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*Megha Middha, is working as an Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar (Rajasthan). She has an experience in the teaching of almost 3 years. She has completed her graduation in BBA LL.B (H) from Amity University, Rajasthan (Gold Medalist) and did her post-graduation (LL.M in Business Laws) from NLSIU, Bengaluru. Currently, she is enrolled in a Ph.D. course in the Department of Law at Mohanlal Sukhadia University, Udaipur (Rajasthan). She wishes to excel in academics and research and contribute as much as she can to society. Through her interactions with the students, she tries to inculcate a sense of deep thinking power in her students and enlighten and guide them to the fact how they can bring a change to the society*

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## Mrs.S.Kalpana

*Assistant professor of Law*

*Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8 Articles in various reputed Law Journals. Conducted 1 Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.*



## Avinash Kumar



*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.*

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# **FEDERALISM IN INDIA**

AUTHORED BY - MALYA SHREE &

DR. JAY PRAKESH YADAV

## **Introduction**

Federalism in India is an essential aspect of the country's governance structure. It plays a significant role in the distribution of powers and responsibilities between the central government and the states, ensuring a delicate balance of authority. This division of powers is crucial in a vast and diverse country like India, enabling effective governance and administration at both the national and regional levels. In this article, we will explore the concept of federalism in India, its historical evolution, key features, and its impact on the political and administrative framework of the country. The roots of Indian federalism can be traced back to the British colonial regime [1]. The British introduced a federal system during their rule in India, culminating in the Government of India Act 1935. The Act of 1935 served as a precursor to the Indian Constitution and laid the foundation for federalism in India. The provisions of the Government of India Act 1935 had a significant impact on the Constitution of India. Many key features of the constitution, including the federal structure of government, provincial autonomy, and the separation of legislative powers between the center and states, were directly influenced by the Act. One of the key features of federalism in India is the existence of a bicameral legislative body at the centre and unicameral/bicameral legislatures in the states [2]. This allows for a proper representation of diverse interests and ensures that both the center and states have the power to make laws and govern their respective jurisdictions. Additionally, the Indian Constitution recognizes the existence of a legal system founded upon the rule of law and ensures equality before the law and equal protection of laws within the territory of India. Moreover, federalism in India is marked by the supremacy of the Constitution, where it serves as the ultimate authority and provides a framework for the division of powers and functions between the central government and the states. Furthermore, the Indian judiciary plays a crucial role in upholding federalism. It acts as the guardian of the Constitution and acts as an independent arbiter in resolving disputes between the center and states. Federalism in India is a key aspect of the country's governance structure, ensuring a division of powers between the central government and the states. Federalism in India is a key aspect of the country's governance structure, ensuring a division of powers between the central

government and the states. Federalism in India plays a significant role in promoting effective governance and administration at both the national and regional levels. Federalism in India plays a significant role in promoting effective governance and administration at both the national and regional levels. Federalism in India is a key aspect of the country's governance structure, ensuring a division of powers between the central government and the states [1]. b. The roots of Indian federalism can be traced back to the British colonial regime, where the failure of their unitary system led to the introduction of federalism in India. Federalism in India is a key aspect of the country's governance structure, ensuring a division of powers between the central government and the states.

### **Understanding Federalism in India**

Federalism in India refers to the system of government that is characterized by the division of powers between the central government and the state governments [2]. This division of powers is reflected in the distribution of legislative subjects into three lists: the Union List, the State List, and the Concurrent List. The Union List consists of subjects on which only the central government can make laws, such as defense, foreign affairs, and banking. The State List includes subjects on which only the state governments can make laws, such as agriculture, police, and public health. On the other hand, the Concurrent List consists of subjects on which both the central and state governments can make laws, such as criminal law, marriage, and trade unions. The existence of bicameral legislative bodies at the Centre and unicameral/bicameral legislatures in the states further enhances the federal nature of the Indian Constitution. Furthermore, the federal structure of the Indian Constitution is not just limited to the division of powers between the central and state governments, but also encompasses other important aspects such as the existence of a single integrated system of courts to administer both Union and State laws. This system includes the Supreme Court of India as the apex judicial body, with High Courts in each state or group of states, and a hierarchy of subordinate courts. The federal structure of the Indian Constitution is crucial for maintaining a balance of power between the central government and the state governments, ensuring autonomy and regional representation. Overall, federalism in India is a key aspect of the country's constitutional set-up, allowing for a division of powers and the recognition of regional diversity, while also promoting unity and cooperation among different levels of government. The provisions of the Government of India Act 1935, which greatly influenced the Constitution of India, played a significant role in shaping its federal structure. Overall, federalism in India is a unique and integral part of its constitutional framework, allowing for the distribution of powers between

