
FEDERALISM IN INDIA AND USA: A COMPARATIVE ANALYSIS

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Introduction

A political system called federalism is founded on the division of powers between a national government and local governments. Numerous nations, including India and the United States, have adopted this method. Depending on the political system and constitutional framework of a nation, the relationship between the federal government and subnational governments can be divided in different ways.

The constitutional law is made up of both laws in the literal sense and customs, or conventions, that everyone involved in government accepts as binding even though they are not laws. In the sense that their violation may result in legal action being taken, many guidelines and practices are not required by the law.

Only because it is claimed that the Indian Constitution clearly delineates the boundaries between the federal and state governments in a manner comparable to the United States and that legislative and executive power is split between the federal government and the states.

In India, federalism is enshrined in the Constitution, which defines the powers and functions of the central government and state governments. India is a parliamentary democracy, where the central government is responsible for the administration of the country's affairs and is accountable to the Parliament. State governments are responsible for the administration of their respective states and are accountable to the State Legislatures.

Federalism is protected in the United States by the Constitution, which outlines the roles and responsibilities of the federal and state administrations. In a federal republic like the United States, the federal government is in charge of running the country's matters and is answerable to Congress. The governance of each state is the responsibility of the state governments, who answer to the state legislatures.

This study paper compares and contrasts the federal systems in the United States and India. We can learn more about each system's advantages and disadvantages as well as chances for growth and development by comparing and contrasting the two systems.

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Historical Context

The political and economic dynamics that influenced the growth of India's and the United States' federal systems, as well as the difficulties and opportunities that have arisen over time, are all better understood in light of the historical context of federalism in both countries.

The development of their federal systems, as well as the political and economic variables, are better understood when looking at the historical context of federalism in India and the United States. The need to suit the various linguistic, cultural, and regional identities of the nation in India gave rise to federalism. India transitioned to a federal structure of government in 1947, when it became independent from British colonial control. The 1950 Indian Constitution established a bicameral legislature, a judiciary, and an electoral system while allocating authority between the national government and state administrations. The Indian Constitution created a powerful central government with broad authority over matters of foreign policy, national security, and other crucial areas. In addition, it gave state governments some latitude in fields like social welfare, health care, and education. India's federal system has experienced a number of changes over the years, including the emergence of new political challenges like separatist movements and regional conflicts as well as the creation of new states and the enlargement of central government authority.

The need to strike an equilibrium between the authority of the federal government and the autonomy of the various states led to the development of federalism in the United States. The US Constitution, which was approved in 1787, established a system of checks and balances and divided power between the federal and state governments. The US Constitution established a weak central government with few powers while giving states considerable authority in areas

like social welfare, health care, and education. The federal government has gained more authority in areas like civil rights, environmental protection, and national security as the balance of power between the federal and state governments has changed over time. The US federal system has changed over time as a result of the abolition of slavery, the growth of the federal government's authority, and the rise of fresh political issues like secessionist movements and civil rights battles.

Overview of the Indian and American Federal Systems

The United States and India are two well-known examples of federal nations that have implemented various models of federalism. The federal system in India is founded on the idea of cooperative federalism, in which the federal government and state governments collaborate to accomplish shared objectives. The dual federalism system used in the United States, in comparison, allows the federal government and state governments to exercise independence within their respective spheres of power.

Indian Federal System:

The central government, state governments, and local governments make up the three tiers of the Indian federal form of government. State governments have authority over issues of local and regional significance, such as education, healthcare, and law and order, while the federal government is in charge of matters of national consequence, such as foreign policy, defense, and monetary policy. The provision of essential services to residents is the responsibility of local governments, which include urban and rural entities.

The Union List, State List, and Concurrent List are the three lists that the Indian Constitution uses to define the division of authority between the national government and state administrations. Defense, foreign policy, banking, and other areas that fall solely under the authority of the federal government are included on the Union List. Public order, health, agriculture, and water are among the topics on the State List that fall under the purview of the state administrations. Education, social protection, and welfare are among the topics on the Concurrent List that fall under the joint jurisdiction of the federal and state governments.

