

Cooperative Federalism in India - A Myth or Reality

Current scenario and evolution over the years:

Cooperative federalism in India refers to a system of governance where the Centre and the states work together harmoniously, sharing responsibilities and powers for the collective development of the country. While the Constitution provides a division of powers through the Union, State, and Concurrent Lists, the spirit of cooperative federalism encourages coordination, consultation, and shared decision-making, rather than competition or confrontation. Over the decades, India's federal structure has evolved from a unitary bias at independence to a more balanced model that recognizes the diversity, autonomy, and aspirations of its states while ensuring national unity and security.

At the time of independence in 1947, the Indian federal structure was heavily skewed toward the Centre. This design was deliberate, as the newly independent nation faced challenges such as partition-related violence, integration of princely states, refugee rehabilitation, and economic uncertainty. The Constitution's provisions, especially Article 356 allowing President's Rule and the central government's dominance over financial resources, reflected the need for a strong Centre during the formative years. However, as the political landscape matured, demands for greater state autonomy emerged, and efforts were made to recalibrate the relationship between the Union and its constituent states.

The evolution of cooperative federalism can be traced through various milestones. The creation of linguistic states in the 1950s and 1960s, based on regional identity and cultural demands, marked the recognition of state aspirations within the federal framework. This development strengthened the states' role in governance while also compelling the Centre to negotiate, consult, and accommodate regional demands. The reorganization of states led to greater political participation and representation, ensuring that governance structures were more inclusive.

The establishment of constitutional bodies like the Finance Commission and the Inter-State Council further institutionalized cooperation. The Finance Commission, mandated under Article 280, plays a crucial role in distributing financial resources between the Centre and the states, helping balance disparities and enabling states to implement welfare programs. Similarly, the Inter-State Council, formed under Article 263, serves as a platform for dialogue, dispute resolution, and coordination between the Centre and states, promoting consultation over unilateral action.

The 1980s and 1990s witnessed a growing coalition era in Indian politics, where no single party held absolute power at the Centre. This political fragmentation necessitated collaborative governance, as regional parties gained influence in forming alliances and

determining policy directions. The rise of regional parties led to greater negotiation and power-sharing, compelling the Centre to adopt accommodative policies and consultative mechanisms in areas like economic reforms, infrastructure development, and social welfare schemes.

The economic liberalization of the 1990s also played a key role in fostering cooperative federalism. With reforms aimed at deregulation, foreign investment, and market integration, states were required to actively participate in policy implementation. Economic competition among states, while intense at times, spurred innovation and infrastructural growth. At the same time, the Centre promoted collaborative programs and public-private partnerships, emphasizing intergovernmental coordination in areas such as energy, transportation, education, and health.

In recent years, cooperative federalism has further evolved with the creation of forums such as the Goods and Services Tax (GST) Council. The GST regime, launched in 2017, represents a significant institutional arrangement where both the Centre and the states share tax-related responsibilities. The Council provides a structured decision-making process where states are stakeholders, ensuring that taxation policies are framed through consensus rather than unilateral imposition. This model reflects an advanced form of fiscal federalism rooted in cooperation and shared responsibility.

The current scenario of cooperative federalism is shaped by both challenges and opportunities. On the one hand, there is an increased recognition of the need for collaborative action in areas such as disaster management, climate change, public health emergencies like the COVID-19 pandemic, and infrastructure development. The Centre and states have worked together through coordinated responses, sharing expertise, financial assistance, and administrative resources to address crises.

On the other hand, tensions persist. Political differences between state governments and the ruling party at the Centre sometimes lead to friction, especially in areas related to resource allocation, implementation of centrally sponsored schemes, or governance oversight. Some states feel that financial dependencies and regulatory constraints imposed by the Centre undermine their autonomy, while others argue that stronger coordination is necessary to address national challenges. Disputes over the use of Article 356, control over law and order, and distribution of centrally allocated funds have also contributed to strains in the cooperative model.

Despite these tensions, cooperative federalism continues to be a guiding principle for governance in India. Institutional mechanisms such as the Finance Commission, NITI Aayog, GST Council, and Inter-State Council provide platforms for negotiation, dispute resolution, and joint planning. Civil society engagement, judicial interventions, and media scrutiny further reinforce accountability and transparency, promoting a culture of consultation.

Looking ahead, cooperative federalism is likely to deepen as India grapples with complex challenges such as urbanization, environmental sustainability, economic inequality, and technological transformation. The Centre's emphasis on schemes like digital governance, skill development, and public health partnerships increasingly requires states to play an active role in implementation and feedback. Similarly, states are engaging with each other through regional alliances to share best practices, coordinate infrastructure projects, and address cross-border challenges.

