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# Centre-State Bargaining and Territorial Accommodation: Evidence from India<sup>1</sup>

## 1. Introduction

In the comparative literature on ethnic conflict management, plural states which attempt to address ethnic diversity are often presented with a number of institutional or policy choices. From a normative perspective, scholars of divided societies have ruled out mechanisms that simply impose a dominant or majority culture on ethnic minorities (demographically or socially; McGarry, O’Leary and Simeon 2008). The imposition of such a ‘control strategy’ (Lustick 1979) may produce an ‘*ethnocracy*’ (Smootha 2002) by curtailing minority rights, or worse even, by seeking the elimination of minorities through forced displacement or active genocide. Against this, scholars of comparative ethnic management have argued for a mix of policies and institutional configurations with regard to territorial, linguistic, religious or tribal divisions which can be plotted on a continuum ranging from so-called ‘integrationist’ to ‘accommodationist’ (though they disagree on the degree to which divisions are managed more successfully by leaning more towards ‘integrative’ or ‘accommodative’ policy options, a debate to which this article does not seek to add – see Reynolds 2002 for an overview of the different positions in this debate, or Adeney 2016 for a recent application to India).

In this article I will seek to illustrate and explain the trajectory of one complex and multi-ethnic state, India, in relation to one aspect of the management of diversity: territory.<sup>2</sup> In terms of territorial management a state could simply ignore territorial divisions and govern itself in a unitary fashion, moulded in the image and values of a majoritarian nation. However, this would not correspond with an integrationist or accommodationist approach to territorial management. An integrationist approach accepts the need for a devolved or even federal system of government but retains a clear predominance of the centre in legislation, finance and symbolic recognition (i.e. national symbols or a national language should take preponderance). Federalism is primarily encouraged in a liberal sense, i.e. to provide a system of vertical checks and balances in addition to the horizontal *trias politica*, and as a means to bring policies and decision-making closer to the people (Kymlicka 2002). Territorial integrationists do not sanction the drawing of subnational boundaries around ethnic minority groups. They fear ‘ethno-federalism’ for its secessionist potential and are concerned with the extent to which asymmetric rights for territorially concentrated minorities may upset equal citizenship rights. In contrast, territorial accommodationists endorse territorial pluralism (Basta, McGarry and Simeon 2015). They approve of multinational federalism in which subnational and ethnic boundaries coincide and deserve to be constitutionally recognized and they sanction the attribution of special rights confined to different minority nations within the state (on constitutional asymmetry; see Agranoff, 1999: 11). The state is conceived as ‘composite’ in nature and this requires the recognition of various languages or sub-state nations within the state (symbolic recognition). The recognition of the federation as plurinational also implies that minority groups have a

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<sup>2</sup> Given the complexity of ethnicity in India, the Indian state is also forced to navigate divisions that revolve around issues such as caste, language and religion (communal divisions) but these fall largely outside the scope of this article (see Swenden 2016 for a summative view).

strong say in the governance of the centre (shared rule) especially on issues which directly affect their autonomy (self-rule). Multinational power-sharing is required for issues of central concern that affect the constitutional status, symbolic recognition and self-rule arrangements of the sub-state entities or nations.

The state to which the above framework is applied, India, is one of the most complex and diverse polities in the world, which, despite its high ethnic fractionalization and relative poverty, has held together as a democratic state for *most* of the time since 1947, across *most* of its territory. Yet, this 'holding together' (Stepan et.al. 2011) has been accompanied by a gradual shift from a relatively 'integrationist' (McGarry, O' Leary and Simeon, 2008) or 'centric' (Adeney 2002) territorial strategy at independence towards a more 'accommodationist' strategy' in more recent decades. In the first part of this article, I seek to explain what made these shift possible. I argue that although the Partition of British India has served as a critical juncture which placed India on a highly integrationist path, two causal factors gradually pushed the Indian state into conceding more autonomy to the states (self-rule) and into sanctioning a process of territorial reorganization (internal secession). The first and most long-standing factor is democratization. Democratization played a key part in the emergence of social movements which protested against territorially 'insensitive' policies of the central government when it was still controlled by one party, the Congress Party. The widening democratic base, of subaltern groups such as backward castes and tribes undermined the legitimacy of the hitherto 'tokenist' representation offered by the Congress Party (Jaffrelot and Kumar 2009). As many of these groups had a sub-national (state-based) or territorially concentrated following, the parties which were formed out of this protest fragmented the national party system. The absence of a clear political majority at the centre which resulted from this process facilitated the decentralization of the Indian polity. The second causal factor, a decisive shift in economic paradigm from central planning towards liberalization and deregulation, more or less coincided with the consolidation of a 'pluralized' party system in the 1990s. This ideational shift generated centrifugal pressures as it opened up further opportunities for state actors to assert their autonomy, vis-à-vis the centre, in pursuit of economic investment within their states.

In the second part of the article, I look more closely into the dynamics of centre-periphery relations and especially the conditions under which central concessions have been granted (or not). As the introduction to this special issue asserts, for the centre to acknowledge the demands of the 'periphery' it somehow needs to *depend* on it (Siroky and Cuffe 2015; Hechter, Mueller and Siroky, 2016). This dependence need not just be material (financial, geopolitical location or simply party political by virtue of securing necessary support for the party in power in exchange for autonomy); it can also be -or perhaps only be - symbolic or ideational (the extent to which political elites *essentialize* the periphery in their understanding of the nation). Furthermore, the periphery - as the editors of this special issue assert - must be able to express a credible exit threat for the centre to take its concerns seriously. I argue that, in India this 'exit threat' should not be understood as a 'hard exit threat' which seeks to take an entire territory out of the union. In fact, the support for separatism has been highest in Jammu and Kashmir, the Punjab and some of the North Eastern states. Yet, due to a lack of resources, the small size of these territories and their internal heterogeneity, a hard exit threat lacks credibility. As Manor (1996: 466) has argued, Indian society is so complex and heterogonous, even at the level of individual states, that citizens within it cannot be mobilized easily along a centre-periphery cleavage alone. In fact, one of the causes of persistent violence in the North-East is the considerable heterogeneity of its territory and the internecine struggles between competing tribal or caste groups vying for power (Lacina, 2009; Bhattacharyya 2015; 2016; Adeney 2016). The

centre has been able to tap into such rivalries and, as a result, undermined the credibility of their secessionist claims. Conversely, because these territories are located close to neighbouring states with irredentist claims (Pakistan, China, Myanmar), a hard exit threat is met more easily with a repressive centralist response. The absence of hard exit threats has enabled the centre to develop three 'red' lines which Indian states cannot cross: the constitutional prohibition of secessionism and the right to suppress it militarily; and the retention of the bulk of fiscal and development policies at the centre in spite of two decades of de facto federalization and the limited tolerance for (constitutional) asymmetry.

Despite the limited purchase of hard exit threats, Indian state governments regularly express 'soft-exit threats' i.e. they can threaten with disloyalty vis-à-vis the centre, for instance by aligning themselves with a party in opposition at the centre, or by obstructing the implementation of a central government scheme which relies on subnational implementation. The presence of such 'soft exit threats' has enabled the states to take advantage of the changing party political context and successfully bargain for more side-payments from the centre, including at times further internal state reorganization. Even so, they have not brought India much closer to a 'territorial pluralist model', which some scholars see as the hallmark of territorial accommodation (Basta, McGarry and Simeon, 2015). The 2014 general elections, which returned a BJP single party majority, are not likely to strengthen the 'territorial pluralist' of India - if anything the reverse is likely to hold true.

