

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 8 | Issue 2

2025

© 2025 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

This article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of **any suggestions or complaints**, kindly contact support@vidhiaagaz.com.

To submit your Manuscript for Publication in the **International Journal of Law Management & Humanities**, kindly email your Manuscript to submission@ijlmh.com.

Analysing the Dynamics of Dissimilar Political Regimes on the Functionality of the Indian Federal Structure

SAANVI SRIVASTAVA¹ AND SHUBHANGI TRIPATHI²

ABSTRACT

The Constitution of India states that Federalism focuses on the distribution of power between the Central Government and State Governments. The forum where the states share power with the Central Government has been under a lot of pressure in recent years mainly because of the differing political regimes. This research paper analyzes the effect of dissimilar political regimes across India's federalism between the years 2014 to 2019. In the ideal sense, Indian federalism is Center- State cooperative relations in decision-making while it maintains uniformity of polity across the nation. The Seventh Schedule of the Constitution follows the powers of the legislature and this assures a Federal system that recognizes the Central Authority as well as the State's independence. However, the principal aspect of the problem pertains to the decline of Cooperative Federalism, which deals with how political regimes affect Federalism within India and the incompatibility of powers between the Federal and State Governments when they belong to different political parties which may lead to political crises in the Federal structure of the country. Such discord can be seen especially in the situations like the enforcement of the CAA when states like Kerala and West Bengal simply refused to implement Federal policies and defy the Central Government. Further, the Acts like National Capital Territory of Delhi (Amendment) Act, 2021, also contributed towards the centralization of powers and control over the States further adding to discontent pertaining to loss of State's sovereignty. To meet these challenges, the paper discusses the politico-legal implications of dissimilar political regimes on Federal structure, which shows how separation of the Federal and State Governments can make way for legal suits, policy deadlock and strained cooperative governance. Thus, the doctrinal approach is used as the research methodology and involves the analysis of case law, legal doctrines, and Constitutional provisions to establish the issue at hand. The analysis also appreciates the need for achieving more balance to preserve the Federal system's integrity while acknowledging the need for decentralization at the regional level in India as well as appreciates the need for political stability as a guarantee to the effectiveness of the Federalism system in the country.

¹ Author is a Student at Institute of Law, Nirma University, Gujarat, India.

² Author is a Student at Institute of Law, Nirma University, Gujarat, India.

Keywords: *Cooperative Federalism, Political Regimes, Centre-State Relations, Decentralization, Legal Implications.*

I. INTRODUCTION

The Federation has always been an integral part of the political system in India, right from its inception. The Constitution devised a federal political system of government that separates the powers between the federal government and the state governments. Integrating and domesticating the variations in history, colonialism, linguistic and cultural heterogeneity, and regionalism have characterized India's federalism. Some principles form part of the federal structure in India, including the fact that India operates on a dual polity system. The powers have also been clearly defined between the center and the states. According to the Constitution, subnational states receive considerable powers to administer several aspects of day-to-day functioning. However, there is an Original Central Centrism inherent in the Indian federalism structure, which has invited debates and controversies right from power enthusiasts, the scholarly gentry, and statesmen. Still, due to the diverse and local needs and aspirations of identity, autonomy, and development, we need a federal structure that will be more responsive to the state's demands. However, Indian federalism is in jeopardy in light of the present political scenario. There has been friction between the federal government and the states due to some policies that have been considered an assault on federalism. This conflict has helped bring focus on the need to deal with the federal structure of India with much more sensitivity and equity. Therefore, one must balance the need for a federal structure in which the states receive authority and developmental support from the federal government and the fact that the political system and economy of India are dynamic.³

The purpose of this research paper, therefore, is to discuss the impact of conflicting political systems on federalism. The chosen period is 2014 to 2019, the period of significant political shifts, which allows us to focus on the situations resulting from political decisions that undermined the Federalism equilibrium between the Federal and State authorities. This paper examines the relationships between constitutional protections of federalism and occasions when politicization opposes these tenets. It is important to note that, more importantly, one gets to understand how politics influences India's federal system.

