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SHIFTING OF THE PARADIGM OF FEDERALISM TO COMPETITIVE COOPERATIVE

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ABSTRACT

Federalism in India is a complex and uniquely designed model of governance that balances unity and diversity across a vast and diverse population. India has a peculiar and complicated system of federalism. It simply means the division of power between the Centre and the states. India is said to have a quasi-federal system. If we examine the current scenario, there is significant development taking place in every field, which creates a strain between the Centre and the states. As competitive federalism can only encourage innovation and economic growth, the other states might not be able to get along with it. In cooperative federalism, the need for a strong, unified Centre is balanced with the need to preserve state autonomy and flexibility. In analysing the different types of federalism, it is vital to evaluate challenges and overcome those matters in question for strengthening federalism as a governing principle. This paper analyses the Competitive Cooperative Federalism approach, which will create healthy rivalry and support for the weaker states. These two words are the two sides of the same coin that need to be balanced for national development. The main focus will be on the hybrid model and government initiatives such as NITI Aayog, GST Council, and Made in India. These reflect not only cooperative but also competitive federalism.

Keywords: Federalism, Quasi Federal, Cooperative, Competitive Federalism, government initiatives.

INTRODUCTION

Federalism, in basic terms, is a design in politics in which power is divided between a central authority and different regional governments. It involves the sharing of the powers and the general political control. It means that the governing takes place at two chief levels. Inside a state, local governments may also exist. So, the entire thing boils down to the division of governmental powers between the centre and the states. The term federalism is derived from a

Latin word known as foedus. That word means treaty or covenant. In this system, a country is governed by two levels of government. The word federal is nowhere mentioned in the Indian Constitution. Yet, the way federalism functions in practice has resulted in concepts such as cooperative and competitive federalism in India. Co-operative federalism was built into the Indian Constitution right at the onset. In order to avoid mess and fights between the central and state jurisdictions, powers were clearly divided between the centre and the states. This division is one of the salient features of a federal constitution. Generally, there are two types of states. One is the union, and the other is federal. The Indian Constitution puts out different areas for laws in three lists. Those are the Union List, the Concurrent List, and the State List. They figure in the Seventh Schedule of the Constitution. Federalism is a system of government wherein a country is controlled by two levels of government.¹ Broadly, there are two kinds of states- Union and Federal. The Constitution of India enumerates various items of legislation in three lists: Union List, Concurrent List and State List in the VII Schedule of the Constitution.²

The Indian Constitution is, therefore, neither purely federal nor purely unitary but a combination of both. It is based on the principle that, in spite of federalism, the national interest and unity are paramount. The independent judiciary plays an important role as the final interpreter of the Constitution in the federal structure and upholds the constitutional values. Federalism in India provides a framework that supports governance at both the national and regional levels, permitting each government to function independently within its jurisdiction.³ According to Dicey⁴, Federalism means the distribution of the force of the state among a number of coordinate bodies, each originating in and controlled by the constitution.

Dr Ambedkar stated that- “The use of the term ‘Union’ is deliberate. Reason why the Drafting Committee has used it. The Drafting Committee wanted to make it clear that though India was to be a federation, the federation was not the result of an agreement by the states to join a federation, and that the federation, not being the result of an agreement, no state has the right to secede from it.” The Drafting Committee wanted to indicate that India was going to be a federation. But this federation had not been formed because states came into an agreement to

¹ Ambar Kumar Ghosh on “The Paradox of Centralised Federalism: An Analysis of the Challenges to India’s Federal Design” *ORF Occasional Paper* No. 272 (2020).

² M.P. Singh, *Constitution of India* 794 (EBC, Delhi, 2017).

³ Dr. Rahul Tripathi, “Federalism concept and its importance in democratic system” *International Journal of Management and Social Sciences Research (IJMSSR)* 2017.

⁴ K.C. Wheare, *Federal Government* 33 (Oxford University Press, London, 1963).

form one. Since it was not an agreement-based federation, no state could secede from it.

Article 1⁵ of the Constitution states, “India, that is Bharat, shall be a Union of States”. While the Constitution doesn’t mention the term “federal”, it does provide for a governance structure primarily federal in nature. It provides for separate governments at the Union and in the states.

