
CHALLENGES OF FEDERALISM: A COMPARATIVE STUDY BETWEEN INDIA AND CANADA

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ABSTRACT

This particular study aims to shed light on the concept of “federalism” as both, a broad term for style of government and an abstract political concept akin to socialism and liberalism. The taxonomic classification of the federation, within the realm of biological nomenclature, encompasses a group of species that can be distinguished by the designation "federative systems." The concept of "federalism" exerts a significant influence on assessments that draw comparisons between federations such as India and Canada. India and Canada were previously characterized as quasi-federal entities, but subsequently transitioned into fully-fledged federations. The concept of federalism does not serve as their foundation. The Constitution served as more than a mere outline for a federation; it was also influenced by a political ideology commonly known as "federalism." Unlike the parliamentary traditions observed in Canada and India, federalism encompasses a set of interconnected governing ideas. To transcend the mere division of power inside their union, it is imperative for these two nations to reevaluate their respective legislative traditions. Ultimately, individuals are encouraged to construct their own interpretation of the concept of federalism. The effectiveness of India's federal system is ascribed to its mutually beneficial association with the nation-building and state-formation endeavors within the country. The objective is achieved by delineating the essential structure of Indian federalism together with its political constraints. Federalism plays a crucial role within the framework of parliamentary governance in India. The federal system in India exhibits a dynamic nature. Over the course of time, the political structure has undergone a transformation from a pre-dominant, specifically a parliamentary system. The federal system in India has demonstrated its adaptability by accommodating national and ethnic movements through the creation of new regions, so enhancing the governability and expanding the number of states within the union. This study examines the dynamics of India's economic reform during the past decade, with a specific focus on the federal process, structure, asymmetric federalism, and the interplay between globalization and the

federal system within the country. In contemporary times, federalism serves as a unifying framework that addresses the conflicting forces of increasing shared interests and the need for regional autonomy.

Keywords: Federalism, Federative System, Constitution, Globalization, Quasi federal

Chapter 1: Introduction

The federal or unitary status of a state is contingent upon the way its national and provincial governments allocate or refrain from allocating authorities. The allocation of authorities within a federal system is established by the constitution. In a unitary system, the central government and the states or provinces lack a distinct division of powers. While infrequent, power can be delegated from the national or central government to the specific jurisdiction of local governments. Federalism is a fundamental concept within the field of comparative politics. Academics have utilized several Federalisms to examine regionalism and regionalization within the field of international regional studies and politics. There has been ongoing discourse over the advantages of federalism. Harold J. Laski's early work marked the conclusion of the federalist era during the twentieth century.¹ In contrast, William H. Riker, a well-regarded authority on federalism, believed that the inception of the federalist era occurred during the second half of the 20th century. In light of divergent assertions, current scholarly investigations have conclusively determined that a total of twenty-five states can be classified as federal states. Among the countries mentioned are "Russia, Australia, Argentina, Austria, Belgium, and Germany, as well as India, Brazil, Mexico, Canada, Nigeria, Pakistan, Malaysia, the United States, and the United Arab Emirates." Approximately 40% of the global population is found in countries that are classified as federal republics.

Federalism entails the allocation of political and constitutional power, resulting in the establishment of dual governance. Despite this arrangement, states are allowed to maintain their own local administrations.² In every federal system, it is imperative to establish a clear separation of powers between the federal and state governments. Each entity operates

¹ Das, Swaha (2008). *The State* in Rajeev Bhargava and Ashok Acharya (eds) Political Theory. New Delhi: Pearson Longman. <https://egyankosh.ac.in/bitstream/123456789/77265/1/Unit-14.pdf>

² Patrick O'Neil. (2017). *Essentials of Comparative Politics*. New York: WW Norton and Company. <https://egyankosh.ac.in/bitstream/123456789/77265/1/Unit-14.pdf>

autonomously and is not subject to the jurisdiction of the other. The establishment of a clear division of authority between the federal government and the states is a crucial aspect present in federal constitutions, aimed at mitigating conflicts between these two opposing powers. The Indian Constitution's Seventh Schedule comprises three distinct lists of laws, namely the State list, the Concurrent list, and the Union list.

