

Judicial Doctrines and India's Federalism

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Abstract

This essay explores the complex mechanisms of India's federalism, a system that distributes authority between the federal government and its component states. The Seventh Schedule, which assigns legislative authority to the Union and the states, lays out the federal framework established by the Indian Constitution. However, preserving the balance of power between the two tiers of government depends heavily on the judiciary's interpretation and application of legal principles like geographical linkage (Territorial nexus), colourable law, and pith and substance.

The article examines the main facets of Indian federalism, such as the constitutional framework, the judiciary's function, and the application of legal principles. It examines case studies to show how these ideas have been used in real-world situations.

Keywords: Indian federalism, Judicial doctrines, Constitutional interpretation, Doctrines, Doctrine of pith and substance, Colourable legislation, Territorial nexus, Central-state relations, Federalism in India, Indian Constitution

Introduction

Federalism, a system of government that divides power between a central authority and constituent units, has been a cornerstone of India's political landscape since its independence. The Indian Constitution establishes a federal system where the Union and states share legislative powers. The Seventh Schedule outlines three lists – Union List, State List, and Concurrent List – that delineate the subjects on which the Union and the states can legislate. The doctrines of pith and substance, colourable legislation, and territorial nexus, developed by the judiciary, play crucial roles in interpreting and applying these provisions.

The judiciary, as the guardian of the Constitution, plays a pivotal role in upholding federalism. It interprets constitutional provisions, resolves disputes between the Union and the states, and applies legal doctrines to maintain the balance of power between the two levels of government. This paper explores key aspects of federalism in India, including the constitutional framework, doctrines of pith and substance, colourable legislation, and territorial nexus, the role of the judiciary in upholding federalism, case studies illustrating the application of federal principles, contemporary challenges and future prospects for federalism in India, and potential future directions for federalism in India.

By examining these aspects, this paper aims to provide a comprehensive understanding of federalism in India and its significance in shaping the country's political landscape.

India, that is Bharat, shall be a “Union of States”

India is a Union of States, a federal republic with states having significant autonomy within a central government. Each state has its own elected government, managing its own affairs like education, healthcare, and law and order. The central government has limited powers, primarily responsible for matters of national

importance like defence, foreign affairs, and currency. India follows a cooperative federalism model, allowing central and state governments to work together to achieve common goals, ensuring unity while allowing for diversity and regional development. This term reflects India's diverse cultural and linguistic heritage and commitment to federalism.

Federalism is a system of two governments, combining the power of a central government with local governments. In India, it is a distribution of authority around local, national, and state governments, similar to the Canadian model of political organization. Federalism consists of two levels of government: a central authority overseeing major affairs, and a local government focusing on day-to-day functioning and activities in each region.

India is a federal state, but its constitution does not mention the term "federation." Instead, it is referred to as a "Union of States." India is a quasi-federal country, with some features of a unitary government. The constitution prescribes a federal state of government with several levels, including the central government, state governments, municipal corporations, and Panchayats. Legislative powers and jurisdictions are defined through three lists: Union List, which includes subjects with national importance, State List, which includes matters important to a particular trade, and Concurrent List, which includes topics related to education, forests, and trade unions. If the two governments conflict with these laws, the Union Government's decision will prevail as the final authority.

Article 245 of Constitution of India

245. Extent of laws made by Parliament and by the Legislatures of States

- (1) Subject to the provisions of this Constitution, Parliament may make laws for the whole or any part of the territory of India, and the Legislature of a State may make laws for the whole or any part of the State.
- (2) No law made by Parliament shall be deemed to be invalid on the ground that it would have extra-territorial operation.

Article 245 of the Indian Constitution outlines the legislative powers of the Union and states, ensuring that there are no gaps in legislation and protecting the autonomy of states. It allows the Union to legislate on matters not specifically mentioned in the Union List, List II, and List III lists of the Constitution, ensuring flexibility and addressing new challenges. It also allows the Union to take action in the national interest, even if a matter is primarily within the purview of the states, Article 245 is crucial in maintaining the balance of power between the Union and states, ensuring no gaps in legislation and protecting state autonomy.

Article 245 strengthens federalism by maintaining a balance of power, promoting cooperation, providing flexibility, preventing gaps in legislation, and protecting national interests. It allows the Union to legislate on matters not specifically mentioned in the Union List, State List, and Concurrent List, preventing the Union from becoming too powerful and encroaching on state autonomy. It also ensures the federal system remains relevant and effective in a rapidly changing world, promoting law and order and economic development.

