

Federal formation and consociational
stabilisation: the politics of national identity
articulation and ethnic conflict regulation in
India and Pakistan.

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Abstract

This thesis is a comparative investigation of how federal institutions accommodated linguistic and religious identities in India and Pakistan. There are three explanatory variables. The first is the history of self-rule for the principalities within South Asia; tracing continuities in territorial autonomy from the Mughals up to independence. The second is the distribution of linguistic and religious identities within the states of India and Pakistan, both at the provincial and national levels. The third is the articulation of a national identity in India and Pakistan. These explanatory variables are not independent of one another; their interaction accounts for the different strategies adopted by India and Pakistan in the formation and stabilisation of their federations. The differences in federal design are calculated according to a scoring system that measures the degree of consociationalism within the federal plans proposed before independence, and the constitutions created after independence. The state-sponsored national identities are distinguished according to their recognition of identities in the public and private spheres. They are further categorised according to the costs for a non-dominant group of being managed by this strategy. The three explanatory variables explain why linguistically homogeneous states were created in India but not in Pakistan. It is argued that this variable explains the stabilisation or otherwise of their federations. It therefore confirms Wilkinson's rebuttal of Lijphart's claim that India under Nehru was consociational. Unlike Wilkinson, it argues that the degrees of consociationalism that emerged since the formation of the constitution have *enhanced* federal stabilisation within India. It defines federal stabilisation according to continuity in state borders, the number and type of secessionist movements, but more importantly by correlating the effective number of linguistic groups at state level with the effective number of parties in national elections. It concludes that federal accommodation of linguistic groups in homogeneous provinces has enabled the party system to fractionalise in India and Pakistan; an indication of the security of these groups. Where secessionist movements have existed in India and Pakistan, their emergence is explained by the lack of security for a group – defined on either linguistic or alternative criteria.

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Abbreviations

AIADMK – All India Anna Dravida Munnetra Kazagham
AICC – All India Congress Committee
AIML – All India Muslim League
AGP – Asom Gana Parishad
BSP – Buhajan Samaj Party
BJP – Bharatiya Janata Party
CAD - Constituent Assembly Debates
CMP - Cabinet Mission Plan
CPI (M) – Communist Party of India (Marxist)
CWC – Congress Working Committee
DMK – Dravida Munnetra Kazagham
ECI – Election Commission of India
EIC – East India Company
IAS – Indian Administrative Service
INC – Indian National Congress
JKNC – Jammu and Kashmir National Conference
MQM – Muttahidda Quami Movement
NDA – National Democratic Alliance
Eneth – number of effective ethnic groups in a state/province
Enling - number of effective linguistic groups in a state/province
Enling (log) – the log of the number of effective linguistic groups.
Enrel - number of effective religious groups in a state/province
Enseats (log) – the log of the number of effective parties measured by seats gained.
Enseats - number of effective political parties measured by seats gained
Envotes - number of effective political parties measured by votes gained
NWFP – North West Frontier Province
OBC – Other Backward Caste
PCC – Provincial Congress Committee
PML – Pakistan Muslim League
PPP – Pakistan People’s Party
RSS – Rashtriya Swayamsevak Sangh
RTC – Round Table Conference
SAD – Shiromani Akali Dal
SCs – Scheduled Castes
SP – Samajwadi Party
SRC – States Reorganisation Commission
TDP – Telugu Desam Party
UAE – United Arab Emirates
UN – United Nations
USSR – Union of Soviet Socialist Republics

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Chapter One: The federal ‘problem’ in South Asia: an introduction to conceptual debates

‘The combination of territorially distinctive segments and federalism’s grant of partial autonomy sometimes provides additional impetus to demands for greater autonomy ... federalism has not been markedly effective as a conflict-regulating practice’ (Nordlinger 1972: 32).

‘The question remains open as to what kinds or combinations of diversity are compatible with federal unity and which kinds or combinations are not’ (Elazar 1979: 29).

Federalism is ‘significant at the beginning of a central government as a way to bring in regional governments with the promise of autonomy. Once the central government is actually in operation, however, what maintains or destroys local autonomy is not the more or less superficial features of federalism but the more profound characteristics of the political culture’ (Riker 1969: 142).

1.1. Comparative Politics

Any comparisons in political science not only have to justify the choice of case studies, in this case, India and Pakistan, as well as the theoretical framework chosen, but also justify the range of case studies. The two competing strategies are to compare one variable over many cases, often using quantitative analysis – e.g. the relationship of economic development to democratic development (Lipset 1971: Ch 2; Vanhanen 1997: 5) – or to compare certain countries with the aim of drawing theoretical conclusions of potential wider applicability. The second strategy can be subdivided into what J.S Mill termed the ‘method of difference’ versus the ‘method of agreement’. The ‘method of difference’ strategy analyses cases with a similar background, but which differ according to the study variable identified. In contrast, the ‘method of agreement’ analyses cases that share the study variable, but have apparently different causes (Mill 1875: 451; Van Evera 1997: 23-4).

This study adopts the method of difference approach. India and Pakistan had a similar, if not identical, colonial background, and adopted very similar federal structures after independence. This is what Van Evera terms a ‘controlled comparison’ (1997: 56-8) and enables me to concentrate upon one important variable on which they differed – the design of provincial units. The differences on this variable account for many of the tensions within both countries and the relative success of India compared to that of Pakistan. Comparing two countries within the same area increases the significance of the conclusions drawn, by

reserving comparisons for countries that present analogies sealed by history or geography. This strategy, known as ‘area study’, seems to ensure ... the control

of those environmental variables the observer would like to keep constant in order better to analyze the fluctuation of others (Dogan and Pelassy 1984: 15).

A binary comparison of macro-state structures with a common historical formation rather than a wide-ranging analysis of *n*-cases of federations enables me to focus upon the ethnic composition of the provincial units¹. This strategy also permits me to investigate the relationship between the articulation of the national identity of India and Pakistan after independence, and the federal plans resulting from these conceptions. Tilly argues strongly for comparative analysis conducted with a smaller number of cases.

On the whole, comparative studies of big structures and large processes yield more intellectual return when investigators examine relatively small number of instances. This is not because of the intrinsically greater value of small numbers, but because large numbers give an illusory sense of security (1984: 78).

Binary studies do, however, suffer from the danger that antecedent variables will be emphasised or identified as the main cause of the phenomena that is being studied. While this has value for explaining a deviant or exceptional case, it limits the applicability for wider comparative research. In addition, it runs the risk of degenerating into descriptive narrative. Therefore, to increase the applicability of my research to comparative politics, one of the methods used to test my hypotheses will be quantitative. I utilise statistical equations such as the effective number of ethnic groups adapted from Hirschman (1945: 159), Taagepera and Shugart (1989: 78) and recently applied to explaining stability in democratic federations by O'Leary (2001a: 289). I also develop a formula to assess the difference of degrees of consociationalism within the federal designs promoted before and after independence. In so doing I increase the comparative value of my research.

Finally, my thesis performs a macro-level analysis. A concentration upon macro processes is essential to understanding the nature of the federal design, as well as the way in which it has operated within South Asia. I have not conducted a detailed case study of ethnic movements, secessionist or otherwise, within either country. As Skocpol advises, macro analysis is possible (and desirable) as long as excellent case

¹ In this chapter 'ethnic' is used as shorthand for linguistic and religious identities. The definition of an ethnic group is contested (Glazer, Moynihan et al. 1975: 18; Smith 1997: 28-31), Although it is necessary to unpack these identities as Connor (1994: 100-103) and Manor argue (1995: 120; 1996: 460-463), it is not necessary to do so here. They will be separated in later chapters.

studies exist, upon which the researcher can build (1984: 382). The use of secondary source material is essential to conducting such a wide-ranging study – both between the two countries, but also over time. In the cases of India and Pakistan, many thorough and informative case studies of the many ethnic movements exist (e.g. Marwah 1979; Ganguly 1996; Mitra and Lewis 1996; Bose 1997; Singh 2000; Phadnis and Ganguly 2001).

1.2. Methodological technicalities

A study of this breadth raises many challenging methodological questions arising from the choice of countries and conceptual framework. ‘Every researcher decants reality. But such a decanting is a necessity for the comparativist, who must have a theoretical orientation from the start’ (Dogan and Pelassy 1984: 4). My hypotheses are discussed in more detail later. However, what specific methodology do I use to test them? The methodology used has to be relevant and pertinent to permit valid testing of the hypotheses.

Firstly, I pursue a qualitative analysis of the documents surrounding the independence struggle, focusing upon the policies proposed by the Congress and the League. The statements I am most interested in concern the position of minorities and non-dominant groups and about institutional structures of managing diversity. I categorise the statements according to the extent to which they permit the recognition of identities in the public sphere. This categorisation enables me to determine the state strategy that was adopted to manage these identities. It also enables me to assess the relationship between the identities articulated before and after independence and the changing nature of the federal plans that were proposed.

Secondly, I analyse documentary evidence. I evaluate the British constitutional plans before 1909. In addition, I scrutinise the documents produced by the major players from 1916 until 1946. This facilitates analysis of the constitutions produced after independence, and subsequent changes in the form of the federations.

Thirdly, I conduct a quantitative analysis. Many quantitative studies suffer from the charge that they are spurious and superficial, and while they may establish correlations, rarely definitively prove causation (Di Palma 1990: 4). However, while the researcher

has to be transparent about the coding used and reasons for the variables chosen for analysis, quantitative studies remove the difficulty facing the area specialist; that everything is specific to one case. I use interval-ratio, ordinal and nominal data. The quantitative ‘heart’ of my thesis is based around correlating the ‘effective number of ethnic groups’ in a unit with the effective number of parties in that unit.

1.3. Comparative Federalism and South Asian Studies

Many excellent contemporary case studies of either India or Pakistan exist (e.g. Vanaik 1990; Brass 1994; Waseem 1994b; Samad 1995a; Khilnani 1997; Corbridge and Harriss 2000). Books on South Asia as a whole proliferate (e.g. Ahmed 1996; Mitra and Lewis 1996; Bose and Jalal 1998; Harrison, Kreisberg et al. 1999; Phadnis and Ganguly 2001). Although many of these texts provide valuable insights, and are invaluable resources for this thesis, they rarely provide macro-level analysis. If they do, as in the introductory chapter to Mitra and Lewis, they do not concentrate upon federal institutions and design. Surprisingly there are few direct comparisons of India and Pakistan. This omission is even more startling given the huge differences between India and Pakistan, both in terms of democratic development but also the religious bases of the two countries. Unfortunately, these differences are the reason for the lack of explicit comparison. The best approach to conducting a rigorous investigation of the two countries is to start the analysis in the pre-independence period. This automatically poses the question – what explains the differences afterwards? It is significant that the two best comparative frameworks of the two in recent years come from historians. Any comparative study of India and Pakistan written since 1995 inevitably confronts Ayesha Jalal’s ‘Democracy and Authoritarianism in South Asia’ (1995), and more recently the introductory chapter to Ian Talbot’s ‘Pakistan: A Modern History’ (1998) and ‘Inventing the Nation: India and Pakistan’ (2000). Both authors argue that it is possible to compare the two countries, but justify the comparison from different perspectives. Jalal argues that India and Pakistan can be compared as a result of the shared colonial viceregal tradition. She discerns elements of authoritarianism in both regimes, as well as the rest of South Asia, despite the outwardly very different democratic trajectories (1995: esp. 4-8 and 249-257).

Talbot in comparison, while not entirely rejecting this view, argues that the differential colonial inter-penetration of the areas that came to comprise Pakistan in north-west

India explains not only the different democratic development between the two states, but also differences in democratic development between the two wings of Pakistan (1998: 55). Both approaches are more complex than has been set out, but both come from an essentially historical perspective. They do not explicitly concentrate upon the federal designs, although any comparative analysis of the two states inevitably touches on the issue.

To my knowledge, only Jai Prakesh Sharma (1987) and Swarna Rajagopalan (2001) have attempted a post-independence analysis of the two federations. Sharma's 'Federal Systems of India and Pakistan: A comparative perspective' was published in 1987 and is dated enough to warrant a follow up. More substantively, as well as being very short, the book does not provide a historical analysis separating out the differing colonial and historical legacies of the areas of the British Raj which came to comprise India and Pakistan. A more complex historical analysis is required to sustain a careful examination of the nature of the provincial units that were created within the newly independent states. Although Sharma discusses the linguistic question, which any comparison of the two federations inevitably has to do, he does not concentrate upon the identity politics behind their creation. Additionally, Sharma is more concerned with the relationship between centralisation and democracy than with ethnic conflict regulation. He argues, despite his comparative analysis, that because Pakistan's federation exists without democracy it is rendered virtually meaningless (1987: x). As will become evident, I dispute this.

