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**IMPACT OF HISTORICAL FACTORS ON THE FORMATION OF  
FEDERALISM: INDIA AND CANADA**- Komal Pandey<sup>1</sup>**1.1 INTRODUCTION**

Federalism is a type of government that brings together independent states or other forms of government while maintaining their independence within a larger political framework. This is accomplished by requiring basic policies in federal systems to be formed and implemented allowing all members to participate in some type of dialogue the formation and implementation of decisions. The political conceptions that are the foundations of federal systems value the advantages of scattered power centres in preserving individual and local liberty, as well as the benefits of negotiation and negotiated collaboration across various power centres.

K.C. Wheare provided a famous explanation of federalism, describing the federal idea as “the method of dividing powers so that the general and regional governments are each within a sphere coordinate and independent.”<sup>2</sup> A.V. Dicey offered a similar definition of federalism, determining the three most important aspects of a "fully developed federalism" as the division of functions across government bodies (each having limited but coordinated authority), the Constitution's Supreme Authority, as well as the courts' authority as constitutional analysts. This paper will concentrate on federalism in India and Canada. In May, 1930, Simon Report, which advocated India's concept of a federal government is India's main source of current federal structure.

In 1930, this commitment to a federal structure of governance for India's future was reiterated. In Canada, negotiations between the provinces were held in Canada, New Brunswick, and Nova Scotia. In 1864, the Charlottetown and Quebec Conferences were held Which marked the

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<sup>2</sup> K.C. Wheare, Federal Government, 11(London: Oxford University Press, 4th ed. 1963).

beginning of federalism. Following these deliberations, the British North America Act was enacted by the British Parliament (currently known as the 1867 Constitutional Act). On July 1, 1867, three colonies were combined to form a federal state. The beginning of Canadian federalism was recognised by Confederation.

## 1.2 RESEARCH QUESTION

1. Which historical factors created an impact on the formation of federalism in India, and how?
2. Which historical factors created an impact on the formation of federalism in Canada, and how?

## 1.3 STATEMENT OF RESEARCH PROBLEM

It is essential to know the historical legacy in shaping any polity, particularly India, since Indian socio-political-financial was occasionally destroyed by Huns, Delhi Sultanate, Mughals, Britishers, etc. Furthermore, through the advancement of mass correspondence, the spread of the English language and mass activation under MK Gandhi made political solidarity, which the public administration could expand upon. The Founding father's insight into the Constituent Assembly was an incredible move-in pacifying the current framework as their first mission. They outperform the quick setting to establish a robust majority rule government framework, spurning neither standards Neither their criteria nor their vision of the issues that the Republic of India was supposed to deal with. Whereas, in 1867, Canada became the first modern federation to adopt a unique status arrangement in order to meet the ambitions of the French speaking majority in the province of Quebec. Be that as it may, Canadian federalism dealt with essentially different issues. To start with, the ongoing spotlight on Quebec, which has crushed endeavours to achieve established changes. Second, it had advanced available resources to oblige the yearnings of the native individuals for self-government. The paper intends to depict all the viewpoints that will prompt the arrangement of federalism in both nations.

## 1.4 OBJECTIVE OF STUDY

The objective behind this study is to explain that In India and Canada, federalism has a long history and how different factors have led to the formation of federalism in both of the countries.

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This study is carried out among Indian federalism and Canadian federalism. Apart from the not uncommon colonial past, among both Canada and India, there are several parallels. Both are federal and parliamentary democracies as well as multiple and plural societies with constituent components clamouring for more autonomy or self-dedication.

### 1.5 SIGNIFICANCE OF STUDY

This study will help the readers understand the concept and framework of federalism and its features. It will provide elaborated information about the historical factors that led to the current scenario in the respective countries. It will also explain how it is a different form in comparison to others. The study will also provide a brief insight into the advantages and disadvantages of the system. Overall, the paper will provide a comparative study between the two countries and help the readers understand the concept more straightforwardly. Along with this will majorly focus on answering the question in issue.

