

Judicial Federalism in the Era of Political Dominance: An Investigation between Political Expediency and Constitutional Morality

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Abstract

Judicial federalism in India plays a vital role within a constitutional system characterized by a powerful central government and often tense relationships between the center and states. As the ultimate authority on constitutional conflicts, the Supreme Court significantly influences how federal balance is maintained. This paper explores how the Supreme Court's approach to judicial federalism has changed amid growing political centralization, examining it through two competing perspectives: constitutional morality and political convenience. Using a targeted qualitative case study approach, the research examines three major court rulings: *S.R. Bommai v. Union of India* (1994), the Ayodhya verdict (2019), and the removal of Article 370 (2023). These cases demonstrate different judicial attitudes, from asserting constitutional authority to showing accommodative caution and ultimately yielding to political pressure. The analysis shows that the judiciary's engagement with federal principles varies considerably depending on context, with constitutional morality frequently mentioned in words but applied inconsistently in practice. The article contends that political convenience increasingly influences judicial decisions, creating important consequences for state independence, democratic responsibility, and the future of cooperative federalism in India. By mapping this pattern, the study adds to wider discussions about how constitutional courts can maintain federalism when facing political overpowering and constitutional challenges.

Keywords: Judicial federalism, federalism, centralisation, dominance, Article 370, constitution.

1. Introduction

Judicial federalism is a cornerstone of India's constitutional framework, which blends a powerful Union government with a formally established but politically debated system of centre-state relations. Although the Constitution divides legislative and executive authority among federal units, the judiciary especially the Supreme Court—holds the ultimate authority to interpret and enforce these divisions. Using its jurisdiction under Articles 131, 32, and 136, along with its broad power of judicial review, the Supreme Court serves as the main arbiter of federal conflicts, making its interpretive decisions critical to maintaining the balance between national power and state independence¹.

Unlike traditional federal systems with separate judicial hierarchies, India maintains a unified judicial structure where constitutional interpretation is centralized at the supreme level. This approach ensures

legal consistency but also concentrates all federal adjudicatory authority in one national body, increasing the constitutional and political significance of judicial actions². As a result, the Supreme Court's decisions—whether through intervention or strategic restraint—in centre-state disputes not only settle individual cases but also influence the overall direction of India's federal system³.

An effective way to evaluate this role is through the conflict between constitutional morality and political expediency. Constitutional morality, as B.R. Ambedkar explained in the Constituent Assembly Debates, means following the Constitution's core values—such as democracy, secularism, equality, and the rule of law—beyond what the text explicitly states⁵. For constitutional courts, this requires functioning as counter-majoritarian bodies that uphold constitutional boundaries even when it opposes prevailing political interests. Political expediency, however, reflects judicial reasoning driven by institutional caution, executive convenience, or perceived political stability, often leading to deferential or minimal court decisions⁶.

The Supreme Court's approach to federalism has historically shifted between these opposing forces. Early post-independence rulings showed deference to executive power, driven by concerns about national unity and administrative stability⁷. This stance changed during periods of constitutional assertiveness, particularly through the creation of the basic structure doctrine, which established federalism as an unchangeable constitutional principle⁸. However, these doctrinal commitments haven't consistently appeared in judicial practice. In recent decades, growing political centralization has pressured judicial independence and consistency, creating uneven federal jurisprudence characterized by selective engagement, delayed rulings, and limited remedies⁹.

This article analyzes how the tension between constitutional morality and political expediency has influenced judicial federalism in modern India. Instead of providing a complete overview of centre-state disputes, the study uses a targeted qualitative case study method, examining three landmark decisions representing different judicial approaches: *S.R. Bommai v. Union of India* (1994), the Ayodhya verdict (*M. Siddiq v. Mahant Suresh Das*, 2019), and the Article 370 abrogation case. These cases trace a path from constitutional assertiveness to accommodating restraint and judicial abdication.

Through analyzing these decisions, the article argues that while constitutional morality still influences judicial language, political expediency increasingly determines judicial outcomes in federal disputes. This shift significantly impacts state autonomy, democratic accountability, and the future of cooperative federalism in India. By placing judicial federalism within broader patterns of political dominance and constitutional stress, this study contributes to ongoing discussions about constitutional courts' role in maintaining federal balance in contemporary democracies.

