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FOREWORD

The Constitution of India, drawing substantially from the Government of India Act, 1935, created a legislative and administrative structure that placed too much power in New Delhi and too little in the hands of the States. It is a dangerous illusion to believe that the Union grows stronger by enfeebling the States. A nation cannot march forward if its legs are tied. The Union and the States are not rivals in a contest; they are partners in a common enterprise. India is too vast, too diverse, and too democratic to be governed on the premise that uniformity is a virtue and diversity an inconvenience. The real sources of national resilience lie not in central command but in the autonomy, innovation, and competitive dynamism of the States.

Yet, for decades, centralisation has been the order of the day justified in the name of national unity, uniform standards, presumed State incapacity, or the reduction of regional disparities. Through successive constitutional amendments, Union legislation in Concurrent List subjects, conditional Finance Commission transfers, and Centrally Sponsored Schemes with one-size-fits-all guidelines, the balance of power has tilted even further toward the Union. Large ministries exist in Delhi that duplicate State functions and often attempt to steer State priorities through micromanagement and procedural oversight. In an inversion of democratic hierarchy, the Union Executive is attempting to override plenary State laws in Concurrent List subjects through subordinate legislation.

Political developments reinforced this centralisation. For long periods, the dominance of a single national party at both Union and State levels, combined with the "high command culture" of centrally appointed Chief Ministers, entrenched unitary trends. By contrast, the rise of coalition Governments at the Union and regional parties in the States tended to improve the federal balance.

Centralisation might have been defensible had it delivered the promised results. Judged by any fair measure, whether by comparison with decentralised federations, by global averages, or by India's own stated objectives, the outcomes do not commend themselves. The centralised model has failed to deliver access, quality, equity, or global competitiveness. What it has produced instead is a maze of regulations, chronic under-funding of essential functions, priorities divorced from local realities, a debilitating erosion of responsiveness and accountability, and the systematic attrition of State autonomy.

Tamil Nadu anticipated these concerns early. In 1967, Perarignar Dr C.N. Annadurai, our beloved leader and then Chief Minister of Tamil Nadu, observed:

> "I want the Union to be strong enough to maintain the sovereignty and integrity of India. All the powers needed to make the Union responsible for the safety of this country ought to be with the Union. But that does not mean that the Union, in order to safeguard India from Pakistanis or the Chinese, should think of having a Health Department here. In what way does that strengthen the sovereignty of India? Should they have an Education Department there? In what way does that improve the fighting capacity of the military personnel there?"

Dr. Kalaignar M. Karunanidhi carried this vision forward with the maxim, "Autonomy to the States, Federalism at the Centre" and constituted the first independent Committee on Union-State Relations under Justice P.V. Rajamannar in 1969. The Committee's 1971 report marked a significant milestone in India's federal discourse. In 1974, the Tamil Nadu Legislative Assembly passed a historic resolution urging the Union to implement the Rajamannar Committee's recommendations and amend the Constitution to establish a genuinely federal system. Subsequently, the Union Government appointed the Sarkaria Commission (1983-88) and later the Punchhi Commission (2007-10) to examine Union-State relations. Though both produced substantial reports, their recommendations did not go far enough to correct the structural imbalance or realise a truly federal framework.

Today, we stand at a defining moment in the constitutional life of our Republic. The time has come to review the path we have travelled and to chart a future that strengthens true federalism. With this objective, the Government of Tamil Nadu constituted a High-Level Committee on Union-State relations, chaired by Hon'ble Justice Thiru Kurian Joseph, former Judge of the Supreme Court of India, with Thiru K. Ashok Vardhan Shetty, IAS (Retd), former Vice-Chancellor of the Indian Maritime University, Chennai and Dr. M. Naganathan, former Vice-Chairman of the Tamil Nadu Planning Commission, as Members. This endeavour rises above politics and partisanship.

Through structured consultations, expert submissions, a National Seminar on Federalism, and a detailed questionnaire, the Committee has examined India's creeping centralisation and the reforms necessary to restore federal balance. Part I of the Report addresses ten of the most consequential issues of our time, including the role of the Governor, language policy, delimitation, elections, education, health, and GST reforms. The analysis draws on Constituent Assembly Debates, comparative federal studies, past commission reports, judicial decisions, and contemporary research. Its recommendations are rooted in the principles of subsidiarity, democratic accountability, and constitutional propriety, as well as the best practices of mature federations.

I hope that Part-I of the Report will engage legislators, jurists, administrators, scholars, and citizens alike. If it stimulates informed debates, restores balance to the Union-State relationship, and helps fashion a constitutional climate in which the Union is strong because the States are strong, then it will have served its purpose. Federalism, in its true spirit, is not a concession to the States but a safeguard for the nation; not an obstacle to unity but a guarantee; not a device of convenience but a principle of constitutional dignity. It must be real both in letter and in lived practice.

(M.K. STALIN)

Preface

Federalism is sometimes spoken of as if it were a matter for specialists alone—an arrangement of lists and formulas, jurisdictions and institutions. To many citizens it appears distant—discussed in seminars, examined in reports, or debated in courtrooms. Yet federalism is not an abstraction. It is felt in everyday life: in the language a child learns at school; in the hospital one turns to in an emergency; in the quality and reach of public services; in the taxes a State may levy to build roads and provide welfare; in the conduct of elections; and in the manner in which a State speaks to the Union when differences arise. When federalism is weakened, these realities do not collapse overnight. They change quietly, almost unnoticed at first, until their cumulative effects become unmistakable.