The foundational principles and institutions that underpin the federal political organization can be traced back to ancient civilizations such as India, Greece, and Israel. Prominent instances of present federal policies can be observed in the historical contexts of the United States in 1787, Switzerland in 1848, Canada in 1867, Australia in 1901, and the United States in 1787. In the context of India during the 1950s, Subsequently, the federal system of governance has witnessed unprecedented levels of public favor over the course of history.

'Jawaharlal Nehru' emphasized that such a weak entity would be unable to guarantee domestic tranquilly, effectively coordinate crucial matters of shared interest, and adequately represent the entire nation on the international stage.³ Several notable members of the assembly also advocated for a more robust central government to ensure the survival and political stability of India, considering its extensive variety including various aspects such as religion, language, caste, and ethnicity. The British Parliament enacted the British North America Act, 1867, therefore establishing the Dominion of Canada as an autonomous entity within the British Empire. The unification of the Provinces of Upper Canada facilitated the establishment of a federal system of governance.⁴ The proposition entails the unification of Lower Canada, New Brunswick, and Nova Scotia into a single federal entity. Subsequently, additional provinces entered the Dominion. The Federation of Canadians comprises the Western Provinces, Ontario, Quebec, and the Maritime states. The territories located in the north-western area, including Yukon, are also considered integral components of their respective regions. The topic under consideration is the concept of federalism in Canada. The Canada Act of 1982 has further solidified the federal structure of Canada. The federal features enumerated below are evident within the document titled 'The Constitution of Canada.'

³ Sartori, G. (1976). *Parties and Party Systems: A Framework for Analysis*. UK: Cambridge University Press.

⁴ Siaroff, A. (2013). *Comparing Political Regimes: A Thematic Introduction to Comparative Politics* Third Edition, Canada: University of Toronto Press.

Significance of the study:

The significance of this research lies in its analysis of the obstacles associated with federalism in a comparative context, with a specific emphasis on India and Canada. Federalism plays a crucial role in countries that exhibit substantial diversity and broad geographical dimensions, since it determines the distribution of power between central and regional organizations. A thorough understanding of the inherent challenges posed by federal institutions is crucial for the effective administration of justice, the formulation of public policy, and the maintenance of social and political unity. The main purpose of this attempt is to provide substantial contributions that try to improve the comprehension of the intricate nature of federal governance among policymakers, academics, and individuals in India and Canada.

Hypothesis:

The study's hypothesis may include statements of this kind:

- India and Canada exhibit significant disparities in the challenges they face within their respective federal systems.
- The significant impact of regional and cultural diversity on federalism concerns in Canada and India cannot be overstated.
- The formation of strong intergovernmental collaboration is crucial in tackling difficulties related to federal governance in both Canada and India.

The ideas listed above will serve as the basis for the investigation and offer direction for evaluating and analyzing the data collected during the study.

Research methodology:

This research paper is grounded in the doctrinal way of research methodology, which encompasses various sources such as articles, research papers, journals, and blogs pertaining to the subject matter and related areas.

Research gap:

The existing corpus of academic research offers useful insights into the intricate nature of the idea of federalism. Nevertheless, it is crucial to acknowledge the notable scarcity of scholarly literature concerning a comprehensive comparative analysis of federalism in Canada and India. The main aim of this study is to fill the current knowledge vacuum by

undertaking a comparative analysis that investigates the many issues faced in the federal systems of different countries. The incorporation of a comparative technique in this study would enhance the understanding of contextual complexities and so contribute to a more comprehensive analysis of federalism in different socio-political contexts.

Research Question:

The research questions function as a foundational framework for performing the inquiry and subsequent analysis. The research questions for this study are as follows:

- To the investigation of historical and cultural factors that impact the notion of federalism in India and Canada.
- What is the influence of intergovernmental relations on the efficacy of federal systems in both nations?

