

Indian Federalism
3rd Semester BALLB(Honours, CL Group)
Paper code:3.5 H₂
1st Semester LLB (H),Paper code 1.5 H₂
(C L Group)

Course Description:

Indian federalism constitutes an innovative constitutional form, which incorporates both federal and unitary elements. The Constitution of India provides a governmental arrangement where power is shared between the Union and States, while ensuring the integrity of the country. In this course, students will study the history, constitutional background, institutions, judicial pronouncements, and current issues of Indian federalism. Emphasis will be placed on on relevant and emergent issues of federalism and implementation.

Course Objectives:

On successful completion of the course, the student would be able to:

- Understand the fundamentals of federalism.
- Study the structure of federalism in the Indian Constitution.
- Study the division of legislative, executive, and financial power.
- Understand Centre-State relations with exceptions
- Understand the judicial approach towards federalism.
- Understand the recent issues in Indian federalism.

Course Outcomes

The students would be able to: Understand the constitutional structure of Indian federalism.

- Understand constitutional provision for Centre-State relations.
- Study landmark cases on Indian Federalism.
- Scrutinise the working of federal institutions.
- Appraise recent developments in Indian federalism.

End Semester Marks -80**Internal Assessment-20****Total Marks: 100****Unit 1: Concept and Theory of Federalism**

- 1.1 Evolution of Federal Principle Marks:16
- 1.1.1 Classical formulation
 - 1.1.2 Historical development
 - 1.1.3 Global paradigms
- 1.2 Models of Federal Government
- 1.2.1 Dual Government
 - 1.2.2 Cooperative Federalism
 - 1.2.3 Competitive federalism
 - 1.2.4 Collaborative federalism
- 1.3 Differences between Unitary and Federal Constitutions
- 1.4 Merits and demerits of federalism

Unit 2: Conceptual Analysis of Federalism in India**Marks:16**

- 2.1 Elements of Federalism in the Government of India Act, 1935
- 2.2 Article 1 of the Constitution and the concept of sui-generis view by C. H. Alexandrowicz.
- 2.3 Unitary features and exceptions of strict federal principles in India
- 2.4 Abrogation of Article 370 of the Constitution of India

Unit 3 Division of Powers

- 3.1 Legislative Relations: Distribution of Subjects in the 7th Schedule
- 3.1.1 Doctrines for Interpretation: Doctrine of Territorial Nexus, Pith and Substance, Colourable Legislation, Harmonious Construction & Residuary Powers
- 3.2 Administrative Relations: Unions control over States, Governor's Discretionary Power, Deployment of Central Forces and Administrative machinery in States.
- 3.3 Financial Relations
- 3.4 Role of Indian Judiciary in the Federal Structure

Unit 4 Co-operative & Competitive Federalism

Marks: 16

4.1 Transition from the Planning Commission to NITI Aayog and structural roles of Interstate Council (Article 263) and Zonal Council

4.2 Contemporary Challenges to Federalism in India

4.2.1 Structural Mandates of 5th & 6th Schedule

4.2.2 “State Within State Concept”, Gopinath Bordoloi Committee Report

4.3 Composition of Legislative, Executive and Judicial Powers of the Autonomous District Council

4.4 Impact of Proposed 125th Constitutional Amendment Bill.

Unit 5 Comparative Analysis of Federalism in India

Marks:16

5.1 Comparative Study on Indo-US Model

5.1.1 Strict Separation of Power vs Integrated Structure

5.1.2 Dual Citizenship vs Single Citizenship

5.1.3 Comparison of Upper House (Senate and Rajya Sabha)

5.2 Indo-Canadian Model

5.2.1 Centripetal model with Strong Central Bias

5.2.2 Provision of Residuary Power

5.2.3 Appointment procedure of Provincial Heads.

5.3 Difference between Confederation and Federation.

5.4 Finality Clause of the Constitution of India.

Referred Books:

1. D. D. Basu, Introduction to the Constitution of India, LexisNexis Butterworths Wadhwa Nagpur
2. S. R. Myneni – *Constitutionalism, Pluralism & Federalism* – Allahabad Law Agency (1st Edition, 2025)
3. M. P. Jain, Indian Constitutional Law, LexisNexis India
4. K. C. Wheare – *Federal Government* – Oxford University Press (Comparative federalism; foundational for understanding Indian federalism)
5. Granville Austin, The Indian Constitution: Cornerstone of a Nation, Oxford University Press

6. Granville Austin Working a Democratic Constitution: The Indian Experience
Oxford University Press
7. V. N. Shukla Constitution of India Eastern Book Company (EBC)
8. Durga Das Basu Shorter Constitution of India LexisNexis India
9. H M Seervai, *Constitutional Law of India: A Critical Commentary* — Law & Justice Publishing Co.

Case Laws:**Unit 1 & 2:**

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

Kesavananda Bharati v. State of Kerala (1973)

Kuldip Nayer v. Union of India (2006)

In re: Article 370 of the Constitution (2023) SC

Unit 3:

Union of India v. H.S. Dhillon (1972)

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

Rameshwar Prasad v. Union of India (2006)

Union of India v. Mohit Minerals Pvt. Limited (2022)SC

Unit 4& 5:

District Council of Unite Kashi and Jaintia Hills v. Sitimon Sawin(1971)

Government of NCT of Delhi v. Union of India (2018)

State of Meghalaya v. All Dimasa Students Union (2015)

Government of NCT of Delhi v. Union of India (2023)