Rajagopalan's 'State and Nation in South Asia' is closer in scope and aims to this thesis. Rajagopalan compares India, Pakistan and Sri Lanka. He argues that the federal form, especially the design of the provincial units, is indicative of the identity of the state (2001: 56-57). This study concurs with his approach. However, Rajagopalan does not address pre-independence federal forms or the preferences of Congress and the League in relation to these. He is therefore not concerned to explain the differences in federal design after independence or to relate these to the changed ethnic composition of the two countries. Finally, although he *is* concerned to analyse three areas of conflict within the three states² he is not concerned with federal stability *per se*.

² Sind, Tamil Nadu and the Sri Lankan Tamils.

My thesis proceeds from an essentially historical standpoint. How and why did these two states, product of the same colonial regime and partitioned by that regime, pursue such radically different paths in reference to the design of their provincial units? Although there is more than adequate material to treat both countries separately, this does not and should not preclude comparative work. South Asia has generally been seen as a 'place apart'. The existence of caste as a ordering principle of society is one of the most obvious ways that India stands apart from the rest of the world. Both India and Pakistan are extremely heterogeneous and complex societies – India is perhaps the most heterogeneous country in the world. A comparison of India and Pakistan with countries outside South Asia requires a rigorous framework in order that antecedent variables such as the role of Hinduism and Islam are not given unwarranted emphasis. I argue for an historical approach akin to Jalal (1995) and Talbot (1998). Unlike them I concentrate upon one specific element of comparison – federal development and structures. India and Pakistan since independence provide excellent examples for a comparative analysis of federalism as an ethnic conflict regulation mechanism. As well as being very heterogeneous, at independence they had similar constraints: they needed to pursue economic development, state building and nation building. Both were products of the same colonial regime and similar, if not identical, institutional frameworks. Yet despite their similarities, within eight years of independence important differences developed between them that had profound implications for federalism as an ethnic conflict regulation mechanism – specifically the ethnic composition of the units of the federations. There has been little research on a comparison between the two federations, and little material exists that explicitly compares India or Pakistan's federal systems with those of states outside South Asia. Hicks (1978), Horowitz (1985), Islam (1990), Arora and Verney (1995), Crook and Manor (1998), Verney (1995), Copland and Rickard (1999) are the exceptions. One reason for this is that India's federation has been described as 'quasi federal' (Wheare 1963: 28), as 'unitarism with a high degree of decentralisation of powers' (Gangal 1962: 248) or 'prefectorial federalism' (Rajashekara 1997: 246). The fact that Pakistan has not been democratic for much of its existence partially explains the lack of comparative federal material.

The composition of federal units is a crucial yet contested feature of federal design, especially in relation to its status as a method of ethnic conflict regulation (Watts 1970:

32-34; Vile 1982: 222-223; Horowitz 1985: 613-619). As both states are ethnically heterogeneous and issues of provincial design recur in the political debates within the two countries, this increases their value as a subject for comparative political analysis. While there is a danger within political science of applying 'western' concepts and structures to societies not possessing the same values, a contention in this thesis is that federalism and federal structures are not alien to post-independence Indian and Pakistani society. Khan even goes as far to argue that the British disrupted India's federal development, evident even before the Mughals (1992: 37).

Tatu Vanhanen has already discussed the relationship between ethnic conflict regulation and the homogeneity of provincial units in India. His 'Ethnic Nepotism in India' is primarily concerned to explain levels of democratisation – why, he asks, has India's (in)famous ethnic heterogeneity not destroyed India's democracy (1992: 3)? While two of his dependent variables are similar to mine – the regionalisation of the party system and levels of violence – he omits two important factors. Firstly, he does not look at the rationale behind the creation of the federal design in any theoretical detail. Secondly, in his analysis of the regionalisation of the party system he does not follow his argument to its logical conclusion. Homogeneity of units may produce *multiple* regionally based parties, vying for votes within that unit. Therefore, despite ostensibly similar hypotheses, my thesis proceeds from different premises. I extend the focus both forward (what dynamics occur in the party system of homogeneous provincial units?), and backwards (what explains the formation and form of the federal institutions?). My thesis is also explicitly comparative and makes use of the election data up to 2002 in Pakistan and 1999 in India. The most recent election Vanhanen analyses is that of 1984, an aberrant election held in the wake of Indira Gandhi's assassination.

1.4. Comparative Federalism

As well as contributing to comparative politics and South Asian studies, this thesis develops the literature on comparative federalism. The literature is diverse – and can be categorised into many different camps. To understand the field to which my thesis contributes, two points of clarification are necessary.

What is federalism?

Federalism as a concept and federation as a structure of government rest on the division of sovereignty between at least two territorially defined levels of government, although there can be overlapping jurisdictions of sovereignty. The division of powers between the constituent units does not preclude the interdependence of the two levels of government; it merely requires that for at least some governmental functions neither level is subordinate to the other (Watts 1970: 11). This division of sovereignty entails that federations have a written constitution and an independent Supreme Court to adjudicate disputes that arise between the two levels of government. The territorial dimension distinguishes federation as a structure of government from that of a consociation under which autonomy is granted to groups rather than to territorially defined units (although the two can, and often do coincide).

Many authors analyse federations as the institutional configuration of a process of previously independent states coming together and amalgamating their sovereignty. The citation from Riker at the head of this chapter is an example of this, as is Vile's legalistic definition of federations as a merger of sovereignty (1982: 218). To appreciate properly the process of federal design in the twentieth century decolonisation cannot be ignored. Many of these countries created federal structures, as did India and Pakistan, in an attempt to manage their diverse populations or to maintain institutional continuity with their colonial past³. Therefore, many motivations behind the creation of a federation can be identified.

- to achieve administrative efficiency for reasons of size or complexity, especially in territorially large countries;
- to bring previously independent states into one political unit, for economic, political or military reasons;
- as an ideal in itself, connected to other ideological features of government (Verney 1995: 83), such as the desire to increase 'democratic functioning', and;
- as an attempt to reconcile diversity within the structure of a single country.

³ Although many states in the developing world explicitly rejected federalism because of its reputation as a state and nation-destroying institution (Rothchild 1966: 276; Nordlinger 1972: 32; Mozaffar and Scarritt 2000: 230-250).

This thesis concentrates upon the last motivation. The salience of the other reasons has diminished in the post-Cold War era, while questions of how best to manage ethnic tensions have proliferated (as ethnic tensions themselves have increased and grown in international prominence). As a method of ethnic conflict regulation, federalism is a means to manage rather than eliminate ethnic differences (McGarry and O'Leary 1993: 4)⁴. Federalism often coincides with other strategies for managing diversity – such as consociationalism and multiculturalism. Indeed, O'Leary argues that federations without a dominant group require additional consociational mechanisms (2001a: 284-285).

Although the distinction smacks of semanticism, it is essential to distinguish federalism, federal political systems and federations. Watts' discussion is clear, concise, and succinctly sums up the debate. Federalism is defined as a normative or an ideological concept, primarily referring to the self-government of a people. Federal political systems in contrast refer to a broad 'genus of political organisation that is marked by the combination of shared rule and self-rule' (Watts 1998: 120). This definition encompasses federacies, confederations and other hybrid political arrangements. The term federation defines a specific political system within the genus of federal political systems. The very specificity of the system explains why definitional conflicts arise. Watts defines federations as a compound of constituent units and central government. This part of the definition is incontestable. A more contested statement is that 'each (government is) directly elected by its citizens' (Watts 1998: 121).

What federations are not.

'What we mean by federalism is not a fixed point on a map, but a tendency which is neither unitary nor separatist' (Trager 1968: ix). As Wheare argues 'federations must desire to be united but not to be unitary' (1963: 36). Federations therefore differ from unitary states, but should also be distinguished from a confederation where the constituent units retain their sovereignty, and form a union for limited purposes. The division of sovereignty is what distinguishes federations from decentralised unitary states such as the United Kingdom. Despite Scottish and Welsh devolution, sovereignty resides with Westminster. The case of Northern Ireland since the 1998 Belfast

⁴ Although it is not the only method to manage diversity.

Agreement is a more complicated case. The relationship of Northern Ireland to the Westminster parliament during the operation of the devolved assembly can be equated to that of a federacy (O'Leary 2002a: 307). A federacy is defined by its status as an autonomous area, whose relation to the central government is federal even if the rest of the state is unitary. Another federacy is the Swedish speaking Åland Islands that belong to Finland.

Federations are also not the same as the consociational form of government advanced by Lijphart (1969; 1977). While the two have often been conflated and can be combined, and it is arguable that consociational features are necessary to make a federation successful as a means to limit the potential tyranny of the dominant group at the centre, as Lijphart has demonstrated, there exist notable differences (1979: 509-512).

- Not all federations are democratic, while consociational democracy, as defined by Lijphart is⁵.
- Unlike consociational democracies, federations are not necessarily designed to accommodate ethnic diversity. Some explicitly reject ethnic territorial organisation or were designed before their federations became ethnically diverse such as the USA (Glazer 1983: 275). Some federations are created for reasons of military security, although not all federations necessarily follow this route, contrary to Riker's assertion (1964: 30).
- The territorial management of ethnic conflict is central to the federal idea 'as it allows for the expression of both diversity and unity' (Gagnon 1993: 15). Federations that are consociational can exist with heterogeneous units. However, when their units are heterogeneous, federal structures do not provide territorial segmental autonomy, and additional consociational devices will be required to secure this autonomy.
- Consociational democracy not only provides segmental autonomy for groups, but also permits a veto for groups over decisions of consequence for the group. While federations guarantee a division of powers, the ability to permit a veto for groups is dependent upon the type of powers devolved. Lijphart, (at least in 1979) is strident

⁵ Although consociations have precursors in arrangements such as the millet system of Ottoman Turkey which were not democratic (Finer 1997a: 1170, 1196-7).

about this point, a federation can only be a consociational democracy if all four features of consociational democracy - a grand coalition, segmental autonomy, proportionality in appointments and a mutual veto - are present.

Different definitions of federalism and federations.

While a basic definition of federations has been advanced, the question must be posed, why bother to conduct a comparative analysis of federations at all? How can a set of institutions so divergent across states be said to be part of the same phenomenon, let alone analysed as such? Are all federations the result of historical accident and circumstances specific to each country? If so, how legitimate is it to seek to draw meaningful comparisons between them? What can such an analysis contribute to comparative politics in general, and to the study of ethnic conflict regulation in particular? Although a given federation's institutional form depends to some extent on what it seeks to achieve, to be analysed effectively, coherently and comparatively, basic parameters have to be established.

While the division of sovereignty and the creation of at least two territorially defined levels of government are necessary features of a federation, multiple variations exist. The comparative literature on federation is as diverse as the phenomenon it seeks to analyse or explain. Three basic approaches to comparative federal analysis can be identified although some authors can be situated within more than one approach: constitutional, institutional and normative.

a) Constitutional analyses:

The best-known example of a constitutional analysis of federations is Wheare's institutional and American-centric definition.

Does a system of government embody predominantly a division of powers between general and regional authorities, each of which, in its own sphere, is coordinate with the others and independent of them? If so, that government is federal. It is not enough that the federal principle should be embodied predominantly in the written constitution of the country (1963: 33).

Wheare's definition proceeds from the assumption that certain levels of powers have to be devolved for a federal constitution to exist or the government to operate in a federal fashion. In his analysis only the USA, Canada, Switzerland and Australia could be

classified as federations (1963: 33). This definition, and others like it, has resulted in certain federations being termed 'imperfect' or 'flawed' federations, at least partially because they do not conform to the American institutional configuration. This is particularly inappropriate for analysing federations that were formed with a very different rationale to that of America – especially for those states seeking to manage their ethnic diversity. In contrast, Burgess asserts that it is constitutional autonomy rather than any particular division of powers – the inclusion of constituent units within the decision-making process - which defines a federation (1993: 5). To possess any validity, constitutional analyses of federations need to be as non-context specific as possible.

b) Institutional analyses:

Much of the literature fits into the institutional category to some extent, partially a function of the imperative to delineate what is being compared. Even Elazar, a normative analyst of federations argues that pluralism, his central value of federalism, needs to be 'institutionalized constitutionally' (1994: 25). Despite the need of all comparative work to define clearly the phenomena being compared, the institutional definitions can be context-specific or possess broader applicability. Wheare's constitutional analysis is an example of a context-specific approach. McGarry and O'Leary provide a institutional definition of federations, but one with broader applicability as the authors' concern is ethnic conflict regulation (1993: 32). The four features identified are:

- **a codified and written constitution which demarcates the distribution of powers and functions.** A codified constitution in its turn requires an independent Supreme Court to adjudicate disputes between the two levels of government.
- **a guaranteed division of powers⁶.** It is important to establish which powers are allocated to each level of government and why. Not only does this permit the analyst to establish whether a federation is centrist or decentralised, but also whether it encourages multicultural practices.