For India, federalism was never a borrowed theory or an ideological indulgence. It was a necessity. No other constitutional arrangement could plausibly govern a civilisation of such linguistic, cultural, regional, economic, and social diversity. Yet the Constitution of India carries pronounced unitary features. This was a product of founding conditions—Partition anxieties, the integration of 14 provinces and 552 princely States, and fears of fragmentation and disorder. In the decades that followed, these tendencies were reinforced by prolonged one-party dominance and a political culture that favoured centralised decision-making and the imposition of leadership upon the States. Had the India of today existed in 1950—with linguistically organised States, mature political parties, and entrenched democratic practices—the constitutional design might well have taken a different path.

Seventy-six years later, the anxieties that shaped the founding moment no longer define India's reality. Yet constitutional practice continues, in important respects, to proceed on assumptions formed in the late 1940s. Centralisation, once defended as a necessity, now persists as habit—an inherited reflex rather than a consciously renewed constitutional choice. In his Foreword, the Hon'ble Chief Minister of Tamil Nadu has set out in detail how, over the years, the

Union has made deep and sustained inroads into domains that the Constitution assigned to the States. These developments are examined in detail in several chapters of this Report. It bears emphasis that this transformation has not occurred through a single dramatic stroke, but creepingly through a step-by-step, issue-by-issue, and institution-by-institution progression—producing an interconnected pattern of federal erosion.

This drift has continued despite the Supreme Court's emphatic declaration in *S.R. Bommai v. Union of India* (1994) that federalism forms part of the Basic Structure of the Constitution. Justice B.P. Jeevan Reddy stated: "The fact that under the scheme of our Constitution, greater power is conferred upon the Centre vis-à-vis the States does not mean that States are mere appendages of the Centre. Within the sphere allotted to them, States are supreme. … More particularly, the courts should not adopt an approach, an interpretation, which has the effect of or tends to have the effect of whittling down the powers reserved to the States. … Let it be said that the federalism in the Indian Constitution is not a matter of administrative convenience, but one of principle—the outcome of our own historical process and a recognition of the ground realities."

Yet the erosion of State autonomy has continued—through successive actions of the Union and through certain judicial pronouncements, notably *Dr. Pradeep Jain v. Union of India* (1984) and *Prakash Singh v. Union of India* (2006), among others. Noted writer Pratap Bhanu Mehta has described federalism in India as "a vanishing act", likening it to "the grinning Cheshire cat in *Alice in Wonderland*". Regrettably, this characterisation appears increasingly apt.

It was against this backdrop that the Government of Tamil Nadu constituted this High-Level Committee on Union–State Relations in April 2025 (see Appendix I)—the fourth such exercise undertaken in the country. Tamil Nadu had earlier led the way through the Rajamannar Committee (1969–71), which called for substantial constitutional reform to restore State autonomy and require State concurrence for all constitutional amendments. At the national level, the Sarkaria Commission (1983–88) and the Punchhi Commission (2007–10) examined Union–State relations and made several recommendations, but stopped short of proposing structural amendments to recalibrate the federal balance. The passage of time since those inquiries, and the constitutional, fiscal, and institutional developments that have followed, have made a fresh and comprehensive review unavoidable.

The opening chapter in Part I of this Report develops eleven foundational arguments—seven affirmative and four exposing entrenched fallacies—setting out a clear and principled constitutional case for deeper decentralisation and enhanced State autonomy. The issues examined in the remaining chapters reveal a consistent and troubling pattern of federal imbalance across constitutional design, institutional practice, and sectoral governance.

India's constitutional amendment procedure lies at the heart of this imbalance. It is unusually flexible for a federal constitution, having been amended 106 times in 76 years. Several provisions may be amended by Parliament by a simple majority of members present and voting; many others by a special majority of Parliament alone. Even where ratification by State Legislatures is required, it applies only to a narrow subset of federally sensitive provisions and is subject to a relatively low threshold. There is no provision for a referendum. This design enables far-reaching changes to the federal balance without broad-based federal consensus or public deliberation.

A second vulnerability lies in India's framework for territorial reorganisation, which continues to reflect the anxieties of the 1940s rather than the federal maturity of the 2020s. Parliament can unilaterally alter, divide, diminish, or even downgrade States through ordinary legislation—a power which sits uneasily with the premise of federalism as part of the Constitution's Basic Structure.

Perhaps no part of the Constitution is more urgently in need of reform than its language provisions, which are rooted in the misconception that national unity requires linguistic uniformity. Comparative international experience points in the opposite direction: federations tend to flourish when linguistic diversity is constitutionally protected and accommodated, and to falter when one dominant language is imposed. India's linguistic diversity is not a problem to be managed, but a civilisational asset to be cherished and nurtured.

The office of the Governor, conceived as a neutral constitutional link between the Union and the States, has increasingly departed from its intended role. Each episode of gubernatorial overreach—manipulating government formation or collapse, refusing to summon the Assembly, withholding or indefinitely delaying assent, publicly criticising an elected government, or turning Raj Bhavan into a partisan outpost of the ruling dispensation at the Union—erodes confidence in the institution.

The post-2026 delimitation exercise is generating profound anxiety. With Total Fertility Rates across States still sharply divergent, lifting the inter-State freeze on Lok Sabha seat allocation risks penalising States that successfully implemented national population goals while rewarding those that did not, thereby unsettling the federal equilibrium. The rationale underlying the freeze since 1976 remains fully valid even today.

Unlike mature federations, where States conduct their own legislative elections through State Election Commissions, India vests this function entirely in the Election Commission of India. The imbalance is aggravated by the "One Nation, One Election" proposal, which subordinates legislative accountability to a rigid electoral calendar and prioritises administrative convenience over democratic choice. At the same time, a dysfunctional anti-defection regime continues to erode the voter's mandate and calls for urgent reform.

