

JUDICIAL FEDERAL STRUCTURE IN INDIA: AN INVESTIGATION BETWEEN CONSTITUTIONAL MORALITY AND POLITICAL EXPEDIENCY

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ABSTRACT

Judicial federalism in India occupies a critical position within a constitutional framework, marked by a strong Union and politically contested centre–state relations. As the final arbiter of constitutional disputes, the Supreme Court plays a decisive role in mediating federal balance. This article examines how the SC’s approach to judicial federalism has evolved in the context of increasing political centralisation, through the competing lenses of constitutional morality and political expediency. Employing a purposive qualitative case study method, the paper analyses three landmark decisions - S.R. Bommai v. Union of India (1994), the Ayodhya verdict (2019), and the abrogation of Article 370 (2023). These cases represent distinct judicial postures ranging from constitutional assertion to accommodative restraint and judicial abdication. This analysis reveals an uneven and context-dependent judicial engagement with federal principles, where constitutional morality is often acknowledged rhetorically but inconsistently enforced in practice. This article argues that political expediency increasingly shapes judicial outcomes, with significant implications for state autonomy, democratic accountability and the future of cooperative federalism in India. By tracing this trajectory, this study contributes to the broader debates on the role of constitutional courts in sustaining federalism under conditions of political dominance and constitutional stress.

KEYWORDS: Judicial Federalism; Constitutional Morality; Centre–State Relations; Political Expediency; Constitutional Courts

INTRODUCTION

Judicial federalism occupies a central place within India’s constitutional architecture, which combines a strong Union with a formally entrenched, yet politically contested, system of centre–state relations. While the Constitution distributes legislative and executive powers across federal units, it is the judiciary, particularly the Supreme Court that ultimately interprets and enforces these boundaries. Through its jurisdiction under Articles 131, 32, and 136, and its expansive power of judicial review, the Supreme Court functions as the principal mediator of federal disputes, rendering its interpretative choices decisive for the balance between national authority and state autonomy (Austin, 1999; Chandrachud, 2013).

Unlike classical federal systems characterised by dual judicial hierarchies, India operates an integrated judicial structure in which constitutional interpretation is centralised at the apex. This design promotes legal uniformity but also concentrates federal adjudicatory power within a single national institution, heightening the constitutional and political stakes of judicial behaviour (Baxi, 1980). Consequently, judicial intervention or strategic restraint in centre–state disputes not

only resolves individual controversies but also shapes the broader trajectory of India’s federal order.

A productive framework for assessing this role lies in the tension between constitutional morality and political expediency. Constitutional morality, as articulated by B.R. Ambedkar in the Constituent Assembly Debates, refers to adherence to the foundational values of the Constitution beyond its textual commands, including democracy, secularism, equality and the rule of law (Ambedkar, 1948, as cited in Austin, 1999). For constitutional courts, this entails acting as counter-majoritarian institutions capable of enforcing constitutional limits even when doing so conflicts with dominant political interests (Chandrachud, 2017). Political expediency, by contrast, captures judicial reasoning shaped by concerns of institutional caution, executive convenience or perceived political stability, often resulting in deferential or minimalist adjudication (Sathe, 2002; Kumar, 2021).

The Indian Supreme Court’s engagement with federalism has historically oscillated between these competing impulses. Early post-independence jurisprudence reflected deference to executive authority, informed by concerns of national unity and administrative stability (Austin, 1999). This posture shifted

during moments of constitutional assertion, most notably through the development of the basic structure doctrine, which elevated federalism to the status of an inviolable constitutional principle (Seervai, 2013). Yet, such doctrinal commitments have not consistently translated into judicial practice. In recent decades, increasing political centralisation has introduced new pressures on judicial independence and consistency by producing an uneven federal jurisprudence marked by selective engagement, delayed adjudication and restrained remedies (Rao, 2010; Kumar, 2021).

