

## **"India, That Is Bharat": Reassessing the Founding Fathers' Vision of A 'Union of States': After Seventy Years of Constitutional Experimentation**

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### **Abstract:**

The constitutional declaration that "India, that is Bharat, shall be a Union of States" represents a distinctive departure from classical federal models grounded in inter-state compacts and divided sovereignty. Conceived amid the upheavals of Partition, princely integration, and profound social heterogeneity, the Indian Union was not assembled from pre-existing sovereign units but instituted through a deliberate constitutional design intended to secure political unity while accommodating enduring diversity. This article revisits that founding formulation more than seven decades after constitutional inauguration to examine how the idea of the "Union of States" has functioned as both a structural principle and a mode of governance over time. Drawing on Constituent Assembly Debates, constitutional architecture, judicial interpretation, and evolving political practice, the paper analyses whether the original federal imagination has been preserved, reconfigured, or substantively transformed. Situating India within the framework of "holding-together" federations, it critically examines contemporary developments in fiscal governance, cooperative and competitive federalism, asymmetrical constitutional arrangements, and Sixth Schedule institutions. The article argues that Indian federalism is best understood not as an imperfect approximation of classical federalism but as a dynamic constitutional experiment whose resilience lies in its capacity for calibrated adaptation. At the same time, it shows that while the founding vision of the Union has remained formally intact, its normative force is increasingly mediated by political practice, institutional constraint, and the demands of constitutional morality.

**Keywords:** Indian Federalism; the union of states the constituent assembly, centre - state relations Asymmetrical federalism; Constitutional Morality

### **1. Introduction:**

Article 1 of the Indian Constitution declares that "India, that is Bharat, shall be a Union of States." This formulation was neither incidental nor merely descriptive. It represented a deliberate constitutional decision taken at a moment of profound political uncertainty, shaped by the violence of Partition, the absorption of princely states, and the challenge of governing a society marked by deep linguistic, cultural, and regional differentiation. Rather than presuming the prior existence of sovereign political units, the Constitution instituted federalism itself as a mode of state formation. Unity was not to be negotiated through contract, but secured through constitutional design, with diversity governed within a single and indivisible political framework.

The choice of the term "Union" in place of "Federation" reflected this foundational orientation. It signalled a constitutional imagination in which sovereignty was conceived as singular, while political authority was distributed territorially and institutionally. State power was not antecedent to the Constitution but derived from it, rendering the Union indestructible even as its internal arrangements remained open to differentiation and reorganisation. This design sought to accommodate regional variation without permitting the fragmentation of political authority, a balance that would come to shape the evolution of centre-state relations, fiscal authority, judicial doctrine, and forms of differentiated governance across the Republic.

More than seven decades later, the coherence and durability of this constitutional imagination have become matters of sustained contestation. Although the formal architecture of the Union remains intact, its operation has been progressively reshaped through constitutional amendment, judicial interpretation, and changing political practice. Shifts in fiscal governance, the recalibration of cooperative and competitive federalism, the expansion and contraction of asymmetrical arrangements, and the evolving role of Sixth Schedule institutions have altered the conditions under which the Union of States functions in practice. These developments compel renewed attention to the foundational premises of Indian federalism and to the assumptions that continue to organise its operation.

Against this background, the article addresses three interrelated questions that lie at the core of India's constitutional order:

- What did the framers intend by adopting the formulation "India, that is Bharat, shall be a Union of States"?

- ii. How has this vision been elaborated, constrained, or reoriented through constitutional interpretation and political practice over time?
- iii. Does the contemporary operation of Indian federalism reflect continuity with, or departure from, the original constitutional imagination articulated at the moment of founding?

In addressing these questions, the article situates the idea of the “Union of States” within the historical record of the Constituent Assembly Debates, the structural logic of constitutional design, and the evolving jurisprudence and political economy of federal governance. It argues that Indian federalism is best understood not as a deficient or derivative variant of classical federal models, but as a distinct constitutional experiment shaped by the imperatives of postcolonial state formation. At the same time, it demonstrates that while the founding vision of the Union remains formally entrenched, its normative force is increasingly mediated by political practice, institutional constraint, and contested interpretations of constitutional morality. The result is a federal order in which unity is constitutionally secured even as the terms of its accommodation are continually renegotiated.