India's original constitutional design (1950–1976), which treated education primarily as a State responsibility subject to limited Union coordination, was sound and broadly aligned with the practice of mature federations. The departure from this design—initiated by the *Forty-second Constitutional Amendment* (1976), reinforced by expansive judicial interpretations of Entry 66 of the Union List, compounded by regulatory overreach by bodies such as the University Grants Commission, and aggravated by the politicisation of the Governor's statutory role as Chancellor of State universities—has steadily eroded State and university autonomy without delivering commensurate gains in quality or reducing inter-State disparities.

Public health, though constitutionally a State subject, has followed a similar trajectory. Over recent decades, and accelerating in recent years, the Union has expanded its footprint through the Union-controlled National Medical Commission, national entrance examinations, rigid and micromanaged Centrally Sponsored Schemes, fiscal conditionalities, and even cultural homogenisation through uniform Hindi branding of health programmes. Centralisation has not cured the weaknesses of India's health system; it has become part of the ailment.

More than eight years after its launch, the Goods and Services Tax (GST) remains a work in progress. There is a growing perception that States surrendered fiscal autonomy without receiving the revenue growth and stability promised in return. The spirit of cooperative federalism has been strained,

with the GST Council—where the Union enjoys a decisive veto—functioning in practice as an extension of the Union Ministry of Finance, and with no independent dispute resolution mechanism to address conflicts.

This Report approaches these issues from first principles. It revisits the debates of the Constituent Assembly, traces the constitutional and political evolution of Union–State relations, examines the work of earlier commissions, and draws upon the experience of mature federations. The Committee's work has been enriched by wide consultation, including a National Seminar on Union–State Relations held on August 23, 2025, and detailed responses from experts across disciplines and regions. A summary of recommendations is presented in Appendix III.

The Committee is firmly of the view that Indian federalism now requires a structural reset comparable in ambition to the economic reforms of 1991. A federation that trusts its States, respects subsidiarity, empowers local governments, and accommodates heterogeneity does not weaken sovereignty; it deepens democracy. Unity in such a system is sustained not by command but by consent, not by enforced uniformity but by negotiated accommodation, and not by the concentration of power but by its principled distribution. The objective is not to diminish the Union, but to right-size it. As K. Santhanam warned in the Constituent Assembly, the Union's strength lies not in the accumulation of functions, but in the disciplined refusal of responsibilities that do not belong at the national level. A government that attempts to do everything ultimately does nothing well.

The Committee places on record its sincere gratitude to the Hon'ble Chief Minister of Tamil Nadu, Thiru. M.K. Stalin, for entrusting it with this responsibility and for extending his full and unwavering support throughout the course of its work. Every request made by the Committee was accorded prompt and considerate attention.

The Committee is grateful to Thiru. N. Muruganandam, IAS, Chief Secretary; Thiru. T. Udhayachandran, IAS, Additional Chief Secretary (Finance); Dr. P. Umanath, IAS, Principal Secretary-I to the Hon'ble Chief Minister; and other officers of the Government of Tamil Nadu for their consistent cooperation and assistance. The Committee places on record its special appreciation for Tmt. Reeta Harish Thakkar, IAS, Principal Secretary (Public Department) and Nodal Officer for the Committee, whose steadfast

support, exemplary coordination, and administrative acumen proved a constant pillar of strength throughout the Committee's work. The Committee expresses its appreciation to all its officers and staff, and to the persons listed in Appendix II, for their wholehearted cooperation and support.

Justice Kurian Joseph

K. Ashok Vardhan Shetty, IAS (Retd.)

Professor M. Naganathan

Appendix III

SUMMARY OF RECOMMENDATIONS

Chapter 1 – The Case for Decentralisation and State Autonomy

Taken together, the following eleven arguments—seven advancing the affirmative constitutional case for decentralisation and State autonomy, and four dismantling the entrenched fallacies that have sustained over-centralisation—form a coherent and principled framework for rebalancing India's federal order:

1. *The Liberty Argument:* Why Divided Power Safeguards Freedom
2. *The Strategic Focus Argument:* Why Over-Centralisation Weakens Governance
3. T*he Democracy Argument:* Why Subsidiarity Strengthens Accountability
4. *The Resilience Argument:* Why Centralised Systems Fail Under Stress
5. *The Innovation Argument:* Why Decentralisation Fosters Experimentation
6. *The Social Justice Argument:* Why Social Reform Emerges from the States
7. *The Probity Argument:* Why Dispersed Authority Promotes Integrity
8. *The Incapacity Fallacy:* Why Central Distrust Produces State Weakness
9. *The Control Fallacy:* Why Coordination Outperforms Command
10. *The Equalisation Fallacy:* Why Centralisation Breeds Dependency
11. *The Uniformity Fallacy:* Why Diversity Sustains Federal Unity

Treated as guiding principles for constitutional amendment, legislation, and policy, they would help secure a federal order in which authority is matched by responsibility, democratic accountability is strengthened, and the Union and the States function as partners in governance rather than as rivals in power.

Chapter 2 – Amendment of the Constitution

1. Minimise constitutional provisions amendable by simple parliamentary majority. All others must require amendment under Article 368.
2. Every Constitution Amendment Bill must secure not less than two-thirds majority of the total membership of each House of Parliament under Article 368(2).
3. Recast Article 368(2) so that all constitutional amendments (except those in Recommendations 1 and 6) require two-thirds majority of total membership of each House of Parliament and ratification by State Legislatures under the double-majority rule. The limited exceptions should be set out in a new proviso to Article 368(2).
4. Amend Article 368 to require ratification by not less than two-thirds of States representing not less than two-thirds of India's population. Each State's ratification should be approved by a majority of the total membership of its House(s).
5. If a proposal to amend the Constitution is adopted by two-thirds of the State Legislatures representing two-thirds of India's population, it shall be considered by Parliament in accordance with the procedure detailed in Recommendation 2. Insert a new clause (2A) in Article 368 to incorporate this procedure.
6. Amendments affecting particular States must require ratification only from the affected States' Legislatures. Such ratification should be approved by a two-thirds majority of the total membership of the House(s) of that State's Legislature. Insert a new clause (2B) in Article 368 to incorporate this procedure.
7. Expressly codify the Basic Features of the Constitution by inserting a new clause (2C) in Article 368. There shall be no amendment abridging, taking away, or destroying these basic features.
8. No House of Parliament or State Legislature shall take up a Constitution Amendment Bill for final voting in the same session in which it was introduced; President shall not grant assent until one year after introduction unless the required Legislatures act sooner. Insert a new clause (2D) in Article 368 to incorporate this procedure.