### 1.6 SCOPE/ LIMITATION

The phrases scope and limitations refer to the specifics of a research study. The scope of the project refers to the problem or issue that the researcher wants to investigate. It refers to the lengths to which the research area has been examined and the parameters within which the research will operate. On the other hand, Limitation's constraints the area of research to a concise platform. In regards to the current research, this paper will mainly focus on the significant events in history according to their timeline, and it will explain what sort of impact it created and how that ultimately led to the formation of federalism. Both the country shares several similarities when it comes to forming of government and its working but had some different circumstances in the past despite their current situations.

The paper will provide information primarily related to the time before the formation/ adoption of federalism and a brief ideology regarding the time afterwards. It will incorporate the work of famous authors, articles and a few journals to prove a better understanding.

### 1.7 RESEARCH METHODOLOGY

The term "research" refers to the process of exploring for something over and over until we get to a certain conclusion. It is a systematic study that involves gathering data and crucial

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information, compiling it, and then analysing it to derive something significant. The manner you plan to conduct your study is referred to as your research methodology. This includes how you intend to approach issues such as data collection methods, statistical analysis, participant observations, and so on. The goal of a research methodology is to describe why you chose to conduct your research in the way you did.

Doctrinal and non-doctrinal research methods are the two types of research methodologies. The most prevalent methodology used by people conducting legal study is doctrinal research. It is concerned with the examination of legal doctrine and its development and application. This methodology is essentially theoretical, consisting of either simple study aimed at locating a specific statement of the law or more intricate legal analysis with greater logic and depth. Non doctrinal research, also known as social legal research, gathers empirical data that helps academics answer research questions using approaches from several domains. As far the question of the kind of methodology this study requires, Doctrinal methodology is appropriately suited.

## 1.8 SOURCE OF DATA

Data is the foundation of any analysis work done during the research process. Depending on the requirements for data for the study project, multiple data sources may be used. Gathering all sources of data through primary or secondary research is the first step in data analysis. This research work will concentrate on the analysis primary as well as secondary data. It will analyse the available publications, websites, books, journal articles etc.

## 1.9 CHAPTERISATION

The paper will consist of seven chapters;

- 1) Introduction
- 2) Features of federalism
- 3) Historical incidents
  - a. India
  - b. Canada
- 4) Impact on the formation of federalism
  - a. India
  - b. Canada
- 5) Current scenario
  - a. India

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- b. Canada
- 6) Comparative Analysis
- 7) Conclusion and suggestions
- 8) Bibliography

## 2. LITERATURE REVIEW

- Federalism, federal political system, and Federalism by Ronald L. Watts

Due to political developments in many parts of the world during the last decade, the merits and downsides of federal systems to handle political problems have garnered increased attention. This study distinguishes the terms "federalism" as a phrase, "federal political systems" as a normative term that refers to a large species of federal structures, and "federation" as a specific species within that species. Creation and development patterns, the importance of an integrated global market, representative institutions, the diversity, cultural, and national variation, and the pathologies of federal institutions are all examples of federal processes.

- Indian federalism: a short history by Dr Najar Irfaan Rasool

A separation of responsibilities and functions between a central and different local administration is at the heart of federalism. Each of them is coordinated with the others and acts directly on the people through its administrative agencies within the constitutional restrictions. The notion of dual sovereignty, which assigns supreme or sovereign power to both the federal state and the member units within their fields of jurisdiction, exemplifies this principle of shared power. The British system influenced the development of Federalism in India. The purpose of this research paper is to track the growth of Federalism in India.

- Fiscal Federalism in Canada by Robin Boadway and Ronald Watts

The goal of this research is to describe the fundamental forces affecting Canada's fiscal federalism. The connection between the federal government and the provinces is the main subject of this examination. The report's content mixes economics and political science information to present a quantitative and qualitative analysis of Canada's fiscal federalism. It focuses on discussing the current relationship between governments, but it

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also devotes considerable time to explaining the historical circumstances that have led to the current state of affairs.

- The Two Themes of Canadian Federalism by Donald V. Smiley

The articles explain how two primary themes have shaped the federal experience in Canada. One of those is culture polarity, or the knowledge and willingness of French and English-speaking Canadians to thrive using the government agencies under their power to do so. The second entails government action to meet the material expectations of individuals and groups living in an economy where successive federal administrations' economic policies primarily decide responsibilities and benefits. Those who have studied Canadian federalism have usually assumed, explicitly or implicitly, that the federal system's fundamental difficulty was either a cultural or an economic one.