In conclusion, cooperative federalism in India has evolved from a Centre-dominated model to a more balanced, consultative, and participatory framework. It has been shaped by historical circumstances, political developments, economic reforms, and constitutional innovations that encourage shared governance. While challenges stemming from political rivalry, resource disparities, and administrative complexities persist, institutional mechanisms and democratic engagement continue to promote cooperation between the Centre and the states. The success of cooperative federalism will depend on the ability of political leaders, administrators, and civil society to foster trust, dialogue, and mutual respect, ensuring that governance remains inclusive, accountable, and responsive to the diverse needs of India's population.

Here's a descriptive explanation on **legal experts' opinions on whether cooperative federalism in India is a myth or a reality**, written continuously and thoughtfully:

Legal experts have extensively debated whether cooperative federalism in India is a constitutional ideal that has been realized in practice or merely a political myth used to justify central interventions while projecting a facade of partnership. Their opinions reflect a nuanced understanding of India's federal structure, recognizing both the constitutional commitment to shared governance and the political realities that often hinder its full implementation.

Some constitutional scholars argue that cooperative federalism is more of an aspirational principle than an actual practice. They point out that, while the Constitution emphasizes consultation and coordination through bodies like the Inter-State Council and the Finance Commission, these mechanisms are often underutilized or lack binding authority. They argue that fiscal dependency of the states on centrally allocated funds, the appointment of Governors by the Centre, and the frequent invocation of Article 356 to dismiss state governments have created structural imbalances that dilute state autonomy. In their view, cooperative federalism remains a rhetorical device employed to mask central dominance while appearing to respect regional aspirations.

These critics highlight several instances where states have been compelled to accept centrally sponsored schemes with rigid guidelines and inadequate financial support, undermining their ability to craft policies suited to local conditions. They further note that political polarization between state and central governments often leads to administrative deadlock, mistrust, and

public posturing. For these experts, the cooperative model exists more in speeches and policy documents than in everyday governance, particularly when state governments are governed by opposition parties.

On the other hand, several legal experts and policymakers argue that cooperative federalism, while imperfect, is a living reality that continues to evolve through practice, negotiation, and judicial oversight. They contend that India's federal experience cannot be judged solely by instances of tension or conflict, as such occurrences are inherent to any diverse, democratic polity. According to them, mechanisms like the Finance Commission, GST Council, and NITI Aayog demonstrate a growing trend toward partnership, especially in areas requiring joint planning, revenue sharing, and national crisis management.

These experts emphasize that cooperative federalism has been strengthened through the judiciary's intervention to limit the misuse of constitutional provisions like Article 356. Landmark rulings, such as the S.R. Bommai case, have underscored that constitutional morality, legislative accountability, and floor tests are essential to preserving democratic governance. In this sense, they argue that the judiciary plays a vital role in transforming cooperative federalism from a theoretical principle into a legal safeguard against arbitrary action.

Moreover, proponents of cooperative federalism cite real-world examples where states have collaborated effectively with the Centre to address issues of national importance. The coordinated response during natural disasters, the joint implementation of health programs, and the structural reforms brought about by the GST framework are seen as milestones that reflect increasing interdependence. These efforts, they argue, show that cooperative federalism is not merely a myth but a practical governance model evolving through experience and adaptation.

A growing body of legal thought also suggests that cooperative federalism in India is dynamic rather than static. Experts highlight that federal relations are shaped by changing political equations, socio-economic challenges, and global trends, making cooperation both a necessity and a process that requires continuous negotiation. They advocate that cooperative federalism should be understood not as a perfected state of governance but as an ongoing project that demands institutional reform, transparency, and mutual trust.

Some experts go further to suggest that cooperative federalism's success depends on the political culture of the country. Where governments prioritize dialogue, consensus-building, and decentralization, cooperation flourishes. Where centralization and partisanship dominate, friction prevails. Thus, they argue that cooperative federalism's reality is contingent upon leadership, constitutional adherence, and citizen engagement.

Legal experts' opinions on cooperative federalism in India are divided between those who see it as a myth rooted in political expediency and those who view it as an evolving reality shaped by institutional mechanisms and democratic engagement. While critics point to structural

imbalances, fiscal dependency, and central interference as factors that weaken cooperation, proponents highlight judicial interventions, institutional platforms, and practical examples of coordination as evidence of cooperative federalism's viability. Both perspectives converge on one important understanding—that cooperative federalism is neither fully realized nor entirely fictional but a constitutional ideal whose success depends on deliberate effort, political will, and sustained institutional reform. The ongoing challenge is to ensure that cooperative federalism transcends rhetoric and becomes a functional, accountable, and inclusive framework for governance across India's diverse states.

Arguments in favour of cooperative federalism in India:

Cooperative federalism is widely supported by legal experts, policymakers, and scholars who believe it is essential for ensuring balanced governance, national integration, and socio-economic development in a diverse and pluralistic country like India. The arguments in its favour are rooted in constitutional principles, practical governance needs, and the socio-political complexities of India's federal structure.