Chapter 2: Historical and cultural impact of federalism in India & Canada

Concept of federalism:

Federalism can be defined as the systematic arrangement and dispersion of powers and jurisdiction among multiple levels of government. The distribution of powers commonly occurs across various tiers of government, as mandated by the constitution of the respective nation. This suggests that at every level of government there has been its own unique and distinct constitutional body, which can be either completely independent or it may be partially dependent.⁵

The term "federation" is derived from a Latin word "feuds," which means agreement or contract. Another variant of federalism is characterized by the granting of autonomy to provinces based on their extensive geographic expanse and diverse population. The allocation of powers primarily stems from considerations of administrative expediency and the imperative to ensure representation of regional interests.⁶ The structure of Indian federalism is mostly based on a specific model. The Indian constitution establishes a federal political structure that comprises two tiers of governance: the central level and the regional level. The Indian Constitution establishes a structural framework that confers a

⁵ Mohd. Saleem Hussain, Comparative Study of federalism between Canada & changing values of federalism in India, International Journal of creative research thoughts. <https://ijcrt.org/papers/IJCRT2305022.pdf>

⁶ M.P. Singh, V.N. Shukla's Constitution of India 794 (EBC, 2017)

higher degree of authority to the Union government in comparison to the states, hence clarifying the apparently paradoxical notion of "centralized federalism" in India.

Federalism in India:

The Indian Constitution January 26, 1950 Even in the absence of the references to the word "federalism" in the Indian Constitution, it is indirectly mentioned Article 1 that India, also known as Bharat, shall constitute a union of nations.⁷ Notably, 'Dr. B. R. Ambedkar' expressed in the year '1948' that the 'Draft Constitution' possessed the potential to exhibit characteristics of both a unitary and federal system, contingent upon the exigencies of the prevailing time and circumstances. Under typical conditions, the system is intended to operate as a federal system. Nevertheless, its primary purpose is to operate as an integrated system in times of hostilities (Tilling, 2019). The Indian constitution encompasses various features of decentralization.

The user's text is already academic. The constitution is characterized by its written form and its inflexible nature. The constitution of India was adopted in 1950, It has twenty-two chapters, 395 articles, and eight clauses.⁸ The powers as well as authorities for both state and national governments is derived from this. The Indian constitution exhibits a combination of both rigor and flexibility. The Indian constitution has a degree of flexibility. The amendment additionally necessitates ratification by fifty percent of state legislatures.

The division of powers concept refers to the distribution of authority and responsibilities across different branches or levels of government within a political system. The allocation of 'Powers' in between the 'Federation of India' is given in the Seventh Schedule of the 'Constitution of India'. The constitution is structured into three distinct lists, namely the Union List, the State List, and the Concurrent List, which serve to allocate competences between the central government and the individual states. The Union list has a total of 100 subjects, whereby the central government holds exclusive control. The State list comprises a total of 61 topics. In its original form, the Concurrent list encompassed a total of 47 issues, granting both the federal and state governments the authority to legislate upon them. The Concurrent List was expanded to include 52 items by the implementation of the 42nd Amendment in 1976, which resulted in the transfer of 5 subjects from the 'State List to the

⁷ M. Asad Malik, Changing dimensions of Federalism in India: An Appraisal, ILI Law Review Vol. II, 2019 <https://ili.ac.in/pdf/mam.pdf>

⁸ Younger v. Harris, 401 U.S. 37 (1971), https://www.ripublication.com/gjps/gjpsv1n1_02.pdf. (July 10, 2019).

Concurrent List'. Like most constitutional frameworks, in situations when a conflict arises between the legal provisions of the central and state governments, the laws enacted by the central government are afforded primacy. The Centre exercises the residual powers.

A bicameral legislature consists of two chambers, and India's 'Parliament' reflects this structure. The 'Lok Sabha' which is known as 'People's Council', represents the entire nation, along with members who are directly elected by the people. whereas the 'Rajya Sabha', or 'Council of States', represents the states in the central government, and its members are selected by state governments.⁹ The 'President' of the Indian Union appoints twelve individuals to the 'Rajya Sabha' based on their achievements in arts, literature, sciences, and societal contributions. Notably, 'Uttar Pradesh' holds thirty-one seats in the Upper house, reflecting its large population, while each of the seven smaller states is allocated one seat. This contrasts with the 'United States', where Senate seats are uniformly allocated regardless of state size, unlike India where seat allocation is population-dependent.

The concept of dual government entails the coexistence of a central government and state governments, each with distinct governmental structures and operational methodologies.¹⁰ India has legislative body as well as executive branch, and judiciary. The President has the role of the chief executive of the entire nation of India, while the Governor serves as the leader of each individual state of the country.