American Federal System:

The dual federalism theory, in which the federal government and state governments separately

exercise their respective powers, is the foundation of the American federal system. The United States Constitution grants the central government the authority to regulate commerce, create money, and manage foreign policy. The state governments are reserved with the authority not granted to the central government. The division of powers in the United States is founded on the doctrine of implied powers, in contrast to India, where it is expressly stated in the Constitution. This indicates that the federal government has the right to use the resources required and appropriate to fulfil its constitutional obligations.

State governments in the United States have main authority over issues like criminal law, healthcare, and education. Additionally, state governments are able to control commerce within their separate regions. However, when it comes to issues of national significance, the federal government has the authority to preempt state rules.

Comparison of Indian and American Federal Systems

The Indian and American federal systems share some similarities, but also have important differences in terms of their structure, powers, and functioning. Here are some of the key areas of comparison between the two federal systems:

Constitutional Framework:

Both India and the US have written constitutions outlining the roles and responsibilities of the federal and state administrations. The US Constitution is more flexible and founded on broad concepts, whereas the Indian Constitution is more specific and prescriptive.

Division of Powers:

The separation of responsibilities between the federal government and the state governments is evident in both federal systems. The Union List in India lists the powers of the national government, while the State List lists the powers of the state administrations. The Constitution of the United States lists the central government's authority, while the Tenth Amendment reserves state governments' authority.

Role of the Judiciary:

A federal judiciary that interprets the Constitution and settles conflicts between the federal

government and state governments exists in both India and the United States. The US judiciary has tended to take a more conservative stance and support the rights of state governments, whereas the Indian judiciary has taken a more active role in interpreting and broadening the scope of federalism.

Fiscal Federalism:

Fiscal federalism, which regulates the allocation of financial resources between the federal government and state governments, has distinct models in India and the United States. In India, the central government has a bigger part in helping the state governments financially, whereas in the US, it is primarily up to the states to raise money on their own through taxes and other sources.

Cooperative Federalism vs. Dual Federalism:

As was previously mentioned, India adheres to the cooperative federalism model, in which the federal government and state governments collaborate to achieve shared objectives, as opposed to the dual federalism model that the United States uses, in which the federal government and state governments function independently within their respective spheres of authority.

In conclusion, while both India and the United States have federal systems of government, there are major differences in the design and operation of each system. Understanding the similarities and differences between the two systems can help guide policy choices in various nations and offer insightful information about the benefits and drawbacks of federalism as a political system.

State autonomy and power

The authority distribution between the federal government and state governments is one of the main characteristics of federalism. The degree of state autonomy and control differs significantly between India and the United States.

The Constitution of India establishes a division of authority between the national government and state administrations. The federal government has come under fire for overstepping its authority when it comes to the states, though. As an illustration, the federal government has the authority to implement President's rule, which suspends the state government and puts it

directly under the control of the federal government. Additionally, because the federal government regulates how money is allocated to the states, states may be less able to implement their own policies and programs. Despite these obstacles, there have been new attempts to boost state autonomy and power. As an illustration, the rise in the proportion of tax revenues transferred to the states recommended by the 14th Finance Commission, appointed in 2013, has given them greater financial autonomy.

In comparison, the federal government of the United States is more decentralized, giving each state more autonomy and power. The US Constitution gives state governments considerable authority in areas like social welfare, health care, and education. Furthermore, the US Constitution's Tenth Amendment declares that any authority not expressly granted to the central government belongs to the states. As a result, various strategies and programmes that differ from state to state have been developed. As an illustration, some governments have universal health care systems in place while others do not. The variety of political and societal viewpoints present in the United States is reflected in this variation.

Overall, a key component of federalism is the distribution of authority between the federal government and the state governments. In contrast to the United States, where state autonomy and power have long been defining elements of the federal government, efforts to increase state autonomy and power in India have run into difficulties. Analyzing the efficacy of federal policies and spotting chances for reform and improvement require an understanding of the dynamics of state autonomy and power.

Role of Political Parties

In both India and the US, political groups play a significant role in the federalist system. Political parties are crucial in managing the relationship between the two levels of government as well as in determining the policies and goals of the federal government and state governments.