- The study of federalism, 1960–99 by David R. Cameron and Jacqueline D. Krikorian  
Several observers, according to the author, have suggested that "traditional" federalism research has dropped. They suggest that academic research has shifted away from financial federalism and power distribution and toward new issues including progressive movements, racial politics, and nationality challenges.

- Reconciling of solitude, Essays on Canadian federalism and nationalism by Charles Tylor

The rivalry between English and French Canada, according to Charles Tylor, is fundamentally a confrontation between two ideas of nationality, with English speakers dedicated to social universities and French speakers committed above all to their oneness. It will help you understand the mental strain that contributed to the Meech Lake and Charlottetown accords, as well as Charlottetown's reputation as a famous defender of Quebec accommodation. It also sheds light on Canada's economic woes. Taylor has long contended that economic activity is the only way Canada can develop a strong national identity.

- Indian federalism & distribution of responsibilities by Satya Prakash Dash

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Even though the word "federal" does not appear in the Indian Constitution, it has elements of federalism. This study examines the evolution of federalism in India from colonial times to independence. It focuses on the division of responsibilities among federal tiers in particular. The relationship between the Union and the state is discussed and analysed in light of growing demands for greater autonomy. The article focuses on the Union's and States' various obligations. In further refining Indian federalism, the report also examines some of the committees' and experts' opinions and proposals.

- An Analysis of Canadian Federalism by Mark Sproule-Jones

This article provides to lay the foundations for a more trustworthy explanation of Canadian federalism's organisation and operation. It approaches political analysis with the assumptions and logic of a public choice method.' It starts by contrasting two fundamental beliefs about Canadian federalism in current scholarship with two different assumptions about the nature of political order and the competency of public decision-makers in public choice theory. It develops a public choice view of federalism by examining the federal and provincial governments' constitutional and institutional structures to provide collective goods and services.

### 3. GENERAL FEATURES OF FEDERALISM

Approaches to define the conceptual essence of federalism have been made numerous times. Federalism has a long history, a global presence, and a diverse nature, hence there is a lot of literature on the subject. Despite these efforts, no clear and widely accepted definition of the term has emerged. Indeed, despite so much debate, one of the fundamental challenges of this field of study is that there is no agreed-upon common denominator of 'federalism.'

Wheare's 1946 essay Federal Government was the fundamental attempt at defining federalism. This is the foundation of modern literature on the subject, and it is still the most common starting place for researchers in the field. A.V. Dicey offered a similar definition of federalism, citing the division of functions among government bodies (each with limited but coordinated authority), the Constitution's Supreme Authority, and the courts' authority as constitutional analysts as the three most important aspects of a "fully developed federalism."

The question of "When is it proper to embrace a federal government system?" is the hardest to

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answer, but, as Wheare points out, "it must be addressed since it is in many ways the most significant." "Mill and Dicey provide some indications toward a solution to this challenge. In Freeman, there are also a few stray suggestions. Even though Maddox is primarily concerned with international "federations," he does make some critical comments about the circumstances that led to the formation of federalism. Wheare's Federal Government synthesises and develops all of these previous attempts to understand the origins of federalism. Other severe studies on federalism have appeared since Wheare's book. Because federalism results from forces of unity and separation engaging with one another, reduction mixed with interaction or correlation seems to be a better and more valid explanation.

- The Constitution establishes and protects two tiers of government, with sovereignty derived from the Constitution, distributes between the two in some way, neither above nor below. The two levels of government are not completely reliant on one other. Each has certain capabilities that are safeguarded by the Constitution.
- The Constitution establishes supremacy. Formal changes in each level of government's relative status, or powers, cannot be accomplished by one group alone but must be agreed upon by all levels. The Constitution lays out the procedure for making such modifications (amendments).
- The central government enacts legislation that affects the entire country (or at least a portion of it), whereas provincial governments enact laws that affect the people of their own provinces
- A provincial government's legislation can only apply to residents of that province. Extraterritoriality is not a power granted to local law.
- At least in part, the Federal Constitution must be written in such a way that the division of jurisdictional domains is evident. These constitutions are commonly referred to as "stiff" since changing them usually requires more than a simple majority of legislators.
- The Constitutional Court, sometimes known as the Supreme Court, decides on jurisdictional problems between the arms of government. The Constitution guarantees the existence of such a court. Typically, such a court is independent of somewhat single level of authority.
- Each level of government is granted a list of jurisdictional domains and its financial streams to fund its operations. A government that does not generate its revenue is not truly sovereign.