9. No Constitution Amendment Bill shall be introduced without three months prior public consultation in such manner as Parliament may prescribe by law. Insert a new clause (2E) in Article 368 to incorporate this procedure.
10. Insert a list of existing or new provisions requiring mandatory reconsideration every 10 or 15 years, with a stipulation that they shall cease to have effect unless re-enacted within that period. Insert a new clause (2F) in Article 368 to incorporate this procedure.

Chapter 3 – Territorial Integrity of States

1. Amend Article 2 to confine its scope to the admission of new territory and the establishment of new State(s) for such territory.
2. All territorial reorganisation under Article 3 should operate as State-specific constitutional amendments requiring the affected States' concurrence. Amend Article 4 to delete references to Article 3.
3. For the President to recommend the introduction of a Bill for the creation of a new State under Article 3(a), the consent of the affected State Legislature(s) should be obtained. If a State withholds consent, the President may order a referendum to be conducted in the affected area. The referendum will succeed if at least three-quarters of the voters participate, and two-thirds approve the proposal. Such a Bill should also require parliamentary approval by two-thirds majority of the total membership of each House of Parliament. Amend the proviso to Article 3 to reflect these requirements.
4. Amend the proviso to Article 3 so that no Bill under Article 3(b)-(d), for altering the areas or boundaries of existing States, may be introduced in Parliament unless the consent of the affected States' Legislatures have been obtained and been passed by not less than two-thirds majority of the total membership of each House of Parliament.
5. Amend the proviso to Article 3 so that Bills under Article 3(e), for altering the name of any State, may originate only in the concerned State Legislature through a resolution passed by not less than two-thirds majority of its total

membership, and shall take effect only through a Constitution Amendment Bill passed by not less than two-thirds majority of the total membership of each House of Parliament. If a State's name has been altered in the past twenty-five years, no such Bill may be proposed.

6. Amend the proviso to Article 3 to bar the introduction of any territorial reorganisation Bill in Parliament when an affected State is under President's Rule.
7. Introduce a new Article 3A to ban the creation of new Union territories and to mandate decennial referendums for existing ones (excluding the National Capital Territory of Delhi), offering a choice to either merge with a neighbouring State or to become an independent State. If the referendum fails, it shall continue to be a Union territory.

Chapter 4 – Language

1. The Union should correct Census distortions by ending the misclassification of 53 independent languages such as Bhojpuri, Rajasthani, Chhattisgarhi, Magadhi among others as "dialects of Hindi", and present the true percentage of Hindi speakers (about 25 per cent, not 43.6 per cent).
2. To safeguard India's rich linguistic heritage, include all languages with more than one million native speakers (including those misclassified as "dialects of Hindi") in the Eighth Schedule. A lower threshold of one lakh native speakers may be adopted for the inclusion of vulnerable tribal languages. Pali and Prakrit should also be included in the Eighth Schedule alongside Sanskrit. Data on English speakers should be properly elicited in future Censuses, and English too should be included in the Eighth Schedule. The directive of Article 350A to provide primary education in a child's mother tongue in as many languages as feasible should be implemented in letter and spirit.
3. Given that nearly 250 Indian languages have become extinct in the past 50 years and another 400 languages are in danger of becoming extinct in the next 50 years, the Union must shift its emphasis from privileging a single language (Hindi) to safeguarding India's vast linguistic heritage. Replace

the Special Officer for Linguistic Minorities with a *National Language Commission* to implement programmes for linguistic preservation and revival.

4. India must abandon the "One Nation, One Language" illusion. True unity arises not from linguistic uniformity but from linguistic equality. Global examples show that a common language does not guarantee unity; imposing one is the surest path to disunity. India should have a language policy anchored in fairness, inclusion, and respect for every language, regardless of the number of their speakers.
5. Recognising the Three-Language Formula as a profound policy failure—lacking clear benefits and ignoring cognitive, financial, and operational realities—India should shift to high-proficiency bilingualism: English for economic mobility and global competitiveness, and the regional language or mother tongue for cultural continuity and effective local governance. Any additional language should be voluntary, learned flexibly through modern digital tools, and not imposed as a rigid academic requirement.
6. Amend Article 343 to constitutionally entrench English as the permanent official language of the Union, removing its dependence on the *Official Languages Act*, 1963. Declare all Eighth Schedule languages as the official languages of the Union, affirming linguistic plurality on the EU model. This is rendered feasible by modern translation technologies. Provide a fifteen-year transition period for newly recognised Eighth Schedule languages before granting full Union-level official status.
7. Amend Article 345 to delete "or Hindi" to clarify that States may adopt only the languages in use within the State as their official language(s).
8. Amend Article 346 to expressly guarantee English as the permanent link language for all official communication between the Union and the States and among the States inter se. The official language of the recipient State may be used as a supplementary link language wherever appropriate.
9. Omit Article 347. It is now anachronistic, infringes State autonomy, and unnecessary in the post-1956 linguistic landscape.
10. Amend Article 348(1) to entrench English permanently as the language for all Constitutional Courts and for all purposes of legislative drafting. Amend Article 348(2) to allow States to authorise the use of their official

language—a privilege now given only to Rajasthan, Uttar Pradesh, Madhya Pradesh, and Bihar—without requiring prior Presidential consent, for High Court proceedings and for its judgements, decrees, and orders provided that they are accompanied by an authenticated English translation.