the central and state governments in order to create a balanced system of governance and accommodate regional diversity. Federalism in India is a crucial aspect of the country's constitutional set-up. Federalism in India is a crucial aspect of the country's constitutional set-up, allowing for the distribution of powers between the central and state governments in order to ensure effective governance, regional autonomy, and the recognition of diversity. The federal structure of the Indian Constitution is an essential component of the country's constitutional set-up. The provisions of law relating to matters falling in the State and Concurrent Lists may vary from State to State. However, despite these variations, the Indian Constitution strives to maintain a single integrated system of courts that administers both Union and State laws. The law declared by the Apex Court, i.e. the Supreme Court of India, is binding on all courts within the territory of India. The federal structure of the Indian Constitution is crucial for maintaining a balance of power between the central government and the state governments, ensuring autonomy and regional representation. Federalism in India is a crucial aspect of the country's constitutional set-up, allowing for the distribution of powers between the central and state governments. Federalism in India is a unique and integral part of its constitutional framework, allowing for the division of powers between the central and state governments in order to promote effective governance, accommodate regional diversity, and ensure equal protection of laws. Federalism in India is a crucial aspect of the country's constitutional set-up, allowing for the distribution of powers between the central and state governments in order to promote effective governance, accommodate regional diversity, and ensure equal protection of laws.

### **The Structure of Indian Federalism**

The structure of Indian federalism is characterized by a bicameral legislative system at the national level, with a President as the head of state and a Parliament consisting of the Lok Sabha and the Rajya Sabha. The Parliament has the authority to legislate on subjects specified in the Union List, while the state legislatures have authority over subjects specified in the State List. The Concurrent List allows both the central and state governments to legislate on specific subjects. Overall, federalism in India plays a crucial role in maintaining a balance of power, promoting effective governance, accommodating regional diversity, and ensuring equal protection under the law. Federalism in India is a foundational element of the country's constitutional framework. # Federalism in India: A Closer Look

### **The Evolution of Federalism in India**

The concept of federalism in India has evolved over time, shaping the country's governance

and political landscape. The roots of Indian federalism can be traced back to the Government of India Act of 1935, which significantly influenced the drafting of the Indian Constitution. This historical context illuminates the gradual development of federal principles and the negotiation of power-sharing arrangements between the central government and the state governments. Furthermore, the ongoing evolution of federalism in India continues to be influenced by socio-economic factors, regional dynamics, and intergovernmental relations.

### **Regional Diversity and Effective Governance**

Federalism in India not only acknowledges the diverse cultural, linguistic, and ethnic identities across states, but also strives to accommodate and respect regional autonomy and representation. This recognition of regional diversity is essential for effective governance, as it allows for tailored policies and responsive governance structures that address the specific needs and aspirations of various regions within the country. The interplay between centralized frameworks and decentralized governance mechanisms shapes the multifaceted nature of federalism in India, contributing to the overall socio-political fabric of the nation.

### **Comparative Analysis: Indian Federalism vs. Global Federal Models**

**Indian federalism, with its unique blend of centralized and decentralized governance mechanisms, stands out as a prominent example in the global landscape of federal models. While federal systems across the world share common principles of power-sharing and autonomy, the Indian federal structure exhibits distinct characteristics that set it apart from its global counterparts.**

### **Adaptability and Diversity**

One striking feature of Indian federalism is its adaptability to accommodate diverse regional identities and cultural nuances within the country. Unlike some global federal models, India's federal structure is designed to address the complex interplay of linguistic, ethnic, and cultural diversity across its states. This adaptability fosters inclusive governance by allowing for the tailored development of policies and programs that resonate with the unique socio-cultural fabric of each region.