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- Every government level possesses nearly complete governing institutions, with the ability to change them unilaterally.

#### 4. HISTORICAL FACTORS

A) The Major Incidents That led to the formation of federalism in India are given below:

##### *Phase I: Indian Federalism Under One-Party Dominance (1947–1967)*

Due to its electoral base extended over the Indian subcontinent, the Congress played a prominent position in India's multi-party democratic system from 1947 to 1967. It was a period of excellent centralisation since sustaining the nation's unity and integrity was a major issue shortly after independence. The ruling government was responsible for containing centrifugal tendencies and pooling resources for nation-building. Despite this, the Constitution's 7th schedule, which describes the tasks of both levels of government through Central, State, and Concurrent lists, mostly satisfied States. The year 1956 was significant because it saw the rearrangement of states on a linguistic basis with Andhra Pradesh. The 3rd, 5th, 7th, 13th, and 22nd Constitutional amendments directly influenced the federal structure favouring the centre throughout this period. As a result, this period reflected Indian federalism's centralising tendencies. A major cause was the impact of the India-China war (1962) and the Indo-Pakistan war (1965). In this scenario, the people were displeased, and Congress was rejected in at least eight states in 1967. The Congress's defeat in a majority of states symbolised the shifting nature of Indian federalism. This trend was compounded by the development and growth of regional parties with regional heads.

##### *Phase II: Under Indira Gandhi Administration (1967–1977)*

Under a weaker/less dominating Congress Party, numerous significant changes impacted Centre-State relations. The country was in dire straits on both the economic and social fronts. Due in part to the economic stresses of the China and Pakistan wars, and in part to the five-year plans' incapacity to offer a fair allocation of resources and opportunities, the country experienced a severe financial crisis, with rising unemployment, inflation, and labour unrest. Because of the growing power and persistence of locally dominating classes, the Indian political system has become more regionalized. They wanted to consolidate their power after that, and they didn't want to allow any form of supremacy a chance.

##### *Phase III: Under the Prime Ministership of Morarji Desai, Chaudhuri Charan Singh, Indira Gandhi and Rajiv Gandhi (1977–1989)*

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There was also a spate of regional movements during this time, particularly in Punjab and the North East, as well as rising aspirations for greater state autonomy, as witnessed in the Telugu Desam Party in Andhra Pradesh and the Janata Party in Karnataka. In these scenarios, an acceptable solution was required, particularly in the power balance between the union and the states. In this environment, the ruling Congress government established a panel to examine all centre-state relations and improve. Two people served on the Sarkaria Commission, which was generally known as the Sarkaria Commission. S. R. Sen and Shivaraman Finally, following the authoritarian interlude of 1975–77, In both law and fact, the system regressed to an initial phase of shaky coordination between the centre and the states, thereby reducing India's federal structure to a unified system.

#### *Phase IV: Multi-Party Coalition (1989)*

This phase of Indian politics' federalisation started towards the late 1980s, following a long period of coalition governance at the centre. Regional parties such as Tamil Nadu's DMK and In Bihar, alliance and minority administrations have ruled for the past 150 years, the RJD has clearly declared their interests. The Inter-State Council (ISC) was established during this administration, and the National Development Council was revitalised (NDC). They couldn't commit much attention to federal procedure improvements on a wide scale. In actuality, under Narasimha Rao's Prime Ministership, the Congress government maintained the accurate idea of the centre's importance, the right to intervene in state issues, and the abuse of the Governorship and the President's power to impose his will.

Regional parties have indeed acquired control of numerous states ever since 1996 elections, but they've also integrated the federal government. As a result, the structure and operations of the federal government are likely to improve.

Most centre-state disputes are settled based on pre/post-electoral alliances, owing to coalition politics at all levels. Prof. M. P. Singh was the first to point out that the Indian political system has evolved dramatically toward increased federalisation since the 1990s.

