



## Federalism in Crisis: The Tussle Between Centre and States in Contemporary India

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### *Abstract*

*The article aims to explore the growing tensions between the centre and the states within India's federal structure, with a particular focus on the increasingly controversial role of governors and the use of central investigative agencies. By analysing key legal doctrines and recent case laws, the piece highlights how these conflicts are testing the limits of constitutional federalism. It also examines how the Indian judiciary has stepped in to address these challenges and suggests reforms aimed at strengthening the balance of power between the state and the centre.*

**Keywords:** *Federalism, Centre-State Relations, Governor's Role, Supreme Court of India, Constitutional Law, India*

## **Introduction**

India's federalism-based system of government divides power between the central and state governments. The purpose of this setup is to strike a balance between the need for national cohesion and the variety of its numerous areas. States have the power to regulate their local affairs, whereas the central government deals with problems that affect the entire nation. Nevertheless, disputes between the Centre and several states have grown more public and regular over the past few years. The Governor's function and the extent to which the Centre may exert control over state governments are at the heart of many of these disagreements. These disputes have brought up crucial concerns regarding the efficiency of India's federal system in the present day.

India is defined by its constitution as a "Union of States," which implies that it has a federal system with power divided between the central government and the state governments. India's federalism grants the Centre more power in a number of domains, as opposed to some federal systems where states have more autonomy. The topics that may be covered by legislation are divided by the Constitution into three groups: the Union List, the State List, and the Concurrent List. Topics that are exclusively under the purview of the federal government, such as defence and foreign affairs, are included on the Union List. Only state governments are permitted to legislate in sectors covered by the State List, such as public health and law enforcement. The Concurrent List includes topics that are within the purview of both the federal government and the states, but in the event of a conflict, federal law usually takes precedence. This division of powers seeks to strike a balance, yet it also grants the Central government a considerable advantage in this connection.

## **The Governor's Role in Centre-State Relations:**

The Governor is a significant figure in India's constitutional framework because he serves as the nominal head of state and acts as a vital link between the central and state governments. The Governor's responsibilities are both formal and discretionary. However, in the majority of cases, it is expected that the Governor would follow the advice of the Council of Ministers of the state. Nevertheless, in recent years, the actions of certain governors have raised concerns regarding whether the role is being employed to advance political goals rather than uphold constitutional neutrality.

As stated in Article 156<sup>1</sup>The President appoints governors by Article 155<sup>2</sup>, and they serve at the President's pleasure. This indicates that the person holding this position is heavily influenced by the central government. Although the Constitution grants the Governor some leeway, such as the ability to nominate a Chief Minister when no party has a clear majority or recommend President's Rule under Article 356<sup>3</sup>These powers were intended to be used sparingly and only when there is real constitutional ambiguity. Recent events, however, sadly indicate that this latitude is occasionally being used in methods that undermine the democratic operations of elected state administrations.

The delay in approving bills passed by state legislatures has been a significant source of worry. For years, governors in states like Tamil Nadu, Kerala, and Punjab have been slow to approve legislation, often without giving any justification. Many people consider such inaction to be undermining the authority of elected officials and capable of delaying crucial legislative measures. The scheduling and adjournment of legislative sessions is another recurring problem. In certain cases, governors have refused or delayed giving their consent to hold assembly meetings, resulting in judicial intervention and constitutional conflicts.

Several expert organisations have proposed reforms in order to allay worries about potential misuse of the office. Both the Sarkaria Commission (1988)<sup>4</sup> and the Punchhi Commission (2010)<sup>5</sup> Suggested that governors should be politically impartial, preferably not recent members of any political party, and that they should not utilise their discretionary authority to meddle in the daily operations of state governments. The necessity of secure tenures and the necessity of making sure the Governor acts within the bounds of the constitution were also emphasised in these reports.

The debate continues despite these recommendations. Instances of perceived bias or political behaviour cannot be overlooked, even though several governors have behaved with integrity and impartiality. Maintaining the spirit of federalism and upholding the will of the people, as represented by their elected officials, are the main concerns, not simply individual Governors. The role of the Governor in India, a democratic and diverse nation with unique state identities and governing requirements, must be a reflection of constitutional justice and political impartiality. Maintaining the independence of this important position from political pressure is

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<sup>1</sup> *India Const.* art. 156.

<sup>2</sup> *India Const.* art. 155.

<sup>3</sup> *India Const.* art. 356.

<sup>4</sup> Sarkaria Commission, *Report of the Commission on Centre-State Relations* (Gov't of India 1988).

<sup>5</sup> Punchhi Commission, *Report of the Commission on Centre-State Relations* (Ministry of Home Affairs, Gov't of India, 2010).

crucial for upholding the trust and equilibrium that federalism requires.

### **A Constitutional Framework for the Relationship Between the Centre and the States:**

A structure for preserving a positive relationship between the Centre and the states is established by the Constitution. The Parliament makes laws that the states must adhere to, and the Centre has the authority to provide instructions to ensure that these laws are carried out correctly. The Inter-State Council was established to foster collaboration and discussion between the central government and the states. Furthermore, if a state's government is unable to operate under the Constitution, the Centre is permitted to establish President's Rule there by Article 356. Nonetheless, since this authority has occasionally been abused in the past, the judiciary now keeps a close eye on how it is used in order to stop the arbitrary dismissal of elected state governments.