Political groups are arranged both nationally and by states in India. The national parties, like the Indian National Congress and the Bharatiya Janata Party, are present in many states and have a pronounced influence on governance at the federal level. Additionally, regional parties that concentrate on problems unique to particular states have developed in those states. In India, political parties are crucial in managing the interaction between the national government and

the state governments as well as in mediating the needs of various communities and areas. Regional parties, for instance, have played a key role in promoting increased state sovereignty and the founding of new states.

Political groups are arranged both nationally and regionally in the United States. All 50 states are represented by the two main political parties, the Democratic Party and the Republican Party, which both dominate national politics. Political parties at the state level do, however, concentrate on problems unique to particular states or regions. In the United States, political parties are vital to determining the priorities and policies of state governments as well as controlling the interaction between them and the central government. For instance, state-level political groups have played a significant role in promoting state autonomy in areas like health care and environmental regulation.

In general, political groups play a crucial role in federalism in both India and the US. Political parties are crucial in managing the relationship between the various levels of government as well as in determining the goals of all levels of government. Analyzing the efficacy of federal policies and spotting chances for reform and improvement require an understanding of the function of political parties.

Case Laws Related

India is not a federal State in the traditional sense of the word, the Apex Court stated in *Pradeep Jain V. Union of India*. It is not an agreement between independent States that have joined forces to create a union by reneging on unquestionably federal principles. The Supreme Court reiterated the following in *Ganga Ram Moolchandani v. State of Rajasthan*: The Indian Constitution is fundamentally federal in form and is distinguished by the traditional features of a federal system, namely supremacy of the Constitution, power sharing between the Union and States, and the existence of an independent judiciary. Similar sentiments were voiced by the Supreme Court in *ITC LTD v. Agricultural Produce Market Committee*.

The Supreme Court expanded the doctrine's importance as being superior to any parliamentary law in the 1978 *Maneka Gandhi v. Union of India* case. The ruling states that if a parliamentary act broke the fundamental principles of the constitution, it cannot be regarded as a law. This important fundamental rights assurance was hailed as a singular illustration of judicial independence in upholding the sanctity of fundamental rights. The inclusion of the

Fundamental Rights, which can only be changed by a constitutional amendment, serves as a check on not only the executive department but also the legislatures of the federal and state governments. The rights granted by Article 19 may be temporarily suspended as a result of the declaration of a state of emergency.

The most significant federalism ruling of the 1998–1999 session was *Alden v. Maine*. It comes to the conclusion that the fundamental precept of the rule of law, "where there is a right, there is a remedy," is in danger due to the Court's interpretation of the Eleventh Amendment and the sovereign immunity doctrine, which has limited the federal government's ability to authorize private lawsuits against states for breaking federal law.

Conclusion

In conclusion, the contrast of the federal systems in India and the United States has shown that these two nations view federalism in very different ways. The United States uses a dual federalism system that emphasises the autonomy of state governments within their respective spheres of authority, in contrast to India, which has chosen a cooperative federalism model that places an emphasis on cooperation between the federal government and state governments.

Although both India and the United States have chosen federal systems of government, there are significant differences between their models of federalism. The American federal system is based on dual federalism, where the federal and state governments operate autonomously within their respective spheres of authority. In contrast, the Indian federal system is characterised by a three-tiered structure of government and cooperative federalism. Policymakers and academics who wish to research and contrast federal systems in various nations must be aware of these variations.

Federal systems in India and the United States have been significantly shaped by the historical background of federalism in those countries. The development of federalism in India has been affected by the legacy of colonialism and the need to balance the demands of various linguistic, ethnic, and religious groups. The need to safeguard state autonomy and strike a balance between the federal government's and state governments' authority led to the development of the federal system in the United States.

Another crucial element of federalism that has been examined in this research paper is state

autonomy and power. The United States has a more decentralized federal system with higher state autonomy and power, whereas India has faced difficulties in increasing state autonomy and power. In both India and the United States, political groups play a crucial role in managing the relationship between various levels of government.

Overall, the contrast of the American and Indian federal systems has shed light on the advantages and disadvantages of various federalism models. Federalism continues to be a crucial part of the political landscape in both India and the US, and while there are areas for improvement in both systems, it is crucial for both policymakers and citizens to comprehend its dynamics.