This article examines how this tension between constitutional morality and political expediency has shaped judicial federalism in contemporary India. Rather than offering an exhaustive survey of centre–state disputes, this study adopts a purposive qualitative case study approach, focusing on three landmark decisions that represent distinct judicial postures: *S.R. Bommai v. Union of India* (1994), the Ayodhya verdict (*M. Siddiq v. Mahant Suresh Das*, 2019), and the abrogation of Article 370 (*In Re: Article 370*, 2023). Together, these cases trace a trajectory from constitutional assertion to accommodative restraint and judicial abdication.

By analysing these decisions, this article argues that while constitutional morality continues to inform judicial rhetoric, political expediency increasingly shapes judicial outcomes in federal disputes. This shift carries significant implications for state autonomy, democratic accountability and the future of cooperative federalism in India. In situating judicial federalism within the broader dynamics of political dominance and constitutional stress, this study contributes to ongoing debates on the role of constitutional courts in sustaining federal balance in contemporary democracies.

THEORATICAL FRAMEWORK: JUDICIAL FEDERALISM BETWEEN CONSTITUTIONAL MORALITY AND POLITICAL EXPEDIENCY

Judicial federalism in India must be understood as a function of both constitutional design and judicial behaviour. The Constitution vests the Supreme Court with expansive interpretative authority over centre–state relations through an integrated judicial system, positioning it as the ultimate arbiter of federal balance. Unlike federal systems with dual judicial hierarchies, India's model centralises constitutional interpretation, enabling the apex court to shape federal outcomes uniformly across the polity (Baxi, 1980; Chandrachud, 2013). This institutional arrangement magnifies the normative and political consequences of judicial decision-making in federal disputes.

To evaluate the judiciary's role within this framework, this study employs two interrelated analytical lenses: constitutional

morality and political expediency. These concepts do not operate as rigid opposites but as competing impulses that influence judicial reasoning, particularly in politically sensitive federal cases.

Constitutional morality, as articulated by B.R. Ambedkar, denotes fidelity to the spirit and foundational values of the Constitution rather than mechanical adherence to its text (Ambedkar, 1948, as cited in Austin, 1999). It encompasses commitments to democracy, secularism, equality, rule of law, and institutional accountability. For constitutional courts, constitutional morality translates into a counter-majoritarian responsibility: the duty to enforce constitutional limits on political power even when such enforcement entails political cost or institutional friction (Chandrachud, 2017). In Indian constitutional jurisprudence, this commitment found its strongest doctrinal expression in the basic structure doctrine, which identified federalism as an inviolable feature of the constitutional order (*Kesavananda Bharati v. State of Kerala*, 1973; Seervai, 2013).

Political expediency, by contrast, captures judicial choices shaped by considerations external to constitutional principle. These include concerns over institutional legitimacy, executive dominance, political stability or the perceived risks of confrontation with prevailing political power (Sathe, 2002). While judicial restraint is often justified as respect for democratic decision-making or separation of powers, restraint driven primarily by expediency risks enabling executive overreach and eroding constitutional safeguards. The Supreme Court's deference during the Emergency in *ADM Jabalpur v. Shivkant Shukla* (1976) remains a paradigmatic illustration of how expediency, framed as necessity, can fundamentally undermine constitutional morality (Rao, 2010).

Federal disputes intensify this tension because they frequently arise at moments of political contestation between the Union and states, particularly where opposition-ruled or territorially distinct regions are involved. In such contexts, judicial decisions or delays can recalibrate federal power in durable ways. Scholars have noted that judicial federalism in India is therefore less a stable doctrinal field and more a contingent practice shaped by political context and institutional choice (Kumar, 2021).

Comparative federal theory offers limited guidance in the Indian context. Where systems such as the United States rely on doctrines like anti-commandeering to protect state autonomy, India's Constitution explicitly privileges national unity through a strong Union List, emergency provisions, and centrally appointed Governors (Austin, 1999). Judicial protection of federalism in India thus depends less on textual symmetry and more on interpretative commitment. Decisions such as *S.R.*

Bommai v. Union of India (1994) demonstrate how judicial enforcement can meaningfully constrain executive misuse of constitutional powers, whereas later cases reveal how restraint or silence can equally reshape federal balance.