Federalism is not only just a matter of Centre-State relations, but also it is a device to ensure a participative role of the state in the decision-making process. The essence of federalism is the existence of the Union and the states, and the distribution of powers between them by the written constitution. The government at the Centre and the government in the states share, on an agreed basis, the totality of governmental power without sacrificing their own fundamental political integrity.

Federalism means a proper respect for state functions, recognition of the fact that the entire country is made up of a Union of separate State governments, and continuance of the belief that the National Government will fare best if the States and their institutions are left free to perform their separate functions in their separate ways.⁶

EVOLUTION OF INDIA’S FEDERAL COMPACT

The federal architecture of the Republic of India, often described as quasi-federal, has been subject to continuous evolution since the Constitution's adoption. Initially characterised by centralised cooperation driven by the Planning Commission, the post-1991 economic reforms ushered in an era of Competitive Federalism, where states engaged in horizontal rivalry to attract investment and capital. However, contemporary discourse and institutional practice indicate a crucial synthesis: a move towards Competitive-Cooperative Federalism, where the former is strategically deployed within the larger mandate of the latter. This research paper explores this paradigm shift, arguing that while competition remains a powerful tool for efficiency, the ultimate national development mandate hinges on institutionalising and deepening genuine cooperation to ensure inclusive growth and effective governance.

⁵ Constitution of India, 1950.

⁶ Younger v. Harris, 401 U.S. 37 (1971), available at: https://www.ripublication.com/gjps/gjpsv1n1_02.pdf last visited 24 Oct 2025.

ANALYSE COMPETITIVE AND COOPERATIVE FEDERALISM

The concept of Federalism can be classified into two types based on the relationship between the Union Government and the State Governments. They are:

- Competitive Federalism
- Cooperative Federalism

COMPETITIVE FEDERALISM

The Competitive Federalism involves the competition between the States and the Centre for economic benefits, in respect of economic affairs. This concept became more prominent Post-1990 Economic Reforms. When India opened its doors and windows for Globalisation, there is now increasing competition between the States for the limited resources. This resulted in the imbalance and inequalities among the States.⁷

Competitive federalism refers to the existence and desirability of competition among governments and jurisdictions in a federal political system. Competition among governments can be defined as rivalry whereby each government attempts to obtain some scarce benefit or resource (e.g., foreign investment) or to avoid a certain cost (e.g., a large welfare population). Such competition is likely to occur in a federal system characterised by non-centralisation, by substantial self-governing authority on the part of the system's constituent governments (e.g., states or provinces) as well as the national government, and by population mobility between the system's constituent governments (e.g., many individuals moving from one state to another). Competition is likely to be stifled when a federal system is highly centralised, constituent governments enjoy little power, and population mobility is low.⁸

COOPERATIVE FEDERALISM

Cooperative Federalism is a concept or subset of federation where national, state and local government interact cooperatively and collectively to solve common problems and to deliver goods and services to the people. In Cooperative federalism, a horizontal relationship is seen between the centre and the state. They focus on National Development by working in the same direction. Cooperative federalism advocates a variety of issues and concerns of the States and

⁷ Anshu Pal, 'Analysis on Cooperative and Competitive Federalism in India' 2 *Indian Journal of Integrated Research In Law (IJIRL)*.

⁸ John Kincaid on Competitive Federalism available at <https://federalism.org/encyclopedia/no-topic/competitive-federalism/> last visited on 28 Oct 2025.

Union territories with the Ministers. There is no supremacy in this kind of federalism structure. The states and the centre have a healthy and flexible relationship and they have to work together. This concept of co-operative federalism helps in promoting co-operation between the states and minimises friction, which in turn helps in achieving desired goals. This coordination between the states helps in promoting public welfare. The states are not a part of the pact but rather a creation of the Constitution, which was designed by an assembly preferring centralised polity.⁹ The Centre has the largest amount of funds, and its position is such that it can help other states in meeting their demands. The Centre is also dependent on states for the implementation of laws that are made under the Concurrent list.¹⁰ Cooperative federalism is a tool that enables the states participation in the formulation and implementation of policies.¹¹

According to Granville Austin, Indian federalism demonstrated a cooperative federalism produces a strong central, or general, government, yet it does not necessarily result in weak provincial governments that are largely administrative agencies for central policies.