Article 246 of Constitution of India

246. Subject-matter of laws made by Parliament and by the Legislatures of States

- (1) Notwithstanding anything in clauses (2) and (3), Parliament has exclusive power to make laws with respect to any of the matters enumerated in List 1 in the Seventh Schedule (in this Constitution referred to as the "Union List").
- (2) Notwithstanding anything in clause (3), Parliament and subject to clause (1), the Legislature of any State also, have power to make laws with respect to any of the matters enumerated in List III in the Seventh Schedule (in this Constitution referred to as the "Concurrent List").

(3) Subject to clauses (1) and (2), the Legislature of any State has exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in List II in the Seventh Schedule (in this Constitution referred to as the 'State List').

(4) Parliament has power to make laws with respect to any matter for any part of the territory of India not included in a State notwithstanding that such matter is a matter enumerated in the State List.

Article 246 of the Indian Constitution outlines the legislative powers of the Union and states, ensuring that there are no gaps in legislation and protecting the autonomy of states. It allows the Union to legislate on matters not specifically mentioned in the Union List, List II, and List III lists of the Constitution, ensuring flexibility and addressing new challenges. It also allows the Union to take action in the national interest, even if a matter is primarily within the purview of the states. However, Article 246 is subject to certain limitations, such as being subject to constitutional provisions, not infringing upon state rights, and ensuring the legislation is for the national interest, Article 246 is crucial in maintaining the balance of power between the Union and states, ensuring no gaps in legislation and protecting state autonomy.

Article 246 strengthens federalism by maintaining a balance of power between the Union and states. It allows the Union to legislate on matters not specifically mentioned in the Union List, State List, and Concurrent List, preventing the Union from becoming too powerful and encroaching on state autonomy. Article 246 promotes cooperation between the Union and states, ensuring unity and cohesiveness. It provides flexibility for the Union to adapt to changing circumstances and address new challenges, ensuring the federal system remains relevant in a rapidly changing world. It prevents gaps in legislation, promoting law and order and economic development, Article 246 allows the Union to take action in the national interest, ensuring security and sovereignty.

Role of Judiciary and Federalism in India

The judiciary plays a crucial role in maintaining India's federal structure by interpreting the Constitution and applying legal doctrines. It helps to establish the boundaries of legislative powers between the Union and states, preventing conflicts and ensuring the integrity of the federal system. The judiciary also applies legal doctrines like pith and substance, colourable legislation, and territorial nexus to assess the validity of laws enacted by the Union and states. These doctrines provide a framework for assessing the jurisdiction of the legislature and their connection to the territory they govern.

The judiciary resolves disputes between the Union and states, as well as between states themselves, preventing conflicts from escalating and maintaining the integrity of the federal system. It also provides guidance on matters of federalism, issuing advisory opinions and interpreting constitutional provisions to clarify federal power boundaries and prevent erosion.

The judiciary acts as a check and balance on the federal system, ensuring that the Union and states operate within their respective spheres of authority and resolving disputes between them. This balance of power is essential for the functioning of a federal democracy.

Articles 245 and 246 of the Indian Constitution are crucial for the federal scheme. Article 245 allows the Union to legislate on matters not enumerated in List I or II, while Article 246 allocates legislative powers to the Union and states for matters enumerated in List I, II, and III. These articles, along with doctrines of pith and substance, colourable legislation, and territorial nexus, provide a framework for the judiciary to determine the validity of laws enacted by the Union and states. By ensuring laws are enacted within their respective jurisdictions and have a substantial connection to their intended territory, the judiciary helps maintain the balance of power and prevent federalism erosion.

Related Doctrines: The doctrine of pith and substance is a fundamental aspect of Indian federalism, requiring the true nature of a law to determine its jurisdiction. If the core or substance of a law relates to a Union List, it is valid Union legislation, while if the pith and substance lie within a state subject, it is valid state legislation.

Corollary to the pith and substance doctrine is the doctrine of colourable legislation, which prevents the Union or states from enacting laws on subjects outside their jurisdiction under the guise of legislation on a subject within their jurisdiction. If a law appears within the legislature's jurisdiction but actually deals with a matter outside its jurisdiction, it is deemed unconstitutional and struck down as unconstitutional.

Territorial nexus is a crucial doctrine in determining the validity of state laws. A law can only be valid if it has a substantial connection with the state's territory, and if it lacks such connection, it is considered ultra vires and struck down.