## **2. Federalism as a Framework of Thinking:**

Federalism is conventionally understood as a constitutional arrangement in which sovereignty is divided between a central authority and territorially defined constituent units, each possessing powers guaranteed by a foundational legal framework. This understanding, most clearly articulated in classical federal theory, presumes the prior existence of politically autonomous units that enter into a compact to form a larger political association. While analytically coherent within its original historical context, this framework offers limited explanatory value for the Indian case, where neither sovereignty nor statehood preceded the Constitution.

In India, federalism did not emerge as the outcome of negotiation among self-governing political units but was instituted as an organising principle of the postcolonial state. The Union was constitutionally constituted before its constituent states, whose territorial boundaries, competencies, and even continued existence were made subject to parliamentary authority. Federalism, in this sense, functioned less as a division of sovereignty than as a technique of governance through which political unity could be maintained in a territorially expansive and socially heterogeneous polity. The absence of antecedent state sovereignty fundamentally alters the analytical premises through which Indian federalism must be understood.

Comparative scholarship has increasingly recognised this distinction through the concept of “holding-together” federalism, a model in which decentralisation proceeds from a strong centre to manage diversity without risking political fragmentation. This framework captures a central feature of the Indian constitutional design: the devolution of authority is not grounded in the recognition of pre-existing claims to sovereignty, but in the constitutional decision to accommodate difference within an indestructible Union. The emphasis, therefore, is not on the protection of state autonomy as an end in itself, but on the calibration of authority in service of political cohesion.

The distinctive character of Indian federalism has given rise to a range of descriptors, quasi-federal, cooperative, competitive, and asymmetrical, each highlighting a particular dimension of its operation. While these terms capture important institutional features, their cumulative significance lies less in classification than in what they reveal about the flexibility of the federal arrangement itself. Indian federalism resists reduction to a fixed structural form; instead, it operates as a dynamic constitutional principle, continuously reshaped through political practice, judicial interpretation, and administrative innovation. To analyse the “Union of States” as a static institutional structure is therefore to miss its central quality as a mode of constitutional governance that adapts to shifting political, economic, and social conditions.

Understanding federalism in India thus requires a shift from structural typologies to a more interpretive framework that treats federalism as an evolving constitutional logic rather than a settled institutional blueprint. The significance of the Union of States lies not only in the allocation of powers between levels of government, but in the manner through which authority is redistributed, constrained, and rearticulated over time. It is this conceptualisation of federalism as a governing framework rather than a completed design that provides the foundation for analysing how the founding vision of the Union has been sustained, reworked, and contested in the decades since constitutional inception.

## **3. Founding Vision: Constituent Assembly Debates:**

The Constituent Assembly Debates provide critical insight into the constitutional imagination that informed the framing of the Indian Union. Far from treating federalism as a neutral arrangement for distributing governmental functions, the framers approached it as a foundational problem of state formation in a deeply fragmented postcolonial society. The debates reveal a consistent rejection of the idea that India was to be constituted through a compact among pre-existing sovereign units. Instead, the Union was conceived as prior to and constitutive of its constituent states, whose authority,

boundaries, and institutional existence were to derive from the Constitution rather than from any antecedent claim to sovereignty.

This position was articulated most clearly in the interventions of B. R. Ambedkar, who explicitly denied that Indian states possessed an independent sovereign status capable of limiting the authority of the Union. For Ambedkar, the indestructibility of the Union was not merely a formal attribute but a necessary condition for political stability in a context marked by recent secession, communal violence, and the incomplete integration of princely territories. The power of Parliament to reorganise state boundaries was therefore defended not as an exceptional intrusion into federal autonomy, but as an essential feature of a constitutional order designed to prevent the re-emergence of fragmentation as a mode of politics.

At the same time, the debates do not support a reading of the founding vision as one of unqualified central dominance. Jawaharlal Nehru and other framers repeatedly emphasised that political unity could not be sustained through administrative command alone. The legitimacy of the Union depended on the incorporation of democratic self-government at the state level and on the recognition of regional, linguistic, and cultural plurality as enduring features of Indian political life. Federalism, in this sense, was not simply a technique for central control, but a means through which diversity could be politically organised without being transformed into a source of constitutional instability.