⁶ There are many different ways that powers can be divided. Powers are always strictly separated between the two levels of government. Yet some powers may be concurrent, as in India and Pakistan. In contrast, as in Germany, policy-making and implementation may be separated: the centre is responsible for the making of policy, whereas the Länder are responsible for its implementation. A final method of delineating powers between the two levels of government is to allocate residual powers (which are substantial) to the units, as in Switzerland. All federations allocate residual powers to one or other level of the government; this becomes significant when not many powers are constitutionally allocated to either level of government.

- **a bicameral legislature** in which the units are represented within a different chamber to those of the ‘people’. In such a chamber the smaller units are usually disproportionately represented⁷.
- **a constitutional amendment process that requires the consent of both levels of government.** This does not mean that every single unit within the federation has to consent to proposed changes. In practice it has often been articulated through the formula that a two-thirds majority in both houses of parliament (and ideally the provincial legislatures) should have to be in favour before the changes are ratified.

While the above definition is a useful one and is less restrictive than others in the literature, a solely institutional characterisation of federalism is fraught with dangers. Federations vary between cases and an institutional definition runs the risk of excluding from analysis systems that may not conform to all institutional criteria, but have federal aspects. One example is that although most federations possess bicameral legislatures, not all do so. Micronesia, St Kitts and Nevis and Venezuela are three examples out of the twenty-four existing federations that possess unicameral legislatures. Until the secession of East Pakistan, Pakistan also possessed a unicameral legislature. Therefore the analyst must be ready to make exceptions and assess whether a state without a federal constitution has federal government⁸. To accept this is to acknowledge that federation is a specific political system that permits variety.

c) Normative analyses:

A normative analysis of federal structures analyses federations according to the effects that they achieve, and specifies what those effects should be. This approach assesses the validity of the federation according to the extent to which it has promoted other values such as democracy or multiculturalism. As Elazar argues, ‘the ‘given’ of federalism is that humans are born free and that good government must be grounded in a framework of maximum human liberty’ (1994: 26). Elazar posits an interesting distinction between those who advance federalism as a means to an end, regardless of what those ends are, and those who assess federalism’s contribution according to the

⁷ Although this over-representation does not mean that their interests will always be protected.

⁸ Wheare argued that the fact that the Executive of the Dominion in Canada has the power to disallow Acts passed by a provincial legislature meant that it was a quasi federation. However, because the operation of the government has not abused the central powers, ‘it is predominantly federal in practice...Canada has not a federal constitution, it has a federal government’ (1963: 21).

ends it seeks to advance (a normative definition). The latter ‘hold(s) that federalism is designed to produce the highest form of political and human relationships’ (Elazar 1987: 80). This method of comparing federations runs the risk of excluding valid cases for comparison, artificially limiting the range of cases through introducing the analysts’ normative values. It also poses problems for quantification – upon what variables will a federation be measured as more democratic than another? Finally, evaluating federalism according to normative criteria ignores the intended effects of a particular system, and thus excludes other measures of analysis.

As has become clear, many authors fit into more than one camp. Even Elazar concedes that ‘while the USSR may have been a sham as a federation, federalism has played a major role in its history over the past 70 years’ (1994: 73). The limitation of all approaches is that the federal form often has unintended as well as intended consequences. An example of an author who analyses federal institutions according to their consequences is Lemco – who is concerned with federal stability (1991: esp. 41-48). This distinction between structures and consequences is a useful one. It lends itself well to comparative analysis – either through a quantitative measurement of identified effects, or through a comparative analysis of the differences in institutional design and their posited relationship to dependent variables such as federal stability. Unlike most institutional analyses, concentrating on intended and unintended consequences does not presume a democratic federation. Therefore, although in democratic federations all the constituent units should be included in the decision-making process, and have to consent to constitutional changes, the absence of democracy should not exclude a federation from analysis.

Why am I concentrating on federal structures?

My thesis adopts an institutionalist approach. It not only concentrates upon institutional design and the rationale behind the institutional differences, but also measures the intended and unintended effects of these differences in design. This study analyses the likely effectiveness of a specific type of federal design within ethnically heterogeneous societies. Nordlinger contests the effectiveness of federalism as an ethnic conflict regulation device. He argues in the heading to this chapter that federalism is an imperfect conflict regulation device as it is likely to increase pressures for secession (1972: 32). However, federal structures have been invented and proposed as a solution

for ethnic conflict, e.g. in India, Pakistan, Belgium, Sri Lanka, Bosnia-Herzegovina and in Nigeria. More to the point, there have existed several successful multiethnic federations e.g. Switzerland, Canada and India. Although there are many countries where federations have significantly failed to regulate ethnic conflict, e.g. Nigeria in 1966 and Pakistan in 1971, it is my contention that those multiethnic federations that failed were not necessarily fated to do so. Multiethnic states *per se* are not doomed to failure; there are always additional factors affecting their success – this study concentrates upon institutional factors. The main differences between federations include, but are not exhaustive of, the degree of centralisation, the number and composition of the provincial units, the degrees of consociationalism within the federal design and the composition of the bicameral legislature. Following on from Watts, a distinction needs to be made between *federalism* as an idea and *federations* that will vary according to the country (Verney 1995: 87).

My analysis proceeds from the supposition that political institutions are autonomously important in the regulation of ethnic conflict, and that ethnic identities are situational. The question what constitutes a nation or an ethnic group is hotly contested (e.g. Van den Berghe 1978: 402-7; Gellner 1983: 2-7; Smith 1989: 340-363; Hobsbawm 1990: 14-45). The acceptance of one or other of these definitions influences what approach to adopt to managing multiethnic states. Do ‘Basic Human Needs’ need to be satisfied (Burton 1990: 36-48), or do political entrepreneurs need to be bought off? Suffice to say that in South Asia and elsewhere, individuals have more than one identity that can be defined by caste, class, religion, tribe, language, gender or race. These identities can combine, crosscut or oppose one another. While ethnic identities are undoubtedly open to manipulation by political entrepreneurs, these identities must have resonance with the relevant population. The causes of ethnic tensions are multiple, as situational as the identities which they seek to mobilise, and too numerous to catalogue exhaustively here. Common causes derive from denial of recognition, reduced security and conflict over resources. Institutional design can address these issues⁹.

Yet as all institutions arise out of the power relations and existing cleavages in society it is problematic to separate the independent and dependent variables. Which comes first: a given pattern of ethnic relations or a certain set of political institutions? The question

⁹ Even Vanhanen who espouses a primordial theory of ethnic conflict argues that ethnic interest conflicts have to be managed institutionally (1992: 18).

can only be answered historically. However, it is the presupposition of political sociology, political science and of 'new' institutionalism, that political creativity in institutional design is not reducible to previous constellations of interests, even if the latter explain the receptivity of agents to new institutional designs. This reasoning shapes my approach to federal institutions. Similarly, Duchacek argues that institutions can structure incentives and behaviour even if federal structures are just there for show (1991: 23). The breathing of life into the USSR's federal institutions before their sudden deflation was a recent and profoundly important demonstration of this argument. As Meisel argues, federalism is a 'technique' which frequently creates loyalties and states of minds (1995: 341). Horowitz, while arguing the same, reminds us that institutions 'have a more powerful influence on some incentives than on others' (1985: 601). The institutionalisation of a territorial division of political powers creates conditions for a new level of political debate to occur, both between the centre and the provincial unit, but also within the provincial unit. This is why the design of the provincial units is so important. The nature of this 'political space' in which political entrepreneurs can command loyalty from their provincial and state-wide populations is crucial for determining the success of a federal system in a multiethnic state. An understanding of the institutional set up and ideals inherent in a particular federal system is necessary to determine the likelihood of success in managing potential or actual ethnic conflict.

Federalism as an independent variable consists of federal structures that promote certain types of behaviour through the existence and the implementation of rules that structure political actors' incentives for co-operative behaviour. In certain configurations, federations create political compartments for ethnic groups to govern themselves. By so doing they secure their recognition, enabling the existence of ethnic identities that do not necessarily conflict with the identity of the centre. A federation permits dualism: loyalty to the unit need not detract from loyalty to the central government. Linz and Stepan demonstrate this in the Spanish case (1996: 102-103) and Elazar stresses the importance of 'dual citizenship' for the success of a federation (1994: 67). 'That the two loyalties must be there is the prerequisite of federal government, but that the one should not overpower the other is also a prerequisite' (Wheare 1963: 49).

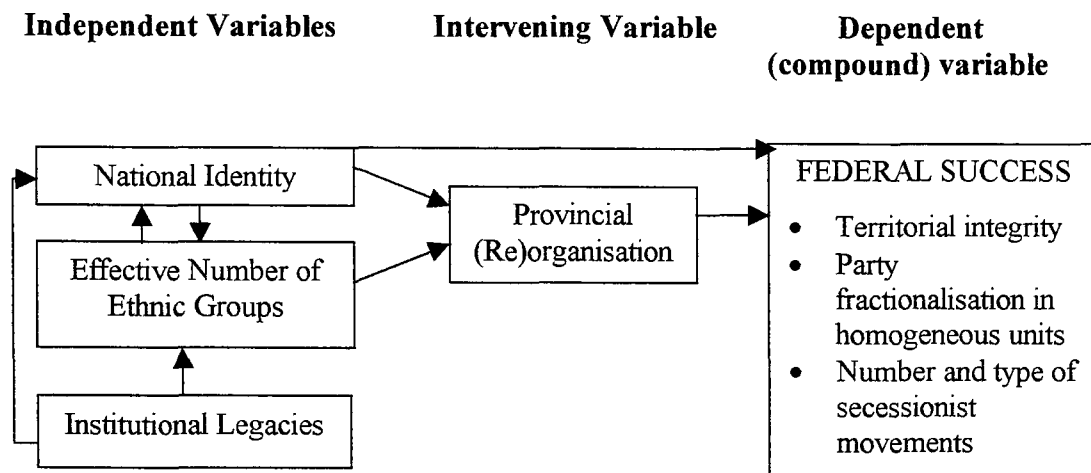
Federalism as a dependent variable is a set of institutional repertoires specifically intended to structure political behaviour, e.g. where elites self-consciously create a federation with the intention to regulate ethnic conflict. The unification of previously independent units (Canada), re-arranging the political system of an already existing entity (Belgium), or creating a new entity (India) are all examples of federal repertoires as dependent variables.

The fact that a set of institutional repertoires can be both independent and dependent is no surprise. Ideas and political conflicts help to shape institutions and their formation. A dialectical relationship exists, and the rationale behind an institution's adoption cannot be ignored. As Mitra reminds us, analysts tend to concentrate upon the institutional structures of federalism, without taking into account the fact that these institutional structures are themselves often contested (1999: 1).

The concentration on federal design, development and effects has led me to focus on the main variable in which India and Pakistan have differed in their federal development. My specific null hypotheses to test are:

- There was no difference between the plans of Congress and League before independence.
- There was no difference between the constitutions of India and Pakistan after independence.
- There was no relationship between the changed linguistic and religious population of India and Pakistan after independence and the nature of the federal form adopted.
- There was no relationship between the state-sponsored national identities in India and Pakistan, and the nature of the federal form.
- There was no relationship between the homogeneity of a federal unit and the party system in that unit.

Chart 1.1. Diagrammatic representation of variables in hypotheses.



Two debates in the literature have profoundly affected my hypothesis creation and thesis design. Firstly, can a non-democratic state's federal structures (such as Pakistan) be compared with a democratic federation (such as India)? Secondly, why is unit design contested between comparative federal analysts, and why has it proved so controversial in practice?

1.5. Democratic and non-democratic federations.

A danger exists of comparing two states 'based on a subject that is clearly more appropriate to one country than to the other' (Dogan and Pelassy 1984: 114). The relationship between democratic and federal forms has been extensively commented on, with many authors explicitly linking the two concepts (Duchacek 1987: 332-333, 354-355; Burgess 1993: 5-6; Chrysochoou 1998: 1-20). Many authors argue that federalism is inherently democratic (Hicks 1978: 4), or promote federalism specifically for its democratic credentials, thereby espousing a normative appraisal of federations (Elazar 1979: 47-52). Duchacek stated that 'a federal constitution expresses the core creed of democracy, pluralism, in territorial terms'. This is because both sets of government operate directly upon the people (1987: 192). However, many of these arguments ignore the existence of federations that have been of dubious democratic repute (Pakistan for much of its existence), or those that have been ideologically non-democratic and coercive, those of the old Yugoslavia and the USSR.

Can these non-democratic federations be analysed as 'genuine' federations? Riker denied that Pakistan was a real federation (1964: 30). As the above debate on the nature

of federalism made clear, many different ways of comparing federations exist. Although most federations have historically been linked to democracy, they do not have to be. A contention of this thesis is that although it has historically been linked to democracy, federalism as a mechanism of ethnic conflict regulation can still have resonance within a state, affecting the potential for state consolidation and the accommodation of different ethnic groups in the absence of democracy. This is a different question than whether such a federation would remain stable over time. To make the debate clearer I have identified three testable propositions.