LEGAL FRAMEWORK SUPPORTING COOPERATIVE FEDERALISM

Article 1¹² of the Constitution states that “India shall be a Union of States.” This clarifies that the Union and the states are inseparable and are constitutionally obliged to cooperate.

Schedule 7 of the Constitution consists of three lists – the Union list, the state list and the Concurrent list, which lists down the subject matters on which the said authority can make laws. The matters that are mentioned in the Concurrent list are matters on which both the state and the union can make laws.

Article 263¹³ of the Indian Constitution establishes the Inter-State Council to investigate the subject matters that are of larger public interest. The council is responsible for making recommendations for better implementation and coordination between the centre and the state. This council has a function to resolve disputes arising between the states. It helps in promoting horizontal and vertical cooperation.

⁹ Anuradha Nagia, “New Dimensions in Federal Discourse in India: Competitive and cooperative” *International Journal for Research Publication & Seminar* (2022).

¹⁰ Priyanka Yadav on “Cooperative Federalism In India” 2 *Indian Journal of Integrated Research In Law*

¹¹ Sweety Sinha on “Competitive and Cooperative Federalism To Implement Sustainable Goals In Covid 19” 11 *International Journal Of Creative Research Thoughts (IJCRT)* (2023).

¹² Constitution of India, 1950.

¹³ Ibid.

The Central Council of Health has also been established under Article 263, as an advisory body whose functions are to recommend policies relating to health, make legislation and determine broad lines of policy, to examine the possibility of cooperation between states during times of quarantine and epidemics.

Article 282, the Union or State can make grants for public purposes even when the public purposes are beyond their respective legislative competences as laid down in the seventh schedule.

The Full Faith and Credit clause¹⁴ in Article 261 provides that all public acts, documents, and judicial proceedings of the Union and each State shall be given full confidence and credit throughout the territory of India. This is a step toward increasing collaboration and trust between the federal government and the states.

The States Reorganisation Act, 1956, introduced Zonal Councils between the centre and the States. There are 5 zonal councils– Northern, Eastern, Western, Central and Southern. All the states have equal representation. It aims to promote that the councils can discuss any matter that is presented before them by the States where they have a common interest.¹⁵

NITI AYOOG -The replacement of Planning Commission and the formation of NITI AYOOG (National Institution for Transforming India) by the NDA led Narendra Modi Government is itself an initiative to boost and improve cooperation between the Union and the States, to provide best technical advice to both the Union and the States and to ingrain best practices and policies in the country from worldwide ensuring that India becomes an active player in the global world.¹⁶

COMPETITIVE TO COOPERATIVE FEDERALISM WAS AN IMAGINATIVE DESIRE

There have been basically two kinds of concerns addressed by the present government under Prime Minister Narendra Modi for creating an environment of cooperative federalism.

¹⁴ M P Jain, *Indian Constitutional Law* (Lexis Nexis, Gurugram, 9th edn., 2024)

¹⁵ Priyanka Yadav, “Cooperative Federalism In India” 2 *Indian Journal of Integrated Research In Law (IJIRL)*.

¹⁶ Leena Chandran, “Nature Of Federalism In India: An Overview” 4 *International Journal of Law Management and Humanities* (2021).

1. The central government has addressed questions concerning more autonomy to the states, as they have important and practical implications for cooperative federalism.
2. The Central government has come out with new policies giving more financial autonomy to States with respect to fiscal reforms. The financial autonomy given to States in the 'Make In India' initiative and the introduction of GST are examples of competitive federalism.

The concept of cooperative federalism vis-a vis its relation to the centre and between states makes sense only with an analysis of the working of the constitution. The first kind of tension relates to central policies protecting national interests that have taken centre stage recently. The second kind refers to cooperation between different States in India by safeguarding each State's regional identity and liberty. These constitutional principles clearly show that in the working of Indian democracy, the Union has an unquestionable predominance over the States, and hence different modes of interaction with one another have been instrumental in the development of cooperative federalism. It is filled with tension and cooperation, trust and distrust in maintaining unity with the centre and with other states.¹⁷

IN CURRENT SCENARIO

In recent events, PM Modi directly asserts the need for "competitive, cooperative federalism" for taking the country forward, explicitly stating the goal is "healthy competition for development." This directly validates the central argument that the current administration views the synthesis of competition and cooperation as deliberate policy, not an accidental outcome.