## **2. India, Partition and its Integrationist Pull**

From the first debates in the Constituent Assembly after gaining Independence, India has moved between two conflicting narratives of the Indian nation. The first of these sees India as a 'composite' state, built on the metaphor of a 'family' in which all religions and ethnic groups have an equal place and none would dominate the functioning of the state. This narrative is open in principle to ethnic accommodation. If ethnic divisions are publicly recognized, then the need for the state to provide an accommodative response (through territorial autonomy, language rights, quotas, or multi-cultural policies) is more likely to be forthcoming. The second narrative is more assimilationist and is associated with Hindu nationalism. As a community-driven ideology, it perceives Hinduism as the defining characteristic of the Indian nation, setting it apart from neighbouring Pakistan (Stuligross and Varshney, 2002: 434-435; Gopal Jayal 2006). Ultimately, Hindu nationalists expect all Indian citizens to converge or assimilate into Hinduist culture and practices. In its purest form, it calls for a close link between Hindi (language), Hindu (religion) and Hindustan (India as its homeland). The first social construction of the Indian nation is often associated with the ideology of the Congress Party; the second, community based ideology is linked with the Bharatiya Janata Party. In reality however, tendencies between Hindu and 'secular' nationalist views were apparent within the dominant Congress Party and Constituent Assembly following India's Independence; hence they predate the rise of the BJP by many decades (for a summary of the constituent assembly debates and how they relate to nation-building see Bajpai, 2012, in particular 70-115 and Kumarasingham 2014).

The Partition of British India into India and Pakistan served as a critical juncture which temporarily set India on a more integrationist path. The death of thousands and the displacement of millions led India's founders to insist on the indestructibility of the Indian state and to apply this notion to its entire territory, notwithstanding the rather artificial nature of the Indian North-Western and North-Eastern borders. As Talbot and Singh assert, in popular imagery this affection for territorial integrity was expressed through the image of 'Bharat Mata' ('Mother India'); 'borders became co-terminous with the body politic; the

new metaphor for the nation that had suffered ‘vivesection’, ‘division’ and ‘amputation’ (Talbot and Singh 2009: 133). The need to affirm India’s territorial integrity is reflected in how India incorporated the princely states and in the predominantly integrationist blueprint of its adopted constitutional design; including the territorial distribution of competencies. I briefly touch upon both of these aspects in turn.

With the exception of Jammu and Kashmir (see further), following independence and Partition, 556 ‘princely states’ which the British controlled *indirectly* were incorporated into the Indian union without major concessions. Princely states made up 40 percent of British Indian territory and represented 20 percent of its population; they were even more important in relation to India given that all but 9 of these princely states joined India after Partition (newworldencyclopedia.com, ‘British Raj’, consulted 22.1/2016). In the build up to Partition, many of these princely rulers had argued that ‘British paramountcy’ would entitle them to independence, even though UK Prime Minister Attlee expressed a desire for ‘all the states to find their appropriate place within one or the other Dominion (Pakistan or India) within the British Commonwealth’ (Chandra et.al., 2007: 91). However, the legacy and strength of the Indian nationalist movement across the vast majority of Indian princely states, and the often despotic nature of its princely rulers, weakened the case for a special or asymmetric relationship with India as princely rulers faced a hostile domestic population keen to join India (or Pakistan). In this context, India’s post-independence leaders argued that princely states could only join Pakistan or India, depending on the territorial contiguity of their territory, and that a failure to do so would legitimize military intervention. Princely states, therefore, lacked a credible exit threat and this undermined their bargaining power with the new ‘parent’ states. Under the leadership of India’s hard-line interior minister Sardar Patel, all but three of the states territorially contingent to India agreed to join the Indian state following Partition (Junagadh, Jammu and Kashmir and Hyderabad being exceptions). Junagadh joined in 1948 after its pro-India population rose up against its Nawab and affirmed its desire to join India in a plebiscite. The incorporation of Jammu and Kashmir was made possible after the intrusion of Pashtan tribesman, led by Pakistani officers into its territory in October 1947, which prompted the state’s Hindu princely ruler to seek military assistance from India. Jammu and Kashmir was offered a unique constitutional status (see further). In the case of Hyderabad, the Indian state intervened militarily in 1948, after it had become clear that the Nizam, aided by a radical paramilitary Muslim organization prepared for a military confrontation, against the wishes of its population. Following the military intervention, the Nizam –as other princely leaders – were only allowed to hold on to their privy purses, and retain a ceremonial role as formal leaders of the state. These privy purses also served as personal concessions for the territorial reorganization of the princely states, many of which were forced to merge with larger, erstwhile directly ruled states during British colonialism.

Underlining the need for a territorially secure and strong state, Indian post-partition leaders also insisted on a centralized state structure, in tune with a strongly integrative understanding of Indian nationhood. To some extent this marked a departure from India’s trajectory in the final years of British colonial rule (Adeney 2007) when it had come to endorse a weak federal structure to keep ‘British India’ united as one independent state.<sup>3</sup>

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<sup>3</sup> Partition altered the proposed multi-level structure of the Indian state. Prior to Partition, the Constituent Assembly was still resolved to create a ‘loose federation in which the state would retain the status of ‘autonomous units’ (1946). Yet, only three days after Partition was announced (June 1947) it propagated the construction of an ‘indestructible union’ (Austin, 1966:193; Talbot and Singh 2009: 132). Earlier plans (as suggested in the Cripps mission) to establish a weak federal centre in a united India with powers in foreign policy, defence and communications alone or Gandhi’s even more

Instead, the Congress reverted to the more centralized state format of the 1935 Government of India Act (Saxena 2006: 105), but without the power-sharing incentives at the centre to accommodate the large Muslim minority which the Muslim League had come to defend. As the Congress Party sought to 'centre' the nation around territorial civiness (Adeney 2002: 21), it defended a relatively centralized state structure which was referred to as a 'union', not a federal state. Dr. Ambedkar, chairman of the Drafting committee of the Constituent Assembly, argued that 'the Draft Constitution sought to forge means and methods whereby India will have a Federation *and at the same time will have uniformity in all the basic matters which are essential to maintain the unity of the country*'. (Ambedkar cited in Saxena, 2006: 108). The Indian polity was not referred to as a federation, but rather as a dual polity, consisting of the *Union* at the centre and the States at the periphery (Sáez 2002: 30). According to Ambedkar, the strength of the constitution was its flexibility. It could be 'both unitary as well as federal, according to the requirements of time and circumstances' (cited in Sáez 2002: 33). This 'centralized imprint' was reflected in the recognition of Indian citizenship alone; the creation of an integrated judiciary, civil service and police service, a system of universal rights and the ability of the Supreme Court to supervise it, limited fiscal autonomy of the states with all major tax revenues set and raised at the central level, and the appointment of the state governors by the central government. Centralized planning, through the enactment of Five Year economic plans by the para-constitutional Planning Commission further added to the centralization of the Indian state. India also retained a parliamentary bicameral format. However, the powers of the second chamber were made inferior to those of the corresponding lower house and its composition did not follow the US template of providing equal representation for each of the units in the federation. Most importantly, the centre can redraw the boundaries of the states without their (formal) explicit consent, and by invoking 'Emergency powers' it could assume full legislative and administrative control of the states. Furthermore, Article 226 empowered the central parliament to legislate on exclusively provincial (state) subjects in normal times if they became a matter of national concern.

Next to settling for a very centralized 'federal' blueprint, the 'integrationist' view on territorial management was displayed by the refusal of the constituent assembly to use regional languages or religion as the basis for demarcating state boundaries within the state.<sup>4</sup> The adoption of 'linguistic federalism' would have been in keeping with tradition, insofar as the Congress Party itself, following a number of organizational reforms, was rearranged in 1920 through the creation of 21 vernacular units in the form of Provincial Congress Committees (Chandhoke, 2007: 121). In parallel, the leaders at the centre also displayed an integrationist preference in their choice of language regime. In the Constituent Assembly, a proposal to make Hindi the national language of India was approved with the smallest of margins (78 against 77 votes). Due to this extremely narrow majority in favour of upgrading Hindi (and downgrading English compared with the pre-Independence regime), the Assembly postponed the implementation of the measure until 1965.