The Indian Federation comprises two tiers of governance. This phenomenon can be attributed to the existence of distinct political organizations at both the national and state levels of government. In contrast to the United States and Switzerland, India exclusively recognizes a single form of citizenship, namely Indian citizenship.

Federalism in Canada:

The British North America Act of 1867, which was enacted by the British Parliament, served to establish the Dominion of Canada as an autonomous entity within the framework of the British Empire.

The establishment of federalism in Canada was facilitated through the amalgamation of the 'Upper and Lower Canada, Nova Scotia, and New Brunswick' into a singular 'Federal

⁹ H.M. Seervai, *Constitutional Law of India (Vol.I)* 286 (Universal Law Publishing, New Delhi, 2008).

¹⁰ Brij Kishor Sharma, *Introduction to constitution of India* 40 (PHI, Delhi, 2011).

union'. After establishment of the Dominion, additional provinces opted to join. The Canadian federation consists of four distinct areas, namely 'Ontario, the Western Provinces, Quebec, and the Maritime Provinces'. Furthermore, the Canadian federalism framework encompasses not only regions, but also includes the North-west territories and Yukon as integral components. The Canada Act of 1982 has significantly enhanced the federalist system in Canada. The Canadian Constitution encompasses several federal characteristics.¹¹

The concept of a written and rigid constitution refers to a constitutional framework that is explicitly documented and possesses a fixed and unchanging nature. The Constitution Act of 1867, alternatively referred to as the British North America Act of 1867, was enacted by the 'British Parliament' and implemented a 'Parliamentary model' of governance alongside a federal framework within Canada. The process of amending the 'Canadian constitution' has undergone significant evolution during a specific timeframe.¹² The 1867 Act did not include a specific mechanism for amending the constitution. The Canadian Parliament formerly sought the decision of the British Parliament regarding the implementation of amendments. In '1949, the Canadian Parliament' was granted the authority to modify some aspects of the 'Constitution'. As per the provisions outlined in the 'Canada Act of 1982', the 'Canadian constitution' can undergo amendments through five distinct methods. Firstly, it is important to note that provisions pertaining to the federal government have the capacity to be altered by the federal Parliament. Furthermore, it is within the purview of the provinces to exercise sole authority in the process of amending their respective provincial constitutions. Moreover, many revisions necessitate the endorsement of a 2/3rd majority of state, encompassing the bulk of the population. This process is alternatively known as the 7/50 method. Furthermore, it should be noted that certain revisions necessitate both 'federal consent'.

The amending process pertaining to the federal framework of the Canadian constitution might be characterized as inflexible.

Canada's federal legislature, known as Parliament, which also has a bicameral system, which has three key components: 'The Queen' and 'Two legislative chambers,'

¹¹ Riker, William H. (1975). Federalism. In Handbook of Political Science (ed.) Nelson W. Polsky and Fred I. Greenstein. Governmental Institutions and Processes. Volume 5: Reading, PA: Addison-Wesley

¹² Wallner, Jennifer. (2020). Practice of Federalism in Canada. In James Bickerton and Alain-G. Gagnon (eds.), Canadian Politics, Toronto: University of Toronto Press.

specifically the ‘Senate (the higher chamber)’ and the ‘House of Commons (the lower chamber).’ The ‘Senate’ serves as a representative body for the several provinces. At the outset, it consisted of a total of 71 individuals. Currently, the total number of members is at 104. The potential membership has the capacity to be increased to a maximum of 118 individuals. According to Kapur and Mishra (2018: 441), within the Canadian federation, four distinct areas, specifically Ontario, the ‘Western Provinces, Quebec, and the Maritime Provinces’, each contribute twenty-four representatives to the Senate. Each of the Northwest Territories and Yukon is represented by two Senators. According to the provisions outlined in the ‘Constitution of 1867’, the ‘House of Commons’ consisted of a membership of 181 individuals.¹³ However, it is important to note that the membership of the house has recently been expanded to a total of 282 individuals.