### **Intergovernmental Dynamics**

In the realm of intergovernmental relations, the Indian federal system navigates a delicate balance of collaboration, negotiation, and occasional conflicts between the central and state

governments. This dynamic reflects the nuances of managing a multi-tiered governance framework within the context of a vast and diverse nation. The collaborative decision-making processes and intergovernmental dynamics showcase the complexities and intricacies of Indian federalism in comparison to global federal models.

### **Socio-Economic Factors and Governance**

The intertwining of socio-economic factors with governance structures is a defining aspect of Indian federalism. The decentralized nature of governance in India, coupled with the recognition of regional autonomy, underscores the significance of tailoring policies to address the specific socio-economic challenges faced by diverse regions. This adaptive governance approach distinguishes Indian federalism from global federal models, where the socio-economic dynamics may vary in nature and scope.

### **Evolution of Federalism in Indian Political History**

The evolution of federalism in Indian political history reflects the country's journey towards a robust and adaptive governance framework. From its historical roots in the Government of India Act of 1935 to the intricate power-sharing arrangements enshrined in the Indian Constitution, the evolution of federalism has been shaped by a confluence of socio-economic, political, and regional dynamics.

### **Pre-Independence Foundations**

The foundations of Indian federalism can be traced back to the pre-independence era, where the demand for regional autonomy and representation laid the groundwork for a decentralized governance model. Movements for linguistic states and the quest for self-governance by princely states set the stage for the negotiation of federal principles that would later underpin India's political landscape.

### **Constitutional Framing and Power Distribution**

The framing of the Indian Constitution marked a pivotal juncture in the evolution of federalism, as it delineated the distribution of powers and responsibilities between the central government and the state governments. The intricate balance of authority specified in the Union List, State List, and Concurrent List, along with provisions for the delineation of financial resources, solidified the federal structure as a cornerstone of India's governance.

### **Adaptation and Response to Regional Dynamics**

The evolving nature of federalism in India is intricately linked to the country's response to regional dynamics and socio-economic imperatives. Over the years, the recognition of diverse

cultural identities and the accommodation of regional aspirations have influenced the adaptive nature of federalism, leading to the creation of new states and the empowerment of local governance bodies to address the unique needs of different regions.

### **Challenges Faced by Indian Federalism**

#### **Asymmetric Federalism and Regional Disparities**

The presence of regional disparities and asymmetric development across different states poses a significant challenge to Indian federalism. While the federal structure aims to accommodate diverse regional identities, the variations in socio-economic development and infrastructure across states highlight the need for targeted policy interventions and resource allocation to address these disparities and promote equitable growth.

#### **Center-State Relations and Autonomy**

The dynamics of center-state relations in India present an ongoing challenge to federalism, as the balance between state autonomy and national priorities often becomes a subject of contention. Striking a harmonious balance that respects the autonomy of states while aligning with national imperatives requires continual negotiation and consensus-building to ensure effective governance and policy implementation.

#### **Inter-State Water Disputes and Resource Management**

Inter-state water disputes and challenges related to the management of shared resources present a complex challenge to Indian federalism. The competing demands for water resources among states underscore the need for robust intergovernmental mechanisms and dispute resolution frameworks to address conflicts and promote sustainable utilization of shared resources while upholding the principles of cooperative federalism.

#### **Emerging Global Challenges and Federal Responses**

In an era marked by evolving global challenges such as climate change, pandemic response, and economic integration, Indian federalism confronts the task of aligning regional priorities with global imperatives. Adapting the federal framework to effectively address these global challenges while safeguarding regional interests necessitates a strategic and coordinated approach to governance and intergovernmental cooperation.