All federations are democratic

The first hypothesis is that all federations are democratic. Chryssochoou argues that 'democratic representation of all participating communities is an essential feature common to all federal entities' (1998: 5). However, his analysis suffers from the perception that constituent units need their 'sovereignty protected', ignoring the fact that many federations are not formed from the consent of previously sovereign units, or indeed, of the individuals within them (1998: 7). Another argument often made is that non-democratic federations are not 'genuine' (McGarry and O'Leary 1993: 35). This position can be justified from three viewpoints. The first is a normative position; that federalism exists to promote other goals such as democracy. Therefore, a non-democratic federation by definition is not a federation. The second is a more practical one, made by those who advance institutional analyses of federations. This is that as non-democratic federations do not represent the people at the different levels of government, they cannot bring government closer to the people and do not devolve sovereignty to the different levels of government (assuming that in a non-democratic state, all power resides at the centre). As Duchacek states 'federal noncentralisation of political power cannot be conceived or practised without democracy ... Authoritarian arrangements of territorial agendas federalism doeth not make' (1987: xi).

The third justification is the strongest. The key problem with non-democratic federations is that sovereignty is not divided if there is a supreme ruler. In the absence of a division of sovereignty, the head of government can unilaterally change the constitution, the division of powers, or abolish the federation altogether. While this is true, it is important to remember that even non-democratic federations possess

alternative sources of power than the central leader. President Zayed of the UAE cannot unilaterally abolish or radically change the federal structure without the consent of the other rulers of the Emirates. Secondly, even though a non-democratic leader might be able to amend the constitution unilaterally – federal effects still operate. It is indeed hard to imagine non-democratic federations bringing government closer to the people in any meaningful sense, and they certainly do not represent the people. It is also true that the centre is technically all-powerful. However, many of these non-democratic federations have based their structures of administration and rule around federal structures, and more importantly, around the units that comprise the federation. In the cases of the USSR, Yugoslavia and Czechoslovakia, at the time of the democratisation of all three states, pressures for dissolution appeared. It is my contention as well as of others such as Roeder (1992: 148) and Linz and Stepan (1996: 367) that the composition of these federations – either the number of constituent units as in the Czechoslovakian case, or the creation of titular nationalities in the Soviet Union - hastened the break up of these federations. The structure of the federation, especially in the Yugoslav and Soviet cases influenced the creation and maintenance of ethnic identities. In the case of the USSR, McGarry and Leiven argue that ‘the republics, admittedly to somewhat varying degrees, became focuses for local patriotism and loyalty’ (1993: 65)¹⁰. In the old Yugoslavia, Schopflin argues that, ‘initially, these newly established republics were no more than facades (but) ... (g)radually the republics acquired identities of their own and came to see themselves as real loci of power’ (1993: 183).

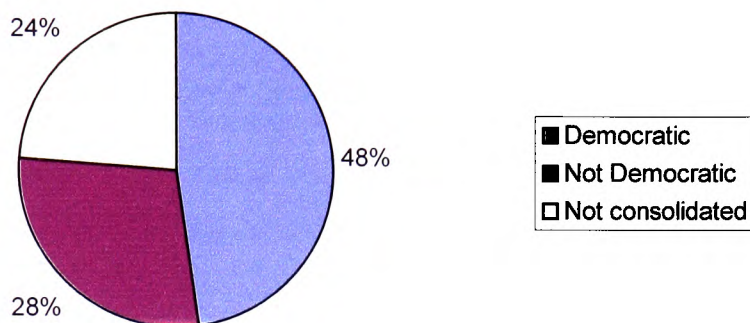
Both these non-democratic federations created effects in the realm of ethnic conflict regulation, similar to that identified by Nordlinger – increasing pressure for secession. Therefore, as Graham Smith argues,

while such federations as measured by liberal democratic criteria may be rightly judged to be imperfect ... (t)o ignore this diversity is to limit our understanding of federations and to impoverish comparative analysis (1995: 8).

If the institutional analysis of federalism is accepted, then the information in Chart 1.2 and Table 1.1 concludes the debate.

¹⁰ For a fuller discussion of the role of unit design in the Soviet Union Roeder (1992) provides a fascinating analysis.

Chart 1.2. Federations since 1900.



Democratic	n = 22
Non democratic	n = 13
Non-consolidated democracies	n = 11
Total	n = 46

Source: Encyclopaedia Britannica Inc. (1958-1999) and Central Intelligence Agency (2002).

Notes: Because of the long time period under consideration – 1955-2003 – I have placed Pakistan in the ‘non-consolidated’ democracies column¹¹. Many ‘democratic federations’ have had chequered democratic histories during the 20th century. Most of these are in the non-consolidated democracy column.

While 72% of federations since 1900 have been democratic, 28% have not been and 24% have had seriously chequered democratic histories, which is why I have classified them as non-consolidated democracies. If the normative approach is adopted then the debate hinges on what constitutes a ‘genuine’ federation. I have already made my position clear on this point.

¹¹ A non-consolidated democracy exists when democracy is not the ‘only game in town’ (Linz and Stepan 1996: 5).

Table 1.1: Democratic Status of the World's Federations since 1900

	Democratic	Non-democratic	Non-consolidated democracies
1	Argentine Republic	Cameroon 1961-1972	Bosnia & Herzegovina
2	Australia, Commonwealth of	Central African Federation (South and North Rhodesia with Nyasaland), 1953-63	Comoros, Federal Islamic Republic of
3	Austria, Republic of	Czechoslovakia <1992	British West Indies
4	Belgium, Kingdom of	Ethiopia 1952-1962	Congo 1960-1969
5	Brazil, Federative Republic of	Federation of Iraq and Jordan, 1958	Ethiopia, Federal Democratic Republic of
6	Burma 1948-1962	Libya (Federal Kingdom of) 1951-1963	Federal Republic of Yugoslavia 1992-2003
7	Canada	Malayan 1947-1963	Indonesia 1947-1950
8	Germany, Federal Republic of > 1990	Mali Federation (with Senegal) 1959-1960	Nigeria > 1999
9	Germany, Federal Republic of 1945-1990	Uganda 1962-1967	Pakistan 1955-1971
10	India, Republic of	United Arab Emirates	Pakistan > 1971
11	Malaysia > 1965	United Arab Republic 1958-1961 (Egypt and Syria)	Union of Serbia & Montenegro > 2003
12	Malayan 1963-1965	USSR	
13	Mexico, (United Mexican States)	Yugoslavia 1945-1992	
14	Micronesia, Federated States of		
15	Nigeria 1963-1966		
16	Nigeria 1979-1983		
17	Russian Federation		
18	Saint Kitts and Nevis, Federation of		
19	Spain, Kingdom of		
20	Switzerland, (Swiss Confederation)		
21	United States of America		
22	Venezuela, Republic of		
	48%	28%	24%

Source: Encyclopaedia Britannica Inc. (1958-1999) and Central Intelligence Agency (2002).

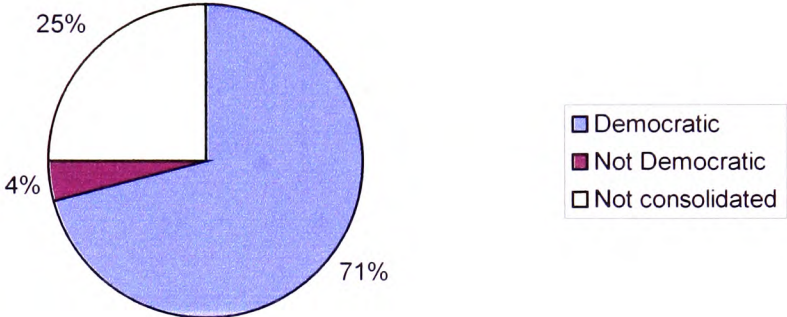
Notes: Those federations in bold type are not in existence any more or have been superseded.

Some federations are democratic.

Following on from the above analysis, the necessary conclusion is that while not all federations are democratic it is undeniable that some federations are. If we take those federations that are democratic today, we find the statistics skewed even further from

the position set out in Chart 1.2. The vast majority of federations in the world today are consolidated democracies. There is only one federation that is not democratic - the United Arab Emirates. Many others are nominally democratic, but are either too recently democratised to classify as consolidated democracies, such as Nigeria and Pakistan, or have experienced tensions such as Ethiopia.

Chart 1.3. Federations of the year 2003.



Democratic	n = 17
Non democratic	n = 1
Non-consolidated	n = 6
Total	n = 24

Source: Central Intelligence Agency (2002).

The *n* in Chart 1.3 has decreased substantially. In Table 1.1, some countries were included more than once. Therefore, Nigeria and Malaysia each appear three times, and Pakistan twice. This is because of changes in territory, radical changes in federal organisation, or the transition back to a federal democracy (in the case of Nigeria). The *n* has also diminished substantially because many states in the developing world experimented with federal structures in the 1950s and 1960s for military, economic or political reasons. They subsequently reverted to unitary states, or the federation disbanded in the case of Mali, Iraq with Jordan and the British West Indies. Additionally, in the post Cold-War world, several federations have split – notably Czechoslovakia, USSR, Yugoslavia and Ethiopia. As Chart 1.3 shows only the federations that exist today, the sample size is necessarily smaller. Details of the federations are included in Table 1.2.

Table 1.2. Democratic status of the world's federations in 2003

	Democratic	Non-democratic	Non-consolidated democracies
1	Argentine Republic	U.A.E	Bosnia & Herzegovina
2	Australia, Commonwealth of		Comoros, Federal Islamic Republic of
3	Austria, Republic of		Ethiopia, Federal Democratic Republic of
4	Belgium, Kingdom of		Nigeria, Federal Republic of
5	Brazil, Federative Republic of		Pakistan, Islamic Republic of
6	Canada		Union of Serbia and Montenegro
7	Germany, Federal Republic of		
8	India, Republic of		
9	Malaysia		
10	Mexico, (United Mexican States)		
11	Micronesia, Federated States of		
12	Russian Federation		
13	Saint Kitts and Nevis, Federation of		
14	Spain, Kingdom of		
15	Switzerland, (Swiss Confederation)		
16	United States of America		
17	Venezuela, Republic of		
	71%	4%	25%

Source: Central Intelligence Agency (2002).

The classification of the federations as democratic, non-democratic or non-consolidated democracies is itself problematic. Many states are hard to classify definitively. Both concepts have meant different things to different people over time, and between countries. Volumes of literature exist on both concepts. Democracy has been minimally defined as the existence of free and fair elections (Huntington 1991: 6) or maximally, requiring for example, human development and economic equality as well as the existence of democratic institutions (Sen 1999: 9-12). Once it is recognised that it is problematic to classify definitively a state as democratic or non-democratic, the rejection of certain states as unworthy of classification as federations becomes suspect¹².

A more interesting starting point is not to reject the categorisation as a federation those federations that are not democratic, or are non-consolidated democracies, but to ask whether those federations which are not democratic are likely to be less successful in managing their ethnic groups.

¹² Is Malaysia to be classified as a democratic or a non-democratic federation? It lacks certain prerequisites of a 'full democracy' such as a free press. Tables 1.1 and 1.2 classify it as a democratic federation, but I note the problems here in so doing. As elements of its democracy are suspect, as seen with the recent trial and imprisonment of the major challenger to Mahathir, Anwar Ibrahim, should it be categorised as a 'false' federation? To do so would follow those who analyse federalism in a normative fashion, the problems of which have been discussed.

No federations are democratic:

As the majority of the world's federations are democratic, it may appear nonsensical to say that no federations are democratic. As has been alluded to however, both federalism and democracy are problematic concepts because of the variety of descriptions attributed to them. Democracy can mean many things. At its most basic, it means the rule of (*cracy*) the people (*demos*). Stepan's continuum is useful to cite at this juncture. He argues that federations can be categorised depending upon whether they are either demos-enabling or demos-constraining (1999: 21). The thrust of Stepan's analysis is that one of the first federations – the United States – designed its federation in tandem with one facet of democracy - that of the liberty of the individual. Federal institutions were partially designed to prevent the tyranny of the government and the tyranny of the majority. Therefore, primary emphasis was placed upon the separation of powers between the centre and the states, equal representation of the states in the bicameral legislature, and the policy scope of the second chamber (1999: 25-28). The United States was therefore a demos-constraining federation. In contrast, Stepan categorises those federations devised in the twentieth century such as India as demos-enabling federations – placing emphasis upon the equality facet of democracy. In demos-enabling federations, states are represented in proportion to their population in the second chamber, fewer powers reside in the territorial chamber and more in the popularly elected lower house, and the centre possesses more power than the units. Stepan argues that both federations are equally democratic, but that demos-constraining federalism as epitomised by the United States is not necessarily suitable for all federal regimes. What is important for my analysis is that prioritising different aspects of democracy - liberty or equality - created different types of federations, neither of which is 'less federal' or 'less democratic' than the other is

Distinguishing between demos-enabling and demos-constraining federations helps to link the arguments concerning the incompatibility of federalism with majoritarian democracy. Analysts of federalism argue that a democratic federation, by bringing levels of government closer to the people, increases the rule of the people. Particularly in multiethnic federations, federal structures have been used as an institutional mechanism compatible with national self-determination. Federalism brings government closer to the people affected by it through the devolution of power to territorially concentrated ethnic groups. However, by introducing a separation of powers between

the centre and the constituent units, a separation of powers between the two chambers, as well as increasing the policy scope of the second chamber, federations operate within the liberal principle of limiting powers. Its institutional configuration therefore reduces the will of 'the people' by restricting the operation of majoritarianism both at the centre, but also by redefining who are 'the people' to exercise majority rule. 'The people' of the whole state are redefined into 'the people' of the units for some decisions.