One of the strongest arguments in favour of cooperative federalism is that it helps maintain national unity while respecting regional diversity. India's vast geography, linguistic plurality, cultural variations, and socio-economic disparities make centralized governance impractical and inefficient. Cooperative federalism allows states to participate in policy formulation and implementation, ensuring that governance is tailored to regional needs without threatening the integrity of the nation. By promoting consultation and negotiation, cooperative federalism reduces the likelihood of alienation and separatism, which is critical for sustaining national harmony.

Another significant argument is that cooperative federalism strengthens democratic governance by encouraging dialogue, transparency, and accountability between the Centre and states. Rather than unilateral decision-making, cooperative mechanisms require both levels of government to consult, coordinate, and negotiate solutions. This fosters a culture of shared responsibility, where decisions reflect the collective wisdom of diverse stakeholders rather than the priorities of a single authority. Institutional bodies such as the Inter-State Council and the GST Council exemplify how structured consultations can lead to more informed, inclusive, and legitimate decision-making.

Cooperative federalism is also seen as a necessary condition for efficient economic management and development planning. The Union government controls significant financial resources, but states are responsible for implementing welfare schemes, infrastructure projects, and local governance. A collaborative approach ensures that resources are allocated fairly, that policies are designed with local realities in mind, and that developmental programs are implemented efficiently. For instance, centrally sponsored schemes for education, healthcare, and rural development have been more effective where states are active participants in planning and monitoring.

Fiscal federalism, a key component of cooperative federalism, enables equitable sharing of revenue and financial responsibilities. The Finance Commission's recommendations on tax devolution and grants-in-aid are grounded in the principle that states need adequate resources to perform their functions. By working together, the Centre and the states can design tax regimes, such as the GST, that are fair and sustainable, while addressing regional disparities and encouraging economic growth. Cooperative fiscal arrangements create a sense of interdependence, helping states access resources while contributing to national economic stability.

Another argument in favour of cooperative federalism is that it enhances responsiveness and accountability. States are closer to the people and more aware of their specific needs, while the Centre brings in broader perspectives, expertise, and regulatory frameworks. Cooperative arrangements leverage both levels of government, combining local knowledge with national oversight. This partnership helps ensure that policies are responsive to the grassroots and are implemented effectively while upholding constitutional safeguards.

Cooperative federalism is also critical during national emergencies or crises. Whether responding to natural disasters, pandemics, or security threats, coordinated action between the Centre and the states is essential. Cooperative mechanisms ensure that relief funds, medical resources, and administrative support are shared in a timely and efficient manner. The COVID-19 pandemic underscored the importance of such coordination, where both levels of government worked together on containment strategies, vaccination drives, and economic recovery plans.

Legal scholars further argue that cooperative federalism aligns with the spirit of constitutional morality. The Indian Constitution, while granting specific powers to the Centre and states, envisions a system where both act in the interests of justice, equality, and welfare. Cooperation reinforces constitutional norms by encouraging consultation, safeguarding minority rights, and promoting accountability in governance. Judicial rulings that insist on floor tests, transparency, and adherence to constitutional provisions strengthen this cooperative ethos, making governance more aligned with democratic values.

Cooperative federalism also encourages peaceful resolution of disputes. Many inter-state issues, such as water sharing, border conflicts, and law enforcement, require negotiation and mutual understanding rather than coercive enforcement. Through dialogue and consensus-building, cooperative federalism provides institutional frameworks where disputes can be addressed constructively, preventing prolonged conflicts and fostering goodwill among states.

Additionally, cooperative federalism promotes innovation and learning by allowing states to experiment with policies suited to their local conditions. States that perform well in sectors like education, healthcare, or governance reforms can serve as models for others, creating a culture of shared learning and mutual assistance. Such exchanges strengthen governance systems and encourage best practices, contributing to overall national development.

Finally, cooperative federalism nurtures political stability by reducing the adversarial nature of Centre-State relations. When both levels of government view each other as partners rather than competitors, political tensions are diffused, and constructive dialogue becomes the norm. This stability is particularly important in a democracy where frequent elections and coalition governments are common, requiring constant negotiation and accommodation.

Arguments in favour of cooperative federalism rest on its ability to balance unity and diversity, foster democratic values, ensure economic efficiency, promote accountability, and enhance governance. It is a model that recognizes India's complexity and offers a framework for shared decision-making that respects regional identities while serving national interests. By encouraging dialogue, trust, and partnership, cooperative federalism provides the foundation for sustainable development, social justice, and constitutional governance, making it an indispensable principle for the future of India's democratic structure.