### **The Judiciary's Function in Safeguarding Federalism:**

The Supreme Court has been instrumental in upholding the federal structure of India. The Court ruled in the historic **S.R. Bommai v. Union of India, 1994**<sup>6</sup> The case is that federalism is an essential element of the Constitution and that the federal government cannot remove state governments without legitimate constitutional grounds. Even in the case of **State of Bombay vs F.N. Balsara, 1951**<sup>7</sup> The apex court held that if an enactment falls within one of the matters assigned to the State List and reconciliation is not possible with any entry in the Concurrent or Union List after employing the Doctrine of “Pith and Substance”, the legislative domain of the State Legislature must prevail. Additionally, the Court has stressed that Governors must act fairly and swiftly when dealing with state legislation. These judicial rulings have been vital in preserving the equilibrium between the Centre and the states and in safeguarding the independence of state governments.

### **Recent Conflicts Highlighting Stresses in the Federal System:**

India's federal structure has come under clear strain in recent years as state governments and the federal government have grown more at odds with one another, especially through the actions of Governors and central agencies. Although the Supreme Court ruled in **Government of NCT of Delhi v. Union of India 2023**<sup>8</sup>, which granted the elected government authority

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<sup>6</sup> *S.R. Bommai v. Union of India*, (1994) 3 S.C.C. 1 (India).

<sup>7</sup> *State of Bombay v. F.N. Balsara*, A.I.R. 1951 S.C. 318 (India).

<sup>8</sup> *Government of NCT of Delhi v. Union of India*, (2023) 11 S.C.C. 1 (India).

over services (except police, land, and public order), the Lieutenant Governor in Delhi has continued to have a highly administrative function, often in conflict with decisions made by the State. Similar conflicts have broken out in West Bengal, where the Governor and the State government have often clashed over college appointments and the increasing federal investigating presence into state concerns. Tamil Nadu ran into a constitutional crisis when the Governor delayed granting his approval to several important bills passed by the State Legislature. Consequently, the Supreme Court stepped in **State of Tamil Nadu v. Governor of Tamil Nadu, 2025**<sup>9</sup>, wherein the court determined that Governors cannot perpetually decline to offer their agreement and must act within a "reasonable time," especially when a bill is re-passed by the Assembly under Article 200<sup>10</sup>.

### **Recommendations for Strengthening the Relationship Between the Centre and the States:**

The present issues with the operation of the Governors point to the urgent need to strengthen the link between the Central Government and the State Governments. Resolving this problem requires regular and open communication between the two levels of government. To provide a forum for debate where concerns about the functioning of constitutional positions like the Governor may be freely discussed, organisations such as the Inter-State Council and Empowered Committees should be used more often. This will help to create confidence and reduce political disagreements often arising from assumed prejudice or improper use of the Governor's power.<sup>11</sup>

Another important component is ensuring greater transparency and respect for the independence of states in matters of governance. Representing the Central Government, governors should act impartially and uphold constitutional ideals over political goals. Better fiscal federalism achieved by rapid and enough fund transfers will let states focus on governance rather than ongoing political interference conflicts.

Moreover, choices about policies and Governor selection should be made via discussion between the Central government and the State governments, therefore promoting openness and cooperation. When states see their role in these decisions, it promotes cooperation rather than conflict.

Upholding federalism demands honouring the constitutional function of Governors and preserving state independence at its heart. India can work for a more friendly connection

<sup>9</sup> *State of Tamil Nadu v. Governor of Tamil Nadu*, (2025) INSC 481 (India).

<sup>10</sup> *India Const.* art. 200.

<sup>11</sup> D.D. Basu, *Introduction to the Constitution of India* (25th ed. 2021).

between the Centre and the States by fostering open communication, guaranteeing fair financial practices, and preserving the neutrality of constitutional institutions. This will strengthen the democratic framework of the country and help to solve the continuing federalism crisis.

**Conclusion:**

India's federal structure was established to create a balance of power between the Centre and the States, allowing both entities to collaborate while honouring each other's responsibilities. This framework is crucial as it addresses the country's diversity and ensures that local matters are managed by state authorities, while national issues are overseen by the Centre. However, this equilibrium has been disrupted in recent years, particularly due to the actions of certain Governors and the utilisation of central agencies.

When Governors postpone decisions regarding state legislation or seem to favour the Centre, it generates friction and diminishes public confidence. Likewise, when central agencies are perceived as being employed for political ends, it undermines the autonomy of state governments. Although the Supreme Court has intervened to safeguard the federal framework, genuine reform necessitates improved communication and collaboration between the Centre and the States.

To address these challenges, there should be more frequent and transparent dialogues between both tiers of government. Institutions such as the Inter-State Council ought to be engaged more proactively. The appointment process for Governors should be equitable, and they must operate neutrally and constitutionally. Additionally, funds from the Centre should be disbursed to the States promptly to enable them to function effectively without unwarranted interference.

In summary, for India's democracy to remain robust, its federal system must operate effectively. This entails respecting state governments, adhering to the Constitution, and ensuring that power is not abused. Only then can the Centre and the States collaborate in the genuine spirit of cooperative federalism.

**References:**

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