The Canadian has a well-defined framework for the division of powers. The Constitution Act of 1867 serves as the principal foundation for the allocation of authorities within the Canadian federation. According to ‘sections 91 and 92(10) of the Constitution, the federal government’ possesses the authority to enact legislation pertaining to matters of national significance. These matters include national defense, foreign affairs, employment insurance, banking, federal taxes, postal services, fisheries, shipping, railways, telecommunication, pipelines, Indigenous lands and rights, as well as criminal law.¹⁴ In a same vein, according to ‘sections 92, 92(A), and 93, the provincial governments’ possess the authority to enact legislation pertaining to matters of local significance, such as direct taxation, healthcare facilities, correctional institutions, educational institutions, matrimonial affairs, property, and civil liberties. The Canadian constitution includes issues such as agriculture, old-age pensions, and immigration in the Concurrent list. In the event of incongruity, as stipulated in section 95, federal legislation will take precedence over matters pertaining to agriculture and immigration. Conversely, as outlined in section 94A, provincial law shall prevail in relation to ‘the old-age pension. The residual powers are vested in the federal Parliament’. This suggests that any authorities not explicitly enumerated in the provincial jurisdiction will be delegated to the federal Parliament.

¹³ Bardhan, Pranab. (1984). *The Political Economy of Development in India*. Oxford and New York: Basil Blackwell.

¹⁴ Held, David. (1990). *Political Theory and the Modern State: Essays on State, Power, and Democracy*. Cambridge: Polity Press.

The dispute settlement mechanism is a procedural framework designed to resolve conflicts and disagreements between parties in a fair and impartial manner. Prior to 1949, the authority to interpret the constitution was entrusted to the 'Judicial Committee of the Privy Council'. Subsequently, the authority to interpret has been transferred to the Apex Court of Canada. In contrast to the objectives of numerous 'constitution-makers,' the Judicial Committee of the Privy Council exhibited a preference for provincial autonomy during the period spanning from the 1880s to 1930 in its constitutional interpretation.¹⁵ However, the circumstances underwent a transformation after 1949, when the Apex Court of Canada assumed the role as the highest judicial body in the country. The Apex Court exhibits a tendency to demonstrate a preference for a robust federal government.

The concept of two tiers of government refers to the division of political power and administrative responsibilities between two distinct levels of governance within a given jurisdiction. Similar to other 'federal states, Canada' is structured with 2 distinct levels of government known as central and provincial. The 'Lieutenant-Governor' fulfils the role of the Crown's representative. The Prime Minister assumes the role of the 'head of the government at the federal level', while have executive powers at the provincial level. Within every province, there is also a governing body known as the cabinet, which is comprised of ministers. Similar to the 'federal government', states possess their own legislative, executive, and judicial branches.

At the outset, the legislative bodies of the four provinces were structured as bicameral institutions. Currently, the legislative bodies are characterized by a single chamber and are chosen through popular suffrage. The provincial legislatures vary, with 'Prince Edward Island' having a legislature consisting of twenty-seven members, while Quebec's legislature is composed of 125 members.

Chapter 3: Functioning & Challenges of federal system in India & Canada

Three main styles of Canadian federalism—colonial, classical, and interdependence federalism—have evolved over the course of the system's more than 150 years of existence. The provinces were subject to federal authority during the colonial federalist era. New provinces were added, and the government of Canada was redrawn. Within furthermore, unity over diversity, shared rule over autonomy, and autonomy over diversity are

¹⁵ Migdal, Joel Samuel, Atul Kohli, Vivienne Shue. (1994). (Eds). *State Power and Social Forces: Domination and Transformation in the Third World*. Cambridge: Cambridge University Press

preferred. The national the government was granted the authority to tax, regulate, and overturn provincial laws that were probably going to be against federal law.¹⁶ The linguistic rivalry between English and French, the economic downturn brought on by a drop in colonial imports, the judicial function of the Crown Court, and the potential for a southern invasion all contributed to a tendency towards centralization. John Macdonald, the country's first prime minister (1867–1891), used the reservation and disallowance powers in 1873 and 1878–1891, strengthening the Center. The ‘federal government’ abandoned its disallowance policies, strengthening the federal provinces and expanding into new areas such as ‘Income tax, minimum wage, transportation, building, and education.’