The founding vision that emerges from the Constituent Assembly is therefore best understood as an attempt to reconcile two imperatives that were seen as equally indispensable: the consolidation of an indivisible Union capable of acting decisively, and the accommodation of difference through territorially differentiated governance. Rather than resolving this tension in favour of either principle, the framers embedded it within the constitutional structure itself, anticipating that the balance between unity and autonomy would require continuous interpretation and adjustment over time. The Union of States was thus conceived not as a settled institutional compromise, but as a constitutional framework capable of sustaining political integration while remaining responsive to the claims of diversity that defined the Indian polity.

#### **4. Constitutional Design: A Federal Architecture:**

The founding vision of the Union of States was given concrete institutional form through a constitutional architecture designed to combine political unity with territorially differentiated governance. Rather than dispersing sovereignty across multiple centres, the Constitution established a hierarchical allocation of authority in which legislative, fiscal, and administrative powers were structured to preserve the primacy of the Union while permitting functional autonomy at the state level. This design reflected the framers' conviction that federalism in India would have to operate as an instrument of governance rather than as a guarantee of co-equal sovereignty.

The distribution of legislative competence under the Seventh Schedule exemplifies this orientation. By vesting residuary powers in the Union, the Constitution departed from classical federal arrangements that privilege state authority over unenumerated subjects. This choice ensured that the centre retained the capacity to respond to unforeseen political and economic contingencies without requiring constitutional renegotiation. The emergency provisions further reinforced this architecture by authorising the temporary re-centralisation of power under specified conditions. These provisions were not conceived as routine mechanisms of governance but as constitutional safeguards against breakdown, reflecting the framers' concern that political instability could threaten the integrity of the Union if not institutionally anticipated.

The office of the Governor occupies a similarly revealing position within the federal design. Appointed by the President and situated at the intersection of Union and state authority, the Governor was intended to serve as a constitutional link rather than a political intermediary. While formally bound by constitutional neutrality, the office was endowed with discretionary powers that have repeatedly become sites of contestation, particularly in matters of government formation and the invocation of President's Rule. The persistence of such disputes underscores the structural ambiguity embedded within the design itself, where the presence of the Union within the states was institutionalised in a manner that blurred the boundary between constitutional oversight and political intervention.

Alongside these centripetal features, the Constitution also established institutions intended to facilitate negotiation, coordination, and fiscal accommodation across levels of government. Bodies such as the Finance Commission and the Inter-State Council were designed to mediate competing claims within the federal system and to translate constitutional principles into workable arrangements. Subsequent developments, including the creation of the GST Council, extended this institutional logic by embedding intergovernmental bargaining within formal decision-making processes. These mechanisms reflect an understanding of federalism as a dialogic practice, in which authority is exercised through structured interaction rather than unilateral command.

Taken together, these design choices reveal a constitutional architecture oriented toward balance rather than symmetry. Indian federalism was not structured as a competitive arena between autonomous governments, nor as a purely decentralised administrative system. Instead, it was conceived as a negotiated order in which the Union retained decisive authority while remaining institutionally bound to consult, accommodate, and recalibrate its relationship with the states. The federal architecture thus operationalised the founding vision by embedding both unity and differentiation within the constitutional framework, leaving their precise equilibrium to be worked out through political practice, judicial interpretation, and institutional evolution over time.

### **5. Judicial Interpretation and The Federal Balance:**

Judicial interpretation has played a constitutive role in shaping the federal balance in India by mediating the relationship between constitutional design and political practice. Rather than treating federalism as a fixed allocation of powers, the Supreme Court has approached it as a constitutional principle whose meaning and limits require continual articulation in response to changing institutional and political conditions. Through this interpretive function, the judiciary has emerged as a central actor in sustaining the operational coherence of the Union of States.

A decisive moment in this evolution occurred with the recognition of federalism as part of the Constitution's basic structure. By locating the federal principle within the realm of constitutional fundamentals, the Court imposed substantive limits on Parliament's amending power and insulated the centre–state balance from unilateral reconfiguration. This move did not constitutionalise a particular distribution of powers; instead, it entrenched federalism as an organising value that constrains constitutional change while permitting institutional adaptation within defined limits. Federalism, in this reading, was transformed from a structural arrangement into a normative commitment embedded in the constitutional order.

The Court's subsequent engagement with the misuse of Article 356 further clarified the practical implications of this commitment. By circumscribing the circumstances under which President's Rule could be imposed, judicial doctrine sought to protect the autonomy of elected state governments against arbitrary central intervention. This intervention was not framed as a defence of state sovereignty, but as a safeguard for constitutional accountability and democratic continuity within the federal system. The judgment thus repositioned emergency powers as exceptional instruments subject to judicial scrutiny, rather than discretionary tools of political management.