³ Varsha Khanwalker, Time for a Reassessment, 76 INDIAN J. POL. SCI. 447 (2015), <https://www.jstor.org/stable/26575655>

II. INDIAN FEDERALISM: A CONSTITUTIONAL VIEWPOINT

Federalism is a mode of organizing a political system where the centre and the subordinate political units are required to play distinct and separate parts. Indian federal model is provided in the Constitution where it is admitted that more authority needs to be provided to states to achieve better governance that is tuned to the regional requirements.

It makes localized decision-making possible, thus ensuring that the regulation affectation as per the different needs and objectives of the regions. Articles 1 and 1A explain that India is a union of states and thus is a federal state. The Preamble raised fundamental principles of justice, liberty, equality, and fraternity that govern the working of the federal system.

The division of topics into three lists mentioned in the Seventh Schedule to the Constitution of India, which are the union list, the state list, and the concurrent list, informs power relations between the federal government and the states of India. Out of the Constitution's seven lists- the Division of Powers Schedule VII's Article 1, the Union List- how central government controls or can dictate the few strategic or critical areas such as defense, foreign policy, and nuclear energy necessary for the coherence of the nation. On the other hand, there is the power to make laws on important issues, including agriculture, public health, and law enforcement, since the state list controlled by Article 246 of Schedule VII bars some topics from being handled jointly by the central and the states. Also listed under G.S.246 of Schedule VII is the Concurrent List, when both the federal and state participate in legislation. Two such areas are the criminal justice and education systems that, while allowing intergovernmental cooperation, also retain the sovereignty of federal and state governments. Article 248 is the general assignment of power article that provides the central government powers not otherwise assumed by it.⁴ However, similar to the principle of federalism, doubt is cast on the states. Recognizing the framework of cooperative federalism, the Constitution has laid down the provisions for financing in the form of Articles 268 to 293. Due to the required balance of its share and to work out rational apportionment of the resources, the Finance Commission, provided for in Article 280, performs the distribution of the revenues between the central and the states. Therefore, it can be concluded that absolute federalism in India is mandatory as the country needs variety and efficiency at the same time.⁵

⁴ 7th Schedule of Indian Constitution, BYJU'S Exam Prep, <https://byjusexamprep.com/upsc-exam/7th-schedule-of-indian-constitution>

⁵ Admin, Federalism in India - Federal Features & Unitary Features of the Indian Constitution, BYJU'S (Feb. 9, 2019), <https://byjus.com/free-ias-prep/federalism>

III. DISSIMILAR POLITICAL REGIMES: ANALYSING THE LEGAL AND POLITICAL IMPACTS

The recent statement of both the Chief Ministers of West Bengal and Kerala categorically rejected the Citizenship Amendment Act (CAA) to be implemented in their respective states. These statements show examples of how political regime influences cooperative federalism. The conflict between the federal and state governments can be understood from Kerala Chief Minister Pinarayi Vijayan's acquisition that the central government wants to overthrow constitutional processes and disturb communal harmony for implementing the CAA.

In a categorical statement saying that Kerala will not implement CAA, Vijayan underscores that state governments enjoy autonomy in immigration and citizenship policies. Likewise, the chief minister of West Bengal, Mamata Banerjee, has come clean that her government does not subscribe to the BJP's polarising agenda. This is evidenced by the subsequent refusal to accept the CAA. So, when Banerjee says, 'This is Bengal,' it also builds up the state's resolve to fight federal policies that it perceives as a threat to its autonomy. The contrast between the federal government's eagerness to pass the CAA and the opposition by West Bengal and Kerala demonstrates the problems of cooperative federalism in India. This is thanks to a unique characteristic of Canadian federalism, which includes the sharing of powers between the Federal Government and the provinces as well as the provinces' reluctance to adhere to the CAA despite being ratified in Parliament.⁶