11. Amend Article 350 to require every Union government office to reply to a citizen's representation in the language of the representation, the State's official language, or English, whichever ensures clarity, convenience, and fairness to the citizen.
12. Omit Article 344, as the "Commission and Committee of Parliament on official language" is redundant.
13. Amend Article 351 to replace the exclusive promotion of Hindi with a constitutional commitment to preserve, nurture, and revitalise the entire spectrum of India's linguistic heritage.
14. Amend Articles 120 and 210 to abolish the archaic "permission-to-speak" rule and guarantee every member of Parliament and State Legislature the unrestricted right to speak in any Indian language in legislative proceedings, and mandate real-time translation.

Chapter 5 – The Governor

1. Amend Article 155 to bind the President to appoint one of the three names approved by a majority of the total membership of the State Legislative Assembly as Governor of that State.
2. Amend Article 156 to provide a single, fixed, non-renewable five-year term for Governors, with ineligibility for further constitutional office except President or Vice-President. Delete the proviso permitting continuation beyond term; upon expiry, the Chief Justice of the High Court shall officiate until a successor assumes office. Provide for removal only through a resolution of the State Legislative Assembly passed by a majority of its total membership, binding the President to act on such resolution within fourteen days.
3. Amend Article 157 to require that the Governor, in addition to the existing requirements, shall be an outsider to the State, an eminent person in some

recognised field of public life, and shall not have held office in a political party or any office under the Executive, Legislature, or Judiciary during the preceding five years.

4. Incorporate a new Thirteenth Schedule—*Instrument of Instructions for Governors*—codifying binding limits on discretion to ensure neutrality, prevent misuse, and reinforce federalism and constitutional balance.
5. Incorporate the following binding principles into the proposed *Instrument of Instructions for Governors* for situations arising after elections, resignation of a Ministry, or a no-confidence motion. When no party commands a majority, the Governor shall invite a leader to form the Government strictly in this order: (i) a pre-poll alliance with a clear majority; (ii) the single largest party with assured support; (iii) a post-poll coalition with all partners joining the Ministry; (iv) a post-poll alliance with outside support. The Governor shall not rely on personal judgment or informal assessments. All competing claims must be tested only on the floor of the Assembly, ordinarily within seven days, with extensions permitted only for recorded exceptional reasons. No delay or manipulation of the floor test shall be allowed.
6. Incorporate the following binding principles into the *Instrument of Instructions for Governors* regarding summoning, proroguing, and dissolution of the Legislative Assembly. Summoning and proroguing shall occur only on the aid and advice of the Council of Ministers, except where the government has demonstrably lost majority. The Governor may direct a floor test *suo motu* only when a no-confidence motion is pending or when credible, objective evidence establishes loss of majority. Dissolution shall be ordered solely on ministerial advice. If a Ministry loses majority, the Governor must first exhaust all viable options for forming an alternative government. Dissolution shall never be used to avoid or pre-empt a floor test, which alone determines legislative confidence.
7. Incorporate the following norms into the *Instrument of Instructions for Governors*. The Governor shall maintain constitutional dignity and avoid public criticism of the State government or Legislature; any concerns must be conveyed privately through constitutional channels. Article 176 (Special address by the Governor) should be omitted.
8. Amend Articles 200 and 201 to impose mandatory timelines for gubernatorial and presidential action on State Bills, with deemed assent on expiry, drawing

on the framework laid down by the Supreme Court in *State of Tamil Nadu v. Governor of Tamil Nadu* (April 2025). Except for the limited High Court safeguard under Article 200, Governors shall not reserve State List Bills for Presidential consideration and must act within 15 days; re-passed Bills must receive assent within a further 15 days. The same timelines apply to Concurrent List Bills, which may be reserved only in cases of repugnancy under Article 254. Before any reservation, the Governor must obtain a written legal opinion and communicate reasons to the State within 60 days. As a constitutional principle, neither Governor nor President should exercise an executive veto over duly enacted State legislation. Where constitutional doubt exists, the President should refer the matter to Parliament within 30 days, with Parliament deciding in the next session and the President bound by its resolution.

Chapter 6 – Delimitation

1. Amend Articles 81, 82, and 170 to extend the freeze on inter-State seat allocation, anchored to the 1971 Census, until 2126, or until the Total Fertility Rates (TFRs) of all States converge within a narrow band (e.g., ± 10 per cent) of the national average, whichever is earlier. Retain the Lok Sabha's maximum strength at 550 seats and Legislative Assemblies at their present strengths, while mandating periodic intra-State delimitation. The 1976 freeze's rationale remains compelling: to avoid penalising States that achieved population stabilisation.
2. Amend Articles 82, 170, and 329(a) to require that delimitation orders take effect only after prior, time-bound scrutiny by Parliament and State Legislatures, and to permit judicial review before election notification on constitutional and jurisdictional grounds, while maintaining the bar on Court interference once the electoral process has formally commenced. Pending such amendments, any future Delimitation Act must expressly provide for mandatory legislative scrutiny before delimitation orders are notified.
3. Amend Articles 82, 170, 327, and Entry 72 of the Union List and Entry 37 of the State List to constitutionally separate Union and State

Delimitation Commissions by vesting exclusive authority over Lok Sabha delimitation in a Union Commission, and exclusive authority over State Assembly delimitation in independent State Commissions, with constitutionally mandated multi-party representation and panel-based appointments.