These doctrines empower the judiciary to examine the true nature of laws and prevent the Union or states from encroaching upon the legislative domain of the other. By ensuring laws are enacted within their respective jurisdictions, the judiciary helps maintain the delicate balance of power between the two levels of government.

Doctrine of Pits and Substance

The doctrine of pith and substance, originating in Canada through the 1880 case *Cushing vs. Dupuy*, has been a significant factor in the development of Ancillary and Incidental encroachment. It has been firmly supported by Article 246 of the Indian Constitution and the Seventh Schedule, which divides legislative powers between the Centre and states. This doctrine has evolved into a celebrated principle in India, serving as the basis for many landmark Supreme Court judgments. The doctrine's roots can be traced back to the significant judgment in *Cushing vs. Dupuy*, which laid the foundation for the concept of encroachment.¹

The doctrine of pith and substance is a legal principle in constitutional law that determines the true nature and purpose of a law when its validity is challenged. It is particularly relevant in federal systems where there is a division of powers between different levels of government. The doctrine is employed when there is a dispute over whether a particular law falls within the jurisdiction of one level of government or the other.

What is Doctrine of Pits and Substances? -Judicial Interpretation

The doctrine refers to the main purpose or essential character of a law, which courts analyse to determine its true nature and purpose, Courts must identify the main purpose or essential character of the law by looking at the law as a whole and understanding its overall objectives. Once the pith and substance are determined, the court decides whether the law falls within the legislative competence of the enacting authority, If the dominant purpose falls within the legislative competence of the enacting authority, it is deemed valid, even if it incidentally encroaches on areas reserved for another level of government. The doctrine prevents the use of "colourable legislation," where the legislature disguises the real character of the law to make it appear as falling within its own jurisdiction.²

Importance: The Doctrine of Pith and Substance is crucial in preventing the central government from overstepping its powers and encroaching on state governments' powers. It ensures clear and respected legislative powers of both levels, promotes cooperation between the two, resolves disputes over legislative power distribution, and protects citizens' rights by enacting laws within the government's constitutional

¹ DOCTRINE OF PITH AND SUBSTANCE. (N.D.). [HTTPS://WWW.LEGALSERVICEINDIA.COM/LEGAL/ARTICLE-6766-DOCTRINE-OF-PITH-AND-SUBSTANCE.HTML#GOOGLE_VIGNETTE](https://www.legalserviceindia.com/legal/article-6766-doctrine-of-pith-and-substance.html#GOOGLE_VIGNETTE)

² IBID,1

limits. It also promotes cooperation and coordination between the central and state governments.³ The doctrine of pith and substance helps ensure that each level of government operates within its constitutionally defined powers and prevents encroachment on areas reserved for other levels.⁴

Case Law:

In **Zameer Ahmed Latifur Rehman Sheikh v. State of Maharashtra and Ors.** The doctrine of pith and substance is applied when the legislative competence of the legislature is challenged based on entries in various lists. Courts attempt to ascertain the pith and substance of an enactment by scrutinizing the Act in question. They examine the true character, object, scope, and effect of the enactment to determine if it is genuinely referable to a field of legislation under the constitutional scheme. This doctrine is an established principle in India, recognized by the Supreme Court and various High Courts. If a challenge is made to the constitutional validity of a State Act with reference to a subject mentioned in any entry in List I, the Court must examine the substance of the State Act. If the State Act falls under an entry in the State List but only has incidental encroachment on any matters in the Union List, it is not invalid merely because of incidental encroachment.⁵

In **State of Bombay v. F.N. Balsara**, the constitutional validity of the Bombay Prohibition Act, 1949 was debated. The court ruled that the Act fell under Entry 31 of List II of the Government of India Act, 1935, which pertains to the production, manufacture, possession, transport, purchase, and sale of intoxicating liquors, or under Entry 19 of List I, which pertains to the import and export of liquors across customs frontiers. The court rejected the argument that the prohibition on liquor purchase, use, transport, and sale would affect import. The court held the Act valid, despite the Act accidentally encroaching upon the Central power of legislation⁶.