Other example that can support the above issue is with regard to the National Capital Territory of Delhi (Amendment) ACT. It was passed by Central Administration of India in the year of 2021 in order to enhance the power of Lieutenant Governor (LG) over the elected government of Delhi. The first being that in the first arrangement of the executive, the government was composed of the Council of Ministers and the elected Chief Minister, while the Lieutenant Governor aspired mainly in an advisory role. This change, however, provided the Lieutenant Governor more authority and required prior consultations over legislative issues. They did this which eroded the elected government's democratic base and centralized the powers of the central government on the appointment of a Lieutenant Governor. That change was perceived politically as the means to consolidate more power over Delhi's administration, especially in light of the ideological cleavage that has arisen between the federal and state administrations. This case demonstrates that political pressure defines the nature of completely different

⁶ Shibimol KG, Opposition-Ruled Bengal, Kerala Say No to CAA after Centre Notifies Rules, INDIA TODAY (Mar. 11, 2024), <https://www.indiatoday.in/india/story/opposition-ruled-kerala-bengal-say-no-to-caa-after-centre-notifies-rules-2513530-2024-03-11>

federalism, determines the distribution of powers, and tests the thin line between the federal government and state autonomy.

Another incident that changed the federal structure of the country was the imposition of the President's Rule in Arunachal Pradesh and Uttarakhand in the year 2016. In both cases, the center has pointed to Article 356 of the Constitution and, thus, in effect, dissolved the elected State governments and brought direct rule from the center due to political disturbances and power struggles within the state legislative assemblies. These interventions erode the base of federalism as they undermine the democratically elected leaderships of state governments, centralize powers to the federal government, and make efforts to impose regimes that the state governments in power opposed. These events indicate how politics and federalism are intertwined in India, with political opportunism challenging constitutional principles at certain times.⁷

A case in point is the recent incident in Punjab when the convoy of the Prime Minister of the country was blocked as a result of activities of local political actors and the federation. It is said that 15 minutes were spent on a flyover on January 5, 30 km away from where the Prime Minister was expected to inaugurate a National Martyrs Memorial. This alleged act of disobedience by the state administration was one of the open displays of rivalry between the opposition parties in several states and the center-right ruling party. It stressed equal consideration and mutual relation between the federal as well as state governments so that their jurisdictions and authorities should remain balanced.⁸

IV. SIMILAR POLITICAL REGIMES: ANALYSING THE LEGAL AND POLITICAL IMPACTS

The policy congruence in the system always appears to be more consonant and easier to control when the similar political party occupies the federal as well as the governments of the several states. The states under the ruling of the BJP were more inclined to agree and support the Union's decision, and they formed a coherent paradigm followed across the country. It can foster the spirit of nationhood, lower the level of rivalry between the national Governments and improve the administration. However, the independence of state government may be threatened by the fact that the governors may compromise the interests of the respective party over the

⁷ "Uttarakhand, Arunachal and the Tale of Two Courts, Two Decisions, THE WIRE, <https://thewire.in/politics/uttarakhand-arunachal-and-the-tale-of-two-courts-two-decisions>

⁸ The Hindu Bureau, PM Modi's Car Caught in Punjab Protest; Unacceptable Lapse, Says Amit Shah, THE HINDU (Jan. 5, 2022), <https://www.thehindu.com/news/national/pms-modis-car-caught-in-punjab-protest-unacceptable-lapse-says-amit-shah/article38125442.ece>

state. Hence, by centralizing decision-making processes, such similar political systems can improve the efficiency of governance though at the same time a threat to federalism.