#### **Division of Powers: Centre vs. State Authorities**

The division of powers between the central and state authorities in India forms the bedrock of the country's federal structure, delineating the spheres of governance and authority for each

level of government. This division, enshrined in the Indian Constitution, establishes the framework for governance, law-making, and administrative responsibilities, aiming to maintain a delicate balance between national cohesion and regional autonomy.

### **Legislative Powers**

The delineation of legislative powers decisively outlines the scope within which the central and state authorities can enact laws. The Union List specifies the subjects over which only the central government can legislate, encompassing crucial aspects such as defense, foreign affairs, and banking. On the other hand, the State List empowers state legislatures to create laws on subjects such as public order, agriculture, and local government, thereby reinforcing the principle of decentralization and regional representation. The Concurrent List occupies a unique space, allowing both the central and state governments to enact laws on specified subjects such as criminal law, marriage, and bankruptcy, reflecting a form of cooperative federalism where overlapping jurisdiction necessitates collaboration between the different tiers of governance.

### **Administrative Powers and Responsibilities**

Beyond legislative authority, the division of administrative powers between the center and states configures the operational aspects of governance. The central government holds administrative jurisdiction over subjects listed in the Union List, enabling it to implement policies and programs related to defense, railways, and currency. Simultaneously, state governments administer matters within the State List, including land management, public health, and local planning, ensuring localized decision-making and responsiveness to regional needs. The Concurrent List once again assumes significance as it mandates concurrent administration by both central and state authorities, fostering collaborative efforts in areas such as education, forest conservation, and social welfare.

### **Financial Powers and Resource Allocation**

Financial powers constitute a critical dimension of the division of powers, delineating the mechanisms for resource allocation and fiscal management. The central government, through its authority over subjects in the Union List, wields significant control over key financial matters such as taxes on income, customs duties, and central excise. In contrast, state governments exercise fiscal autonomy through their jurisdiction over subjects in the State List, enabling them to levy taxes on agricultural income, land revenue, and goods vehicle taxes.

### **Evolution of Division of Powers**

**The evolution of the division of powers in India's federal framework reflects a dynamic interplay of historical, socio-economic, and political forces, mirroring the country's**

**journey towards a more inclusive and responsive governance structure. As India continues to navigate complex challenges and opportunities, the division of powers serves as a cornerstone for fostering cooperative federalism, accommodating diverse regional aspirations, and ensuring effective governance across the nation.**

### **Financial Relations in Indian Federalism: Ensuring Equitable Resource Allocation and Fiscal Management**

The financial dimension of Indian federalism intricately shapes the interplay of resource allocation, fiscal management, and economic development across the central and state authorities. As the federal structure endeavors to accommodate diverse regional needs while upholding national imperatives, the evolution of financial relations and mechanisms heralds critical implications for the equitable distribution of resources and the sustainability of governance.

### **Fiscal Federalism: Balancing Autonomy and Coordination**

Fiscal federalism forms the linchpin of financial relations in India, delineating the allocation of fiscal powers and responsibilities between the central and state governments. The principles of fiscal federalism seek to strike a balance between fiscal autonomy for states and the need for coordination to achieve national economic goals. This entails navigating the domain of revenue generation, taxation, and expenditure assignments while ensuring transparency, accountability, and efficiency in fiscal management across the federal structure.

The evolution of fiscal federalism in India reflects a trajectory marked by reforms aimed at empowering states with greater fiscal autonomy and flexibility, thereby fostering a more responsive and participative fiscal ecosystem that aligns with the aspirations and developmental priorities of diverse regions.

### **Intergovernmental Fiscal Transfers: Addressing Regional Disparities**

Intergovernmental fiscal transfers constitute a pivotal instrument in addressing regional imbalances and promoting inclusive growth within the Indian federal framework. Mechanisms such as the Finance Commission play a central role in determining the apportionment of central tax revenues to states, thereby mitigating fiscal disparities and bolstering the fiscal capacity of less prosperous regions.