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'eccentric' plan for radical decentralization built around 700,000 villages or panchayats (Sáez 2002: 24-26) were dropped.

<sup>4</sup> The boundaries and powers of the Indian states had already been subject to significant change and alteration since colonial rule. By the middle of the nineteenth century, the British had established Indian provinces (Bombay, Madras, Bengal, North-West, Punjab Oudh and Central Provinces), under four Presidencies; (Agra, Bengal, Bombay and Madras). A federal structure in 'embryonic' form did not emerge until 1919, when for the first time central subjects were separated from provincial subjects, with competencies in public health, education and local government to be administered by elected ministers at the provincial level (Saxena, 2006: 104).

Furthermore, within states, official business could take place in any language used by the state or in Hindi (Bajpai 2010: 43). Language commissions were established to oversee the phasing out of English and to supervise the progress of Hindi as the official language (Chandokhe, 2007: 114).

### **3. Structural Causes of the Shift toward Territorial Accommodation and Federalism**

Fast-forward more than half a century and India has moved away from its rather integrationist position on the 'governing divided societies continuum' towards a more accommodative stance. In terms of territorial structure, the Indian federation is now built more solidly on the principle of linguistic federalism. In substantive terms, while the Indian states have not been empowered by constitutional change, they have been able to exert more autonomy, contributing to a 'federalization' of the Indian polity *in practice*. In what follows, I will seek to analyse the deeper structural causes of this shift and provide evidence of this *de facto* federalization.

#### *Democratization, Social Movements and their Effect on Centre-State Dynamics*

Democratization has been a key 'enabler' of the resurgence of the states. Democratization has had two effects, aspects of which have played out in the short term, others in the longer run. In the short run, democratic protests have pushed the centre into adopting a territorially accommodative stance. I refer to the process of linguistic reorganization as perhaps the most seminal example thereof. Linguistic reorganization also emboldened the states to develop as important territorial political communities distinct from the central state. Yet, democratization also induced long term-structural changes which were not immediately visible since the first Indian general elections took place under general suffrage in 1952. Universal suffrage gradually brought the backward castes into the political fold, first as voters, then as citizens who required political representation. The inability of the ruling Congress party to hold on to an increasingly demanding and heterogeneous electorate fragmented the party system. Yet, since this fragmentation often occurred along territorial lines, state autonomy benefited as a result. I will illustrate each of these dynamics in turn.

#### Democratic Pressure and State Reorganization

The capacity of the Congress Party to accommodate diversity was tested for the first time. In 1952, one of its own men, Sri Potti Sriramulu, a former disciple of Gandhi, died in a fast seeking the creation of a separate Telugu-speaking state of Andhra Pradesh to be carved out of the predominantly Tamil-speaking state of Madras. Nehru, India's first post-Independence Prime Minister, feared that to pursue the principle of linguistic federalism would be to open up more divisions in a country that had already been divided in the name of religion. However, Sriramulu's death, mass protests and language riots forced him and his government to concede the state of Andhra by mid-December and, in view of similar protests from other linguistic minorities across India in the following year, to appoint a State Reorganization Commission to consider wholesale state boundary reform. The fact that linguistic federalism was in tune with Congress's own organizational reform in 1920 facilitated its eventual implementation.

Most of the recommendations of the Commission were implemented between 1955 and 1966. This process of internal state reorganization is helped by the procedural requirement that – unlike in Switzerland (see introduction) – only national parliament

needs to give its bilateral consent even though the de facto approval of the affected state legislature(s) is usually sought. Thus the formation of Andhra kick-started a process of linguistic reorganization, which by the early 1970s had reduced the proportion of linguistic minorities within their respective areas from close to 30 percent in 1950 to about 16.5 percent in 1971 (Schwartzberg, 2009: 168-9). Put differently, Chandhoke notes that successive state reorganizations have come much closer to the objective of linguistic homogenization in that those districts (roughly congruent with parliamentary constituencies) in which the predominant language is different from that of the state or union territory in which they are located make up less than 10 percent of India's territory and represent less than 3 percent of its overall population (Chandhoke, 2007: 125). As in Andhra, linguistic state reorganizations followed significant protest movements which occasionally transformed into political parties and thus eroded Congress's support in the short term. For instance, Gujarat broke away from Maharashtra after the regionalist *Maha Gujarat Parishad* had made significant inroads into Congress' electoral base, prompting the Congress-led central government to change its original stance on the proposed bifurcation of Maharashtra.

The restructuring of Indian federalism along linguistic lines went hand in hand with the freezing of the 'temporary' linguistic regime at the centre to which the Constituent Assembly had previously agreed: English and Hindi were kept as joint official languages; and, non-Hindi speakers would not be discriminated against in government services. Again, such accommodative moves were made after violent protests in the South and following significant set-backs for Congress in state elections, especially in the state of Tamil Nadu, where linguistic regionalist parties (such as the DMK) had become a force with which to be reckoned. Without the retention of English as a connecting language and the ability for Tamil to function as the state's official language, the Tamil movement might have turned secessionist and put Tamil Nadu on a collision course with the centre (Stepan et.al., 2011: ).<sup>5</sup> Ultimately, Congress, through the Official Languages Amendment Act (1967), sanctioned a multilingual India and recognized the right of states to use regional languages in communication with their citizens. This change pushed the Indian polity in a more accommodationist direction, but also persuaded the Tamil Nationalists to drop their secessionist claims, seeking to influence central politics through seat-sharing arrangements with the ruling Congress Party instead.

The linguistic reorganization of the states fuelled their political ascendancy. India's caste or *jati* structures often (though not always) follow linguistic boundaries, and therefore, caste complexities often overlap with state borders. Moreover, short-term political actions by the central government contributed to the long-term (but unintended) political rise of the states. In 1969, the Congress Party split: party leader and Prime Minister Indira Gandhi gathered the support of most of the central parliamentary party, but the party organization retained a strong foothold in the states centred on a coalition of state Chief Ministers (the so-called Syndicate). Bereft of the support of many state party leaders and

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<sup>5</sup> The 1967 Act stipulates that every state may adopt by law any language in use in the state (i.e. the regional majority language, possibly in addition to any other language) or Hindi. However, all proceedings of the Supreme and High Courts, or all bills and acts passed in the central parliament and state legislatures, and all orders, rules and regulations must be in English. Therefore, English retained its role as a connecting language, also at the state level. In sum, a two-language formula applied to national official business (Hindi or English), but this coincided with a three language formula for government public service examinations (English, Hindi or state national language) and a three language policy for school education (schools are expected to teach in a regional language, Hindi or another Indian language in Hindi-speaking areas and English; Bajpai, 2010: 44-5).



their organization, Indira Gandhi decoupled central from state elections. She first won general elections in 1971 by running a highly populist campaign centred on her persona and a promise to 'eradicate poverty'. She then won state elections in the following year and dislodged the old-Congress organization (Syndicate) from power. Yet, in the long term, this decoupling of elections helped to propel state politicians to the political forefront. As Yadav and Palshikar have shown (2008), electoral participation in state elections came to surpass turnout in national elections and voters more readily identify with state assembly members and issues which are primarily under state competence (such as health, power, land, irrigation, education; Chhibber et.al. 2004). In sum, linguistic reorganization *and* the uncoupling of federal and state elections transformed the states from sub-national entities into 'territorial political communities' (Keating 2013).