This study conceptualises judicial federalism as existing along a spectrum shaped by the interplay between constitutional morality and political expediency. Rather than assuming a linear decline or consistent evolution, the framework allows for variation across cases. By applying this lens to three landmark decisions viz., *Bommai* (1994), *Ayodhya* (2019), and Article 370 (2023), this paper traces a trajectory from constitutional assertion to accommodative restraint and judicial abdication. This approach enables a focused examination of how judicial choices, made under conditions of political centralisation and constitutional stress, redefine the operational meaning of federalism in contemporary India.

CONTEXTUAL BRIDGE: THE EVOLUTION OF JUDICIAL FEDERALISM IN INDIA

Judicial federalism in India has not evolved through a linear or consistently principled jurisprudence. Instead, it reflects shifting judicial responses to changing political contexts, executive dominance and institutional pressures. From the early years of constitutional adjudication to the contemporary period of political centralisation, the Supreme Court's role in mediating centre-state relations have oscillated between deference, assertion and restraint.

In the initial decades following independence, the judiciary generally deferred to the executive and Parliament in federal matters. This approach was informed by concerns over national unity, administrative consolidation and political stability in a newly independent and diverse polity. As a result, constitutional provisions enabling central intervention such as Articles 249, 356, and 357 were interpreted broadly, reinforcing a Union-centric federal structure (Austin, 1999; Baxi, 1980). Though this deference was often justified as pragmatic governance, it gradually normalised executive discretion in centre-state relations.

A more assertive judicial posture emerged in the 1970s with the development of the basic structure doctrine. By identifying federalism as an essential feature of the Constitution, the Supreme Court placed substantive limits on Parliament's amending power and signalled a commitment to constitutional morality over political convenience (*Kesavananda Bharati v. State of Kerala*, 1973; Seervai, 2013). However, this doctrinal assertiveness was uneven and vulnerable to political pressure, as evidenced during the Emergency when judicial deference in *ADM Jabalpur v. Shivkant Shukla* (1976) exposed the fragility of

constitutional safeguards under conditions of concentrated executive authority (Rao, 2010).

The post-Emergency period witnessed an expansion of judicial power through Public Interest Litigation, enhancing access to justice and administrative accountability. Yet, this phase also contributed to judicial centralisation, with the Supreme Court increasingly shaping governance outcomes across states, often without sustained engagement with federal implications (Baxi, 1985; Bhuvania, 2017). By the 1990s, judicial federalism entered a phase marked by selective constitutional enforcement. The decisions such as *S.R. Bommai v. Union of India* (1994) demonstrated the judiciary's capacity to restrain executive misuse of constitutional authority and subsequent jurisprudence reflected growing caution and inconsistency in addressing centre-state disputes (Sathe, 2002; Kumar, 2021).

In the contemporary era, characterised by heightened political centralisation, judicial engagement with federalism has become increasingly context-dependent. Judicial delay, minimalist reasoning and preference for executive narratives of stability have emerged as defining features of federal adjudication. It is within this evolving landscape that the three case studies analysed in this paper illustrate a trajectory from constitutional assertion to accommodative restraint and judicial abdication.

CASE STUDY 1: S R BOMMAI VS UNION OF INDIA (1994)

Constitutional Assertion as a Federal Safeguard

The decision in *S.R. Bommai v. Union of India* (1994) represents a foundational moment of constitutional assertion in Indian judicial federalism. The case arose from the recurrent dismissal of opposition-ruled state governments under Article 356, often based on gubernatorial assessments rather than legislative verification. In Karnataka, the dismissal of Chief Minister S.R. Bommai's government without a floor test exemplified the routine misuse of President's Rule as a tool of central political control, undermining the autonomy of elected state governments (Austin, 1999).