Wolterman's argument that 'mass democracy is incompatible with federalism in principle ... (d)emocracies create unitary states' is too strong a case, even for those federations which are demos-constraining (1993: 136). Additionally there is no democratic state that operates according to majoritarianism in its pure form, whether federal or not. In practice, democracy has evolved to mean much more than simply the will of the people. This is because of problems of defining who are the people, a question especially pertinent to federations seeking to manage diversity. Democracy has also been re-defined by its interaction with liberalism. As Parekh reminds us, while democracy historically preceded liberalism, it was liberals in the nineteenth century 'realising that the democratic tide was irreversible' who re-adopted democratic structures and adapted them to fit with the principles of individual freedom and liberty (1992: 166). Federalism is perfectly compatible with liberal democracy. Although federal structures work against majoritarianism they do not prevent it. This distinction is important because no democratic system operates with complete freedom for 'the people'. To differing degrees, as with the federal typology discussed in Stepan's analysis, democratic states can be either demos enabling or demos constraining. No democratic systems solely operate on the principle of direct democracy – there are always elements of delegation. This is what is meant by representative democracy.

The fact that some federations are democratic while others are not is not surprising. Rarely does a complete association between institutions within a state and regime type exist (many non-democratic regimes still hold elections). According to my analysis, federations do not have to be democratic to qualify for scrutiny. However, all the non-democratic federations which have been used as examples in the analysis – Yugoslavia, Soviet Union, Czechoslovakia and of course, Pakistan - have experienced the most severe tensions in their federations at the moment of democratisation. Conceding this point does not, however, mean that federal system design is irrelevant. Other non-democratic federations have democratised without similar secessions – Nigeria being a

prime example, although it frequently experiences severe ethnic conflict. Pakistan also democratised after the death of General Zia in 1988 and held national and provincial elections in 2002. Neither of these cases can however, be described as consolidated democracies.

Therefore, the apposite question is not 'is a federation a 'real' federation, if it is not democratic'? The key question is, *will federalism have an effect – or more simply, do federal structures matter, and if so, how?* This is very different from arguing that federalism will be successful as an ethnic conflict regulation device in a non-democratic state. The nature of the non-democratic federation, the locus of power and the ethnic composition of the constituent units are also relevant. Tensions may only be forcibly expressed when the country democratises. This is a 'pressure cooker' effect – occurring when tensions simmering under the surface have not been expressed and accommodated. Stepan argues that non-democratic federations are likely to break up at the moment of democratisation because of this pressure cooker effect (1999: 19). In contrast Duchacek argues that multiethnic federations will, in the absence of democracy, increase rather than contain ethnic conflict (1979: 67-8). Duchacek perceived tensions before the moment of democratisation. Therefore, one final hypothesis has to be addressed.

For federalism to be successful as an ethnic conflict regulation mechanism does it have to be democratic? If this were true it would be a necessary not a sufficient condition of success because democratic federations have failed to stay intact, both in the moment of democratisation as seen in the Soviet Union and Yugoslavia and federations with more of a history of democratic governance as the Malayan Federation in 1965¹³. In addition, countries such as Canada and India have experienced secessionist movements and pressures despite possessing consolidated democratic structures. However, the question remains unanswered, would the non-democratic federations of the 'eastern bloc' have failed if they had remained non-democratic? The question of whether democratisation was inevitable is a different one to whether non-democratic federations are doomed. The evidence points in the direction that newly democratising federations face dangers in so doing. Therefore as Stepan argues,

¹³ Discussions of all the wider conditions likely to make a federation successful are worthy of a book; this thesis does not attempt to answer them.

This risk is especially grave when elections are introduced in the subunits of a formerly nondemocratic federal polity prior to democratic countrywide elections and in the absence of democratic countrywide parties (1999: 19)¹⁴.

This does not mean that they cannot remain federal in the absence of elections.

1.6. The boundary debate.

Why is the constituent unit design contested between comparative federal analysts, and why has it proved so controversial in practice? Many authors have alleged that federalism is likely to increase pressures for secession rather than regulating and accommodating ethnic differences. This is one of the main foci of this thesis. Within constituent units mobilisation around ethnic criteria can manifest itself against the centre if an ethnic group different to that in the unit dominates the centre. The primary variable I seek to analyse to narrow down the debate is that of the ethnic composition of the federal units. All federations presuppose the existence of units. The character of these units affects the ability of the federal system to accommodate regional interests (Watts 1970: 29).

Unit design is a contested variable, described differently by different authors. Tarlton uses the terminology of symmetrical and asymmetrical federations to distinguish between units which are a microcosm of the ethnic make up of the national state (symmetrical federations) and those with units corresponding to the boundaries of a particular ethnic group within the state (asymmetrical federations) (1965: 868-9). This terminology is easily confused with the distinction between federations permitting an asymmetrical division of powers. Therefore, to distinguish federations by their provincial composition I will use the terminology of homogeneous units (dominated by one group) and heterogeneous units (in which no one group dominates). In discussing homogeneous units, it must be recognised that complete homogeneity, especially in deeply divided societies, is unlikely¹⁵. The Indian States Reorganisation Commission (SRC) defined homogeneity as comprising over 70% linguistic homogeneity (1955: Paragraph 783). Total homogeneity will be near impossible to achieve, especially in border regions but also because of migration patterns. In addition, units can be

¹⁴ Although as already noted, this is not a perfect relationship, as seen in the case of Nigeria which had state elections before national ones in the 1970s and did not split.

¹⁵ Therefore I prefer the terminology of homogeneous rather than mono-ethnic.

homogeneous upon one criterion, such as language but be cross-cut by religion (as in the Indian and Swiss cases). This adds to the complexity of the debate.

There are many ways to constitute units within a federation and a state can adopt more than one. A constituent unit's borders can contain a geographically concentrated group to create a homogeneous units as advocated by Watts (1970: 32-34). In contrast, boundaries can deliberately cut across ethnic groups and create multiethnic provinces within the multiethnic state as advocated by Vile (1982: 222)¹⁶. The USSR adopted a version of this, with one dominant group in each unit, but ensuring that a section of the titular nationality remained within a neighbouring province. This was a device of control. Finally, in a federation created on non-ethnic criteria, ethnic composition is irrelevant or non-existent.

In general, advocacy of heterogeneous units can be equated with those who seek integration (where identity is relegated to the private sphere) while advocates of homogeneous units are multiculturalists (who seek to promote or protect cultural identities in the political sphere)¹⁷. This chapter does not argue that one strategy is normatively better than another, merely that if groups are territorially concentrated, homogeneous units stand a better chance of accommodating ethnic diversity than heterogeneous ones do. If groups are not territorially concentrated in a divided society then consociational power sharing devices or behaviour are likely to provide a better multicultural option e.g. in Malaysia where power sharing between different ethnic groups is played out through the electoral system (Lijphart 1977: 153; Mauzy 1993: 106). The debate below sets out the main arguments that have been made against homogeneous units. It then attempts to rebut or qualify their concerns and accusations.

1. The danger of minorities within the homogeneous units being victimised.

The first argument against homogeneous provinces is that there is a danger of the inevitable minorities within the new units being victimised, either intentionally or unintentionally. Elites trying to maintain their power base may seek to do so at the expense of the other groups within the unit – mobilising one ascriptively defined group against another. This applies to minorities who are minorities within the national state

¹⁶ Vile discusses only 'communal cleavages'. A closer reading reveals that he is subsuming ethnic and linguistic cleavages within 'communal' ones (1982: 221-222).

¹⁷ Vanhanen does not fit within these categories. His preferred option is for biological assimilation through mixed marriages. His sub-optimal solution is to promote security through the creation of homogeneous provinces (1992: 166-7).

as a whole, or those who are a majority in the national state. It is of course almost impossible without genocide and forced population transfers to avoid the existence of some peoples who do not belong to the dominant ethnic group within the unit. This is exacerbated by the migration of populations, as seen in Assam (Weiner 1978: Ch 3). However, this problem can be circumvented if Beran's recursive principle is applied: ethnic groups should not be allowed to govern their own units unless guarantees for minorities are respected (1984: 29). An enforceable Bill of Rights and central government provision for education and minority rights can achieve this. These provisions have been implemented in many federal constitutions, for example in India¹⁸.

2. The increased pressures for secession.

It has been argued that ethnically homogeneous units increase the danger of ethnic conflict. This is because of the resources and legitimacy that such groups gain from a governmental power base. This is said to enhance the identity of the group and make them more likely to secede. Maurice Vile argues that,

It is clear that where the boundaries of the member states are drawn so as to coincide with communal divisions the likelihood is that the problems of operating the machinery of federalism will be exacerbated (1982: 222-223).

Nordlinger rejects federalism on similar grounds (1972: 32). Federalism is said to lead to intolerance and disregard for the interest of the collective whole (Duchacek 1987: 120). The foundations of this argument lie in the claim a) that a less homogeneous unit would be inhibited if a substantial number of its ethnic group would be left behind after secession and b) that homogeneous units enhance separate loyalties.

a) through imbuing territorially concentrated ethnic groups with resources, legitimacy and a power base.

The provision of a homogeneous unit enhances security and provides conditions for the promotion of a dual identity and identification with the institutions of the central government, which may inhibit secession. To argue that the coincidence of ethnic and

¹⁸ Another way to counter the argument about the danger of minority victimisation is to assert that victimisation is unlikely to happen in homogeneous unit, as for mobilisation to occur, a threat needs to be perceived. This however, is not an entirely satisfactory answer, as identities are situational and while a unit may be nearly homogeneous on one criterion, it may be much less so on another. In 1971 79% of the Punjab population's mother tongue was Punjabi, but only 60% of them were Sikhs. In the same year, 67% of the inhabitants of Nagaland were recorded as Christian but the largest linguistic group were the Ao – with only 14% of Nagaland's population (Government of India 1976).

constituent unit boundaries increases ethnic conflict and makes secession more likely assumes that there is a motivation to secede. This ignores the fact that federalism may be successful as an ethnic conflict regulation device. If the security of the ethnic group (as they define it) is promoted within a multiethnic state, the motivation to secede is diminished. In addition, once security is enhanced, the federal institutions themselves can attract loyalty, as well as the central government. Nordlinger argues that a state should not seek to create actively a dual identity for fear of exacerbating violence and repression (1972: 37). His rationale is that an uncontested national identity often cannot be created from a common past, because separate ethnic groups exist within the same state. However, the federal structures themselves can create a dual, possibly civic identity, encompassing both central and regional loyalties. Cairns argues that the central government should transmit messages of a heterogeneous nationhood and identity. This should explicitly include those not part of the 'natural' ethnic majority (1995: 35). Although federalism is rarely an end in itself, usually incorporating strategic motivations, it should be the intention of the constitutional framers to seek to create some affinity towards the institutions.

There can be positive reasons for staying within the federation - the benefits have increased.

The most potent way to assure that federalism...will not become just a step to secession is to reinforce those specific interests that groups have in the undivided state (Horowitz 1985: 628).

This is an age where economic and military reasons for increasing the size of states have diminished (although not disappeared). There are different interests that can be promoted through federal structures. Economic interests in unity are fostered through economic interdependence with the main state as well as a redistribution of resources. Cultural autonomy can increase the separateness of a group but simultaneously reduce conflict with the centre. Cultural autonomy to promote a group's language increases interaction with the centre if the identity is politically recognised and utilised as a method of power acquisition at the centre (e.g. civil service exams). Finally, political interdependence can be increased, either within a dominant party that represents regional interests, or through coalition politics. It is worth noting that although all the above have the potential to increase conflict with other groups who may oppose the

reduction of their privileges or access to government; they are not necessarily zero-sum relationships.

b) through the creation of separate loyalties.