### Democratization and the 'Pluralization' of the Indian Party System

Beginning with the 1967 state and general elections, Congress' electoral following started to weaken. Paradoxically, this drop in electoral support is in part a consequence of some of Congress's own policy successes, particularly rising levels of literacy and the increasing social mobility of small scale farmers due to land reform and the implementation of fertilizer techniques (Rudolph and Rudolph, 1987). These reforms had empowered the higher strata among the backward castes; the so-called Other Backward Castes (OBC), who took increasing issue with the predominance in politics of predominantly high caste or Brahmin Congress elites. Lower caste groups increasingly started to organize themselves in separate political parties (Jaffrelot and Kumar 2009), and since the boundaries of many OBC groups map onto the (linguistic) boundaries of the Indian states, caste based parties failed to aggregate successfully across states (Chhibber and Kollman, 2004).

The inability of Congress to keep the lower castes among its fold is also tied up with the difficulty of successive Congress governments to retain the support of these groups through economic patronage (Sharma 2014). Rising inflation caused by a peak in oil prices during the early and late 1970s increased federal budget deficits. Following the rise of OBC support in the 1970s, the most backward caste groups (Dalits) and large economic producers - who had benefited from the planned socialist economy - increased their competing claims on the central government. This rise of 'pressure-group led demand politics' (Rudolph and Rudolph, 1987:177) could not be accommodated by an increasingly indebted federal government. Therefore, the 1980s saw a continuing rise in the support of Caste-based parties with a 'regionally concentrated following' (such as the Samajwadi and Bahujan Samaj Party in Uttar Pradesh). Added to this was a growing number of regionalist parties, which had taken issue with the centralist command structure and policies of the Congress Party under the leadership of Indira Gandhi (Hasan, 2012). The most significant of these regionalist parties are based in Tamil Nadu (DMK and AIADMK), Punjab (Akali Dal), Andhra Pradesh (Telugu Desam), Assam (Asom Gana Parishad), Orissa (Biju Janata Dal), Maharashtra (Shiv Sena), West Bengal (Trinamool Congress; Kailash, 2014).

By the late 1980s, non-Congress parties already dominated 11 of the state governments. (Kailash, 2014; Sáez 2002). Alternative so-called 'national parties' only mustered a geographically concentrated support base. The Hindu nationalist Bharatiya Janata Party developed into the most important of these. As the political voice of *Hindutva* (including a more prominent role for Hindi), the BJP made its electoral breakthrough in the 1989 general elections. Yet, because of its emphasis on Hindi and Hinduism its support base until very recently was heavily concentrated in the North and West of India, but not in the

Dravidian-speaking South or culturally distinctive North East and Jammu and Kashmir<sup>6</sup>

The increasing fragmentation of the national party system implied that between 1996 and 2014, no party in India was strong enough to form a parliamentary majority on its own. The need to include regional parties in federal coalition governments especially facilitated the operation of India as a federation (Guha Thakurta and Raghuraman 2007; Sadanandan 2012, Ziegfeld, 2016). In particular, those regional parties which in the past had fallen subject to the imposition of President's Rule for purely ideological reasons (i.e. to rid the centre of a politically hostile state government) were now – through their participation in central coalitions – in a position to stop the centre from doing so again. Furthermore, as many regional parties are not ideologically committed to either of the key national parties (the BJP and Congress), a restrictive view on the application of President's rule has kept their future options open, i.e. should the key national party with which they are allied in national coalition lose the next elections (Sadanandan, 2012: 262-264). Hence, the frequency and average duration of President's Rule has substantially decreased since the 1990s, as shown in Table 1 below (see also Sadanandan 2012: 250). This relative decrease is also attributed to the more interventionist actions of the Indian Supreme Court, which, since its *Bommai* ruling (1994), restricted the use of President's Rule for party political purposes by specifying guidelines for its legitimate use (Sathe 2002). Yet, party fragmentation and national coalition government created the space in which the Supreme Court could more easily deliver such a verdict. The de facto rise in the autonomy of states to run their own political affairs has produced a federalization of the Indian polity in practice, without a concurrent rise in their formal or constitutional powers.

Table 1 About Here

To some extent, the growing tolerance for party incongruence in the composition of central and state governments has also helped to make India more accommodative of ethno-territorial diversity as a whole. Since the 1990s, procedural democracy has been restored in the Punjab, Assam and Kashmir, and regionalist parties from each of these states have participated in national coalition governments (the Akali Dal as part of the BJP-led National Democratic Alliance government at the centre and the Assam Gana Parishad and Jammu & Kashmir National Conference as part of the Congress-led United Progressive Alliance government at the federal level (see Manor 2001 on the more fractious centre-state relations in these regions prior to 1989 and continuing problems in the North-East). The need of parties in the centre to liaise with regional allies has also played a role in the more recent state creations of Uttarkhand, Jharkhand, Chattisgarh in 2000 and the state of Telangana in 2014. As Tillin (2013) has argued, the displacement of Congress as the preeminent party of India's North and the rise of state-rooted OBC-parties and the Hindu nationalist BJP made state reorganization in the North of India a potentially beneficial

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<sup>6</sup> Although its support base has spread significantly – (*socially*, by appealing to lower castes, a.o. through social service provision – see Thachil 2011; 2014; and *geographically*; Schakel and Swenden, 2016); with the exception of Karnataka (which it ruled between 2008 and 2013) the Hindu nationalists have yet to win state elections in a Southern state. The party's traditionally upper caste and Hindi-speaking image does not go down well in the Dravidian part of India where upper castes also make up a smaller percentage of the population. Only in 2016 did it win its first North-Eastern state, Assam.

strategy for the latter parties. Comparable electoral calculations by some of the sub-state, state and central political actors played a key role in the recent carving of Telangana from Andhra Pradesh. Long-standing grievances of economic alienation and political exclusion among inhabitants of the Telangana region in relation to the dominant castes in control of the rest of Andhra Pradesh has kept the Telangana issue alive for many decades. Yet, the political vacuum in the state after the untimely death of a very popular regional Congress Chief Minister in 2009, prompted the central Congress government into sanctioning the state's formation as a means to retain high levels of state support and keep its Telangana separatist rivals at bay.

#### *Liberalization accelerates the Pluralization of the Party System and the Economic Autonomy of the States*

The party fragmentation which was already underway in regional and national elections accelerated further as a result of liberalization. Although modest liberalization took place during the 1980s, the great leap from a 'command' to a 'demand' (Rudolph and Rudolph 2001) or 'federal market' economy unfolded in the 1990s, especially with the implementation of the New Economic Policy in 1991. A severe balance of payment crisis in 1991 fuelled by the collapsing Soviet economy (with which India had strong links also for its military supply) and the Gulf War (which generate a spike in oil prices) were met with an economic paradigm shift. Liberalization and structural adjustment came to replace the centrally planned economy, but with it came a clear signal that the states would gain more autonomy in running their own affairs, including industrial policy and foreign investment. Furthermore, the regulatory retrenchment of the centre in industrial policy and its cut-back in welfare expenditure weakened its regulatory and financial capacity to discipline the states. The more the dependence of the Indian states on central economic patronage decreased, the stronger the support for regional parties: between 1991 and 1996 their following in national elections had risen from 13 percent to about 31 percent (Schakel and Swenden 2016). Chief Ministers from some of the resource-rich or industrialized states such as Maharashtra, Gujarat or Andhra Pradesh increasingly engaged in 'para-diplomacy' to solicit foreign direct investment or secure international loans (Jenkins 2003). As with political autonomy, none of these changes resulted from a change in the formal federal constitution but from how states used their state powers in practice.

