerns regarding demographic impact, resource allocation, and security implications were largely advisory in nature. The ultimate decision reflected the Union’s exclusive control over foreign affairs and territorial sovereignty, further marginalizing State interests even when they bore the direct consequences of such actions.

Gst And the Illusion of Cooperative Federalism

The introduction of the Goods and Services Tax (GST) was hailed as a landmark reform and a step toward cooperative federalism. Initially conceived as a central tax, GST later evolved into a dual structure comprising Central GST (CGST) and State GST (SGST), with the Integrated GST (IGST) governing inter-State transactions. The establishment of the GST Council, where States have representation, was projected as a forum for consensus-based decision-making.

However, in practice, the fiscal autonomy of States has been significantly curtailed. The subsuming of multiple State taxes into GST has limited States’ independent revenue-raising powers. Delays in compensation payments and the dominance of the Centre in GST Council decision-making have exposed structural imbalances. Although States participate formally, the Centre’s weighted voting power ensures its decisive influence, reinforcing the argument that cooperative federalism remains more rhetorical than real.

Emergency Provisions and Central Control

The Constitution further empowers the Centre through emergency provisions under Articles 352, 356, and 360. The imposition of President’s Rule under Article 356 has historically been misused to dismiss State governments for political reasons. Although judicial scrutiny post the *S. R. Bommai* case has imposed limitations, the provision continues to symbolize the Centre’s overriding authority. Additionally, during national, state, or financial emergencies, the federal distribution of powers effectively collapses, converting India into a unitary state. The frequency with which such provisions have been invoked questions the resilience of India’s federal balance.

Judicial Interpretation and The Federal Balance

The Supreme Court has consistently described Indian federalism as unique and flexible. In cases such as *State of West Bengal v. Union of India* and *Kesavananda Bharati v. State of Kerala*, the Court acknowledged the strong unitary bias while simultaneously recognizing federalism as part of the basic structure. This duality reflects judicial attempts to reconcile constitutional text with political reality.

Nevertheless, judicial deference to parliamentary supremacy in matters of State reorganization and fiscal policy has often limited effective protection of State autonomy. As a result, the judiciary’s role, though significant, has not fully corrected the centralizing tendencies inherent in the constitutional framework.

Helplessness of States and Democratic Deficit

The cumulative effect of these constitutional and political practices is the systemic helplessness of States. Whether in matters of territory, finance, or governance, States often find

themselves subordinated to Union priorities. Consultation without consent has become the norm, reducing States to administrative units rather than equal partners in governance.

This imbalance raises concerns about democratic legitimacy. In a country as diverse as India, effective federalism is not merely a constitutional arrangement but a democratic necessity. Ignoring State perspectives undermines pluralism and weakens grassroots democracy.

Beyond Quasi-Federalism: A Critical Reassessment

Given the extent of central dominance, it is increasingly difficult to justify India even as a quasi-federal state. The term implies some degree of meaningful State autonomy, which appears progressively eroded. The unilateral powers of Parliament under Article 3, fiscal centralization through GST, dominance in foreign and emergency affairs, and limited weight accorded to State views collectively point toward a centrally unitary system with federal features rather than the reverse.

Thus, Indian federalism today may be more accurately described as asymmetrical and centralized, where federalism operates not as a constitutionally entrenched balance of power but as a contingent arrangement, subject to the political will and supremacy of the Union.

References

1. India const.
2. Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford Univ. Press 1966).
3. M.P. Jain, *Indian Constitutional Law* (8th ed., LexisNexis 2018).
4. H.M. Seervai, *Constitutional Law of India* (4th ed., Universal Law Publ'g 2013).
5. K.C. Wheare, *Federal Government* (Oxford Univ. Press 1964).
6. *State of W. Bengal v. Union of India*, A.I.R. 1963 S.C. 1241 (India).
7. *Kesavananda Bharati v. State of Kerala*, (1973) 4 S.C.C. 225 (India).
8. *S.R. Bommai v. Union of India*, (1994) 3 S.C.C. 1 (India).
9. Andhra Pradesh Reorganization Act, No. 6 of 2014, India Code (2014).
10. The Constitution (One Hundred and First Amendment) Act, No. 8 of 2016, India Code (2016).