In more recent jurisprudence, the Court has continued to elaborate this understanding by explicitly characterising federalism as a constitutional value rather than a mere institutional framework. This shift in emphasis has allowed the judiciary to assess centre–state relations in normative terms, evaluating governmental action against principles of cooperation, dialogue, and constitutional fidelity. Federalism, in this interpretive register, functions as a standard against which both legislative design and executive conduct may be assessed, rather than as a static division of competences.

Taken together, these judicial interventions reveal a jurisprudence that neither privileges central authority nor elevates state autonomy as an absolute. Instead, the Court has sought to preserve the functional integrity of the Union by maintaining a balance that is responsive to constitutional purpose rather than institutional symmetry. Judicial interpretation has thus operated as a stabilising force within the federal system, translating the founding vision of the Union of States into a set of enforceable constitutional expectations that continue to shape the evolution of Indian federalism.

### **6. Post-2018 Judicial Developments:**

Recent constitutional jurisprudence has further refined the federal doctrine by clarifying how constitutional values governing centre–state relations are to be operationalised in an era of intensified centralisation and administrative expansion. Rather than revisiting the foundational premises of Indian federalism, the Supreme Court has focused on articulating principles of intergovernmental engagement that constrain hierarchical command while preserving the authority of the Union. These decisions mark an important shift from adjudicating federal disputes as matters of institutional competence toward evaluating them through the lens of constitutional dialogue and accountability.

In its decisions concerning the governance of the National Capital Territory of Delhi, the Court emphasised that federalism operates through collaboration rather than subordination, even in arrangements that depart from the classical state–centre binary. By rejecting interpretations that reduce subnational units to mere administrative extensions of the Union, the Court affirmed that democratic responsibility and constitutional status cannot be diluted by institutional form. The reasoning underscored that constitutional arrangements involving Union Territories are not exceptions to federal principle but sites through which its normative content must be articulated with particular care.

A similar logic informed the Court's approach to fiscal governance in its interpretation of the Goods and Services Tax framework. By characterising the recommendations of the GST Council as persuasive rather than binding, the Court

resisted the consolidation of fiscal authority through intergovernmental institutions that lack explicit constitutional supremacy. This reasoning did not challenge the legitimacy of cooperative mechanisms, but it clarified the constitutional limits within which cooperation must operate. Fiscal coordination, in this reading, derives its authority from deliberation and consent rather than from enforced uniformity, thereby preserving the residual fiscal agency of the states within a shared tax regime.

Together, these decisions reflect a jurisprudential orientation that privileges constitutional restraint over institutional dominance. The Court has neither sought to reassert an idealised equilibrium between the Union and the states nor attempted to insulate federal arrangements from political contestation. Instead, it has articulated a conception of federalism grounded in mutual obligation, procedural fairness, and constitutional fidelity. Judicial intervention, in this context, functions less as an assertion of judicial supremacy than as a mechanism for preventing the erosion of federal principles through incremental administrative centralisation.

These post-2018 developments thus extend the earlier transformation of federalism into a constitutional value by situating it within contemporary governance practices. They demonstrate a continued judicial commitment to preserving the founding vision of the Union of States by insisting that changes in governance remain intelligible within the normative framework established by the Constitution. Federalism, as interpreted in this jurisprudence, remains a living constitutional principle whose endurance depends on the maintenance of dialogue rather than the assertion of command.

### **7. Political Practice and Centre-State Relationships:**

Political practice has played a decisive role in shaping the lived operation of Indian federalism, often mediating between constitutional design and institutional reality. While the Constitution established a framework that combined central authority with territorially differentiated governance, the balance embedded within this framework has been repeatedly recalibrated through shifts in the political system. Federalism in India has therefore evolved not only through formal constitutional change or judicial interpretation, but through the changing configuration of political power at the national and subnational levels.

In the early decades after independence, the dominance of a single political party across both the Union and the states facilitated a form of centralisation that relied less on coercive assertion than on organisational integration. The concentration of political authority at the centre reduced the scope for autonomous state action, as policy coordination was achieved through party structures rather than through institutional negotiation. Federalism during this period functioned within a relatively unified political field, where centre–state relations were shaped by hierarchy and discipline rather than by explicit contestation.