One example of a similar political regime is the Bhartiya Janata Party (BJP)-ruled states of Maharashtra, Gujarat, and Karnataka quickly embraced the new tax structure, even if there might have been short-term financial losses. Madhya Pradesh, Gujarat, Chhattisgarh, and Rajasthan, the four states headed by the Bhartiya Janata Party, are at the forefront of the movement to move value-added tax (VAT) payers to the goods and services tax network (GSTN), where over 70% of dealers have registered. This was after the central government established the GST. Political homogeneity can help policies be implemented at all levels of government, as these states supported the Union's decision. For example, Maharashtra prioritized the national government's long-term goal of a unified tax system while initially losing revenue as a result of the GST. Gujarat and Karnataka, too, showed party loyalty and a commitment to a national economic transformation by adopting the GST despite financial worries. Through the reduction of administrative red tape and promotion of economic unification, this alignment assisted in the development of a more unified and integrated tax system nationwide.

The Economically Weaker Sections (EWS) reservation policy, the 10% reservation policy in India was adopted on 14th January 2019, serves as an example of how similar political regimes affect federalism. At first, this program was adopted by twelve states, most of which were BJP-ruled states including Gujarat, Maharashtra, Karnataka, Goa, Assam, and Jammu & Kashmir. Gujarat was the first state to introduce the EWS reservation, setting the precedent⁹. The program was adopted quickly and in a coordinated manner thanks to the political convergence between these states and the federal government. This consistency in the application of policies demonstrates how comparable political systems can simplify governance at many levels. The broad acceptance of the EWS reservation by states governed by the Bhartiya Janata Party highlights the impact of political unity on federalism, encouraging consistency in policies while posing concerns about the distribution of power between the Union and the states.

This is rather vividly illustrated by the accounts made to the BJP-headed states on the question regarding approval of the UCC whereby federalism with similar political arrangements is impacted. This is done under the provision of the Article 44 of the Directive Principles of State Policy in as far as the formation of the UCC is concerned for enacting the non-discrimination

⁹ George AA, Clear IAS, CLEARIAS (Jan. 9, 2019), <https://www.clearias.com/reservation-economically-weaker-sections-ews-quota>

of the citizens of the country under the national civil code religion belief. On the other hand, non-BJP ruled state governments have been very much defiant with four out of all those states supporting the UCC with only Gujarat, Uttarakhand, Goa and Assam being the BJP dominated states. It was in 2022 when Gujarat's cabinet with Home Minister Harsh Singhvi's supervision approved the enactment of a committee for the implementation of the UCC which is a pre-election poll promise of BJP. The UCDC act was passed in the Uttarakhand legislative assembly on 7th February 2024; therefore, this was first implemented in the country. The only state that had this kind of legal structure prior to this was Goa which had the UCC in its operating system. Assam is now the third state to begin the process of formulation of the UCC after the Assam Chief Minister Himanta Biswa Sarma revealed recently that the state cabinet has looked into the idea¹⁰. The above actions depict the fact that political integration enhances the practical enforcement of policies in several states as well as the integration of the style of polity. In analyzing the political impact of the adoption of the UCC, this paper reveals the impact of like political systems to national policies and creates debates on issues of sovereignty and federalism.

V. COMPARATIVE STUDY OF THE FEDERAL DYNAMICS BASED ON POLITICAL REGIMES

(A) Centrally Sponsored Schemes

a. Similar

Concerning the centrally funded projects, the programs are normally implemented more smoothly under an integrated political setup as espoused by harmonized political goals and effective partnerships between the federal and state governments. For instance, the PM Awas Yojana was launched in BJP-ruled states only, as evident from major incidents occurring in the recent past. Reacting to political revulsion against the former chief minister of Chhattisgarh, Bhupesh Baghel, for his reluctance to implement the project, the incumbent Chhattisgarh regime headed by Vishnu Deo Sai approved the construction of 18 Lakh houses under the PM Awas Yojna¹¹. Such a prompt response shows how political alignment may help in achieving consistency and efficiency in delivering the benefits to the general people since it makes it easier to set up the central welfare policies.