#### B) The Phases of Canadian Federalism

##### *Phase I: Confederation Era (1867–1883)*

During the years 1867–1883, the Canadian federation began as a Confederation. The founders of Canadian federalism attempted to construct a strong central government with broad power based on the needs of the time and circumstances. Due to their limited jurisdiction, the

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provinces occupied a secondary place in the federation. The framers of the 'Confederation Agreement' did not intend for Canada to become a federation with a central government. During the first two decades of its existence, it progressed in that direction.

*Phase II: Dual-federation Era (1884–1910)*

At this time, the Canadian federation had a more or less dual nature. During this time, the Judicial Committee of the Privy Council (JCPC) was instrumental in extending provincial power. Macdonald's conservative party was undermined by the strained relationship between two Canadian communities, Francophones and Anglophones, which fostered anti-centric feelings in Quebec.

*Phase III: Cooperative Federalism Era (1911–1960)*

During this time, the centralisation policy was briefly restored. The federal government's relationship with the provinces mainly was on social programmes, with no residual issues. As a result, bureaucracy dominated inter-governmental relations at both levels of government, problems settling before they reached the political agenda.

*Phase IV: Competitive Federation Era (1961–1980)*

In 1961, a competitive trend started, which lasted until 1980. In this sense, the Royal Commission's (popularly known as the Rowell-Sirois Commission) suggestion for improved Dominion-Provincial ties was a watershed moment. In places like Ottawa, Quebec, and Montreal, there were a variety of requests. Between 1960 and 1980, these variables led in a sharp rise in the regional share of revenue and public spending. In the 1960s, local governments began to take a more active role in regional economics, and they disputed the federal government's ability to make economic policy without their input or approval.

*Phase V: Constitutional Federalism (1980–1990)*

From 1980 through 1990, there was a constitutional trend. During this time, Constitutionalism was the canopy under which Canadian federalism operated. Quebec had gained a prominent place in Canadian politics due to a constitutional provision that guaranteed it a seat on the Supreme Court of Canada. However, several organisations in the rest of Canada rejected Quebec's asymmetrical framework, demonstrating the province's unique standing. Furthermore, the constitutional agenda called for a 'Triple E-Senate,' introducing intra-state federalism by

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establishing an equal, elected, and functional Senate. Aboriginal peoples demanded constitutional acknowledgement of their right to self-government. Following that, the Spicer Commission, a Parliamentary Committee, was formed to re-examine the modifying formula. In the end, constitutional federalism was mostly concerned with Canada's political community charter, the role of national and provincial governments, and federalism's ability to absorb new identities and interests.

*Phase VI: Functional Federalism (Since the 1990s)*

This cultural segment started in the 1990s in Canada. Identical situations have been observed in India for the past decade. New economic upheavals, such as shifting global and North American economies, rivalry from newly industrialised countries, increasing financial market integration, and so on, posed a challenge to federalism. Training and education for the labour force, for example, became a major topic for reaching a monetary agreement. There was a need for balanced trade to ensure economic connectedness among Canadian provinces, presenting various concerns.

## 5. IMPACT ON FEDERALISM

The Canadians did not believe it was necessary to create a new form of government, preferring instead to follow the British parliamentary system. They misunderstood federation to refer to the division of power between national and regional administrations. Canada was not even a federation with coordinated governments when it began. The prime minister referred to province governments as "local governments" since they were subordinate to the central government. Canada was a "quasi-federation," as Wheare later described it. As a result, while it is widely acknowledged that Canada is now a federation, we must add a qualifier. Canada began as a quasi-federation with a strong national government from the start.' Only a few enumerated authorities were delegated to the provinces by the constitution. The federal government can still treat the provinces as subordinate entities, rather than cooperative partners, under Canadian law. The provisions of the 1867 British North America Act allowing the lieutenant-governor to reserve bills for consideration by the government of Canada and the government of Canada to disapprove provincial legislation have not been repealed. "It is true that reservation and dis-allowance are now generally considered as obsolete, but they can be invoked in an emergency (for example, if the government of Quebec were to unexpectedly advocate secession) until these clauses are repealed.' These different clauses of Canada's

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Constitution show that the country's transformation from a quasi-federation to a federation has been slow and frequently traumatic.