#### **4. Centrally Imposed Limits to Process and Outcomes of Centre-State Bargaining**

Democratization, liberalization and the resultant party system change opened up more space for the exercise of state political and economic autonomy. Yet, they certainly did not transform Indian federalism into a form of territorial pluralism, nor did they steer India away from what has remained in essence a relatively centralized federation by comparative standards (see also concluding remarks). In fact, the powers of the centre have been experienced most intensely in those regions which have made strong autonomist and sometimes secessionist claims. How the centre dealt with these 'minority nations' exposes the limits of its willingness, and sometimes capacity, to accommodate.

In India, secessionist demands have always met with a repressive central response, especially –but not always – where they have been accompanied by violence. This is evidenced in recent decades by the experiences of Nagaland, Mizoram, Assam, Jammu and Kashmir and Punjab. These border territories have become heavily securitized and witnessed central military involvement in counter-insurgency activities. Normal military-civilian relations are disturbed by the application of central anti-terror legislation such as

the Armed Forces Special Powers Act and the Disturbed Areas Act which enables the swift detention of suspects without a proper trial (Goswami, 2014: 133). Beyond the continued high securitization of these areas, the exit option must be kept off the table, i.e. state and local politics can only operate insofar as no party expresses open support for secession. This anti-secessionist stance found its way into the Indian Constitution via the 42<sup>nd</sup> amendment, which affirmed the territorial integrity of the Indian nation (pre-ambule) and prohibited 'anti-national activities or associations'. The latter are defined as 'any action taken by such individual or association which is intended, or which supports any claim, to bring about, on any ground whatsoever, *the cession of a part of the territory of India or the secession of a part of the territory of India or which incites any individual or association to bring about such cession or secession; or which disclaims, questions, threatens, disrupts or is intended to disrupt the sovereignty and integrity of India or the security of the State or the unity of the nation*' [my emphasis]. At one point, the Sikh Akali Dal was believed to have entertained the idea of secession in its infamous 'Anandpur Sahib resolution' (1973), though moderated its claims towards the late 1970s (Stepan et.al., 2011). The inability to voice secessionist calls is also expressed in the Election Commission rules (sub-section 5) of the Representation of the People Act (section 29A) which prohibits parties which openly propagate secession from participating in elections (Kailash, 2014) As such, no Indian party can be as openly in favor of 'independence' as the Bloc/Parti Québécois in Canada, the Scottish National Party in the UK, the Nieuwe Vlaamse Alliantie (New Flemish Alliance) in Belgium (a Flemish secessionist party which even plays a lead role in the current Belgian federal government) or the ERC in Catalonia/Spain.

The inability to express openly secessionist demands had led some observers to conclude that democracy in the peripheral regions of India (Punjab, North-East and Jammu and Kashmir) is constrained at best. Gurharpal Singh, one of the most notable critics of the role of the Indian state in ethnic conflict management has argued that these territories alternate between 'violent' and 'hegemonic' control'. The latter combines 'elements of coercion with some degree of consent that often underpins political and administrative structures' (Singh, 1995: 482). Violent control, often ends with the signing of a peace agreement or accord with one or several of the rebellious factions. Past examples include the Rajiv-Longawal Accord in 1985 with respect to Punjab, or the Assam (1985) and Mizoram (1986) Accords in relation to both of these respective states. In it, the secessionists forewent their claim to independence in exchange for state political power, but they also accepted the retention of a disproportionate central military presence in the state and faced the non-, or at best partial, implementation of these accords after they had been signed. Two questions arise: why does the centre adopt such a hardline approach to accommodation in these regions, and what gives the centre the capacity to do so?

A key reason underpinning the centre's reluctance to concede more autonomy in these regions lies in the religious minority and border character of these minority nations: Jammu and Kashmir is predominantly Muslim; Nagaland, Mizoram and Maghalaya are predominantly Christian; and the Punjab is predominantly Sikh. From an ideational or normative point of view, religious autonomy challenges the *secular* or religiously 'integrative' nature of the Indian state (as projected by the current Indian constitution and the secular parties) or the more Hindu assimilationist *Weltanschauung* of the BJP. Furthermore, as Capoccia et.al. (2012: 1010-22) demonstrate, autonomy claims made by religious political actors have been more protracted than non-religiously motivated autonomy claims in other parts of India. In part, these reflect the more 'doctrinal' or 'fundamentalist' nature of such disputes, making them less open to negotiation and accommodation compared with disputes which revolve around language or caste.

Therefore, the centre's preferred strategy of 'repression' (to tackle violent insurgencies), followed by the brokering of an institutional settlement and the restoration of regional democracy, has been less successful here (Manor 2001).

The aforementioned territories also share external borders with Pakistan (Punjab, Kashmir), Bangladesh (Assam), China (Kashmir) and Myanmar (Mizoram, Nagaland). India has unresolved border issues with Pakistan, Bangladesh and China, whereas the Naga tribes claim territory in Myanmar and in adjacent Indian states. Territorial accommodation appears to put the 'territorial integrity of India' at higher risk where it is feared that such claims for autonomy could be exploited by outside actors (e.g. the Pakistan Taliban or its Inter-Services Intelligence).<sup>7</sup> In fact, according to Baruah (2007), external security concerns, instead of claims for tribal autonomy, underpinned state reorganization of the North East in 1971. 'The federal regional order of the North-East was fundamentally a national security driven process that had its origins in New Delhi' (Baruah, 2007: 41). Meghalaya and Arunchal Pradesh were carved out to halt further Chinese claims on these territories (Chadda 2013: 68), and tribal concerns only appeared to play a role (alongside security concerns) in the formation of Manipur and Mizoram.

The border and religious minority status of the above regions makes the centre reluctant to concede autonomy. Yet, the centre only has the capacity to do so because the bargaining power of these minority nations is limited in three important respects.

Firstly, with the exception of Punjab (which is a well-endowed and key agricultural state), the North Eastern states and Jammu and Kashmir are relatively resource-poor. As they receive little private investment, they are heavily dependent on central grants. Table 2 clearly illustrates this effect (the North Eastern states and Jammu and Kashmir are printed in bold). Until 2015, when a major fiscal reform and the overhaul of the Planning Commission altered the arrangements for the distribution of central grants to the states, these states were classified as 'special category states'. This meant that 90 percent of central grants to these states took the forms of loans, reducing their state matching component to just ten percent. Although the current BJP majority government removed their 'special category status', they will remain heavily dependent on central support. There is considerable concern among their current state governments that new arrangements put in place since 2015 will not make up for the loss of their special category status (Bhattacharyya et.al., 2016).

*Table 2 About Here*

Secondly, the small demographic size of these states in a majoritarian federal set-up does not improve their bargaining potential. Territorial pluralism often goes hand in hand with consociational federalism in which minority nations can veto key central decisions which affect their interests. Unlike consociational federations such as Belgium and Bosnia and Herzegovina (and, to a lesser extent, Switzerland), India did not provide for strong territorial shared rule mechanisms in the set-up of its central institutions (Adeney 2002; 2015). By convention, central cabinets have sought to incorporate representatives from the

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<sup>7</sup> Scepticism towards asymmetric autonomy is not only found among central governments, but also among state governments in relation to local or regional entities seeking more self-government. Hence, the fifth section of the Constitution according to which the states of Andhra, Jharkhand, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Chattisgarh, Odisha and Rajasthan are expected to devolve more power to *adivasi* or tribal areas has remained largely dormant (as has been the general expectation of empowering local governments since their direct elections as of 1993).