Understanding Judicial federalism between Constitutional Morality and Political Expediency: Theoretical Framework

Judicial federalism in India stems from both how the Constitution is structured and how the judiciary behaves. The Constitution gives the Supreme Court broad power to interpret centre-state relations through a unified judicial system, making it the final decision-maker on federal balance. Unlike federal systems with separate judicial hierarchies, India's approach centralizes constitutional interpretation,

allowing the Supreme Court to consistently shape federal outcomes across the entire nation¹⁰. This setup amplifies both the ethical and political impact of judicial decisions in federal disputes.

To assess the judiciary's role in this system, this study uses two connected analytical frameworks: constitutional morality and political expediency. These aren't strict opposites but rather competing forces that shape judicial reasoning, especially in politically sensitive federal cases. Constitutional morality, as B.R. Ambedkar described it, means following the Constitution's underlying spirit and core values rather than just its literal text¹¹. This includes dedication to democracy, secularism, equality, the rule of law, and institutional accountability. For constitutional courts, constitutional morality means taking on a counter-majoritarian role: enforcing constitutional limits on political power even when it creates political backlash or institutional conflict¹². In Indian constitutional law, this principle reached its strongest form through the basic structure doctrine, which established federalism as an unchangeable constitutional feature¹³.

Political expediency, on the other hand, refers to judicial decisions influenced by factors outside constitutional principles. These include worries about institutional credibility, executive dominance, political stability, or the dangers of clashing with current political power¹⁴. While judicial restraint is often defended as respecting democratic processes or separation of powers, restraint motivated mainly by expediency can enable executive abuse and weaken constitutional protections. The Supreme Court's compliance during the Emergency in *ADM Jabalpur v. Shivkant Shukla* (1976) remains a classic example of how expediency, presented as necessity, can severely damage constitutional morality¹⁵.

Federal disputes make this tension worse because they often occur during political conflicts between the Union and states, especially involving opposition-controlled or geographically distinct regions. In these situations, judicial decisions or delays can permanently shift federal power distribution. Researchers have observed that judicial federalism in India is therefore not a fixed doctrinal area but rather a flexible practice shaped by political circumstances and institutional decisions.

Comparative federal theory provides limited help for India's context. While systems like the United States use doctrines such as anti-commandeering to protect state autonomy, India's Constitution explicitly prioritizes national unity through a strong Union List, emergency powers, and Governors appointed by the centre. Judicial protection of federalism in India depends less on textual balance and more on interpretive dedication. Cases like *Bommai v. Union of India* (1994) show how judicial enforcement can effectively limit executive misuse of constitutional powers, while later cases demonstrate how restraint or inaction can equally alter federal balance.

This study treats judicial federalism as existing on a spectrum determined by the interaction between constitutional morality and political expediency. Rather than assuming a straightforward decline or steady progress, this framework allows for differences across cases. By applying this approach to three landmark decisions—*Bommai* (1994), *Ayodhya* (2019), and *Article 370* (2023)—this paper traces a path from constitutional assertiveness to accommodating restraint and judicial abdication. This method enables a focused analysis of how judicial choices, made under political centralization and constitutional pressure, redefine what federalism actually means in modern India.

Contextualising Judicial federalism: The Evolution of Indian Judicial Federalism

Judicial federalism in India hasn't developed through a straight-line or consistently principled legal approach. Instead, it shows how the judiciary has adapted its responses to evolving political situations, executive control, and institutional pressures. From the early years of constitutional court rulings to today's period of political centralization, the Supreme Court's role in managing centre-state relations has swung between deference, assertiveness, and restraint.

In the first decades after independence, courts generally showed deference to the executive and Parliament on federal issues. This stance was driven by concerns about national unity, administrative consolidation, and political stability in a newly independent and diverse nation. Consequently, constitutional provisions allowing central intervention—such as Articles 249, 356, and 357—were interpreted broadly, strengthening a federal structure centered on the Union. While this deference was often defended as practical governance, it gradually made executive discretion in centre-state relations seem normal.

A more assertive judicial stance appeared in the 1970s with the creation of the basic structure doctrine. By recognizing federalism as a fundamental Constitution feature, the Supreme Court set substantive limits on Parliament's amendment power and showed commitment to constitutional morality rather than political convenience (*Kesavananda Bharati v. State of Kerala*, 1973). However, this doctrinal assertiveness was inconsistent and susceptible to political pressure, as shown during the Emergency when judicial deference in *ADM Jabalpur v. Shivkant Shukla* (1976) revealed how weak constitutional safeguards became under concentrated executive power.