1. Viksit Bharat

The statement counters allegations of insufficient support to state governments by understanding states expectations and roadblocks. This provides a political and empathetic foundation for the cooperative dimension, affirming that the Centre is positioned to be a facilitator (removing obstacles) rather than a blocker. He highlighted that maximising attention to "regional aspirations" is mandatory to fulfil the dream of a 'Viksit Bharat,' underscoring the inclusivity and equity goals of the cooperative pillar.

¹⁷ Dr. Benny Joseph, "The Efficacy of Competitive And Cooperative federalism In India and Its Implication"⁶ *International Journal for Creative Research And Thoughts (IJCRT)* (2018)

The 10th meeting of the NITI Aayog Governing Council was held under the theme- *Viksit Rajya for Viksit Bharat@2047*. The meeting underscored the significance of fostering cooperative federalism to achieve national development objectives.¹⁸

2. COVID 19

PM Modi's remarks on COVID-19 with respect to federalism highlight the spirit of cooperative federalism enshrined in the Indian Constitution. He frequently engaged in consultations with Chief Ministers through video conferences to coordinate decisions related to lockdowns and containment measures. Modi acknowledged the critical role played by both Central and State governments in fighting the pandemic, emphasising that cooperation, not confrontation, was essential for an effective response.

During the pandemic, although the Central government initially took a strong unitary approach by imposing a nationwide lockdown on short notice, it later incorporated more consultations with states, empowering them to decide containment zones and manage local health infrastructure. This cooperative approach helped improve healthcare facilities and resource allocation. Modi pointed out that states worked as a team, with many reducing taxes on petrol and diesel as a measure of economic cooperation during the crisis. The PM also recognised the importance of states' experiences and capacities in managing the crisis effectively. He stressed that the pandemic underlined the necessity of strengthening cooperative federalism since no single government level could handle such a complex crisis alone. The overall assessment is that India's fight against COVID-19 was marked by a balance of strong Central leadership and increasing state involvement through cooperative federalism, which was vital for the nation to manage health and economic challenges during the pandemic.

3. G.S.T Council

Chief Justice of India D Y Chandrachud described the introduction of the Goods and Services Tax (GST) as a classic example of cooperative federalism in India. He emphasised that cooperative federalism is a system where the Centre and the states work together to resolve their differences and achieve the common goal of

¹⁸ Niti Aayog Calls For Cooperative Federalism available on <https://www.drishtias.com/daily-updates/daily-news-analysis/niti-aayog-calls-for-cooperative-federalism> last visited on 29 Oct 2025.

development.¹⁹ Justice Chandrachud noted that the courts have evolved a robust jurisprudential framework to protect states' rights and promote their identities within the federal structure, with GST being a key example of this dynamic federalism in action.

The Chief Justice highlighted that the GST Council, which comprises representatives from both the Centre and states, functions as a forum for dialogue, balancing cooperation and contestation. The Goods and Services Tax (GST) Council is a unique federal body established under Article 279A of the Indian Constitution, designed to embody cooperative federalism in India's fiscal structure. The GST Council's establishment represents a significant realignment in India's federal fiscal relations, as it pools sovereign taxation powers of both levels of government. The Council recommends tax rates, exemptions, and policies related to GST, balancing the interests of economically diverse states and the Central government. States hold two-thirds of the voting power, while the Centre has one-third, emphasising a federal accommodation. Supreme Court ruling in the case²⁰ that GST Council recommendations are not binding on the Union and State legislatures, emphasising the persuasive nature of cooperative fiscal federalism.

Though the Constitution allows for decision-making by a three-fourths majority, the Council has so far relied on consensus, reinforcing unity and cooperation. Overall, the GST Council stands as a pioneering institution in Indian cooperative federalism, aiming to harmonise tax policies while respecting the federal balance between the Centre and States.