Arguments that say cooperative federalism in India is a myth:

Despite its constitutional appeal and institutional frameworks, many legal experts, political analysts, and scholars argue that cooperative federalism in India is more of a myth than a functioning reality. Their critique is rooted in historical experiences, political behavior, and structural inequalities that, in their view, prevent true cooperation between the Centre and the states.

One of the strongest arguments is that the Constitution, while providing for federal governance, has embedded provisions that inherently favor central dominance. Experts point out that Articles such as 356 (President's Rule), 352 (Emergency provisions), and others give the Centre extensive powers to intervene in state affairs. The frequent use of Article 356 in the past, often for partisan purposes, is cited as proof that states are unable to exercise their constitutional autonomy without fear of dismissal or coercion. This centralization of power, they argue, undermines the spirit of cooperation and renders the cooperative federal framework more symbolic than substantive.

Another major argument is the fiscal imbalance between the Centre and the states. Though states are tasked with implementing welfare schemes and development programs, they are often heavily dependent on centrally allocated funds. The distribution of tax revenues, grants-in-aid, and centrally sponsored schemes is frequently criticized for being skewed toward politically aligned states. Smaller or opposition-led states claim that financial allocations are used as a tool for political control, reducing their ability to function independently. This dependence makes states more vulnerable and less empowered, raising doubts about their capacity to participate as equal partners in governance.

Legal experts also question the efficacy of intergovernmental forums like the Inter-State Council or NITI Aayog. While these bodies exist on paper to facilitate dialogue and coordination, critics argue that they lack binding authority or enforcement mechanisms. Decisions often remain advisory, and states are left to implement policies at the Centre's

discretion. Without clear constitutional or legal obligations, these forums fail to transform cooperative federalism from a consultative exercise into a functional governance mechanism.

The appointment of Governors by the Centre is frequently cited as another example of how cooperative federalism is compromised. Governors, rather than being impartial constitutional authorities, are seen as extensions of central political interests. Their involvement in decisions such as inviting parties to form government, recommending President's Rule, or delaying assent to state bills reinforces the perception that states cannot act autonomously. Several commissions and reports have criticized this practice, yet it continues, undermining the neutrality that cooperative federalism requires.

Political polarization is another major reason why cooperative federalism is considered a myth by some experts. In states ruled by opposition parties, confrontational relations with the Centre often lead to stalled programs, bureaucratic obstruction, and mutual distrust. States accuse the Centre of withholding funds, ignoring regional issues, or imposing policies without consultation, while the Centre views state governments as obstructionist or politically motivated. These adversarial relations, critics argue, highlight that cooperation depends less on constitutional principles and more on political convenience.

Additionally, critics argue that centrally sponsored schemes are often designed in ways that leave little room for regional customization. Guidelines, funding patterns, and implementation procedures are controlled by the Centre, limiting states' ability to tailor programs to local needs. As a result, states may be compelled to comply with uniform policies that are neither efficient nor contextually relevant. This top-down approach is seen as contrary to cooperative federalism's promise of decentralized governance and joint planning.

Judicial interventions, while appreciated for curbing misuse of powers, are also cited as indicators that cooperative federalism is failing in practice. Courts have had to repeatedly step in to ensure that Governors act fairly, that floor tests are conducted to prove majority, and that President's Rule is not arbitrarily imposed. Experts argue that judicial involvement should be a safeguard, not a routine necessity, and that frequent litigation signals structural flaws in governance rather than genuine cooperation.

The GST Council, often presented as a model of cooperative federalism, is also criticized by some experts as being dominated by the Centre. While the Council's structure includes representation from states, decision-making is influenced by the Centre's ability to shape tax policy and compensation schemes. Smaller or less politically influential states argue that they have limited power to negotiate terms that are more aligned with their economic needs, further reinforcing the argument that cooperation is constrained by power imbalances.

Furthermore, critics highlight that cooperative federalism is uneven across regions. Some economically stronger or politically aligned states benefit from better coordination with the Centre, while poorer or opposition-led states face administrative hurdles. This inconsistency

weakens the claim that cooperative federalism is a national framework, as it fails to guarantee uniform cooperation across states.

Lastly, experts who view cooperative federalism as a myth contend that it is often invoked rhetorically by political leadership to project a façade of partnership while pursuing centralized control. They argue that cooperative federalism is celebrated in speeches, policy documents, and forums but is rarely translated into consistent, empowering practices that respect state autonomy. Arguments against cooperative federalism paint it as a myth because structural inequalities, political interference, fiscal dependence, and institutional weaknesses compromise its effectiveness. While the Constitution envisions cooperation, critics believe that power asymmetries, partisan politics, and procedural ambiguities prevent it from being a lived reality. They call for deeper reforms, clearer accountability, and a genuine commitment to decentralization if cooperative federalism is to move beyond symbolism and serve as a true framework for balanced, participatory governance in India.