After the Emergency, judicial power expanded through Public Interest Litigation, improving access to justice and administrative accountability. Yet this period also led to judicial centralization, with the Supreme Court increasingly influencing governance outcomes across states, often without adequately considering federal implications.

By the 1990s, judicial federalism entered a phase characterized by selective constitutional enforcement. Decisions like *S.R. Bommai v. Union of India* (1994) showed the judiciary's ability to limit executive misuse of constitutional power, while later jurisprudence demonstrated growing caution and inconsistency in handling centre-state disputes¹⁶.

In today's era, marked by intensified political centralization, judicial engagement with federalism has become increasingly dependent on specific contexts. Judicial delays, minimal reasoning, and preference for executive narratives about stability have become defining features of federal adjudication. Within this evolving landscape, the three case studies examined in this paper demonstrate a path from constitutional assertiveness to accommodating restraint and judicial abdication.

Constitutional Assertion as a Federal Safeguard

Case 1. S.R. Bommai Judgement

The ruling in *S.R. Bommai v. Union of India* (1994) marks a pivotal moment of constitutional assertiveness in Indian judicial federalism. The case emerged from the frequent dismissal of state governments led by opposition parties under Article 356, typically based on governor's assessments

rather than legislative confirmation. In Karnataka, the removal of Chief Minister S.R. Bommai's government without a floor test highlighted the systematic misuse of President's Rule as a mechanism for central political control, compromising the independence of democratically elected state administrations.

In its ruling, a nine-judge bench made the invocation of Article 356 subject to judicial review and substantially limited executive discretion. The Court established that a state government's majority must typically be verified on the legislature floor and that governor's reports cannot escape constitutional examination (*S.R. Bommai v. Union of India*, 1994). Most significantly, the Court confirmed federalism as an integral part of the Constitution's basic structure, transforming state autonomy from a political privilege into a constitutionally enforceable right.

Viewed through constitutional morality, Bommai demonstrates principled judicial intervention. By mandating procedural accountability and good faith in exercising constitutional power, the Court reinforced its counter-majoritarian function in safeguarding federal balance. Researchers have extensively recognized this decision as a remedy for executive dominance and a uncommon case where judicial review effectively limited central overreach.

However, the judgment also exposes the boundaries of constitutional assertion. Issued several years after the Bommai government's dismissal, the ruling had no immediate corrective effect. The Court refused to restore the dissolved state governments, demonstrating institutional caution in disturbing existing political arrangements. Despite these constraints, Bommai continues to serve as a normative standard in Indian federal jurisprudence—a benchmark against which later judicial involvement in centre-state relations is evaluated.

Accommodative Constraint and Narrative Closure

Case study (2)

The Ayodhya conflict reached its conclusion through the Supreme Court's unanimous decision in *M. Siddiq (D) Thr. Lrs. v. Mahant Suresh Das* (2019), settling one of the most politically and religiously sensitive constitutional disputes in independent India. While the case didn't formally involve centre-state relations, its ruling had profound implications for constitutional governance, secularism, and the judiciary's function in managing politically explosive conflicts. The Court clearly recognized that the 1992 demolition of the Babri Masjid represented a serious breach of the rule of law and constitutional order (*M. Siddiq v. Mahant Suresh Das*, 2019). However, despite acknowledging this violation, the Court granted the disputed land for building a Ram temple while ordering alternative land to be provided to Muslim parties. This solution emphasized finality and social resolution rather than corrective constitutional accountability. From a constitutional morality perspective, this judgment demonstrates an uncertain stance. Although the Court reaffirmed secularism as a fundamental Constitution feature, it refused to impose meaningful consequences for an acknowledged constitutional violation. Researchers have contended that this approach weakened constitutional morality's normative power by favoring faith-based narratives and historical beliefs over enforcing constitutional accountability (Baxi, 2019; Bhuwania, 2020). This verdict represents a form of accommodative judicial restraint influenced by political expediency. Confronted with the possibility of extended instability, the Court seemed to prioritize narrative resolution and political balance over rigorous constitutional enforcement. Through

this approach, it reinforced the judiciary's function as a stabilizing institution rather than a mechanism for constitutional remedy, centralizing interpretative authority while reducing opportunities for democratic debate.