Doctrine of Colourable Legislation

The doctrine of colourable legislation, originating from the Latin maxim "quando aliquid prohibetur ex directo, prohibetur et per obliquum," suggests that what is prohibited directly is also prohibited indirectly. Introduced in India during the British colonial era, it was borrowed from Canada and Australia. It was integrated into the Indian constitutional framework through the Constitution of India, 1950.⁷

The doctrine of colourable legislation originated in the British Empire and Commonwealth, dividing legislature subjects into Central and Provincial units. It was later applied to India using Canadian and Australian legitimate points of reference. In India, the Judiciary applied this doctrine to determine legislative ability of Union and state governing bodies. Jus Alladi Krishnaswami Ayyar stated that a legislature cannot be a colourable device, fraudulent exercise of power, or uses private law language, and Jawaharlal Nehru limited Parliament's absolute power to gross abuse of the law or fraud on the Constitution.⁸

What is Colourable Legislation? -Judicial Interpretation

³ TESTBOOK. (2023, NOVEMBER 23). DOCTRINE OF PITH AND SUBSTANCE - ORIGIN, FEATURES & COMPONENTS. TESTBOOK. [HTTPS://TESTBOOK.COM/IAS-PREPARATION/DOCTRINE-OF-PITH-AND-SUBSTANCE](https://testbook.com/ias-preparation/doctrine-of-pith-and-substance)

⁴ MOHAPATRA, R. (2024, SEPTEMBER 10). DETAILED NOTES ON DOCTRINE OF PITH AND SUBSTANCE. CLATALOGUE. [HTTPS://LAWCTOPUS.COM/CLATALOGUE/CLAT-PG/DETAILED-NOTES-ON-DOCTRINE-OF-PITH-AND-SUBSTANCE/](https://lawctopus.com/clatalogue/clat-pg/detailed-notes-on-doctrine-of-pith-and-substance/)

⁵ REFAYI, S. A. (N.D.). CONSTITUTIONAL LAW I UNIT III. [HTTPS://LAW.UOK.EDU.IN/FILES/5CE6C765-C013-446C-B6AC-B9DE496F8751/CUSTOM/CONSTITUTIONAL_LAW_I_PITH_AND_SUBSTANCE_UNIT_III.PDF](https://law.uok.edu.in/files/5ce6c765-c013-446c-b6ac-b9de496f8751/CUSTOM/CONSTITUTIONAL_LAW_I_PITH_AND_SUBSTANCE_UNIT_III.PDF)

⁶ KUMAR, N. (2021). LEGISLATIVE RELATIONS. IN UNIVERSITY OF LUCKNOW, FACULTY OF LAW (PP. 2–14) [JOURNAL-ARTICLE]. [HTTPS://UDRC.LKOUNIV.AC.IN/CONTENT/DEPARTMENTS/CONTENT/SM_A1C726D6-C938-4DDC-9F91-F16ED69658B6_30.PDF](https://udrc.lkouniv.ac.in/content/departments/content/sm_a1c726d6-c938-4ddc-9f91-f16ed69658b6_30.pdf)

⁷ LAWBHOOMI. (2024, AUGUST 16). DOCTRINE OF COLOURABLE LEGISLATION. LAWBHOOMI. [HTTPS://LAWBHOOMI.COM/DOCTRINE-OF-COLOURABLE-LEGISLATION/](https://lawbhoomi.com/doctrine-of-colourable-legislation/)

⁸ AN OVERVIEW OF DOCTRINE OF COLOURABLE LEGISLATION. (N.D.). [HTTPS://WWW.LEGALSERVICEINDIA.COM/LEGAL/ARTICLE-7352-AN-OVERVIEW-OF-DOCTRINE-OF-COLOURABLE-LEGISLATION.HTML](https://www.legalserviceindia.com/legal/article-7352-an-overview-of-doctrine-of-colourable-legislation.html)

Colourable legislation is the enactment of laws by a legislative body under the guise of a legitimate authority, when in reality, it lacks the constitutional power to do so. This doctrine stems from the Latin maxim "quando aliquid prohibetur ex directo, prohibetur et per obliquum," meaning "what cannot be done directly, should not be done indirectly." It is applied to ensure that the government does not overstep its constitutional boundaries under the pretence of legality. The term 'colourable' is described as something that appears true, valid, or right, but is intended to deceive or be counterfeit. In the legal context, it signifies the misuse of power where the legislature appears to act within its legal limits but actually transcends those limits. This misuse of legislative power is judicially reviewable, and if a law is found to be enacted outside the legislature's jurisdiction, it can be struck down as unconstitutional. The rule of colourable legislation is crucial in maintaining the balance of power and ensuring that legislatures do not encroach upon areas beyond their competence under the guise of constitutionality.⁹

Courts evaluate legislation to determine its true character, determining if it encroaches on a domain reserved for another legislative body. This evaluation protects the federal structure and prevents misuse of legislative powers under the facade of legality, as it is considered an abuse of power.