different regions or territories of the state (Lijphart 1996), but this is not a constitutional requirement. With some exceptions most Indian Prime Ministers have represented a constituency from the Northern Hindi belt.<sup>8</sup> Despite a slight over-representation of the Southern states in the lower house, the majoritarian logic fully applies where it matters most: the union cabinet, in which ministers from the populous North usually dominate.<sup>9</sup> This adherence to popular as opposed to territorial representation has aggravated the accommodation of the relatively sparsely populated Jammu and Kashmir, Punjab and the North Eastern states. Recent studies have shown that the success of territorial autonomy as a conflict-saving device not only depends on the timing of territorial accommodation (i.e. prior or post-violent conflict), but also on whether autonomy coincides with shared rule (Cederman, et.al., 2015: 354-370). In India, only the contingency of party politics (i.e. whether a central government requires the participation of regional parties from the North-East or Kashmir) can provide parties from these regions with a meaningful voice in central politics. With the exception of Assam (14MPs), all North Eastern States delegate between 1 (Mizoram, Nagaland) and 2 (Tripura, Manipur, Meghalaya, Arunachal Pradesh) MPs to the more than 430-member strong Indian federal lower house (Lok Sabha). Jammu and Kashmir also only elect 6 MPs. As Sajal Nag argues (2013: 304), 'to extract their pound of flesh, these MPs from the small states of the NE [excluding Kashmir] generally adopt an alternative method outside parliament. They form a lobby on issues concerning the region and meet the concerned minister or Prime Minister personally to impress their concern.... This is why the Lok Sabha [federal lower house] elections are virtually unimportant for these states whereas the assembly elections are far more intense' (Nag, 2013: 304). Through the North East Council, the NE states have sought to project joint concerns vis-à-vis the centre. In turn, the Indian Government created a specific Ministry for Development of the NE region in 2001. Yet, some observers have argued that the creation of such a ministry (and the recurrent practice of selecting retiring army generals and intelligence and police officers as governors in charge of the NE) ties in with 'establishing a political structure in the Northeast which is both directly controlled from New Delhi and autonomous from the formal democratically-elected governmental structure of the states'. This, Baruah (2007: 44) argues, made federalism in the North East 'cosmetic' at best.

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<sup>8</sup> The composition of the Rajya Sabha, the second chamber of parliament, only slightly over-represents the smallest states or union territories. Its staggered and indirectly elected nature may produce a chamber that is politically incongruent with the lower house, but this incongruence is not normally due to different principles of territorial representation. Furthermore, bicameral dissent can be overcome in a joint sitting, in which the Rajya Sabha's input is easily outnumbered by the much larger lower house. In the lower house, representation is by population. A decision to freeze the state contingent of MPs at the level of the 1971 census to reward birth control policies has helped to 'over-represent' MPs from South and Western India (Arora, 2010: 202). For instance, Tamil Nadu with a population of 74 million citizens (2013) has 39 seats in the lower house, while Bihar, with a population of 103 million (2011 census) only has 40 seats.

<sup>9</sup> The union government also sets the agenda and controls the secretariat of key intergovernmental bodies such as the Inter-State Council or the erstwhile National Development Council (now subsumed under the NITI Aayog). Centrally coordinated administrative support (through the Indian Administrative Services) and the relevant Union Ministries also underpin the organization of Chief Ministerial and secretarial conferences which bring together central and state governments to iron out intergovernmental coordination issues within particular policy spheres (Saxena and Singh, 2013: 129).

Thirdly, the internal fragmentation of these states opens them up to outside exploitation and internal disruption. In part, this fragmentation is reflective of their ethno-linguistic diversity.<sup>10</sup> However, the centre, through a 'divide and rule' strategy has sometimes manipulated internecine rivalries among ethnic groups within, and occasionally also across, some of these states. This strategy has been most prevalent in the North East (Lacina, 2009: 1010-1014; Bhattacharyya 2015), but it has also been applied to weaken Sikh and Muslim separatist forces in Punjab and Jammu and Kashmir respectively (Singh 1995; Bose, 2013).

The limited bargaining capacity of India's 'minority nations' explains why so few territories effectively operate as asymmetric units in the Indian federation. In constitutional terms, Jammu and Kashmir (but not Punjab) and the North Eastern states benefit from asymmetric arrangements. Yet, as Tillin (2007) argues, the asymmetric status that was accorded to Jammu and Kashmir upon its accession to India in late 1947, reflected that transient nature of its territory, the borders of which were subject to a UN Security Council resolution and an unresolved armed dispute with Pakistan. They did *not* derive from a recognition by the 'fathers of the constitution' that Jammu and Kashmir constitutes a 'distinct society', to paraphrase Quebec terminology. In fact, the Constitution 'Application to Jammu and Kashmir Order' (1954) enabled the centre to progressively hollow out the *de jure* asymmetry of Jammu and Kashmir, which, as a result of the territory's high securitization and the recurrent rigging of state elections, lost even more of its significance (Tillin, 2007: 55). Therefore, the abolition of Article 370, a key BJP demand, is primarily of symbolic relevance. Granted, its abolition would deprive Jammu and Kashmir of its right to bear its own flag and have its own separate constitution and 'Prime Minister', as opposed to 'Chief Minister', but it would not make much difference in legislative terms, as the majority of its asymmetric powers have been eroded over time (Noorani, 2011).

Of more significance are 'the tribal' arrangements for the erstwhile hill tribes of Assam under the Sixth Schedule of the Constitution. This Schedule enables the operation of autonomous districts and autonomous regions with elected councils and powers to 'regulate customary law, administer justice and determine the occupation or use of land and the regulation of shifting cultivation' (Baruah, 2007: 37). Unlike the provisions of Jammu and Kashmir, these regulations were more explicitly recognizing of tribal distinctiveness, but some of these arrangements were not in operation in 1950 when the Constitution was first promulgated. Nagas were the first tribal groups to rebel against this denial of their constitutional rights and, following a period of violence and confrontation, the central government signed a peace agreement with a faction of the Naga movement. Its leaders were willing to cease violence in exchange for the formation of a new state, Nagaland. Having conceded autonomy to one tribal group in 1963, autonomy claims (not necessarily statehood) for other tribal groups followed suit. Even following statehood, a separate provision under Article 371 of the Constitution applies to Nagaland entrusting the Naga Legislative Assembly with a right to veto central legislation on religious and social practices,

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<sup>10</sup> Although the Punjab emerged in 1966 to give a homeland to the Punjabi-speaking Indians, the state is only marginally Sikh-dominated with about 40 percent of its population practicing Hinduism. Similarly, in Assam and Manipur, the largest religious group, the Hindus, comprise only 62 and 42 percent of their state populations respectively, whereas in Arunachal Pradesh, the Christians, as the largest religious group, represent just 30 percent (2011 Census report). In Assam, only 57.8 percent of the population report Assamese as their first language, whereas in Nagaland, *Ao*, the most widely spoken language is reported as a first language by just 14 percent of the population (Benedikter, 2009: 81)

customary laws and procedure, administration of civil and criminal justice and ownership and transfer of land and resources (Hausing, 2014: 87-111). Criticisms have been raised from two opposite directions: according to Baruah (1999), as in the case of Kashmir, the centre's *security strategy* (and with it the application of the Armed Forces Special Power Act or other anti-terror/emergency laws) hollowed out the special autonomy which these constitutional provisions envisaged, with a much stronger military and political presence of the centre on the ground (e.g also through the instalment of high ranking former military officers as governors). At the same time, the Autonomous and District Councils are said to be ill-designed (Bhattacharyya, 2015), sometimes propelling regional *minority* groups (such as the Bodo tribal community) to a *majority* political status, without sufficient protection for the individual rights of ethnic groups which effectively make up a majority of their local populations.

## 5. Concluding and Comparative Observations: Bounded Territorial Accommodation

In this article I sought to situate the path which India traversed in terms of territorial management by projecting it against an integrationist-accommodationist continuum. I tried to identify the main causes of India's gradual shift towards more territorial accommodation and set out the dynamics of centre-state bargaining to explain why India is likely to remain removed from a territorially pluralist order (leaving aside the question of whether such a move would be desirable for the management of territorial conflict).