Judicial Relinquishment and Federal Reconfiguration

Case 3: Abrogation of 370

The August 2019 abrogation of Article 370 marked a profound break in India's federal framework. Article 370 acknowledged Jammu and Kashmir's asymmetric autonomy, reflecting its distinctive path to joining the Union. Its elimination, along with dividing the state into two Union Territories, was implemented through executive and parliamentary action while the state remained under President's Rule. This move raised critical questions about Parliament's authority during President's Rule, the legality of restructuring a state without representative approval, and the permanence of asymmetric federal arrangements. Although numerous petitions challenged the abrogation, the Supreme Court postponed substantive judicial review for more than four years. When it eventually upheld the executive action, the Court described Article 370 as a temporary provision and confirmed Parliament's authority to legislate without an elected state legislature.

From a constitutional morality perspective, this ruling represents a major shift. Constitutional morality demands respect for deliberative federalism and representative consent, especially in matters fundamentally changing a constituent unit's status¹⁷. By validating unilateral executive action during democratic suspension, the Court undermined cooperative federalism and established a unitary interpretation of constitutional power. The extended judicial delay and final endorsement of the abrogation demonstrate a stance best characterized as judicial abdication. Political expediency influenced both when and how adjudication occurred, allowing executive consolidation to happen before constitutional review and prioritizing national integration narratives over federal accountability. Unlike *Bommai*, where judicial intervention limited executive misuse, the Article 370 judgment shows how judicial silence and deference can themselves reshape the federal balance.

2. Conclusion

Judicial federalism in India has undergone continuous transformation rather than remaining a fixed constitutional principle. Its development has been shaped by judicial interpretation in response to changing political realities, institutional dynamics, and constitutional values. This study analysed that evolution through three significant Supreme Court decisions: *S.R. Bommai v. Union of India* (1994), the *Ayodhya* judgment (2019), and the Article 370 judgment (2023). Each of these decisions reflects a distinct judicial approach to centre–state relations, collectively revealing a progression from active constitutional protection to increasing judicial restraint and, ultimately, judicial disengagement. The *Bommai* decision stands as one of the clearest affirmations of constitutional morality within India's federal framework. By bringing the use of Article 356 under judicial scrutiny and recognising federalism as part of the Constitution's basic structure, the Supreme Court asserted its authority to limit executive excesses. Nevertheless, the judgment also exposed institutional constraints, particularly in terms of delayed adjudication and limited corrective measures. Rather than diminishing over time, these constraints became more pronounced in subsequent cases. The *Ayodhya* judgment signified a notable shift in judicial priorities. Although the Court acknowledged serious constitutional breaches, it favoured

achieving political resolution and social stability over enforcing meaningful accountability. Consequently, constitutional morality was endorsed in principle but given less practical effect. This approach strengthened the Court's role in fostering national cohesion while simultaneously reducing opportunities for constitutional remedies and democratic contestation, thereby carrying indirect implications for the federal balance.

The Article 370 ruling marks the most significant departure from a principled federal jurisprudence. By validating the unilateral reorganisation of a constituent state without representative consent and delaying its review until political developments had become entrenched, the Court effectively endorsed a more centralised understanding of constitutional authority. In this context, judicial inaction and delay functioned as mechanisms that facilitated the reconfiguration of federal relations rather than as expressions of neutrality. The case demonstrates how judicial restraint, when aligned with political expediency, can substantially alter constitutional interpretation. Viewed collectively, these decisions suggest that contemporary judicial federalism in India is characterised by selective intervention rather than a coherent and consistent doctrine. While constitutional morality continues to shape judicial rhetoric, its practical enforcement increasingly depends upon the surrounding political environment. Delay, minimalism, and deference have emerged as influential factors in determining judicial outcomes in centre–state disputes. This trend raises important concerns regarding state autonomy, democratic accountability, and the future viability of cooperative federalism, particularly amid growing political centralisation.

At the same time, this trajectory should not be regarded as inevitable. India's constitutional framework and judicial precedents continue to provide the normative foundations for a stronger and more principled model of judicial federalism. The central question is not whether the judiciary possesses the authority to safeguard federalism, but whether it is prepared to exercise that authority consistently. The future effectiveness of judicial federalism will depend upon the willingness of constitutional courts to reaffirm their role as guardians of federal equilibrium, ensuring that judicial restraint remains grounded in constitutional values rather than political convenience. In a constitutional order marked by unequal power structures and recurring institutional pressures, such judicial stewardship remains essential to preserving unity while protecting diversity.

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