The fragmentation of the party system and the emergence of coalition governments introduced a different dynamic into the federal arrangement. Regional parties acquired greater leverage within national politics, and centre–state relations increasingly took the form of bargaining over resources, policy priorities, and political accommodation. This period did not alter the constitutional distribution of powers, but it transformed the manner in which those powers were exercised. Federalism became more visibly negotiated, as political pluralism created incentives for consultation and compromise across levels of government.

More recent developments have again altered this landscape. The reassertion of central authority through fiscal instruments, administrative coordination, and the expanded role of central agencies has generated renewed concern regarding the narrowing of effective state autonomy. These practices have not displaced the formal federal structure, yet they have reshaped the conditions under which states participate in governance, often constraining discretion through regulatory design rather than overt constitutional intervention. The resulting tension reflects a widening gap between the constitutional promise of shared authority and the political practices through which authority is exercised.

This disjunction does not signify the failure of the federal framework itself, but it reveals the extent to which federalism in India remains contingent on political context. Constitutional provisions establish the outer boundaries of centre–state relations, yet the quality of federal governance is shaped by the distribution of political power, the incentives of ruling coalitions, and the institutional pathways through which decisions are implemented. Political practice thus operates as a critical site where the meaning of the Union of States is continuously produced, contested, and redefined.

### **8. Fiscal Federalism and Economic Governance:**

Fiscal relations occupy a central place in the operation of Indian federalism, as they determine the practical capacity of states to discharge constitutional responsibilities. While states carry primary obligations in areas such as welfare provision, public health, and social infrastructure, their revenue-generating authority remains structurally constrained. This

dependence on transfers from the Union has produced a federal arrangement in which policy responsibility and fiscal capacity are unevenly aligned, shaping the everyday experience of autonomy within the constitutional framework.

The architecture of fiscal governance reflects this imbalance. Constitutional provisions and statutory mechanisms have progressively consolidated revenue authority at the Union level, while compensatory transfers have been deployed to sustain subnational expenditure. The introduction of the Goods and Services Tax further reconfigured this landscape by subsuming a range of state taxes within a harmonised regime administered through intergovernmental coordination. Although designed to promote efficiency and uniformity, this arrangement has narrowed the discretionary space available to states, rendering fiscal autonomy increasingly contingent on negotiated outcomes rather than independent authority.

This transformation has altered the character of cooperative federalism in economic governance. Fiscal cooperation now operates through institutionalised forums that mediate collective decision-making, yet the asymmetry of bargaining power within these forums conditions the outcomes they produce. States participate in shared fiscal regimes while remaining dependent on centrally determined frameworks for revenue stability, a configuration that reshapes federal relations through procedural inclusion rather than substantive control.

The resulting tension bears directly on the founding vision of the Union of States. Fiscal federalism was intended to sustain territorial diversity within a unified political economy by enabling states to pursue regionally responsive policies. When revenue capacity becomes detached from policy responsibility, federalism risks being reduced to a managerial arrangement in which states administer centrally structured programmes with limited scope for independent prioritisation. The question raised by contemporary fiscal governance is therefore not simply one of efficiency or coordination, but of how economic authority is distributed within a constitutional order that rests on differentiated yet meaningful self-government.

#### **9. Asymmetrical Federalism and Accommodating Diversity:**

Asymmetry occupies a central place within the architecture of Indian federalism, shaping how the Constitution responds to historical difference, cultural plurality, and uneven trajectories of political incorporation. Rather than emerging as an exception to an otherwise uniform federal design, differentiated arrangements were embedded within the constitutional framework from the outset. These provisions reflected an understanding that territorial and social diversity could not be governed through identical institutional forms without producing instability or exclusion. Federalism was thus conceived as a flexible instrument capable of adjusting its terms of governance to varied historical and social contexts (Tillin, 2019).

The constitutional accommodation of asymmetry has taken multiple forms, ranging from differentiated legislative competences and special administrative arrangements to region-specific institutional protections. Such differentiation was grounded in the recognition that political integration in a postcolonial society would require sensitivity to distinct histories of state formation, patterns of customary authority, and collective identities. Asymmetry functioned, in this sense, as a means of aligning constitutional authority with social reality, allowing diverse communities to be incorporated within the Union without being absorbed into a uniform administrative structure (Tillin, 2019).