4. Amend Articles 330 and 332 to provide for decadal rotations of SC-reserved Lok Sabha constituencies within each State, and of SC-reserved Legislative Assembly constituencies within appropriate groups of contiguous Lok Sabha constituencies.
5. Equal representation of States in the Rajya Sabha, as in mature federations, is indispensable to federal balance. The present disparity—ranging from one to thirty-one seats per State—dilutes the chamber's role as a true House of States. A uniform allocation of six seats per State, reflecting the median, offers a rational compromise. Amend Articles 80(1)(b), 80(2), and the Fourth Schedule to allot six seats to each existing and future State, and six seats collectively to Union territories with legislatures. Also, delete Articles 80(1)(a) and 80(3) to abolish nominated members and restore the Rajya Sabha as a wholly elected House of States.
6. Amend clauses (4) and (5) of Article 80 to ensure that Rajya Sabha members are domiciled in the State or Union territory they represent.

Chapter 7 – Elections

1. Aligning with federal best practice, India should separate Union and State election administration to disperse risk and strengthen institutional resilience. The Election Commission of India should be limited to elections to the Lok Sabha, Rajya Sabha, President, Vice-President, and Union territories. Independent State Election Commissions should conduct elections to State Legislatures and Local Bodies and exercise full control over electoral roll preparation and maintenance, which the ECI may use for Union elections without supervisory authority. This reform requires amendments to Articles 324, 327, 243K, 243ZA, the Seventh Schedule, and insertion of a new Article 324A.

2. The "One Nation, One Election" proposal in the *Constitution (One Hundred and Twenty-ninth Amendment) Bill*, 2024 mandates truncated tenures, unexpired-term elections, and confers unguided discretion on the Election Commission to defer Assembly polls. It devalues the franchise, weakens accountability, erodes federal balance, degrades governance, and risks constitutional deadlock at both Union and State levels. With benefits overstated and harms structural, the proposal violates the Basic Structure and should be withdrawn.
3. Merely barring defectors from ministerial or remunerative office is an inadequate deterrent. An effective deterrent must extend beyond loss of office to a temporary interruption of political career. Accordingly, Paragraph 2 of the Tenth Schedule should be amended to provide that any member disqualified for defection is ineligible to contest elections to Parliament, State Legislatures, or Local Bodies for six years. This approach aligns with the six-year disqualification prescribed for electoral corruption, treating defection—an act that subverts voter trust—as comparably grave.
4. To strengthen internal party democracy and constituency accountability, the binding operation of party whips should be limited to confidence and no-confidence motions, and Money Bills. Paragraph 2 should be amended accordingly, allowing legitimate intra-party dissent on policy and legislation while preserving governmental stability.
5. Delete Paragraph 4 of the Tenth Schedule – "the Merger Exception" – to delegitimise wholesale defections.
6. To prevent strategic mass resignations used to topple governments, the Tenth Schedule should constitutionally treat such resignations as defections, attracting the proposed six-year electoral ban. Paragraph 2(1)(a) should be amended with an Explanation overriding Articles 101(3)(b) and 190(3)(b), providing that resignations forming part of a concerted, premeditated effort to evade the Tenth Schedule or alter a government shall be deemed a voluntary surrender of party membership. This legal fiction enables scrutiny of intent, pierces the façade of "simple resignation", and triggers formal disqualification with meaningful consequences.
7. To prevent partisan delay and procedural manipulation—especially tactics that immobilise Speakers—the Speaker should be divested of adjudicatory

authority in defection cases. As a functionary dependent on the ruling majority, the Speaker is ill-suited to decide disputes that determine that majority's survival. Adjudication should instead vest in the High Court of the concerned State, following the established model for election disputes. Where defection cases involve MPs from multiple States, the Supreme Court may transfer all matters to a single High Court to ensure speed and consistency. To avoid merely shifting delay from the Legislature to the Judiciary, such cases must receive highest priority, be heard day-to-day, and be decided within 60 calendar days. Pending adjudication, alleged defectors should be placed under interim suspension—barred from voting, participating in confidence or no-confidence motions, or holding ministerial or other remunerative office—to prevent a fait accompli. Appeals to the Supreme Court should also be concluded within 60 days. These safeguards should be entrenched by amending Paragraph 6 of the Tenth Schedule.

8. Legislative privilege does not extend to bribery. The law must explicitly criminalise political horse-trading by defining inducements for defection—cash, contracts, ministerial office, or other political favours—as distinct corruption offences, with stringent penalties to deter the subversion of electoral mandates.
9. Amend Part III to insert explicitly the Right to Vote and amend Part IV-A to include a Fundamental Duty to Vote.
10. Amend Articles 84(b) and 173(b) to standardise the minimum age for membership to all Legislatures in India at 25 years.
11. Amend Section 62(5) of the *Representation of the People Act*, 1951 to extend the franchise to undertrials and persons in police or judicial custody, and convicts whose appeals are pending, and whose convictions have not attained finality.

Chapter 8 – Education

1. Education, like the economy in 1991, requires a decisive break from excessive regulation. Rolling back excessive central regulation is a precondition for quality. This applies to States as well, with true autonomy ultimately resting in universities themselves. As a first step, India should fully free the top

100 universities and institutes from UGC and other regulatory oversight, subject to a ten-year review, with additional institutions added progressively. This reform requires targeted amendments to regulatory legislation to enable institutional freedom, experimentation, and innovation.