I first argued that Partition served as an important juncture which propelled India in the direction of 'territorial integration' in the immediate period after Independence. However, democratization, liberalization and their 'pluralizing effects' on the Indian party system pushed India's federal system in a more accommodative direction. As argued, such a change was possible even though the Indian states lacked a hard-exit threat. From the very outset the states were faced with an Indian political class which had the resolve and capacity (through its inheritance of the British military apparatus) to secure the territorial integrity of the country. Yet, through democratic voice and by threatening to undermine their loyalty vis-à-vis the party holding central office, if not the country as a whole, the states exercised some leverage ('soft exit threat') in relation to the centre. Consequently, the political autonomy of the states increased, as evidenced from a drop in the frequency and political abuse of President's Rule and from the rising role of state governments in the running of their state economies. The Indian Constitution was flexible enough to enable a swift redrawing of its internal state boundaries, helped paradoxically by the ease with which the centre can amend these boundaries without the formal consent of the affected state(s). Once implemented, linguistic federalism set the tone for the recasting of a federation in which the states would develop into territorial political communities.

Yet, comparatively speaking, India remains a relatively centralized federation. In legislative and fiscal terms, it is a less decentralized federation than the US, Canada, Switzerland, or Belgium (Watts 2008, Mueller 2015 for a comparative placement). Regional parties, which played a key role in supporting successive central governments between 1996 and 2014 have *not* used their influence to increase the formal autonomy of all states through a process of constitutional reform. Instead, they succeeded in acquiring programmatic or monetary inducements benefiting their state citizens or state party constituents. Constitutionally, the centre retains a dominant position in legislation, and, through the application of so-called national development (or centrally sponsored)



schemes, the centre has continued to intervene directly in state competencies (Bhattacharjee, 2014; Chaudhuri 2010). The centre also controls the most important tax levers (VAT, personal and corporate income tax) and has justified this as a means to address major inter-state inequalities (Gosh and Das Gupta 2009). Liberalization created opportunities for more state autonomy in economic affairs, but it did not free the Indian states from central fiscal oversight. Because state finances play an important role in the overall budgetary health of the Indian federation (and, in turn, could affect the country's creditworthiness among international credit agencies and financial institutions), 'Delhi' has retained an important role as regulator of market imperfections and monitor of state financial discipline (see Bagchi 2008: 45; Rudolph and Rudolph, 2001; Sinha 2004). The Fiscal Responsibility and Management Act, passed in 2003 by the Indian parliament (Bagchi, 2008:44) illustrates this point.

The presence of socially redistributive programs fueled by progressive and centrally controlled taxation can serve to strengthen a feeling of solidarity and national identity. It thus could be seen as an 'integrative' device, aimed at holding together the ethnically diverse Indian polity. However, if these devices are not to undermine the collective autonomy of the states, they need to be offset by a degree of shared rule, especially to turn those states which rely most heavily on central support into stakeholders of national development. As we have shown, shared rule provisions are weakly developed in India, especially compared with consociational federations (such as Belgium, Bosnia and Herzegovina, Switzerland) and even Germany (through the key role of the Bundesrat in federal matters and a vast array of intergovernmental institutions). Coalition government has not changed much in this regard. In this sense, India remains firmly on a 'majoritarian' path (Adeney 2015)

The absence of constitutionalized shared rule provisions also weakens the capacity of India's 'minority nations' to bargain for concessions from the centre. Widespread and more or less simultaneous disloyalty from linguistic minorities across India forced the centre into conceding linguistic federalism shortly after independence. Dravidian nationalism was successfully curtailed through the adoption of a sensible linguistic compromise at the level of the Indian state and by forging seat-sharing arrangements between the Tamil nationalist and dominant national party of the time, the Congress. Without it, the Dravidian movement could have turned more violent and the Tamils could have threatened a hard-exit (Stepan et.al., 2011). Successful accommodation would have been more difficult as a result (Cederman et.al., 2015) Yet, compromises, such as in linguistic federalism, rely heavily on prudent and reconciliatory leadership from both sides. In its absence, India's 'flexible' constitution (especially an array of emergency provisions) can be used to impose its will on the states.

In the article I demonstrated how the willingness of the centre to accommodate has been smaller, even in the case of Jammu and Kashmir, Punjab and the states of the North East. Their bargaining position is comparatively weak: they are resource-poor (with the exception of Punjab), demographically small and ethnically heterogeneous and thus more open to internecine conflict. Conversely, even if they had been more resourceful and populous, the centre would not likely have treated them in the same way as the states demanding linguistic reorganization. This is because their demands are often linked to minority religions (and therefore autonomy concessions could be seen to undermine the 'secular' and Hindu nationalist view of the state). Furthermore, most of these states share borders with countries with which India has had fractious foreign relations and unresolved

border issues (especially Pakistan and China).<sup>11</sup> Their border status combined with a normative commitment of the Indian centre to uphold the country's 'secular nature' and territorial integrity has provoked their extreme securitization. Regional leaders in these states often appear to have settled for heavy central oversight in exchange for state control over ethnic (co)-rivals, obliterating the possibility of power-sharing (Lacina, 2009). In the view of some scholars, the Indian centre even exerts 'hegemonic control' in relation to those sub-state nations (Singh 1995), undermining the quality of democracy there and blemishing the democratic credentials of India as a whole.

It follows from the observations above that the de facto 'decentralization' of the Indian federal polity, resulting from liberalization and party system fragmentation, did not bring the country much closer to a territorial pluralist model. The acceptance of linguistic federalism took place earlier.<sup>12</sup> The bargaining logic in which the states have found themselves continues to be played out under the shadow of central hierarchy. This is perhaps most felt among the political class and citizens from those 'minority nations' in which a considerable share of the population identifies first and foremost with their state.

The threat of majoritarianism has gained new traction at the centre since the rise of the *Bharatiya Janata Party* to power as a majority government after the 2014 general elections. The BJP is least receptive to the idea of India as a 'compound polity', but it is not averse to giving the states a greater role in the management of their own matters, especially economic affairs. The current BJP government (2014-present) adopted a recommendation of the XIV Finance Commission to increase the share of the divisible pool of taxes (VAT, income tax and corporate tax) that accrues to the states by 10 percent. In its recent overhaul of the Planning Commission the states were also given a greater role in policy advice (through the establishment of Regional Councils) and in the implementation of what used to be known as Centrally Sponsored Schemes (now national development schemes). Even though one party government at the centre is (temporarily) restored, the support and respect for subnational autonomy is probably sufficiently strong (and judicially entrenched) to prevent widespread abuses of President's Rule in the near future. In state politics too, the BJP has not been averse to signing coalition deals with minority nationalist parties which are committed to a more decentralized federal state short of independence; in particular the Akali Dal in Punjab or - for close to a year after the Assembly elections in November 2014 -

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<sup>11</sup> For that reason, it has been argued that even in an independent setting these states would be unstable due to their internal heterogeneity and precarious border location (Bhattacharyya 2015).

<sup>12</sup> From the viewpoint of 'federal stability' one should welcome the fact that linguistic federalism did *not* imply the merger of all Hindi-speaking states in a single dominant state holding more than 40 percent of the population (Lustick 1979). However, the strength of majoritarianism in the central government, exemplified by strong (and often single party) cabinet government and the application of the first-past-the-post-electoral system has stopped India from developing into the truly composite polity which territorial pluralism purports. This logic of majoritarianism also prevails at the state and sub-state levels. At both levels, a more consociational format (if not necessarily full power-sharing) in those states that have remained divided on ethno-linguistic lines would make accommodation less dependent on the formation of ad hoc political coalitions. Admittedly, power-sharing arrangements may be no panacea for states which experienced protracted violence for longer periods of time. In Jammu and Kashmir and the North East, unlike in Tamil Nadu or Andhra, a durable peace settlement needs to be forged after a period of prolonged violent insurgency, complicating lasting peace (Cederman et al., 2015).