In its judgment, a nine-judge bench subjected the invocation of Article 356 to judicial review and significantly constrained executive discretion. The Court held that the majority of a state government must ordinarily be tested on the floor of the legislature and that gubernatorial reports are not immune from constitutional scrutiny (*S.R. Bommai v. Union of India*, 1994). Most notably, the Court affirmed federalism as part of the basic structure of the Constitution, elevating state autonomy from a political concession to a constitutionally enforceable principle (Seervai, 2013).

From the perspective of constitutional morality, *Bommai* exemplifies principled judicial intervention. By enforcing procedural accountability and good faith in the exercise of constitutional power, the Court reaffirmed its counter-majoritarian role in protecting the federal balance. Scholars have widely regarded the decision as a corrective to executive dominance and a rare instance where judicial review meaningfully constrained central overreach (Sathe, 2002).

However, the judgment also reveals the limits of constitutional assertion. Delivered several years after the dismissal of the Bommai government, the ruling lacked immediate remedial impact. The Court declined to restore the dissolved state governments, reflecting institutional caution in disrupting prevailing political arrangements (Austin, 1999). Despite these limitations, *Bommai* remains a normative benchmark in Indian federal jurisprudence: a reference point against which subsequent judicial engagement with centre–state relations is measured (Kumar, 2021).

CASE STUDY 2 : AYODHYA VERDICT (2019)

Accommodative Restraint and Narrative Closure

The Ayodhya dispute culminated in the Supreme Court's unanimous judgment in *M. Siddiq (D) Thr. Lrs. v. Mahant Suresh Das* (2019), resolving one of the most politically and communally sensitive constitutional conflicts in independent India. Although the dispute did not formally concern centre–state relations, its adjudication carried significant implications for constitutional governance, secularism and the judiciary's role in managing politically charged conflicts (Chandrachud, 2019).

The Court unequivocally acknowledged that the demolition of the Babri Masjid in 1992 constituted a grave violation of the rule of law and constitutional order (*M. Siddiq v. Mahant Suresh Das*, 2019). Yet, despite recognising this illegality, the Court awarded the disputed land for the construction of a Ram temple, while directing the allocation of alternative land to the Muslim parties. This resolution prioritised finality and social closure over corrective constitutional accountability.

Viewed through the lens of constitutional morality, this judgment presents an ambivalent posture. Even though the Court reaffirmed secularism as a basic feature of the Constitution, it declined to impose substantive consequences for an acknowledged constitutional wrong. Scholars have argued that this approach diluted the normative force of constitutional morality by privileging faith-based narratives and historical belief over the enforcement of constitutional accountability (Baxi, 2019; Bhuwania, 2020).

This verdict reflects a form of accommodative judicial restraint shaped by political expediency. Faced with the prospect

of prolonged instability, the Court appeared to prioritise narrative resolution and political equilibrium over strict constitutional enforcement. In doing so, it reinforced the judiciary's role as a stabilising institution rather than a site of constitutional redress, centralising interpretative authority while narrowing the space for democratic contestation (Kumar, 2021).

CASE STUDY 3: ABROGATION OF ARTICLE 370 (2019–2023)

Judicial Abdication and Federal Reconfiguration

The abrogation of Article 370 in August 2019 represents a decisive rupture in India's federal structure. Article 370 recognised the asymmetric autonomy of Jammu and Kashmir, reflecting its unique accession to the Union. Its removal, accompanied by the bifurcation of the state into two Union Territories, was carried out through executive and parliamentary action while the state remained under President's Rule (*In Re: Article 370*, 2023).

This action raised fundamental questions regarding the scope of Parliament's authority during President's Rule, the legality of restructuring a state without representative consent and the durability of asymmetric federal arrangements (Khosla, 2020). Although multiple petitions challenged the abrogation, the Supreme Court deferred substantive adjudication for over four years. When it finally upheld the executive action, the Court characterised Article 370 as a temporary provision and endorsed Parliament's authority to legislate in the absence of an elected state legislature (*In Re: Article 370*, 2023).