The stage of mutual reliance Enhanced coherence and interdependence between the federal and provincial administrations were hallmarks of federalism. The interdependence of federalism has been controlled by raising federal spending and promoting intergovernmental relations. The national government supplied provinces that receive conditional funding to increase the scope of social programs like mothers' allowance and hospital insurance and monetary support for underprivileged populations. Provinces like Quebec opposed the conditional grant initiative because they were interventionists. International trade and the legalization of cannabis are two domains that are interdependent. Trade agreements with the European Union were made by federal and provincial negotiators, even though decisions about international trade are under federal jurisdiction. in parallel. During the United States-Mexico-Canada Trade Agreement, provinces were also consulted discussions.

Throughout its more than 70-year history, ‘Indian federalism’ has also been characterized by rivalry and collaboration between the ‘Center and the States’. The operation of political parties, the role of the Supreme Courts, and other factors.

The way in which federalism functions has been greatly impacted by the emergence of new issues, national and regional leadership, and emergencies such as pandemics and wars. The models of ‘cooperative federalism, bargaining federalism, and competitive federalism’ illustrate the various stages that Indian federalism has undergone. Granville Austin refers to the first stage of Indian federalism as cooperative federalism. At this stage, provided the

¹⁶ M. Asad Malik, Changing dimensions of Federalism in India: An Appraisal, *ILI Law Review* Vol. II, 2019 <https://ili.ac.in/pdf/mam.pdf>

charismatic leader Rajni Kothari's party dominance in the center and states, dubbed the Congress States, the center, and leaders like 'Nehru and Shastri' collaborated. But as one-party rule ended, Indian federalism entered a new stage known as Morris Jones' bargaining federalism. Congress lost authority in many states during this phase, despite continuing to rule at the federal level. With various states began negotiating with the federal government for benefits after parties gained power in the federal government and the states grants, financial aid, and special status. Primarily, the competitive federalism phase began in the 1990s. Within states such as Tamil Nadu, Kerala, Tripura, West Bengal, Uttar Pradesh, Bihar, and Kerala, regional political parties and Leaders became important characters. The central government and the regional leaders engaged in negotiations over matters ranging from policy formulation to government formation. A majority government at the center could not be formed by a single party, which is undoubtedly due to the advent of coalition politics. At the conclusion of coalition politics and the Bhartiya Janata Party's ascent to prominence as the only major party in the center have resulted in the resurgence of quasi federalism within a federal framework of competition. It has been said that India is a federal because despite having a federal constitution and constitutional scheme, it is a federal system that is centralized framework.

It is also competitive since, in the era of pseudo diplomacy, States are vying with one another for 'foreign direct investment', providing to 'multinational companies' to launch a company. There is now conflict in the wake of the COVID-19 pandemic. Federalism in India. As one observer of Indian federalism pointed out, India transitioned from unilaterally centralized decision-making in the first wave of the Covid-19 pandemic in 2020 and 2021 to something that approximated unilaterally 'decentralized decision-making—by default—in the second wave (Louise Tillin, 2021)'. Despite the fact that during the first phase of wave, the national government has established guidelines (in accordance with the 2005 Disaster Management Act) to combat it by taking steps like ordering vaccinations and enforcing lockdowns. The main figurehead was absent because crucial pandemic response areas, like vaccine procurement, were decentralized and dispersal. There was insufficient Center-State coordination during both pandemic stages.

Challenges of federalism in India:

Over many years, states have made many attempts to maintain their interests and influence, irrespective of whether multi-party coalition governments or one-party rule was popular.

This is despite Indian federalism's bias towards the Union government. The examples of state- and regional-level assertion throughout Indian federalism's history are outlined in the paragraphs that follow. In the years following of the first general elections after independence, held in 1952, the Indian National Congress (INC) party became the most powerful in both the central and state legislatures. From that point on, the Congress party would essentially control Indian politics, up until a significant electoral setback in the 1967 elections.¹⁷ Under the federal arrangement, Jawaharlal Nehru, as prime minister, headed the Congress national leadership, which oversaw national politics, while regional Congress leaders controlled large portions of their own states' economies and populations. The success of Congress, according to political scientists Yogendra Yadav and Suhas Palshikar, was "a combination of its state level organization along with Nehru's plebiscitary leadership¹⁷ and popular appeal."