4. Revitalisation of Zonal Councils

The Union Home Minister, chairing recent meetings of Zonal Councils, exemplifies the effort to transform these bodies from mere advisory platforms to action platforms for resolving disputes related to infrastructure, mining, and border issues, promoting a regional cooperative spirit.

5. Performance-Linked Borrowing

The Finance Commission continues to recommend performance-linked incentives,

¹⁹ GST A Classical Example of Collaborative Cooperative Federalism: Chief Justice available at <https://www.ndtv.com/india-news/gst-a-classical-example-of-collaborative-cooperative-federalism-chief-justice-6880423> last visited on 30 Oct 2025.

²⁰ Union of India vs Mohit Minerals Pvt. Ltd. (2022)

such as providing states with additional borrowing room contingent on undertaking power sector reforms (e.g., reducing operational losses). This directly links cooperative compliance with national policy goals (power sector reform) to competitive fiscal reward (increased borrowing).

6. National Education Policy, 2020

The National Education Policy (NEP) 2020 aims to reform India's education system from early childhood to higher education by introducing flexible, skill-based learning and digital education. However, the NEP has highlighted challenges in cooperative federalism in India because education is a subject where both the Central and State governments have powers. While the central government wants a uniform implementation of NEP, many states want to maintain their own policies, especially on sensitive issues like language and education.²¹

In simple terms, NEP 2020 is a major education reform that seeks to modernise learning, but its success depends on respect and collaboration between the Centre and the States. The policy's implementation has exposed the tension between a national vision and states' rights to govern education independently. For NEP to work well, there must be mutual respect, flexibility, and dialogue, allowing states to adapt the policy according to their unique needs and identities, rather than enforcing a one-size-fits-all approach.

The game changer was the 42nd Amendment to the Constitution in 1976, which dramatically altered the balance in favour of the Union government. In a major departure from the original constitutional division of powers, the 42nd Amendment moved education to the Concurrent list."

ISSUES AND CHALLENGES IN THE DUAL DYNAMIC

1. Imbalance in Development and Availability of Resources: Poorer states lack the infrastructure, skilled workforce, and resources to compete on an equal footing with richer states due to which the playing field of competitive federalism is unequal. Their need is for support from the Centre for balanced growth.

²¹ Niranjan Sahoo on The National Education Policy 2020 and the Future of cooperative Federalism In India available at <https://www.orfonline.org/expert-speak/the-national-education-policy-2020-and-the-future-of-cooperative-federalism-in-india> last visited on 30 Oct 2025.

2. There is a delicate balance between cooperation and competition, both of which cannot be easily achieved at a national level. While cooperation builds unity, too much competition may lead to unhealthy rivalries or compromise the attainment of group objectives.
3. Policy Implementation: Even when cooperative programs or schemes are designed, actual implementation at the state or local levels can face resistance owing to variable administrative capacities and priorities.
4. Level Playing Field for States: Resources, financial allocations, and policy support must be evenly matched to have genuine competition among states. The role of the Fifteenth Finance Commission becomes important in effectively distributing resources.
5. Empowerment of Local Government: The need to implement the 74th Constitutional Amendment to empower the local government fully in order to bring grassroots development and competitiveness.
6. Impact of Crises like COVID-19: The pandemic showed that individual efforts by states are not sufficient, and a strong spirit of cooperation is called for in national emergencies, but competition spurs innovation and preparedness.

CONCLUSION

There is a shift from strictly following one type of federalism and adopting the dual model of federalism. Earlier, it was more inclined towards competitive federalism, but with the time-changing and change in circumstances, it is practicing cooperative federalism, which is a mix of cooperation and competition between the Central government and States to boost the country's overall development. Cooperative Federalism implies Centre-State collaboration where both share resources and ideas to solve common problems and develop the country. The two work in tandem: cooperation ensures unity and shared progress, while competition ensures efficiency and faster development. The PM refers to it as "Competitive Cooperative Federalism" and feels this will help India achieve the goals of development by 2047. But for this, poorer States have to be helped by the Centre to compete with fairness, and resources have to be allocated with a lot of thoughtfulness to create a level playing field. Strengthening the local governments and balanced cooperation and competition will better prepare India to face the challenges of the future.

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