2. Since the fifty-year experiment with concurrency has failed, Entry 25 of the Concurrent List and Entry 11 of the State List should be amended to transfer "Education, including technical education, medical education and universities, subject to the provisions of entries 63, 64, 65 and 66 of List I" from the Concurrent List back to the State List. The Union should exit direct management of schools, colleges, and universities and transfer them to the States.
3. To reverse the erosion of State legislative authority due to the Supreme Court's expansive interpretation of Entry 66 of the Union List, a constitutional amendment shall clarify that the Union's power to "coordinate and determine standards" is confined strictly to academic benchmarks and does not extend to controlling admissions, prescribing detailed curricula, regulating service conditions, or intruding into the internal governance of universities.
4. Authority over admissions to institutions established, funded, and administered by States must rest exclusively with the States and their universities and should not be appropriated by the Union under the guise of maintaining "standards".
5. The National Testing Agency (NTA) should be disbanded and the responsibility of conducting entrance exams should revert to the diverse agencies that managed them prior to 2018.
6. What appears as a dispute over Vice-Chancellor appointments masks a deeper constitutional conflict—between federalism and centralisation, State legislation and Central regulatory overreach, and academic autonomy and bureaucratic control. Given conflicting Supreme Court rulings on UGC Regulations versus State University Acts, a definitive Constitution Bench decision is imperative.
7. The Governor should be divested of the statutory role as Chancellor of State universities. The States should be free to appoint an eminent,

non-partisan Chancellor. Governors should not obstruct such reforms by withholding or referring Bills to the President in the absence of any genuine constitutional issue.

Chapter 9 – Health

1. The Union should bear at least 80 per cent of the costs of Centrally Sponsored Schemes (CSS). For all other assistance, untied block grants must be given. Alternatively, the Union should offer a menu of CSS for the States to select from.
2. The Union must desist from intruding in the State domain of health. Union schemes should adopt co-branded, State-language nomenclature alongside Hindi and English. National medical institutions must retain English as the language of instruction and administration. The AYUSH Ministry should pursue equitable funding across all AYUSH systems.
3. All mature federations align medical education with the tier responsible for public health. India should likewise restore State control over medical education and workforce planning. Admissions, curricula, residencies, and clinical training must reflect local language, epidemiology, and service needs. Accordingly, the Constitution should move "education, including technical and medical education and universities" from the Concurrent List back to the State List, restoring the pre-1976 position. The Union's role under Entry 66 should be confined to prescribing broad minimum standards and funding advanced research, without intruding into State administration or university autonomy.
4. Successful federations strengthen States rather than centralising to mask weaknesses. The Union should increase funding for State health delivery, while States deliver services, with regular benchmarking against global peers. Union investment should focus on its proper domains—R&D, advanced laboratories, surveillance, and border health—where national capacity is most needed.

5. To restore cooperative federalism, the *National Medical Commission Act*, 2019 (NMC) should be amended to: (1) abolish rotation and provide permanent representation to all States and Union territories with Legislatures; (2) give the Medical Advisory Council binding authority on matters affecting State infrastructure, admissions, and workforce planning, with deviations permitted only by recorded reasons and a majority vote; and (3) decentralise regulation by creating regional chapters of the four Autonomous Boards.
6. Across disciplines, research consistently shows that high school GPA outperforms one-shot entrance tests in predicting college and professional success. With State-level examination reform and statistical moderation, merit can be assessed rigorously without the social, psychological, and educational costs of centralised testing. The Union should therefore discontinue national entrance exams such as NEET-UG for State-run institutions. Even for Union institutions, continued reliance on high-stakes national tests warrants urgent reconsideration given their harms and doubtful predictive validity.
7. Amend the *NMC Act*, 2019 to repeal Section 14, abolish NEET at all levels (UG, PG, and SS), and restore admissions to States and universities aligned with public health needs.
8. Amend the *NMC Act*, 2019 to delete Section 15 and abolish NExT, which distorts clinical training, entrenches coaching culture, centralises licensure, and undermines federal medical education.
9. Amend the *NMC Act*, 2019 to replace the judicially imposed All-India Quota with a voluntary, State-determined quota to support candidates from regions with infrastructural deficits.

Chapter 10 – Goods and Services Tax

1. *Rebalancing Quorum and Voting under Article 279A*

   Restoring the federal equilibrium within the GST Council requires targeted amendments to clauses (7) and (9) of Article 279A. The purpose is not to paralyse decision-making, but to curb unilateralism, compel genuine

consensus, and realign the Council with the constitutional promise of cooperative federalism.

Option A: Higher Quorum and Fixed Voting Base

The present quorum of 50 per cent enables strategic absences and magnifies Union dominance. To convert a boycott from a purely theoretical "nuclear option" into a credible constitutional safeguard, the quorum should be raised to two-thirds of total membership (22 of 33 members). This ensures that the absence of a politically plausible bloc of States can halt proceedings and force negotiation.

In parallel, the voting base should shift from "votes cast" to "total membership". The Union would retain a fixed weight of 33.33 per cent and the States collectively 66.67 per cent, irrespective of attendance. Each State would thus carry a fixed weight of 2.15 per cent. Requiring 75 per cent of total weighted votes would oblige the Union to secure the concurrence of at least 20 States, aligning quorum and consensus thresholds and making unilateral action structurally difficult.

Option B: Weighted Rebalancing — The Partnership Model

If the existing quorum and "votes cast" framework is retained, the voting structure must be recalibrated to eliminate the Union's de facto veto. The Union's vote share should be reduced from 33.33 per cent to 20 per cent, with the States' collective weight increased to 80 per cent. As the blocking minority is 25 per cent, this removes unilateral veto power and compels coalition-building.

Further, the current "one State, one vote" distortion should be replaced by a weighted allocation based on population, minimum GST revenue contribution over the preceding three years, or a 50:50 blend, recalibrated every five years. This corrects the false equivalence between large States and small Union territories and aligns voting power with fiscal exposure.

Option C: One Member, One Vote

If the Council can tolerate equal treatment of vastly unequal entities, there is no principled basis for granting the Union a superior vote. Under this model, the Union and each State would hold one vote each, quorum would remain at 50 per cent, and decisions would require a two-thirds

majority of members present and voting. This strictly democratises the Council and affirms the Union as an equal partner.