The demand for linguistic states was high in the immediate post-independence period, indicating a preference for regional sentiment over a centralized approach to nation-building. In his book *India: The Most Dangerous Decades*, American scholar Selig Harrison identified a possible challenge for the Indian state during this time: the strength of this popular regional resistance against a unitary and homogenized model of nation-building. For fear of causing division, the central government had originally decided against the creation of linguistically organized states. However, the pressure that resulted in the reorganization of the states based on language was generated by a persistent regional movement in support of linguistic states. It was the first expression of regional identity that forced the federal government to give in to state political demands. The Centre was forced to adopt a formalized arrangement of reorganizing the federating states in India despite the Union government's authority to make, unmake, and remake state boundaries due to the push for regionalization in the form of territorial autonomy from various major language groups and, later, tribal communities as well.¹⁹

The most important moment for federalism in this phase is the 91 revelations of the vital role of state governments on the ground level in 92-93 managing the COVID-19 crisis in

¹⁷ W.R.C. Jay, "The Australian Loan Council," *Publius*, Philadelphia, PA., vol. 7, no. 3, p. 117.

¹⁸ Dr. BN Harisha, *Fiscal federalism in India and Canada: A comparative study*, Vol. 5, Page No: 32-34, March 2018 <https://www.allsubjectjournal.com/assets/archives/2018/vol5issue3/5-2-13-583.pdf>

¹⁹ Michael Burgess, *Comparative federalism*, Federal Studies at University of Kent, 2006 http://www.untag-smd.ac.id/files/Perpustakaan_Digital_1/FEDERALISM%20Comparative%20Federalism,%20Theory%20and%20practice.pdf

India. After initial challenges, the Union government ceded adequate space and autonomy to the states for strengthening their healthcare facilities, managing the localized lockdowns, and implementing social security measures to mitigate the 94 impacts of the pandemic. As health remains a state subject, the states—regardless of their political equation with the Union government in most cases—worked as main agents of healthcare providers and governance providers within their jurisdiction, with the Centre playing the coordinating role. In this phase, as BJP remains the dominant party in India at the national level, the political opposition remains at the state and regional ap level.

Challenges of federalism in Canada

Because of its large geographic area, Canada has notable regional differences in both the economy and society. Different economic strengths, resources, and priorities among provinces can make it difficult to develop policies that cater to the needs of each area. To address provincial budgetary differences, the federal government runs an equalization program. Nonetheless, discussions concerning this program's efficacy and fairness frequently come up. Certain provinces contend that modifications to the equalization formula are necessary to represent the economic circumstances of each province more accurately. The federal and provincial governments jointly bear the responsibility for providing healthcare. Funding levels and the terms governing federal transfers for healthcare are frequent points of contention. The claim made by provinces is that federal funding is not keeping up with the escalating expenses of healthcare services. Achieving a satisfactory balance between the wealthy and powerful center and the poorer and less protected perimeter is a fundamental problem of Canadian federalism. This problem stems from the distribution of legislative power and the successful defense of the privileged position of the wealthy and powerful center by the democratic institutions has made it difficult to achieve any kind of balance. However, the center's interests have occasionally yielded to pressure and made concessions. To reduce unrest and preserve national unity, the Crow's Nest Pass Freight Rates Act of 1897 and the Maritime Freight Rates Act of 1927 were essentially federal bonuses to the primary producers who are there in the east and the west respectively.²⁰

²⁰ Ambar Kumar Ghosh, The paradox of centralized federalism: An analysis of the challenges to India's Federal design, September 2020, https://www.orfonline.org/wp-content/uploads/2020/09/ORF_OccasionalPaper_272_Federalism_.pdf

The Fundamental Issues with Federalism in Canada. In recent times, Canadian federalism has encountered the most severe crisis in its history, stemming from its legal framework and the recently implemented financial pressures that it endured during the Great Depression. The 1937 establishment of a Royal Commission to investigate the extent federal and provincial relations was a belated acknowledgment by the Ottawa government that oversees the intricate economic and constitutional. The issues facing Canada need to be thoroughly researched and understood. therapy based on this kind of research. of conflict over politics within the Canadian federation. It has been said that prophecy is the most careless type of error. other than the safe observation that the current Dominion Royal Commission is likely to recommend and, to some extent, accept concessions of the kind made by the center to the periphery. Despite widespread dissatisfaction with the specifics of federalism, all of Canada's provinces firmly believe that it is preferable to remain a part of Confederation than to leave it. In Ontario and Quebec, this belief will compel concessions, while in the other provinces it will compel contentment with compromises that stop short of demands.