In many aspects, India and Canada are similar. It began as a quasi-federation in 1950, with a powerful national administration (still referred to as "the centre") and the delegation of certain powers to the states. It didn't make a formal claim to federation. Indeed, India is still a federation in several senses. There are numerous ways in which Delhi can interfere in the states in ways that are incompatible with India's federation concept. The upper house (the Rajya Sabha), for example, can decide that Parliament will create laws in issues reserved to the states under the Constitution for up to a year with a two-thirds vote.<sup>5</sup> However, India, like Canada, appears to be moving toward federation status. The state governments of the twenty-five states are increasingly less reliant on "the centre." True, the government of India can dismiss a state's chief minister and cabinet and suspend the Legislative Assembly on the suggestion of a state governor under Article 356 of the Constitution. It has done so on about 100 occasions, in virtually every state, and frequently for partisan reasons. However, in March 1994, the Supreme Court of India made a significant step forward by limiting the Indian government's ability to dissolve state governments under Article 356.

## 6. CURRENT SCENARIO

The federal system entails a constitutionally formed coequal and protected dual government:

### **Similarities:**

1. As a result, we've adopted the Canadian constitution's idea of a federal system with a strong centre.
2. The residuary powers specified in Art. 248 belong to the centre, demonstrating the central government's authority over the states.
3. At the federal and provincial levels, responsible government, in which the Cabinet is collectively accountable to the elected House of Commons and must resign if it loses a vote of confidence, is a crucial, albeit unwritten, part of Canadian parliamentary democracy.
4. The federal head of government and his or her executive council, which are technically known as the PM and COM (council of ministers), as well as the elected legislative chamber, the House of People, hold the majority of federal power.

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5. Biaural country — a country that possesses both a common and civil law system.

### **Dis-similarities:**

1. Since February 14, 1977, Canada has allowed dual citizenship. Every government determines who qualifies as a citizen. You have dual citizenship if you are a citizen of more than one country. It is possible for Canadians to acquire foreign citizenship while maintaining their Canadian citizenship. In India, however, we have a single citizenship.
2. Parliament has the authority to enact laws for the entire country, but only in the areas that the Constitution delegated to it. A provincial or territorial legislature can only pass legislation that affects the province's boundaries.

## **7 COMPARATIVE ANALYSIS**

With a federally authored constitution, the federal form of government was critical for maintaining the unity and integrity of a heterogeneous community. In this regard, both Canada and India, in the years 1867 and 1950, respectively, adopted the federal structure of government. According to Michael Burgees, "its limitless capacity to accommodate and reconcile the competing and sometimes contradictory array of diversities having political significance within a state." Tolerance, respect, compromise, bargaining, mutual recognition, and so on are watchwords, along with the phrase's "union" and "autonomy." In light of the preceding, it is necessary to compare Indian and Canadian federalism.

Similarities and differences between Indo-Canadian federal units must be examined. Apart from a common colonial past, several parallels have been discovered. They are both parliamentary and federal democracies with constitutionally established Judicial Review. The Indian Constitution's Schedule 7 outlines the separation of powers between the central government and the federal entities, including a concurrent list modelled after the Australian Constitution. Both countries have grown by dividing powers between the central government and the federative branches, which includes local self-government; legislative, executive, and judicial institutions operate independently within their constitutionally defined domains. A check and balance system exists in the political process, which includes devolution of powers from federal units to local bodies, fiscal federalism, judicial review, including judicial activism, the powers of both chambers of Parliament, and the participation of major, regional parties and pressure groups.

Canada was the second country in the British Commonwealth to adopt the federal concept in 1867, but it was the first in the British Commonwealth to combine parliamentary and federal

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governance principles. Similarly, in 1950, India was the first country in the Afro-Asian world to do so. According to Ronald L. Watts, both political systems are known as the 'Parliamentary Federal System.' They are similar in terms of socioeconomic and geographical disparities and diversities, the structure of their constitutions, political ideologies, and party systems, among other things, while being on opposite sides of the globe and at distinct phases of economic growth.