Option D: Majority-of-Minority Safeguard

Refining Option C, this model introduces a double-majority requirement:

(i) approval by two-thirds of members present and voting, and

(ii) ratification by a simple majority of non-aligned States present and voting.

This acts as a circuit breaker against partisan domination and ensures GST policy commands cross-political consent.

2. *Stabilising GST Rate Policy*

The GST Council should institutionalise predictability, simplicity, and discipline in rate-setting.

First, it must enforce a strict "One Product, One Rate" principle based on HSN classification, eliminating artificial distinctions based on packaging, form, or use-case, thereby reducing litigation and aligning tax policy with commercial reality.

Second, all GST rate changes should be consolidated into a single Annual Rate Calendar, notified once a year and effective from April 1. This would end disruptive ad-hoc tinkering, restore fiscal discipline akin to the pre-GST "Budget Day" framework, provide certainty for pricing and contracts, and improve revenue forecasting for States.

Third, preparation for the Annual Rate Calendar should follow a two-track protocol:

(i) Procedural reforms (ITC, invoicing, refunds, compliance) should be released as a White Paper in December with a 90-day consultation window;

(ii) Tariff rate changes should be confidentially vetted by a permanent, autonomous Rate Rationalisation Committee to prevent market gaming, with final rates announced on March 31.

Finally, with rate changes confined to a fixed calendar, the Council should shift its focus to governance—strengthening GST Network (GSTN), anti-evasion strategies, compliance monitoring, anomaly resolution, and

interpretive guidance—moving from reactive firefighting to durable framework-building.

3. *Restoring Legislative Supremacy in GST*

   To give operational effect to the Supreme Court's ruling in *Mohit Minerals* (2022) and restore the mandate of Article 265, the non-binding character of GST Council recommendations must be unequivocally codified.

   First, Article 279A(4) should be amended to expressly clarify that the Council's decisions are advisory, subject to the concurrent legislative powers of the Union and the States under Article 246A.

   Second, corresponding amendments must be made to the CGST, IGST, UTGST, and SGST Acts to remove provisions that make rule-making conditional on the Council's recommendations, reaffirming legislative supremacy. Governors and the President should not withhold assent to such SGST amendments, as doing so would undermine the constitutional position settled in *Mohit Minerals* (2022).

   Finally, GSTN must be re-engineered to technically support State-specific rate variations, ensuring that software design does not override constitutional authority.

4. States should have the freedom to vary SGST rates within a ±2 percentage point band, with intimation to the GST Council, reconciling market uniformity with constitutional federalism and preserving State fiscal autonomy.

5. Amend Article 279A(2) to rotate the GST Council chairpersonship annually among the Union and regional State Finance Ministers, ensuring shared leadership and cooperative federalism.

6. Establish an independent, permanent GST Council Secretariat, administratively autonomous from the Union Ministry of Finance. It should be headed by a dedicated Secretary-General, appointed by the Council through a joint Union–State process for a fixed tenure, and answerable only to the Council. Staffing should be drawn equally from Union and State governments, supplemented by domain experts, with dedicated wings for data analytics, legal research, revenue forecasting, and stakeholder consultation. Operational costs should be shared equally between the Union and the States to reinforce joint ownership.

7. To remove opacity in the functioning of GST technical committees—many of which now operate as de facto extensions of the Union Finance Ministry—the GST Council should replace ad hoc executive arrangements with a formal, codified charter governing their constitution and functioning.

   Each committee should have a standardised composition of no more than 17 members, comprising 15 State representatives and 2 Union representatives, with a fixed tenure of three years. To anchor technical decision-making in fiscal reality, the top five States by SGST revenue collection over the preceding three years should be automatic members of all committees. The remaining ten State seats should rotate every three years among other States on objective, Council-approved criteria, ensuring regional balance and representation of at least one Union territory with a legislature. For continuity and technical depth, up to three non-voting experts from the GST Secretariat may be co-opted solely for advisory support.

   Committee decisions should require a three-fourths majority of members present and voting, subject to a critical safeguard: such majority must include the concurrence of both Union representatives and all "Big Five" State members. Where any of these key stakeholders dissent, the disagreement—along with all analysed policy options—must be formally escalated to the GST Council for final political determination.

8. Transition GSTN to a federated digital architecture, on UPI principles: a centralised back-end for IGST settlement and invoice matching, with State-run front-ends providing full, real-time access to jurisdictional data for analytics, research, and enforcement.

9. GST must shift from trust-based self-assessment to compliance by design: phase out GSTR-3B, fully restore the GSTR-1/2/3 framework, and lock ITC within the system, allowing credit only after supplier payment and buyer confirmation.

10. To remedy fragmented GST oversight, insert a new Clause (12) in Article 279A to establish a Joint Standing Committee on GST, comprising members of Parliament and State Legislatures, to oversee GST policy and assess its fiscal and socio-economic impacts.

11. Amend Article 279A(11) to create an independent, statutory GST Dispute Settlement Authority (DSA)—a three-member tribunal chaired by a retired Supreme Court Judge—as a specialised, first-instance forum for time-bound resolution of GST disputes. The DSA should adjudicate revenue delays and errors; IGST settlement and place-of-supply disputes; GSTN failures, data denial, and technology-linked revenue losses; overlapping Central–State jurisdiction over the same transaction; and conflicting product classifications across States. The remit may be expanded as required to address emerging structural and operational frictions in the GST regime.
12. States should defer consent for including petroleum products under GST until these structural reforms are fully implemented; expanding the tax base prematurely would entrench systemic flaws and permanently undermine State fiscal autonomy.