Jammu and Kashmir's 'self-rule'-propagating People's Democratic Party.<sup>13</sup> Hence, despite its 'principled' objection to more asymmetry, the BJP may support it for pragmatic reasons in the short run, i.e. to gain or sustain a meaningful electoral support base on the ground or to foment the party's long-term wish of making India 'Congress-free'.

Yet, the fragility of these commitments is often apparent: early in 2016 Jammu and Kashmir was placed under President's Rule. Recently the centre responded to the death of a young army commander with disproportionate counter-violence, turning the summer of 2016 already into the most violent since 2009-10. Similarly, many have questioned the BJP's resolve to implement a 'Framework Accord' agreed in August 2015 between the Indian Government and the Nationalist Socialist Council of Nagaland (Isak-Muivah).<sup>14</sup> Furthermore, the BJP could well sanction more and smaller states in the future, not as a means to promote territorial pluralism, but to facilitate their political control. It also entertains the idea of discontinuing separate state elections, organizing all of them mid-term or congruent with national elections (Tillin 2016). If successful, this would undermine the political autonomy of all states and not just the border regions alone.

Finally, there is likely to be a spill-over effect of the rise of Hindu nationalism in Indian politics more generally on centre-state politics even if the BJP retains its commitment towards a more 'collaborative' and 'cooperative' federation (Sharma 2015). Since the BJP gained power in 2014, the Hindu nationalist core of the party (and its Hindu nationalist fringe) has been seeking to roll out its *Hindutva* ideology across institutions of higher education. The BJP has also spread beef-bans (the prohibition of cow slaughter and selling beef) across a range of BJP-led states even with sizeable Muslim minorities. The imposition and promotion of Hindu values and culture is likely to undermine the trust which citizens and governments from India's ethnic minority states hold in the centre. In federal terms, the consequences of such a majoritarian understanding of democracy may be felt most easily in a restructuring of the central institutions towards even *less* – not more-*genuine* shared rule. Based on ideology and strength (single party majority), the extent to which the current Indian government's promise of a more 'co-operative' or 'collaborative' federal order will extend to its troubled border regions deserves further scrutiny. Stability in these regions has often come at the cost of democracy, producing central 'hegemonic control' instead (Singh 1995). There is little evidence to suggest that the practice of 'hegemonic control' which has prevailed in these regions will subside under the influence of the current BJP government.

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<sup>13</sup> The post-electoral behavior of the BJP contrasts with the nature of the electoral campaign in Kashmir, during which it sought to mobilize the (predominantly Hindu) voters of Jammu and the Buddhist voters of Ladakh, whilst seeking to divide the Muslim voters in the Kashmir valley by playing out Sunni-Shi'a tensions. (*The Financial Express*, 12 November 2014)

<sup>14</sup> In it, the central government recognised the Nagas as the 'guardians of India's eastern frontiers' and 'our gateway to the world beyond'. A peace agreement here serves the Indian Government's increasingly assertive 'Act East' (as opposed to Look East) Policy, enabling it to build stronger commercial (often energy security driven) ties with its Eastern neighbours. Yet again, this wider strategic goal has forced the party to concede a 'special federal relationship' between India and the Nagas in which the BJP has pledged to honour the distinctive identity and autonomy concerns of the Nagas, softening its Hindu majoritarian or mono-cultural understanding of the Indian state (Longkumer, 2015).

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**Tables:**

Table 1: The incidence and frequency of President's Rule (1950-2015)

Time Period	Frequency	States Affected (and duration in days)	Average Days Lasted
1950-1960	6	Andra Pradesh: 133 days Himachal Pradesh: 1157 days Kerala 533 days Punjab : 302 days PEPSU: 3 days Madhya Pradesh (Bhopal – 60 days, Vindhya Pradesh 1064 days)	234 days
1960-1970	14	Bihar : 245 days Gujarat: 13 days Himachal Pradesh: 1278 days Goa: 125 days Karnataka: 1191 Kerala 52 days Manipur: 629 Odisha: 117 Punjab: 297 Rajasthan: 45 Uttar Pradesh: 376 West Bengal : 379	239 days
1970-1980	47	Andhra Pradesh: 355 Arunachal Pradesh : 59 days Assam: 20 days Bihar: 309 Goa: 249 Gujarat: 1241 Haryana 183 Jammu & Kashmir: 106 Karnatake: 426 Kerala: 88 Madhya Pradesh: 59 Manipur: 1978 Mizoram: 204 Nagaland: 982 days Odisha: 465 Punjab: 328 Rajasthan: 12 Sikkim: 62 Tamil Nadu: 517 Tripura: 210 Uttar Pradesh: 248 West Bengal: 646	197 days + National Emergency (636 days applied across entire Indian territory)
1980-1990	23	Arunachal Pradesh: 18 days Bihar: 113 days	251 days



		Assam: 578 days Goa: 16 days Gujarat 112 days Haryana: 29 Jammu & Kashmir: 247 Karnataka: 224 Kerala: 153 Manipur: 112 Mizoram: 140 Madhya Pradesh: 114 Nagaland: 172 Odisha: 114 Punjab: 1801 Rajasthan: 112 Sikkim: 288 Tamil Nadu: 478 Uttar Pradesh: 364	
1990-2000	22	Assam: 260 days Bihar: 32 days Goa: 154 days Gujarat: 40 days Haryana: 109 Jammu & Kashmir: 2456 Jharkhand: 346 Karnataka: 235 Manipur: 349 Meghalaya: 118 Madhya Pradesh: 358 Nagaland: 327 Punjab: 786 Rajasthan: 355 Tamil Nadu: 146 Tripura: 31 Uttar Pradesh: 521	165 days
2000- 30 April 2015	11	Andhra Pradesh: 100 days Bihar: 263 days Delhi 337 days Goa: 96 days Jammu & Kashmir: 16 Jharkhand: 280 days Maharashtra: 34 Manipur: 279 Meghalaya: 56 Nagaland: 70 Uttar Pradesh: 57	125 days

Source: calculated from Katherine Adeney: *Federalism and Ethnic Conflict Regulation in India and Pakistan* (Basingstoke: Palgrave-Macmillan, 2007, 185-189; for figures up to 2005; thereafter until April 2015 from

[http://www.worldstatesmen.org/India\\_states.html](http://www.worldstatesmen.org/India_states.html)). PR can be invoked multiple times in one state in a decade; Therefore, the frequency of PR (column 2) often exceeds the number of states to which it has been applied in column 3.

Table 2: Own State Revenue as a % of Current Spending for Indian States (2014)

Own Revenue as % of Current Spending	State Names	State Population in Million (2011 census)
80- 100%	Goa Haryana Maharashtra Karnataka	1.456 25.753 112.373 61.131
60 – 80%	Gujarat Andhra Pradesh  Punjab Kerala Tamil Nadu Chattisgarh Jharkhand	60.383 84.860 (including Telangana) 27.704 33.388 72.139 25.540 32.966
40-60%	West Bengal Madhya Pradesh Rajasthan, Uttaranchal Uttar Pradesh <b>Jammu and Kashmir</b>	91.348 72.598 68.621 10.117 199.581 12.549
20-40%	<b>Assam,</b> Himachal Pradesh, <b>Meghalaya</b> <b>Sikkim</b>	<b>31.169</b> <b>6.857</b> <b>2.964</b> <b>608</b>
0-20%	Bihar <b>Arunachal Pradesh</b> <b>Manipur</b> <b>Mizoram</b> <b>Nagaland</b> <b>Tripura</b>	103.805 1.383 2.722 1.091 1.981 3.671

Source: adapted from Varshney (2013): 53 and India Population Census (2011)