From the standpoint of constitutional morality, the judgment marks a significant departure. Constitutional morality requires respect for deliberative federalism and representative consent, particularly in matters that fundamentally alter a constituent unit's status (Ambedkar, 1948, as cited in Austin, 1999). By validating unilateral executive action under conditions of democratic suspension, the Court weakened cooperative federalism and normalised a unitary interpretation of constitutional power (Chowdhury, 2023).

The prolonged judicial delay and eventual endorsement of the abrogation reflect a posture best described as judicial abdication. Political expediency shaped both the timing and substance of adjudication, allowing executive consolidation to precede constitutional scrutiny and privileging narratives of national integration over federal accountability (Kumar, 2021). In contrast to *Bommai*, where judicial intervention constrained executive misuse, the Article 370 judgment illustrates how judicial silence and deference can themselves reconfigure the federal balance.

CONCLUSION

Judicial federalism in India has never been a static constitutional arrangement; it has evolved through judicial interpretation shaped by political context, institutional design and normative commitment. This article has examined that evolution through three landmark judicial interventions: *S.R. Bommai v. Union of India* (1994), the Ayodhya verdict (2019), and the abrogation of Article 370 (2023), each representing a distinct judicial posture toward centre–state relations. Together, these cases trace a discernible trajectory from constitutional assertion to accommodative restraint and, ultimately, judicial abdication.

The *Bommai* judgment remains the strongest articulation of constitutional morality in India's federal jurisprudence. By subjecting the invocation of Article 356 to judicial review and affirming federalism as part of the Constitution's basic structure, the Supreme Court demonstrated its capacity to act as an effective check on executive overreach. Yet even this moment of assertion revealed institutional limits, particularly in delayed adjudication and restrained remedial action. Subsequent cases illustrate how these limits expanded rather than contracted.

The Ayodhya verdict marked a significant recalibration of judicial engagement. While the Court acknowledged grave constitutional violations, it prioritised narrative closure and political stability over corrective accountability. In doing so, constitutional morality was affirmed rhetorically but subordinated in practice. This approach reinforced the Supreme Court's role as an agent of national integration, while narrowing the space for constitutional redress and democratic contestation, an outcome with indirect but meaningful implications for federal balance.

The Article 370 judgment represents the most consequential departure from principled judicial federalism. By upholding the unilateral restructuring of a constituent state in the absence of representative consent, and by deferring adjudication until political realities were firmly entrenched, the Court endorsed a unitary interpretation of constitutional power. Judicial silence and delay functioned not as neutrality, but as instruments of federal reconfiguration. This episode illustrates how political expediency, when institutionalised through judicial restraint, can fundamentally reshape constitutional meaning.

Taken together, these cases demonstrate that contemporary judicial federalism in India is characterised by selective engagement rather than consistent doctrine. Constitutional morality continues to inform judicial language, but its enforcement has become increasingly contingent on political context. Political expediency, manifested through delay, minimalism, and deference, now plays a decisive role in shaping judicial outcomes in centre–state disputes. This shift carries serious implications for state autonomy, democratic

accountability, and the sustainability of cooperative federalism, particularly in an era of political centralisation.

Yet this trajectory should not be understood as irreversible. The normative resources for a more robust judicial federalism remain embedded within India's constitutional framework and jurisprudence. What is at stake is not the judiciary's capacity, but its willingness to deploy that capacity consistently. The future relevance of judicial federalism will depend on whether constitutional courts reclaim their role as principled stewards of federal balance, where restraint is guided by constitutional morality rather than political expediency. In a polity marked by constitutional stress and asymmetrical power, such stewardship remains essential to preserving the constitutional promise of unity without erasure of diversity.

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