This approach to federal design was closely connected to the framers' conception of unity. Political cohesion was understood as the capacity of the constitutional order to sustain difference while maintaining an overarching framework of authority. Asymmetrical arrangements contributed to this objective by enabling graded forms of autonomy responsive to local conditions while remaining anchored within the constitutional supremacy of the Union. Through such mechanisms, the Constitution sought to stabilise governance across regions marked by divergent political histories and claims to self-rule.

Over time, asymmetry has continued to operate as a stabilising element within Indian constitutionalism, mediating the relationship between integration and diversity. Its significance lies less in the specific privileges or exceptions it generates than in the broader constitutional logic it embodies. By permitting differentiated forms of governance within a single political framework, asymmetrical federalism has enabled the Union of States to manage diversity through accommodation rather than coercive standardisation, a feature that remains central to the resilience of Indian federalism as a constitutional system (Tillin, 2019).

#### **10. Sixth Schedule Governance and Peripheral Federalism:**

The Sixth Schedule represents one of the most distinctive experiments in Indian constitutional governance, articulating a form of peripheral federalism that operates alongside, yet independently of, conventional centre–state arrangements. By vesting Autonomous District Councils with legislative, executive, and judicial authority over specified domains, the Constitution created an institutional structure designed to mediate between customary systems of governance and the

authority of the constitutional state. This arrangement acknowledged that certain regions could not be adequately governed through uniform administrative frameworks without undermining historically embedded forms of social and political organisation.

Sixth Schedule governance departs from standard federal design by embedding autonomy below the level of the state while retaining constitutional supremacy at the Union level. Authority within this framework is layered rather than hierarchically transferred, producing a differentiated mode of governance in which local institutions exercise constitutionally recognised powers within clearly demarcated spheres. The resulting structure complicates the conventional centre–state binary by introducing an additional constitutional site through which claims to self-rule are articulated and managed. Peripheral federalism, in this sense, operates through institutional pluralism rather than territorial symmetry.

At the same time, the practical operation of Sixth Schedule institutions has been shaped by structural constraints that limit the scope of effective self-governance. Fiscal authority remains narrowly circumscribed, administrative capacity is often dependent on state-level intervention, and overlapping jurisdictions generate persistent uncertainty regarding the boundaries of council authority. These conditions have constrained the transformative potential of autonomous governance by situating local decision-making within a framework of procedural autonomy rather than substantive control.

The significance of the Sixth Schedule, therefore, lies less in the extent of formal powers conferred than in the constitutional logic it embodies. It represents an attempt to stabilise governance in historically marginal regions by recognising differentiated authority while maintaining the integrative framework of the Union. Peripheral federalism, as institutionalised through the Sixth Schedule, reflects the broader strategy of the Indian Constitution to manage diversity through graded autonomy, embedding local self-governance within a constitutional order that remains territorially unified. This arrangement continues to shape the possibilities and limits of autonomy in the frontier regions of the Union, revealing both the adaptive capacity and the structural constraints of India's federal design.

#### **11. Traditional Institutions, Constitutionalism and Legal Pluralism:**

The incorporation of customary institutions within the Indian constitutional framework reflects a distinctive commitment to legal pluralism as a mode of governance. In regions governed through asymmetrical and peripheral federal arrangements, customary norms continue to shape social authority, dispute resolution, and collective decision-making. Constitutional recognition of these practices was premised on the understanding that democratic legitimacy in culturally diverse societies cannot be sustained through uniform legal regimes alone. Instead, governance required accommodation of normative systems that predated the modern state and remained central to community life.

At the same time, the coexistence of customary authority and constitutional law has generated enduring tensions. Norms embedded in tradition often reflect hierarchies of gender, kinship, and social status that sit uneasily alongside constitutional commitments to equality and individual rights. These tensions are not merely doctrinal conflicts but structural features of a plural legal order in which different sources of authority coexist within a shared constitutional space. The challenge lies in navigating these contradictions without collapsing pluralism into administrative tolerance or subordinating constitutional values to unexamined custom.

Managing this tension has become an integral part of sustaining the Union of States as a diverse political community. Constitutional pluralism, in this context, requires continuous interpretive engagement rather than definitive resolution. The legitimacy of the federal order depends on its capacity to mediate between competing normative claims while preserving the transformative aspirations of the Constitution. Legal pluralism thus functions as both a resource and a constraint, shaping the terms through which diversity is governed within the constitutional framework.