Addressing the point that separate states lead to the creation of separate and antagonistic loyalties, a contrasting viewpoint would be to argue that if the units are not ethnically homogeneous, the main rationale of federalism is in danger of being thwarted. This is of bringing the government closer to 'the people' affected by it - national self-determination. If the premises of nationalism are accepted, then 'any old' mixed state government will not achieve the same identification or promote the same degree of responsiveness to individual citizens and give expression to primary group attachments. Therefore heterogeneous units are as likely to give rise to secessionist impulses on behalf of a group as homogeneous units are said to do. This is borne out in India and Pakistan. Additionally, if boundaries do not coincide with ethnic ones, the division of powers will appear as a device of administrative efficiency or political manipulation rather than as a normative commitment to the ideal of a multiethnic state. The perception of such a normative commitment is essential to increase the security and well being of an ethnic group. It depends on the nature of the demand as well as the timing of the concession as to whether this in itself would be sufficient. For example, Khuhro, a Sindhi political scientist states that, 'the Pashtuns want a bigger share of the cake...(while the)...Baluch want something more - identity, self-respect, real autonomy', (quoted in Harrison 1991: 313). Ethnically homogeneous units also provide institutional protection for cultural institutions against the central state's potential interference. This is especially the case where there is a *staatsvolk*. A *staatsvolk* can be defined as a group of people who dominate the federation, and are normally its 'co-founders'. A *staatsvolk* does not have to be the 'absolute majority of the population' (O'Leary 2001a: 285). They are the dominant titular nationality (O'Leary 2001c: 34). However, they may not dominate in the electoral arena – in fact this was precisely the problem in the case of Pakistan before 1971 – the *staatsvolk* - the Punjabis, comprised only 29% of the population¹⁹.

¹⁹ O'Leary is discussing democratic federations – this is why he defines a *staatsvolk* as being 'electorally dominant' (2001a: 285).

3. Homogeneous units do not provide opportunities for inter-ethnic elite co-operation.

Inter-ethnic relations can soften ethnic hostility among politicians. Personal relationships cannot be built from a distance. Although inter-ethnic competition will not disappear in heterogeneous units, it is argued that the conflict is more likely to concern 'mundane' power politics rather than zero-sum identity issues, as Horowitz outlines in Malaysia (1985: 408-9). This has the added attraction of favourably affecting federal processes on the 'national' level through small and manageable co-operation (Duchacek 1991: 3).

However, homogeneous units can also promote competition and co-operation favourable to the success of federalism, albeit of a different kind.

When groups are territorially concentrated, devolution may have utility not because it provides 'self-determination', but because once power is devolved it becomes somewhat more difficult to determine who the self is (Horowitz 1985: 617).

Federalism as a system necessarily divides governmental structures and thereby multiplies jobs (Gagnon 1993: 19). It also provides new political arenas to contest power within. In a homogeneous unit this increases intra-ethnic competition and may reduce conflictual relations with the centre. However, for intra-ethnic competition to occur, arguably security of culture needs to be assured through the creation of ethnically homogeneous units. Therefore, the goal of creating ethnically homogeneous units for achieving national self-determination and security of culture cannot be ignored. The existence of cross cutting cleavages within these homogeneous units is also a factor cited as increasing the likelihood of federal stability (Horowitz 1985: 618; Manor 1996: 468). It is however, a possibility totally ignored by Vanhanen (1992: 84-95).

To sum up, the existence of homogeneous units by themselves will not necessarily reduce ethnic conflict; but ethnically homogeneous units do not necessarily cause state-breaking conflict. I have identified three extra conditions that elites must follow to ensure that homogeneous units are less likely to cause chaos and mayhem. Discussed in more detail later, it will assist the reader if I briefly set them out here.

- The optimal number of units should be more than three;
- There should be no great disparities between the units, in terms of size, population or resources, and;
- A dominant group should, wherever possible, be subdivided into two or more units.

1.7. Chapter Structure

The structure of the rest of this thesis proceeds in a broadly chronological fashion. Chapter Two sets out the institutional precursors of federalism in South Asia – concentrating on the English and British period, but also including elements carried over from the Mughal Empire. Chapter Three’s concern is with the pre-independence constitutional plans articulated by the British, Congress and the League and the degrees of consociationalism within these plans. Chapter Four provides a more detailed analysis of the rationale behind the adoption of the plans discussed in Chapter Three. Chapter Five assesses the post-independence constitutions of India and Pakistan and their differences to those that preceded them. It assesses to what extent the differences are explainable by the changed linguistic and religious populations of India and Pakistan. Chapter Six continues the analysis of the post-independence constitutions, but relates them to the nature of the state-sponsored articulation of national identity. It concludes with an appreciation of the interactive nature of the effective number of ethnic groups with the notion of national identity in explaining the adoption of the constitutions. Chapter Seven assesses the impact these changes, specifically those concerning the ethnic composition of the federal units, have had on federal stability. Its primary focus is on the correlation between the fractionalisation of the party system and the effective number of ethnic groups within the units of the federations. It also investigates the type and numbers of secessionist movements, and central interventions within these units. Chapter Eight evaluates the linkage between the five hypotheses. It identifies that one future research agenda is that of the relationship between federal stability and the number of units within a federation, as well as the conditions under which consociational elements are necessary elements of federal design.

Chapter Two: Territorial autonomy in South Asia: an inexorable slide?

'The British could not have organised India as they did if the people had not already been, as it were, apprenticed to the idea of unity. Nor, in consequence, could independent India have grown so quickly in unity and strength. Mr Nehru was sometimes called a great Mughal; he was their heir in a truer sense than perhaps he himself realised' (Spear 1965: 51).

'The Mughals founded an imperial ideal and the Raj took it up and bettered it' (Finer 1997b: 121).

'The British rule ... disrupted the natural evolution of India into an authentic federal polity' (Khan 1992: 37).

2.1. Introduction

To assess the institutional precursors of federalism in India and Pakistan it is essential to look at the history of the subcontinent. The question of whether federalism was the only possible institutional configuration to rule such a diverse and large territory is my point of departure. Certainly under the Mughal period, but even further back, modes of governance premised upon territorial autonomy were devices to consolidate territory. While this autonomy did not involve a *de jure* division of sovereignty, and the ruler, whether Mughal or British, maintained supreme power, *de facto* territorial power sharing operated. This was because of the constraints imposed by geographic distance, cultural diversity, limited technology and means of transport and communication. As developments in technology and communications overcame the constraints of ruling large territories, the functions of government expanded. These developments ensured that territorial autonomy has remained a necessary feature of successful government in India and Pakistan²⁰.

An analysis of pre-independence governing structures serves two functions. Firstly it discusses one of my independent variables – the influence of historical institutional configurations on the formation and stabilisation of the Indian and Pakistani federations²¹. Secondly, it establishes that territorial autonomy has been an essential feature of successful governance of India and Pakistan, although it does not argue that federal structures necessarily had to emerge. Even the historian Coupland, a fellow of All Souls's College, Oxford, who wrongly argued that 'there was ... no division of

²⁰ And possibly in Sri Lanka as well.

²¹ Federal stabilisation is my dependent variable; defined by the maintenance of territorial integrity, the fractionalisation of the party system and the number and type of secessionist movements within a state.

authority, no trace of the federal idea in the constitution of British India before 1919' conceded that in practice 'superintendence and control' by the centre were limited by distance and the sheer volume of work involved (1942: 10). These restrictions on 'superintendence and control' have been a constant pattern in organising the governance of the subcontinent.

This chapter assesses the continuities between the effective period of Mughal rule (1526-1707²²) and the British Raj up to and including the 1919 Government of India Act²³. The 1919 Act can be viewed as the first major step forward in the long and tortuous quest to grant Indians self-government²⁴ even though the concession of provincial autonomy was an essential part of the British strategy to maintain 'real' power in their hands at the centre²⁵. In pursuing this strategy they did not differ from those who came before or went after them. Few authors have specifically analysed Mughal influences upon British federal institutions – although many historians such as Spear have investigated pre-British history (1965: esp. 16-46). One of the best recent discussions of the links between the Mughal and the British period has been undertaken by Brown (1994: esp. 33-40). However, she focuses on explaining Indian democracy rather than comparing Indian and Pakistani federal structures.

Interpretations of the nature of both regimes are contested (Kulke 1995: 1-47). An appreciation of the nature of both empires is essential to understand the continuities between the two regimes²⁶. This chapter traces the continuities that influenced the federal form in independent India and Pakistan. It does not directly address Stein's argument that Mughal India was a segmentary state or whether it was an example of a patrimonial bureaucracy as discussed in Blake (1995: 278-303), Kulke (1995: esp. 280-303) and Inden (2000: 206-211 & Ch 5).

²² From 1707-1857 the Mughals were ineffective and degenerate.

²³ Which introduced more formal federal institutions.

²⁴ As laid out in the Montagu Declaration of 1917.

²⁵ This strategy followed on from the Mughal regime. In the early twentieth century the Indian political movements began putting forward their own constitutional proposals, notably the 1916 Lucknow Pact between the League and the Congress, the 1928 Nehru Report and Jinnah's 14 points in 1929. These plans are discussed in detail in Chapters Three and Four.

²⁶ Blake accepts that there were a number of ways the British followed from the Mughals, but rejects the argument that there was a linear progression (1995: 279).

In addition to disputes concerning the nature of the state, historiographical interpretations of the nature of Indian society are contested²⁷. These understandings have affected the formation of constitutional structures and ideologies of governance.

- The Imperial or neo-imperialist school emphasises the divisions within the subcontinent to justify the need for British rule to unite the peoples and prevent bloodshed. Spear fits into this category. India is seen as a 'geographical expression', with the Hindu and Muslim divide fundamental and irreversible (1965: esp. 111).
- In contrast, the nationalist school, primarily writing around the time of the independence struggle, but not confined to this period, is concerned to emphasise the unity of the subcontinent, despite its divisions of race, region, ethnicity, caste and religion (Khan 1992: esp. 83; Bose and Jalal 1998: 4). Nehru's *'Discovery of India'* typifies these writings, firstly stressing the solidarity the Congress Party was able to achieve despite the heterogeneity of Indian society, but also asserting that the whole was greater than the sum of its parts (1946: 391). The nationalist school can be subdivided into those claiming that social differences are not an obstacle to unity, and indeed, have strengthened the Indian nation (secular nationalists), and those who seek to justify the primacy of the ancient Hindu civilisation over the usurping Mughal (Hindu nationalists). Many of these writings sought to glorify the past as 'a compensation for the humiliating present' and 'stress the political unity of the country from earliest times' (Thapar 1968: 326-327).
- The third school is that of the 'contemporary ethnic nationalists' (Chadda 1997: 27). These authors typify the subcontinent as comprising several historical distinctive national entities that possess independent existence and validity, and are separate from 'the whole'. The political agenda behind this school of thought is often used to justify further autonomy or even independence for these separate units. The similarity to the imperialist understanding of Indian history is significant. Those who advocated the partition of the Indian subcontinent also fit into this category.

²⁷ For a more detailed discussion of interpretations of India's past, see Chadda (1997: 26-31), Thapar (1968: 318-335) and Hubel (1996: Ch 4). Hubel also discusses the subaltern interpretation of Indian history (which contends that the story of the Indian bourgeoisie cannot explain nationalism nor the national movement in India) as well as writings emphasising the role of women (1996: 80 & 109-113).

Interpretations of Indian history have been used to justify constitutional design and political action. The interpretations differ precisely depending upon what present or future course of action is advanced. The perception of a divided country needing a firm imperial hand not only justified British imperial rule but was used to justify policies designed to separate Hindus and Muslims. The perception of a united India as epitomised by Nehru in *'Discovery'* (1946: 219), similarly impacted upon the type of federal system designed after independence; one that sought to relegate 'ethnic' identities to the personal sphere. His understanding dictated which identities were to be recognised as politically legitimate. Jinnah's conception of India as comprised of two religiously defined nations similarly impacted on the form of the Pakistani federation.

Any interpretation of Indian society has to wade through these warring schools. Most interpretations possess validity – the devil is in the detail, or rather the emphasis. All interpretations emphasise the heterogeneity of Indian society. This ethnic heterogeneity is undeniable, in terms of religion, language, tribe, region and race. As Dikshit argues,

India is parcelled by nature into a number of somewhat self-contained units which, before the coming of modern communications, had for centuries developed in relative isolation and thus had come to possess their own distinctive cultural and linguistic complexes (1975: 120).

Where these alternative explanations of Indian history differ is in their accounts of how this diversity has impacted upon politics. Federal forms of government specifically, and territorially defined autonomy more generally, have permitted this diversity to receive political expression. These forms of government have reflected as well as encouraged diversity, especially along linguistic lines. This is especially the case when units of governance have been organised to coincide with the territorial boundaries of ethnic groups. This diversity has not necessarily precluded identification with a 'centre'. Indeed, independent India has been remarkably successful at creating a dual loyalty to region and centre, precisely through the accommodation of linguistic groups. However, this diversity has meant that while the two loyalties may be compatible, the centre cannot take its loyalty for granted. Over its 55 years of independence India has experienced pressures for independent states in the south, northeast and northwest of its territory. Pakistan has not been as successful at creating a dual loyalty and split into two in 1971.