The deliberations and recommendations of the Finance Commission underscore the imperative of equitable resource allocation, recognizing the diverse developmental needs of states and union territories while fostering fiscal sustainability and balanced regional growth. The

evolution of intergovernmental fiscal transfers reflects a concerted endeavor to strengthen the financial framework of Indian federalism, engendering a more robust and balanced fiscal architecture that aligns with the principles of cooperative federalism and inclusive development.

### **Challenges and Reforms in Fiscal Relations**

The landscape of fiscal relations in Indian federalism is not devoid of challenges, as issues pertaining to vertical and horizontal fiscal imbalances, tax harmonization, and fiscal discipline necessitate ongoing reforms and collaborative mechanisms to ensure fiscal prudence and balanced economic growth. Addressing these challenges calls for a paradigm shift towards a more transparent and harmonized fiscal regime that fosters fiscal discipline, efficiency, and accountability, thereby bolstering the foundations of cooperative federalism and sustainable development.

### **Amendments and Their Impact on Indian Federalism**

Amendments to the Indian Constitution have had a significant impact on the functioning of Indian federalism [3]. These amendments have addressed various aspects of federalism, including the distribution of powers between the central and state governments, financial relations, and the role of local governments. Furthermore, these amendments have sought to strengthen cooperative federalism by promoting greater collaboration and coordination between the central government and the state governments.

### **Future Outlook: The Trajectory of Federalism in India**

The trajectory of federalism in India holds immense potential for further evolution and refinement [4]. The journey of federalism in India is likely to witness ongoing reforms and adaptations in response to changing socio-political dynamics, emerging governance challenges, and the increasing demands of a rapidly transforming society. These future endeavors may include further decentralization of powers, strengthening of local governance institutions, and innovative approaches to address regional disparities and promote inclusive development [5]. The trajectory of federalism in India holds immense potential for further evolution and refinement. As India moves forward, it is crucial to continually assess and reevaluate the functioning of federalism, ensuring that it remains responsive, adaptive, and grounded in the principles of decentralization, cooperation, and mutual respect between the Union and States [4]. The trajectory of federalism in India is a dynamic and ongoing process, characterized by a constant strive for balancing regional aspirations with national unity [1]. In conclusion, federalism in India is an integral part of the country's constitutional framework,

aimed at striking a balance between regional autonomy and national unity. The future trajectory of federalism in India is likely to involve ongoing reforms and adaptations in response to changing socio-political dynamics and emerging governance challenges. These reforms may include further decentralization of powers, strengthening of local governance institutions, and innovative approaches to address regional disparities and promote inclusive development. Furthermore, the trajectory of federalism in India will also depend on the ability of the central and state governments to effectively collaborate and cooperate in addressing common challenges and fostering a harmonious relationship based on mutual understanding and respect. The trajectory of federalism in India holds immense potential for further evolution and refinement, as it seeks to strike a delicate balance between regional autonomy and national unity. In conclusion, federalism in India is an ongoing and dynamic process that is likely to witness continuous reforms and adaptations [5]. In conclusion, federalism in India is an ongoing and dynamic process that requires continual assessment and adaptation to address emerging challenges. In conclusion, federalism in India is an ongoing and dynamic process that requires continual assessment and adaptation to address emerging challenges. The trajectory of federalism in India holds immense potential for further evolution and refinement, as it seeks to strike a delicate balance between regional autonomy and national unity [1]. In conclusion, federalism in India is an ongoing and dynamic process that requires continual assessment and adaptation to address emerging challenges. The trajectory of federalism in India holds immense potential for further evolution and refinement, as it seeks to strike a delicate balance between regional autonomy and national unity.