#### **12. Federalism Competition and Constitutional Constraints:**

The increasing emphasis on competitive federalism has introduced a new dimension into centre–state relations, particularly in the domain of economic governance. Framed around efficiency, investment attraction, and performance benchmarking, this approach has reoriented federal discourse toward measurable outcomes and inter-jurisdictional comparison. While such mechanisms have altered incentives within the federal system, they have also reshaped the normative foundations upon which federal cooperation was originally conceived.

Competitive dynamics have the potential to intensify regional disparities by privileging states with existing fiscal capacity, administrative infrastructure, and market access. In the absence of robust redistributive mechanisms, competition risks entrenching uneven development rather than mitigating it. The federal framework, structured to accommodate diversity

and regional variation, becomes increasingly sensitive to asymmetries of capacity when competition replaces coordination as the dominant mode of intergovernmental interaction.

This shift carries implications for the founding vision of the Union of States. Federalism was conceived as a means of sustaining political unity while advancing social and economic justice across a heterogeneous territory. When competitive imperatives eclipse redistributive commitments, the federal order risks drifting toward a technocratic logic that prioritises aggregate efficiency over collective responsibility. Constitutional constraints on competition therefore serve a critical function, ensuring that economic governance remains aligned with the broader purposes of federal integration.

### **13. Federal Ethics and constitutional Morality:**

Beyond institutional arrangements and policy frameworks, the endurance of Indian federalism rests on an ethical conception of constitutional governance. Constitutional morality operates as a normative discipline that guides the exercise of power within legally permissible boundaries while remaining attentive to the spirit of the constitutional order. In a federal system marked by asymmetry and diversity, this ethical dimension acquires particular significance, as formal legality alone cannot secure trust between levels of government.

Centralising practices undertaken within constitutional limits may nonetheless strain federal relationships when they undermine the expectation of reciprocal respect and institutional restraint. Legally authorised oversight mechanisms can erode confidence when deployed without regard to the autonomy and dignity of subnational institutions. Federal stability depends not only on the distribution of powers but on the manner in which those powers are exercised and justified within the constitutional imagination.

The framers' vision of federalism was grounded in an ethic of responsibility that combined authority with restraint and unity with accommodation. Sustaining this vision requires an ongoing commitment to dialogue, proportionality, and respect for differentiated governance within the Union. Constitutional morality, in this sense, provides the connective tissue between law and politics, enabling the federal system to function as a shared constitutional project rather than a contested hierarchy of power.

### **14. Conclusion:**

The constitutional declaration that "India, that is Bharat, shall be a Union of States" articulated a distinctive vision of political order at a moment when the conditions of unity could not be taken for granted. Conceived in the shadow of Partition and territorial integration, the Union was framed as a constitutional solution to the problem of governing diversity without dissolving authority. Federalism, in this design, was not an inherited structure or a negotiated compact, but a deliberate mode of state formation through which unity, differentiation, and accommodation could be held together within a single constitutional framework.

The analysis undertaken in this article demonstrates that Indian federalism has evolved through a continuous process of interpretation and adjustment rather than through linear institutional consolidation. Constitutional design, judicial doctrine, political practice, fiscal governance, asymmetrical arrangements, and peripheral forms of autonomy have collectively shaped a federal order that resists classification within conventional typologies. The Union of States has persisted as a constitutional principle precisely because it was structured to absorb variation, recalibrate authority, and respond to shifting political conditions without surrendering its integrative core.

At the same time, the endurance of this federal imagination cannot be understood solely through the stability of constitutional texts or institutional forms. The effective operation of the Union depends on practices of governance that respect differentiated authority, sustain intergovernmental trust, and remain attentive to the normative commitments embedded within the constitutional order. Where political centralisation, administrative expansion, or technocratic competition strain these commitments, the federal balance is reshaped through practice even in the absence of formal constitutional change.

The founding vision of the Union of States, therefore, persists less as a settled achievement than as an ongoing constitutional responsibility. Its vitality lies in the capacity of institutions, political actors, and judicial interpretation to sustain unity through accommodation rather than uniformity, and authority through restraint rather than dominance. Indian federalism continues to function as a constitutional experiment whose success remains contingent on the ethical and political choices through which the terms of unity are continually reaffirmed within a diverse and evolving polity.



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