2.2. Mughal traditions of governance and power

Under the Mauryan Empire, Emperor Ashoka (d.232 BC) united most of India²⁸. In the fourteenth century, Alauddin Khalji (d.1316) established a smaller northern empire, the Delhi Sultanate. However, for most of its history before the Mughals, India was divided into separate kingdoms, some autonomous, others subordinate to a greater regional king (Inden 2000: 165). The process of subordination of one king to another was not uniform. Some kings were treated as equals, while others were clearly subordinates. Despite these differences, it was usual that the 'suzerain respected the local laws and customs' (Sharma 1932: 129). This system of asymmetrical indirect rule encouraged the flourishing of regional languages and culture in the absence of a uniform system of administration. As Finer argues, the span of 'effective unity' under the Mauryan, Gupta and Delhi dynasties amounted 'to little more than 362 years (in a period spanning 2500 years) ... In the Indian subcontinent, empire was very much the exception and transience the norm' (1997b: 1211).

In common with all conquerors of India the Mughals built upon existing structures. However, they were also innovative, and differed from those that preceded them in their systemisation of administration (Ali 1995: 266). Schwartzberg compares the Mughal dynasty to the Tudors in England as it,

marked a distinct break with the past in bringing about a succession of strong rulers who welded disparate political and ethnic elements and spatially fragmented polities into an administratively and fiscally united country (1978: 204).

By the end of Aurangzeb's reign, the Mughal Empire encompassed most of India. Its population at its greatest extent numbered 180 million, or 20% of the world's population (Bayly 1989: 54). The Mughals did not manage to unify completely India under their command. However, they controlled the core of what is now known as India, as well as most of the territory that now comprises Pakistan and Bangladesh²⁹.

²⁸ Excluding the most southern parts.

²⁹ Maps of the Mughal Empire radically differ in the extent of the areas they include. Schwartzberg, the acknowledged authority on South Asian political geography, also includes the areas under the suzerainty of the Mughal Empire even when they did not directly control them – the major ones being the territories of Bijapur and Golkonda in the south (1978: 46). He reproduces nine authors' representations of the extent of the Mughal empire (1978: xxxv).

As the subcontinent was partitioned in 1947, no one single central authority has ever (directly) controlled the whole territory of India and Pakistan (two fifths of the territory was made up of princely states during the rule of the British). This fact has had an undeniable influence on the ability to forge an united 'nation' within the territory.

Systems of provincial government:

Akbar is widely credited for evolving the 'Mughal' system of administration³⁰. This system provided institutional continuity to a regionally, linguistically and religiously diverse society. While the administration 'was ill organised, confusing and corrupt' (Finer 1997b: 1228), Akbar systematically reorganised the areas under his control (Ali 1995: 266). This system was extended to areas conquered under his successors. The Mughal system differed from most of the other dynasties in its extent of territorial penetration and provincial organisation. The four central departments, finance, war, judiciary and supply were repeated at the provincial level, and the provinces were an integral part of the Mughal system of administration (Ali 1995: 267; Finer 1997b: 1242).

Most authors concur that the Mauryan Empire was divided into four provinces, and the Delhi Sultanate possessed some division of administration. The problem of how to govern effectively without leading to disunity was not a new one³¹. However, Akbar was the first ruler of India to base his entire administration around the provinces, and they assumed far greater importance than they possessed under Sher Shah. The provinces were the tools used to ensure that administration was organised on a uniform basis. Even though the Mughal Empire was authoritarian, the significance of this system of provincial organisation should not be underestimated.

³⁰ However, he built extensively upon the institutions of the 'usurper' Sher Shah. In turn Sher Shah built extensively upon systems of government that preceded him, but also introduced elements of Persian government. Spear argues that as Sher Shah only controlled northern India for five years, his contribution 'provided an administrative blueprint' at most (1965: 28). Ali argues that there were three ways in which the Mughals differed from what preceded them (1995: 166 & 279). He points out that they were neither a simple continuation of the Delhi Sultanate nor the Persians because they were so much more successful.

³¹ Keay argues that Sher Shah did not appoint a political governor of Bengal because of his fear that such a governor 'would cast off his allegiance at the first available opportunity'. Sher Shah divided the province into districts, each one directly responsible to himself (2000: 300).

The system of provincial administration was a miniature replica of the empire and was designed around the need to raise tax revenue efficiently³². It was based upon the authority of provincial governors, *subedars*³³, who received instructions from their Emperor. The reliance on the provinces increased the freedom of the *subedars* vis-à-vis the centre³⁴. This complex chain of command was an administrative solution to the geographical size of India, and the ultimate basis of Mughal power. Although more centralisation may have been desirable from the perspective of the regime, it was impossible to achieve.

The personal connection between emperor and noble official was highly significant, to both parties in that relationship. Indeed, the empire was run not so much as a bureaucracy but as a blend of a bureaucratic and patrimonial machine³⁵ (Brown 1994: 37).

The *subedar* was responsible for the protection of the province against external or internal rebellion, as well as for the maintenance and discipline of the military forces in that state. Weber argued that 'the fusion of the military and economic power of an administrative district in the hands of one person, soon tended to encourage the administrator's disengagement from the central authority' (1968: 1044). The danger of disengagement is similar to the powerful critique of federal structures of government; that of the danger of secession. The Mughals countered this danger through transferring leaders and forces between Subahs, approximately every four to five years. 'The Emperors succeeded only too well' as the nobles, rather than being the pillars of the state, sought to acquire their own power' (Finer 1997b: 1258). In addition, Akbar instituted a system in which the *subedars* were directly responsible to him. Not only did they owe their position to their Emperor, but to prevent the development of powerful families (with control over the land revenue of that Subah), Akbar and his

³² 'Like the Ottoman Empire, Mughal India was a plunder state. It thrived on conquest, tribute and booty. The army was where the taxes went and where the surplus revenue came from' (Finer 1997b: 1247).

³³ A subedar was an 'army commander' 'the man in general charge of provincial affairs' (Blake 1995: 292).

³⁴ However, in the mid 1590s a centrally appointed *diwan* (finance officer) placed financial restrictions on their freedom of action, preventing money being drawn when it was not warranted. This policy was short lived.

³⁵ In a patrimonial state 'political administration is treated as a purely personal affair of the ruler... Ruler's personal discretion delimits the jurisdiction of his officials' (Weber 1968: 1029). Weber argues that 'in the course of financial rationalisation patrimonialism moves imperceptibly towards a rational bureaucratic administration which resorts to systematic taxation' (1968: 1014). In addition, 'patrimonial officialdom may develop bureaucratic features with increased functional division and rationalisation' (1968: 1028). Under a patrimonial administration, the officials are usually 'maintained directly from the ruler's table' (1968: 1031). A similar position is articulated by Blake (1995: 263-267). This does not mean that all patrimonial and indirect forms of bureaucracy lead to federalism. Ertman's examples of patrimonial and bureaucratic absolutist regimes (the Mughal regime does not exactly fit within the classification) include both those regimes which are now unitary, France and Denmark, as well as those which are now federal, Spain and Germany (1997: 10).

successors did not permit heirs of nobles to succeed directly to their father's posts³⁶. Therefore the system was not a feudal one. It was a necessary mechanism to consolidate territory and promote efficiency – similar to motivations behind the formation of federations in the nineteenth and twentieth centuries.

Authors disagree as to the nature of the Mughal Empire. Sharma terms it a 'centralised despotism' (1932: 136). Ali argues it was 'bolstered by immense centralisation' (1995: 273). In contrast, others such as Bayly contend that the Mughal Emperor was instead a 'king among kings' (1989: 54). These positions are not necessarily incompatible. 'The Emperor became the motive power of the entire administrative machinery and it was to him the provincial governors looked for guidance in day-to-day administration'. The provincial system was a system of divide and rule. However, the restrictions caused by large distances and communications inevitably meant that the governors appointed by the Emperor 'exercised considerable influence in their territories' (Sharma 1932: 136). This did not mean that the Mughal empire was 'a complex, nuanced and loose form of hegemony over a diverse, differentiated and dynamic economy and society' as argued by Bose and Jalal (1998: 36)³⁷. The Mughal Empire and systems of rule were primarily based around the person of the Emperor. The most 'proximate cause of collapse' of the Empire in the early eighteenth century was 'the disastrous run of transient and effete phantom-emperors' (Finer 1997b: 1260). While the Emperor had to rely on intermediaries, the system of rule was essentially dictated from above. The system was therefore absolutist, centralised in the Emperor's person, even if intermediaries were required.

The rulers of the core Muslim areas were *not* appointed according to cultural criteria, many of them were members of the ruling dynasty – Aurangzeb was a subedar before his reign. However, the ancient Hindu states, especially the Rajputs, retained autonomy, although they had to swear fealty to the Emperor and attend court. These ties were reinforced through marriage. In the Muslim controlled areas that were acquired later, such as Bijapur, the original Sultan continued to rule - an arrangement that permitted him to expand southwards but also promoted stability (Griffiths 1952: 130-1).

³⁶ Spear confirms this. 'Their failure to form a close oligarchy of the 'ins' suggests the keenness of competition for entry and imperial or ministerial sagacity in keeping the appointment options open' (1970: 11).

³⁷ This argument fits firmly within the nationalist interpretation of history.

The result of this provincial system of administration was that,

as the Governors carried out the imperial orders, the Empire gave India oneness in administrative system in all provinces by establishing the same order of officials, and by introducing the same court language³⁸ and the same coinage and currency (Sharma 1932: 137).

Although the Emperor was ultimately supreme, this provincial system permitted certain aspects of indirect rule and cultural and ethnic diversity. It was vital for shoring up a mainstay of the Mughal regime - the system of taxation. It also accommodated the expansion of the Mughal Empire.

Provincial reorganisation

In 1580,

His Majesty apportioned empire into 12 divisions, to each of which he gave the name of Subah and distinguished them by the appellation of that tract of the country or its capital city³⁹.

That this reorganisation occurred is confirmed by other authors (e.g. Smith 1923: 24-25; Schwartzberg 1978: 205; Srivastava 1997: 113). What is contestable is Khan's claim that 'An obvious concern was shown for linguistic and socio-cultural homogeneity in the delimitation of provinces' (1992: 37-8). No scholars of the Mughal Empire mention this rationale behind the organisation⁴⁰ and neither do political geographers (Day 1949: 118; Spate and Learmouth 1967: 187-188). Khan's claim must therefore be treated with caution⁴¹. Indeed, Day argues that 'the Suba or Provincial boundaries were not deliberately defined to coincide with 'natural' regions, for Subas were created as

³⁸ Persian. For a discussion of the adoption of Persian see Rahman (2002: 127).

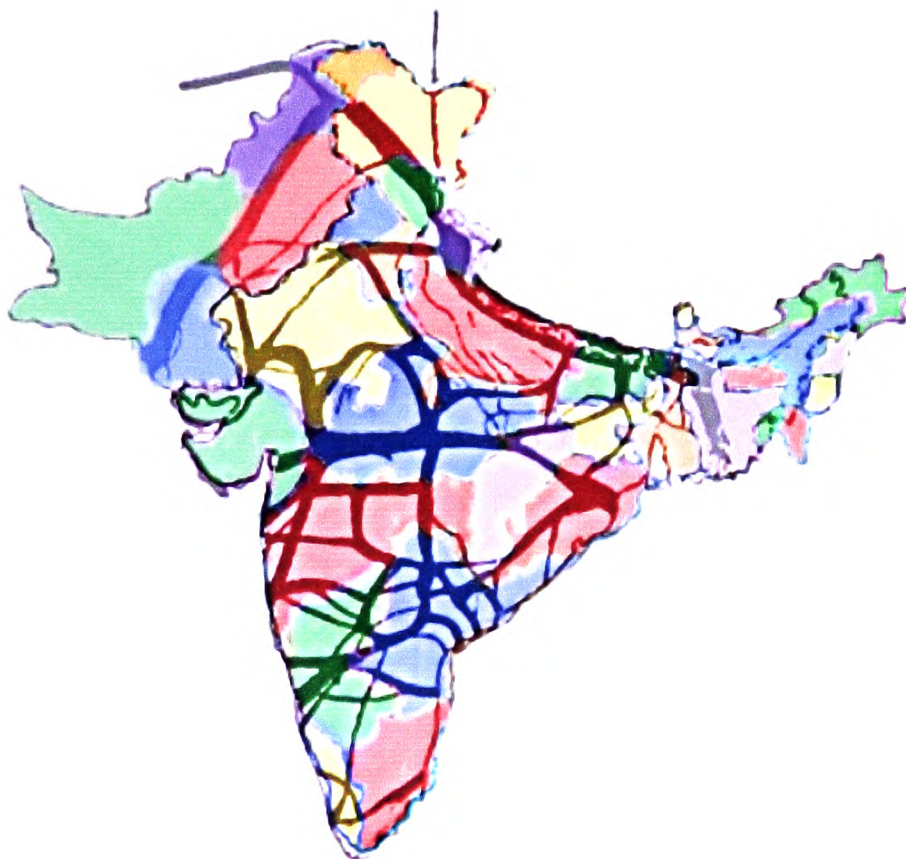
³⁹ Abul Fazl, a contemporary and chronicler of Akbar's life, (cited in Khan 1992: 102).