¹⁰ Deka K, From the India Today Archives (2023): The Politics of Uniform Civil Code, INDIA TODAY (Nov. 5, 2024), <https://www.indiatoday.in/india-today-insight/story/from-the-india-today-archives-2023-the-politics-of-uniform-civil-code-2628505-2024-11-05>

¹¹ PTI, Centre Approves 8 Lakh PMAY Houses in Chhattisgarh; CM Seeks Homes for Surrendered Naxals, ECON. TIMES (Sept. 4, 2024), <https://economictimes.indiatimes.com/news/india/centre-approves-8-lakh-pmay-houses-in-chhattisgarh-cm-seeks-homes-for-surrendered-naxals/articleshow/113066865.cms>

b. Dissimilar

Appealing to politics, one can note that while implementing the centrally financed projects, great difficulties can be faced if the federal and state governments belong to different parties. One of such example is the conflict of jurisdiction related to social programmes between the state government of West Bengal and the national government of India. Lack of cooperation can frustrate the central schemes, as evident by delays of the West Bengal government in the implementation of PM Kisan Samman Nidhi and continuing controversy over the share of funding for MGNREGA and Ayushman Bharat. Due to political reasons, the flagship Ayushman Bharat Card scheme, which aims to provide free health insurance of Rs 5 lakh each to economically vulnerable populations, has been partially rolled out in several states, namely West Bengal, Odisha, and Delhi, among others. These stimuli demonstrate that political rivalry can have devastating consequences on the structure and impact of complimentary, centrally funded initiatives.

(B) Human Rights Impact**a. Similar**

Those that have both federal and state governments under the same political party may lack a check on contentious laws such as the CAA, which may lead to the violation of human rights. That is, human rights might be at risk if state governments that are affiliated with the central ruling party do not resist such laws as CAA. This is proved by the lack of a powerful opposition and the subsequent civil unrest.

b. Dissimilar

The human rights issues are seemingly manifested in situations where one party does not administer both the federal and the state. This opposition shows that states should stand against other federal projects that would compromise the cultures or human rights of those in a particular state. The opposition leaders and the state governments opposed the BJP-led central government's move to enact the CAA in a relatively more or less manner. For Example, Mamata Banerjee, with immense political power in Bengal and a staunch CAA protest leader, recently stated that the election BJP is now using it for creating a section of people that may lose their rights. This can be seen from declarations made by anti-BJP states like Kerala and Tamil Nadu, which have said that the CAA will not be implemented in their states because they are for Human rights and State sovereignty¹².

¹² Desk ITN, Actor Vijay Calls CAA 'Unacceptable,' Asks Tamil Nadu Not to Implement It, INDIA TODAY (Mar. 12, 2024), [https://www.indiatoday.in/india/tamil-nadu/story/caa-rules-thalapathy-vijay-slams-narendra-](https://www.indiatoday.in/india/tamil-nadu/story/caa-rules-thalapathy-vijay-slams-narendra)

This is also true with the protests the CAA has triggered, such as the Assamese strike or other intermittent demonstrations across the country also fall under the effect of the law to human rights. The shooting incident that happened in Northern Delhi in 2020, which was provoked by anti-CAA protests, can be cited as an illustrative example of the Act's controversies and violence. How the oppression is exercised to deal with dissent in such circumstances raises concerns on human rights abuses where similar forms of regime exist.