#### **Key Legal Cases Shaping Federalism in India include:**

1. **Ganga Ram Moolchandani v. State of Rajasthan**, where the Supreme Court reaffirmed that the Indian Constitution is federal in form and marked by the traditional characteristics of a federal system.
2. **ITC LTD v Agricultural Produce Market Committee**, where the Supreme Court expressed a similar opinion about the federal nature of the Indian Constitution.
3. **Kesavananda Bharati vs. State of Kerala**, in which the Supreme Court established the "Basic structure doctrine" and ruled that while provisions of the Indian Constitution, including Fundamental Rights, can be amended, the Parliament cannot alter the basic structure of the constitution, such as secularism, democracy, federalism, and separation

of powers [4]. Therefore, federalism in India is characterized by a division of power between the Union and the states, an independent judiciary, and the recognition of the basic structure of the constitution that includes federalism as one of its fundamental principles [2]. In conclusion, federalism in India is an ongoing and dynamic process that requires continual assessment and adaptation to address emerging challenges [4]. In conclusion, federalism in India is an ongoing and dynamic process that requires continual assessment and adaptation to address emerging challenges. Federalism in India is an ongoing and dynamic process that requires continual assessment and adaptation to address emerging challenges. Federalism in India is an ongoing and dynamic process that requires continual assessment and adaptation to address emerging challenges. In conclusion, federalism in India is an ongoing and dynamic process that requires continual assessment and adaptation to strike a delicate balance between regional autonomy and national unity, ensuring the effective governance and development of the country.

### **Conclusion**

In conclusion, federalism in India is an ongoing and dynamic process that requires continual assessment and adaptation to address emerging challenges and strike a delicate balance between regional autonomy and national unity. The trajectory of federalism in India holds immense potential for further evolution and refinement, as it seeks to ensure the effective governance and development of the country while upholding the principles of decentralization, cooperation, and mutual respect between the Union and States. As India moves forward, it is essential to foster a harmonious relationship between the central and state governments, promoting inclusive development and addressing regional disparities through innovative approaches and further decentralization of powers. Ultimately, the future trajectory of federalism in India is likely to witness continuous reforms and adaptations in response to changing socio-political dynamics and emerging governance challenges, representing the country's commitment to unity in diversity and inclusive governance.## The Role of Federalism in Addressing Governance Challenges

Federalism in India plays a crucial role in addressing governance challenges by providing a framework for the division of powers between the central and state governments. This division of powers allows for better responsiveness to the diverse needs and aspirations of different regions within the country. Moreover, the presence of an independent judiciary, as upheld in

key legal cases such as Kesavananda Bharati vs. State of Kerala, reinforces the basic structure of the constitution, which includes federalism as a fundamental principle. This ensures that the principles of federalism remain protected and respected, contributing to the stability and fairness of governance in India. In addition, the ongoing reforms and adaptations in the trajectory of federalism are essential for addressing emerging governance challenges. As the socio-political dynamics of the country continue to evolve, federalism must adapt to effectively address issues such as regional disparities and inclusive development.

### **The Way Forward for Federalism in India**

Looking ahead, it is imperative for both the central and state governments to engage in effective collaboration and cooperation to tackle common challenges. By fostering a harmonious relationship based on mutual understanding and respect, the trajectory of federalism in India can further evolve and refine itself. Furthermore, the future trajectory of federalism in India should focus on promoting inclusive development and addressing regional disparities through innovative approaches. This may involve further decentralization of powers and the strengthening of local governance institutions to ensure that governance is responsive and inclusive at all levels. In conclusion, the future of federalism in India lies in its ability to adapt and reform in response to the evolving governance challenges while upholding the principles of decentralization, cooperation, and mutual respect. This ongoing process reflects India's commitment to unity in diversity and inclusive governance, paving the way for a more robust and responsive federal system that effectively addresses the needs of the nation. The completion of the sentence could be: "The future trajectory of federalism in India should prioritize inclusive development and address regional disparities through innovative approaches, further strengthening the collaboration and cooperation between the central and state governments to ensure effective governance at all levels. The completion of the sentence is: "The future trajectory of federalism in India should prioritize inclusive development and address regional disparities through innovative approaches, further strengthening the collaboration and cooperation between the central and state governments to ensure effective governance at all levels [1]." The completion of the sentence is: "The future trajectory of federalism in India should prioritize inclusive development and address regional disparities through innovative approaches, further strengthening the collaboration and cooperation between the central and state governments to ensure effective governance at all levels [6]. The completion of the sentence is: "The future trajectory of federalism in India should prioritize

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