Following their independence, both countries swiftly adopted constitutions based on the Westminster model in England but with a federal component. Federalism currently entails at least three tiers of government: federal, state, and local, all of which have clearly defined and shared jurisdiction. Despite the fact that today's Indo-Canadian society is problematic, both societies were formerly less so. In this phase of severe globalisation, federal-provincial relationships in Canada and centre-state relations in India have become significant due to greater federalisation or regionalisation following World War II in Canada and during the 1990s in India.

Parts of both multiple and diverse groups are now making strong demands for increased autonomy. K. C. Wheare described both political systems as quasi-federal in his 1964 book 'Federal Government.' In a few years, he noted, 'The Canadian Constitution is quasi-federal, but the nature of the government is federal.' He said of India, "The nature of the Constitution and the administration are both quasi-federal."

Quebec has a unique element in Canadian federalism because it has most French-speaking residents, whereas the other nine provinces are primarily English-speaking. Within a few years of independence, the Indian government established a commission to recommend state reorganization, chaired by D. P. Dhar. In the end, India reorganized its states linguistically, with Andhra Pradesh being the first to be created.

## 8. CONCLUSION / RECOMMENDATIONS

The Canadians had not believed that a new government was required, opting instead to follow the British parliamentary system. They mistook the term federation to mean the division of power between national and regional governments. When Canada was founded, it was not even a federation with coordinated governments. The prime minister referred to Canada's provincial governments as "local governments" since they were subordinate to the national government. Canada was a "quasi-federation," as Wheare later described it. As a result, while the fact that

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Canada is currently a federation is universally acknowledged, we must add a qualifier. From the beginning, Canada was a quasi-federation with a strong national government. The Constitution only ceded a few listed authorities to the provinces. The federal government can still treat provinces as subservient entities rather than cooperating partners under Canadian law. Although the provisions of the 1867 British North America Act allowing the lieutenant-governor to reserve bills for consideration by the government of Canada and the government of Canada to disapprove provincial legislation have not been repealed, they can still be used in an emergency until they are repealed" (e.g., if the government of Quebec were suddenly to propose secession).

These several sections of Canada's Constitution demonstrate that the country's transition from a quasi-federation to a federation has been slow and often painful.

India and Canada are comparable in many ways. In 1950, it was established as a quasi-federation, with a strong national government (still known as "the centre") and the transfer of some responsibilities to the states. It did not claim the entire federation.

Indeed, India is still a federation in several senses. There are numerous ways in which Delhi can interfere in the states in incompatible ways with India's federation concept. The upper house (the Rajya Sabha), for example, can decide that Parliament will create laws on issues reserved to the states under the Constitution for up to a year with a two-thirds vote. However, India, like Canada, appears to be moving toward federation status. The governments of the twenty-five states are increasingly less reliant on "the centre." True, the government of India can dismiss a state's chief minister and cabinet and suspend the on a state governor's recommendation, the Legislative Assembly convenes under Article 356 of the Constitution. It has done so on more than a hundred occasions, in nearly every state, and frequently for partisan reasons. The Supreme Court of India, on the other hand, took a crucial step forward in March 1994 by limiting the Indian government's ability to remove state governments.

Another aspect of a federation that includes provinces or states, as well as an amendment formula, is that the national government cannot dismiss the government of a state or province unless it is in an extreme emergency. Another sign of Canada's quasi-federation is that it took the Canadian government more than thirty years after 1867 to stop doing so. The Indian government has frequently dismissed state administrations in the hands of opposition parties. State chief ministers from the Congress' party have also been replaced by the party's top command. It's unclear whether the Supreme Court's 1994 ruling restricting the use of President's

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Rule and, as a result, the dismissal of state governments would be upheld.

We've suggested that both Canada and India have gradually transitioned from quasi-federations to federations. It is not guaranteed that these two countries, which arose from quasi-federations, will go much further as federations. While a Triple-E Senate is sometimes predicted to placate Canada's western provinces, it's difficult to see how this can be reconciled with the idea of a government that is only accountable to the House of Commons. Federalism clashes with the legislative history of a strong cabinet government answerable entirely to the lower chamber at some point. No Canadian prime minister has ever considered consulting both chambers about cabinet duties.

Finally, both nations have asymmetries in their federative structures, even though both work well.

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