(C) Reformative Laws

a. Similar

Reformative legislation, for the most part, is put into practice more effectively and more coherently under a similar political regime when the same political party is in control of the federal and state governments. An example is the UCC in the state of Uttarakhand. In its implementation, the UCC has been made relatively easier by the fact that at the federal and state level, the government is headed by the BJP party. The first state to implement the UCC was Goa, which had been following them for years, and after that, coming to the Uttarakhand Legislative Assembly again enacted the UCC Act in the year 2024. It may thus be said that the UCC was received and put into operation with little resistance because of the political integrationism between the national and state authorities. Another example of how similar political regimes compel the adoption of reformative legislations can be observed in Gujarat; the state governed by the Bhartiya Janata Party. In the same year, Gujarat set a precedence in the country by declaring the formulation of a committee to set in motion the process to execute the UCC. Therefore, the government could be approached more cohesively, and more disputes may not occur, leading to uniformity in policy implementation both at the state and federal levels.

b. Dissimilar

This tension is heightened by the fact that the federal government and states hold highly conflicting ideologies, often leading to a lot of resistance and time consumption in the formulation and integration of policies. More so, the implementation of the UCC is challenging in a particular political context and with different political parties at the federal and state levels. Farooq Abdullah, the chairman of the National Conference of Jammu & Kashmir, threatened a showdown with the federal government if the latter attempted to force the pace of the UCC¹³.

modi-governmnet-over-implementation-2513562-2024-03-12

¹³ PTI, Think, Rethink Consequences of UCC: Farooq Abdullah to Centre, ECON. TIMES (June 29, 2023), <https://economictimes.indiatimes.com/news/politics-and-nation/think-rethink-consequences-of-ucc-farooq-abdullah-to-centre/articleshow/101358494.cms>

Abdullah emphasized an even more purposeful and traditional method because of the diverse environment of India, where people have different racial origins and different religions, including Islam, and the local law of India is different from that of Pakistan, where Sharia law exists. However, he said that before the government sets out to implement the UCC in states that could be opposed to it, more so the strongly opposed states, the government should consider the volatility that could ensue.

(D) Revenue Sharing and State Taxation

a. Similar Political Regimes

Similar political systems, where the state-level ruling party supports the federal government, typically have more organized and smooth policy implementation. This is demonstrated by the Bhartiya Janata Party (BJP)-ruled states of Maharashtra, Gujarat, and Karnataka, which embraced the Goods and Services Tax (GST) quickly despite possible financial consequences. Their political unity with the federal government made it possible for them to take a unified stance that put the needs of the country's economy ahead of the immediate needs of individual states. Through collaborative governance, this alignment strengthened federalism by facilitating the smooth transition of VAT payers to the GST network and creating a more uniform and integrated tax system across the country.

b. Dissimilar Political

Policy execution is frequently difficult under divergent political regimes, in which state governments are headed by parties other than the federal government. States with contrasting political philosophies might oppose federal laws like the GST and put regional sovereignty ahead of federal regulations. This opposition can lead to the inconsistent execution of policies, undermining the federal structure by encouraging division and impeding the accomplishment of national goals. Therefore, whereas dissimilar regimes might strain federalism by intensifying political and administrative disagreement, similar regimes foster cohesion and successful government.

VI. CONCLUSION

The significant connection between political regimes and federalism suggests that all the political systems exert substantial pressure on the Federal structure in India. There are major challenges in federalism when state and federal governments are in opposition of the different political parties, as seen in some examples like West Bengal and Kerala standing against the CAA or the implementation of federally funded schemes such as PM Kisan Samman Nidhi.

These political differences detract from the ability of the federal government to balance state power since they appear as policy lag, bureaucratic interference, or cases of federal encroachment or state resistance.

On the other hand, states that belong to the same political party as that of the federal government generally have better-coordinated and effective policy execution. However, this also raises concerns over federal domains complicating state sovereignty. The political alignment can enhance the effectiveness of already existing policies and bolster nationalism; on the other hand, variable political systems often complicate the functioning of federalism. Because federalism is inherently vulnerable whenever there exists a political conflict, federalism is rendered as being both feeble and tense when state governments actively reject or delay proposed policies due to mere political animosity. Thus, the objective of achieving a reasonable balance between federalism and political unity can be seen as threatened by most political regimes since they present clear differences that can potentially impact the very mechanics of federal governance in terms of efficiency as well as equity.