Black's Law Dictionary defines 'Colourable' as:

1. Appearing to be true, valid or right.
2. Intended to deceive; counterfeit.
3. 'Colour' has been defined to mean 'Appearance, guise or semblance'.

Colourable legislation refers to legislation that appears to be true, valid, or right, but is intended to deceive or counterfeit. It is a doctrine that states that a legislature cannot seek to achieve another purpose it is not competent to legislate on. The doctrine is derived from a Latin maxim that states that when something is prohibited directly, it is also prohibited indirectly. In the US Constitution, this doctrine is applied to Article 246, which defines the legislative competence of Parliament and State Legislative Assemblies. This doctrine is used when a legislature indirectly makes a law on a specific subject, determining the fate of the impugned legislation. The doctrine is usually applied to List I for the Union, List II for the States, and List III for both, as mentioned in the Seventh Schedule.¹⁰

Case law:

State of Bihar v. Kameshwar Singh is a landmark judgment where a statute was declared invalid due to being colourable legislation. The petitioner challenged the legitimacy of the Bihar Land Reforms Act 1950, claiming it did not establish a pay guideline, which was seen as an attempt to deny his right to remuneration. The court also ruled the Act unconstitutional.¹¹

In **K.C.G. Narayan Dev v. State of Orissa** [AIR 1953 SC 375], the Supreme Court explained the doctrine of colourable legislation. It states that if the Constitution distributes legislative power among different bodies, and there are limitations on legislative authority in the form of fundamental rights, the question arises as to whether the legislature has transgressed the limits of its constitutional powers in respect to the subject-matter of the statute or in the method of enacting it. This transgression can be patent, manifest, direct, disguised, covert, or indirect. The doctrine is based on the maxim that you cannot do indirectly what you cannot do directly. In these cases, the Court will look at the true nature and character of the legislation,

⁹ IBID,7

¹⁰IBID,5

¹¹ IBID,8

determining its object, purpose, or design to make law on a subject, rather than its motive. If the legislature has power to make law, the motive in making the law is irrelevant.¹²

Doctrine of Territorial Nexus

The territorial nexus concept, described in Article 245 of the Indian Constitution, determines how legislative powers are divided. Parliament has exclusive power to make laws for the whole or any part of the territory of India, while the legislature of a state has exclusive power to make laws for the whole or any part of the state. Parliament also has power to make laws for matters enumerated in List 1 of the Seventh Schedule (Union List), List III (Concurrent List), List II (State List), and any matter not included in a state.

The power enjoyed by parliament to make laws for the whole or any part of the territory of India will be read in subject to other provisions of the constitution, meaning it is not absolute. Other provisions like the distribution of powers, fundamental rights, and other provisions of the constitution as interpreted by the courts also play a role in this process.¹³

Territorial Nexus between Parliament and the State Legislature

The Constitution of India outlines the territorial nexus between Parliament and the State Legislature. Article 245 (2) states that no law made by Parliament can be deemed invalid on the ground of extra-territorial operation, and the courts are not entitled to question the authority of the Legislature in making such laws. However, some nexus with India may still be necessary in cases like taxation statutes.

The Parliament is empowered to make laws with respect to aspects or causes that occur, arise, exist, or might do so, within the territory of India and extra-territorial aspects or causes that have an impact or nexus with India. Any law enacted by the Parliament with respect to extra territorial aspects or causes that have no nexus with India would be ultra vires and would be laws made for a foreign territory.

When Doctrine of Territorial Nexus can be Invoked?

The Doctrine of Territorial Nexus in Indian legislation allows Parliament and state legislatures to make laws for the entire or any part of India's territory, subject to the provisions of the constitution. This power is not absolute, but is subject to other provisions such as the distribution of powers, fundamental rights, and other constitutional provisions as interpreted by courts.

State laws are void if they have extra-territorial operation, meaning they take effect outside the state. However, a state law of extraterritorial operation can be valid if there is a sufficient nexus between the object and the state.

