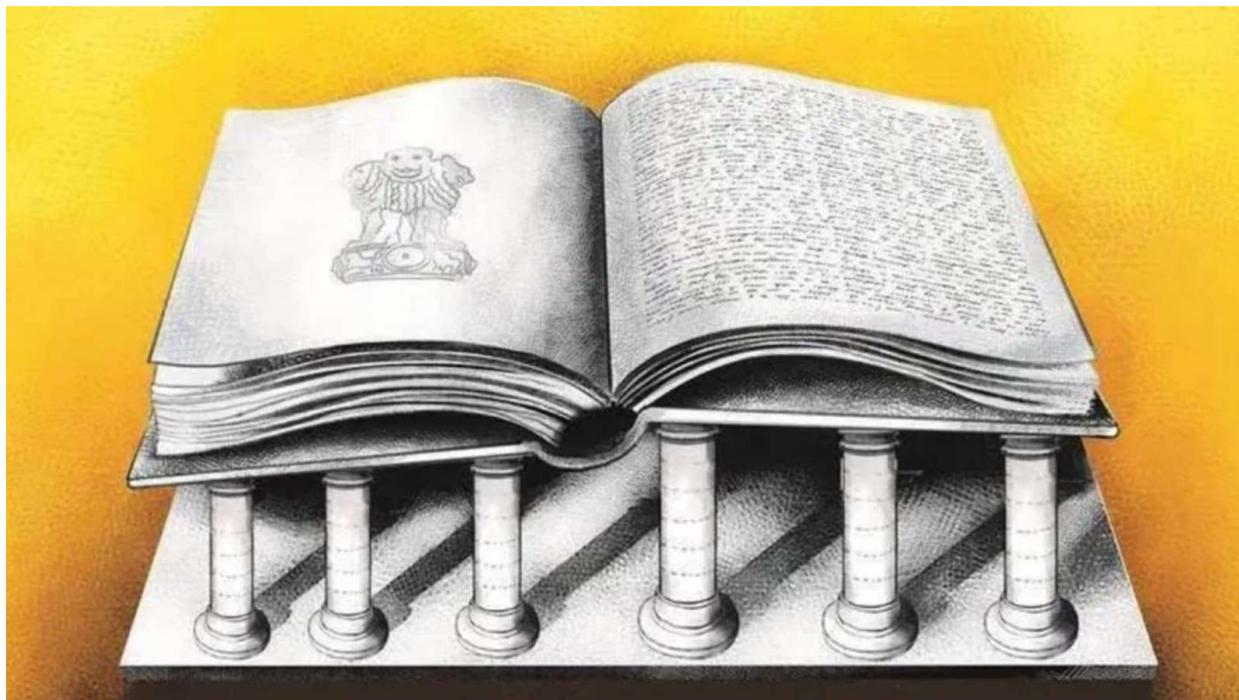


India's new federal compact must be based on principle of non-domination

The conversation on a new federal compact could begin with a frank discussion on a balance of power across the Hindi and the non-Hindi states

Yogendra Yadav



The principle of political, cultural and economic non-domination is the foundation of an enduring and just republic.

We are passing through a dakshinayan phase in the history of our republic. Be it ecological living, revitalisation of weaving, alternative education, efficacious health policies, smart IT clusters, or innovative business — many of the fascinating ideas, models and experiments relevant to our collective future are emerging from the southern states. As are cutting-edge debates on politics.

Tamil Nadu must be thanked for restarting a badly needed conversation on Indian federalism. Following the precedent of the Rajamannar Committee (1969–71) which made a case for state autonomy in an era when no one spoke about it, the Tamil Nadu government last year appointed a High-Level Committee on Union-State Relations. Chaired by Justice (retd) Kurian Joseph, the three-member committee (with retired IAS officer K Ashok Vardhan Shetty and professor M Naganathan) has just submitted a report that deserves to be read and debated by anyone interested in the future of Indian federalism. It does not merely reiterate or update earlier suggestions, but takes the discussion forward with a set of concrete proposals on improving the constitutional design of federalism.

To put it simply, the report is a plea for a fresh federal compact or a “structural reset” of Indian federalism. As is widely acknowledged, the original design of the centre-state relationship in our Constitution leaned heavily towards centralisation due to the anxieties of the founding moment of our republic. The moment passed but centralisation became “an inherited reflex rather than a consciously renewed constitutional choice”. The rise of regional parties and coalition governments in the 1990s checked this regression. Sadly, the new political consensus was not encoded in the Constitution. The last decade has seen a complete reversal, a “consistent and troubling pattern of federal imbalance across constitutional design, institutional practice, and sectoral governance”. Worse, federal erosion now threatens to become an ideology packaged in the template of One-Nation-One-Something.

In this context, the report makes a case that 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.” This understanding of the “Union of states” should be the starting point of any future conversation on the Centre-state relationship.

The report offers concrete proposals for a reset in multiple arenas, starting with a much-needed constitutional reset: Doing away with the draconian power of the Centre to redraw state boundaries and the Centre’s primacy in amending much of the Constitution without consulting the states. This is unexceptionable, as are the proposals to restore subjects like education back to the domain of states and check the Centre’s encroachment on state subjects like health and agriculture. The proposals for a political reset include a constitutional code to check the arbitrariness and partisanship of the governor, elimination of all loopholes in the existing anti-defection provisions and transferring the responsibility of assembly elections to the State Election Commission. While these are correctives to a real and pressing problem of institutional distortions, the exact design of the alternative needs more deliberation, lest the medicine be worse than the disease.

Proposals for a reset of political representation rightly reject the idea of “One Nation, One Election” and suggest continuing the freeze on delimitation till fertility rates stabilise. This could be reframed as a permanent freeze on the ground of balance of power. There is a valuable and detailed examination of the fiscal reset with multiple options for reworking the GST regime. Finally, there are proposals for a cultural reset to clear the misconception that national unity requires linguistic uniformity, a point that needs reinforcing in our times. Sadly, the valid imperative to resist the hegemony of Hindi leads the committee to take issue with the language itself and advocate the uniform imposition of English. A perspective that places Indian languages on an equal footing would have been more in keeping with the spirit of this report.

Minor quibbles apart, this report opens up a conversation on the need to draw a new federal compact. Such a conversation must go beyond a constitutional and policy-pragmatic logic to a civilisational mode of reasoning. Context-sensitive ethical reasoning, rather than fixed and universalisable moral imperatives, is the very core of Indian philosophical traditions. This acknowledgement of diversity is the basis of the widely accepted practice of *deshachar*, respect for local customs, practices and rules, that we find in Indian history. The mighty Mauryan, Gupta, Mughal and British empires learnt that the only way to rule this subcontinent was to respect its diversity. Unlike the Chinese state, the Indian state has a “compositional” character. Its unity is constituted in and through its regional units. Unlike the US, India is not a federation formed by “coming together” of sovereign states; it is a “holding together” federation. Neither is India’s

unity that of a “melting pot” like the US, but more of a “salad bowl” where each piece retains its distinct identity. Centralisation of the kind pushed in the past decade runs against the grain of our civilisation.

The conversation on a new federal compact could begin with a frank discussion on a balance of power across the Hindi and the non-Hindi states. The former could agree to a guarantee of non-imposition of the Hindi language and a freeze on their political representation as it stood in 1971. The southern (and western) states could agree to continue an equitable distribution of federal revenues in a way that transfers more resources to the poor states in the Hindi heartland and eastern India. The principle of political, cultural and economic non-domination is the foundation of an enduring and just republic.

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