Chapter 4: Conclusion

Federalism has demonstrated its efficacy as a system for the allocation of power and resolution of conflicts within societies that are characterized by diversity, pluralism, and vast geographical boundaries. The manifestation, essence have exhibited diverse manifestations and trajectories throughout various states, contingent upon the specific conditions. Not every federation that was studied in this study. The unit exhibits all distinctive attributes. However, it is important to note that each state possesses a comprehensive and formal constitution, a clear division of powers, a legislature consisting of two separate chambers, a mechanism for resolving disputes, and a dual system of governance. While the characteristics are observed in all states, there are variations in the extent of constitutional rigidity.

The functioning of federalism has undergone a process of evolution throughout history. The functioning of the federal system is subject to various influences, including the political parties in power and their respective ideologies. Federalism has 'quasi federalism, cooperative federalism, bargaining federalism, and competitive federalism,' due to shifts in ruling party positions, court rulings, ideologies, and the operations of national and provincial governments. The concepts of centralization and decentralization have been

under contention within federal states as a collective entity.

The progression of Canadian federalism from a confrontational stage to a phase of interdependence has been facilitated via collaborative efforts and constructive interaction. The trajectory of Indian federalism has undergone a transformation from a cooperative framework to a more competitive structure, mostly facilitated by the adoption of negotiating federalism. Based on the discourse, it can be inferred that the Indian constitution exhibits all the attributes of a federal system, wherein both the central and state governments possess the authority to enact legislation within their constitutionally designated spheres. Under specific conditions, nevertheless, the central authority has a position of utmost importance, as explicitly declared in the Constitution. The Supreme Court acts as the guardian and also defends the Constitution, hence, it is very necessary for the presence of an autonomous judiciary to prevent any type of encroachment done at any branch of government. The federalism in India is evolving and has been in the continuous process since the inception of the Constitution. With the transition in the political system, there has been a shift from the previous dominance of a single party to the current era characterized by coalition governments. In light of the emergence of regional parties and the formation of delicate coalition governments, it is imperative for the federation to enhance its flexibility and willingness to compromise, particularly in relation to its financial components. The Goods and Services Tax (GST) represents a notable tax reform within India's fiscal history, as it exemplifies the equal authority of states to levy taxes, so enabling them to exercise autonomy. Rather than participating in confrontations, it is anticipated that the federal government and state governments will collaborate and synchronize their efforts. In a recent judicial decision pertaining to the NCT of Delhi, the Supreme Court underscored the principle of collaborative federalism. This principle entails the Centre and state governments demonstrating their mutual commitment to attaining shared objectives and fostering a state of harmonious coexistence and interdependence, even in the presence of divergent perspectives. The potential consequences of a confrontation between both administrations would likely result in significant suffering for the general population. Both administrations function concurrently, exerting their influence on the same populace and within the same geographical boundaries. Consequently, in the contemporary epoch, it is imperative for them to fulfil their respective responsibilities through the cultivation of mutual comprehension and collaboration. The occasional conflicts between the Centre and state

administrations can be attributed to their diverse political beliefs. It is implausible for all 28 states to be governed by the same political party, and it is probable that the ideological orientation of the ruling party in a state will diverge from that of the ruling party at the national level. Consequently, both governments are required to engage in mutual consultation prior to reaching any decisions. The efficient implementation of any policy or programmed necessitates the participation of both administrations to achieve the constitutional purpose. The adherence to the notion of cooperative/collaborative federalism in India is imperative considering the prevailing circumstances. Citizens exercise their democratic right to elect governments at three distinct levels, namely local, regional, and national. Each level of government is held responsible to its subordinate level, as it has made mandate by the constitution. Therefore, it is the responsibility of every government to work hard to advance the interests and well-being of the people.