The Doctrine of Territorial Nexus can be invoked under certain circumstances, such as whether a particular state has extra-territorial operation and if there is a territorial nexus between the subject- matter of the Act and the state making the law. It signifies that the object to which the law applies need not be physically located within the state's territorial boundaries but must have a sufficient territorial connection with it. A state may levy a tax on a person, property, object, or transaction when it has a sufficient and real territorial connection with it.¹⁴

Judicial Interpretation: The State Legislature may make laws for the whole or any part of the State, leaving it open to scrutiny whether a particular law is within the competence of the State Legislature enacting it. The Doctrine of Territorial Nexus has been applied to the States as well, with two conditions laid down: the connection (nexus) must be real and not illusory, and the liability sought to be imposed must be pertinent to

¹² IBID,6

¹³ DOCTRINE OF TERRITORIAL NEXUS. (N.D.). [HTTPS://WWW.LEGALSERVICEINDIA.COM/LEGAL/ARTICLE-6897-DOCTRINE-OF-TERRITORIAL-NEXUS.HTML](https://www.legalserviceindia.com/legal/article-6897-doctrine-of-territorial-nexus.html)

¹⁴ IBID,14

that connection. If these conditions are satisfied, any further examination of the sufficiency of Nexus cannot be a matter of consideration before the courts.

In various cases relating to taxation statutes, the courts have stated that it is not necessary that the sale or purchase should take place within the Territorial Limits of the State. Broadly speaking, local activities of buying or selling carried in the State in relation to local goods would be sufficient basis to sustain the taxing power of the State, provided that such activities ultimately result in concluded sale or purchase to be taxed.

Territorial Nexus Under Indian Constitution:

Article 245 allows Parliament to make laws for the entire or any part of India's territory, while Article 246 grants Parliament and the State Legislature exclusive power to make laws for matters enumerated in the Union List, Concurrent List, State List, and any part of India not included in a State.

The principle of sovereignty of states - states that laws made by one state cannot have operation in another state. However, laws with extra territorial operation cannot be directly enforced in another state, and such laws are not invalid.

The Parliament is incompetent to make laws with extra territorial operation unless a contingency exists. Article 246 also states that Parliament has the power to make laws for matters not included in a State, despite being enumerated in the State List.

Case law:

In **State of Bihar Vs Charusila Dasi**, the State of Bihar filed a case against Smt. Charusila Dasi, who sought a return for her Shrimati Charusila Trust. Dasi argued that there was no territorial nexus between the trust properties outside Bihar and the Board's power to request their return. The court ruled that a State Legislature has the power to legislate on charitable and religious trusts within its territory, even if part of the trust property is in another state. The court also held that the Bihar Hindu Religious Trust Act could affect trust property within Bihar's territory. The Supreme Court of India ruled that the Bihar State Board's actions would not be dismissed on the grounds of extra territorial operation.¹⁵

Tata Iron & Steel Co. Ltd. vs State of Bihar was a case where the appellant company, with its registered office in Bombay, argued that the state imposed a tax on goods manufactured in Bihar and those accommodated in Bihar at the time of sale. The Supreme Court ruled that the nexus theory does not impose a tax but only indicates circumstances where a legislature may enforce a tax. The court ruled that the presence of goods at the date of the agreement for sale in the taxing state, production or manufacturing of goods in that state, and the property that eventually passed as a result of the sale, constitutes a sufficient nexus between the taxing state and sale.¹⁶

Conclusion

The Indian federal system is a complex and delicate mechanism that relies on the interplay of constitutional provisions, legal doctrines, and judicial oversight to maintain a delicate balance between the Union and the states. The doctrines of pith and substance, colourable legislation, and territorial nexus, along with Articles 245 and 246 of the Indian Constitution, provide a robust framework for delineating the legislative powers of the Union and the states. The judiciary plays a pivotal role in interpreting these provisions and doctrines, ensuring that the balance of power between the two levels of government is upheld.

¹⁵ IBID,16

¹⁶IBID,16

The harmonious coexistence of the Union and the states is essential for India's unity and progress. The federal system allows for diversity and regional development while maintaining the country's unity under a common framework. By upholding these doctrines, the judiciary helps prevent conflicts between the two levels of government and maintains the integrity of the federal system.

Articles 245 and 246 of the Indian Constitution play a crucial role in ensuring the balance of power between the Union and the states. Article 245 empowers the Union to legislate on matters not specifically mentioned in the Union List, State List, and Concurrent List, while Article 246 allocates legislative powers to the Union and the states with respect to matters enumerated in these lists.