⁴⁰ These scholars include Elphinstone and Cowell (1889), Schwartzberg (1978: 205), Kulke and Rothermund (1990), Richards (1993a; 1993b), Kulke (1995), Hintze (1997), Srivastava (1997: 113), Habib (1999), Metcalf and Metcalf (2001) and Robb (2002).

⁴¹ In addition, Khan's list of the 'Subahs of the Mughals and the Socio-Cultural Regions they covered' (1992: 106-107), demonstrates that in all regions other than the south of the empire, more than one socio-cultural region was included within one subah, and sometimes as many as five.

conquest was extended' (1949: 118). By the time Aurangzeb's conquests were completed, they numbered 21⁴².

Map 2.1. Composite picture of the nuclear areas under Akbar and Aurangzeb and the states of India, Pakistan and Bangladesh in 2002



Source: Composite map created by the author from three sources. The black lines showing the persistence of nuclear areas were taken from Spate and Learmouth (1967: 176). The maps of the units of Pakistan and India are adapted from www.library.utoronto.ca/pcs/eps/pakistan/pakmap.htm and www.mapsofindia.com.

Key: The map includes the three states created in India in 2000⁴³.

Boundaries (width proportionate to frequency)

The coloured areas represent the existing units of India and Pakistan and the state of Bangladesh.

⁴² Kabul (in north-west); Kashmir, Lahore and Multan (in the north); Thatta (Sind), Gujarat, Ajmer (in the west); Delhi, Agra, Awadh, Illahabad and Malwa (in central region); Bihar, Bengal and Orissa (in the east); Khandesh, Berar, Ahmadnagar (Bijapur), Aurangabad (Daulatabad); Golconda (Hyderabad) and Bidar (in the south) (Khan 1992: 106-7).

⁴³ The map does not purport to be an exact representation of the changing provinces over time. 'The evidence permits of rough approximations only, but it is believed that a fair representation is attained' (1967: 176).

Rather than being reorganised, many of these provinces were based on prior administrative divisions and borders of kingdoms, especially those of the ancient Hindu states. However, as Map 2.1 demonstrates, there is a congruence between some of the states in present day India and Pakistan, and the 'nuclear regions...which are perennially significant in Indian historical geography' (Spate and Learmouth 1967: 187-188)⁴⁴. The most notable are those of Sind, Gujarat, Punjab, Rajasthan and Uttar Pradesh. 'In the Dravidian south the pattern is more confused' (Spate and Learmouth 1967: 177), but areas in Orissa, Andhra Pradesh as well as Tamil Nadu can be discerned.

The reorganisation of the subahs was prompted by Akbar's desire to systematise the administrative framework. Whether or not they were organised according to cultural boundaries, the fact that many provinces were permitted to keep their own kings was significant as they were the foundation stone of Akbar's administration. Additionally, the provincial boundaries often coincided with physical boundaries, and 'these sometimes also coincided with linguistic frontiers' (Day 1949: 118). It is therefore not surprising that some congruence existed between territorial and cultural boundaries under the Mughals. Interestingly, however Finer views the policy as a sign of weakness.

The Mughals conquered and pieced the conquered states together but did not homogenise them. The Hindu Mahrattas and the Sikhs both rose against Aurangzeb, the fundamentalist Muslim emperor (1997b: 1257).

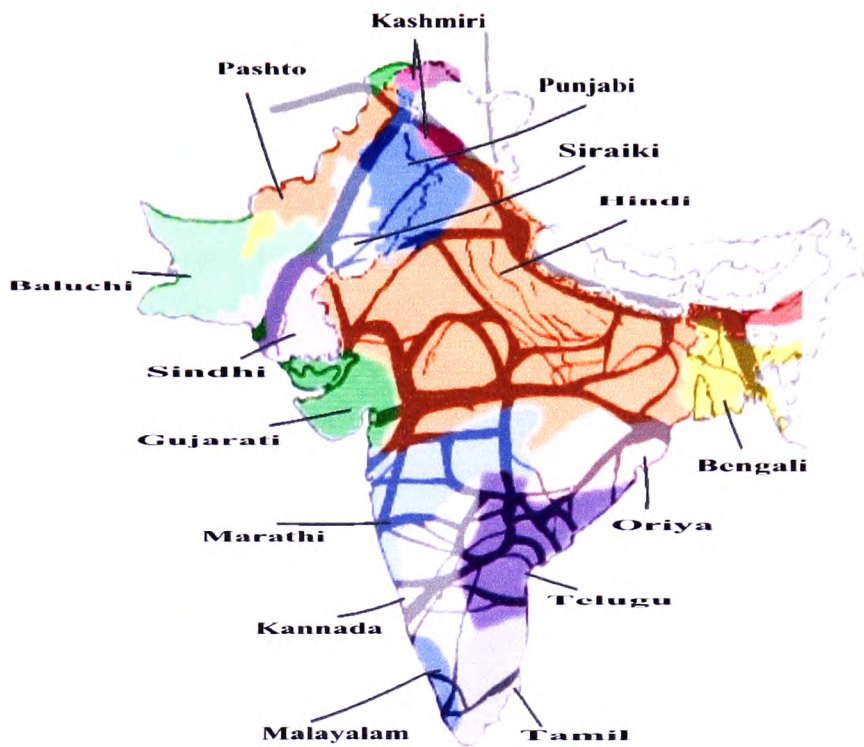
Ali also argues that,

the subcontinent of India had a centralised quasi-modern state without any developing sense of nationhood...the people at large were indifferent to whether they were under an imperial or a regional regime (1995: 277).

This is a problem that has transferred itself to the present day regimes in India and Pakistan.

⁴⁴ They explain the continuity by the fact that 'these nuclear regions clearly represent the major agricultural areas' (1967: 188).

Map 2.2. Composite picture of the linguistic regions of India and Pakistan and the nuclear areas under Akbar and Aurangzeb



Source: Composite map created by the author from three sources. The black lines showing the persistence of nuclear areas were taken from Spate and Learmouth (1967: 176). The linguistic regions were taken from Rahman (1996: 254-255) and King (1997).

Key.

↳ Boundaries (width proportionate to frequency)

Map 2.2 shows an even stronger congruence between the linguistic regions, especially in the north of the subcontinent, and the nuclear areas. The two exceptions are that the Hindi speaking region in the north has been subdivided over time – not surprising given its large territorial expanse – and that the tribal areas of Pakistan were not included within the historic empires. A comparison of Map 2.1 and Map 2.2 demonstrates that state borders in India correspond to a large degree with those of language, with the exception of the Hindi-speaking areas. In the case of Pakistan, the Punjab includes a large territorial area of Siraiki speakers within its borders. Additionally, the province of Baluchistan includes Baluchi, Brahvi and Pushtu speakers within its borders. This

heterogeneity has had implications for federal stabilisation as discussed in Chapter Seven.

Ethnic accommodation

The majority of the population of the Mughal Empire was non-Muslim. Although Muslims held the majority of the positions of power in central government, the role of the Hindu *zamindar* was crucial for the collection of the land revenue upon which Mughal power ultimately rested. Emperor Akbar was tolerant of other faiths, and pragmatic, to the extent of marrying a Hindu, Persian and a Christian⁴⁵. His strategy of ruling was remarkably conciliatory, especially given that during this period, Europe was embroiled in divisive religious wars. Akbar's strategy was calculated, however, and paid dividends by winning the allegiance of the Rajputs of Rajasthan⁴⁶. Hindu leaders were also co-opted into the system as rulers of subahs. Although only one sixth of the mansabdars under Akbar were Hindus, they were disproportionately represented in the higher echelons (Spear 1965: 35). Akbar also abolished the *jizya*, a tax on non-Muslims, and even went to the lengths of establishing a *Kavi Raj* at court - a Hindu poet laureate (Schwartzberg 1978: 204). Akbar's great grandson Aurangzeb adopted a confrontational policy; destroying Hindu temples during uprisings in Karnataka and Rajasthan (James 1997: 6). *Jizya* was also re-imposed despite it accounting for a small proportion of the tax revenue⁴⁷. However one quarter of *mansabdars* were Hindus under Aurangzeb's reign, although they were watched carefully (Bose and Jalal 1998: 41). While accepting Aurangzeb's intolerance, Keay is careful to point to the ideological and strategic challenges that lay behind his policies (2000: 243). Spear concludes that Aurangzeb 'was too cautious to outrage Hindus as a whole, in spite of particular acts of intolerance, but their previous passive support and even support turned into indifference and disdain' (1965: 71). Aurangzeb was an orthodox pious Sunni and was also intolerant of many sects of Islam, especially the Shi'ite communities of the Deccan. He forcibly integrated Bijapur, a Muslim ruled state, into the Mughal Empire (Keay 2000: 241).

⁴⁵ The mother of Emperor Jeganhir was a Rajput princess whose marriage to Akbar was a deliberate strategy to accommodate the Rajputs (although claims that a Rajput was deliberately chosen as the mother of the next emperor have to be placed in the context of Akbar's long and desperate wait for a son).

⁴⁶ That Akbar's strategy was a calculated one is demonstrated by the fact Afghans were discriminated against as they were his main political threat. His strategy was not multicultural. Akbar was censorious of practices such as Sati and pre-pubescent marriages (Ali 1997: 219-220).

⁴⁷ Therefore Bose and Jalal are on shaky ground when they argue that *jizya* was reimposed for financial reasons (1998: 41).

It has been argued that Aurangzeb's intolerant policies were one reason for the rebellion of the Marathas and the subsequent decline of the Mughal Empire. While the weakness of subsequent Emperors is a more convincing explanation for the decline of the empire, the former point is valid. No regime has been able to rule successfully the whole or nearly the whole of the subcontinent without accommodating different religions and cultures. The fact that the Mughals did so through institutions permitting territorial autonomy had federal effects. It retained and politically legitimised regional diversity, much of the diversity defined by language.

2.3. English/British traditions of governance and power

As a result of its uncoordinated territorial expansion, the East India Company's (EIC) administration was haphazard. The Company was set up in 1600 and established trading posts on the coast during the seventeenth century – Madras, Surat/Bombay and Calcutta. These three territories became known as Presidencies, after the 'commercial factories which had Presidents of Council ... and during most of the eighteenth century the Presidencies of Madras, Bombay and Calcutta were independent and of equal standing' (Griffiths 1952: 154). Newer factories were added to the control of these Presidencies, leading to an unplanned, sprawling territorial expanse⁴⁸. The EIC developed its operations and structures of government in the three areas independently of the others. This was not surprising, given the challenges of distance and problems of communication, although they were quick to aid the others if needed. Before 1773, the Presidencies were completely independent entities, subordinate only to the Company's governing body in London.

As the Mughal Empire declined, the Company gradually inserted itself at the top of the structures and models of rule ultimately formed around processes of taxation and defence vacated by the previous regime. Low argues that

⁴⁸ A co-ordinated strategy of expansion did not exist. However, to claim that commercial interest was the only driving force behind the expansion of the Company's power would ignore the differences in motivation among the employees of the Company.

... the British conquests did not much alter these structures. For the most part they merely involved the supersession of traditional Indian rulers by alien British bureaucrats (1991: 59).

Effectively ruling such a territorially vast area, initially at least, necessitated the use of intermediaries, especially as the EIC did not arrive as a unified military conquering force.

In common with the Mughals, the EIC also used *zamindars* as intermediaries to help control the areas under its direct territorial control. It also systematically concluded treaties and alliances with the Princes. These treaties were concluded for economic, political and military reasons, and differed according to the power of the prince. Some had virtual independence; others were little more than vassals. Even in princely states where nominal sovereignty existed, the British official resident exerted influence and provided 'advice'⁴⁹.

The Battle of Plassey in 1757 was initially seen only as 'a solution to a local problem: the future security of the Company's operations in Bengal' (James 1997: 36). However, the outcome was that in exchange for a fixed payment to the (nominal) Emperor the EIC was granted the sole right to impose and collect land taxes in Bengal. Direct territorial control of taxation was the key to power in India. Henceforth all real power in Bengal, and ultimately India, was concentrated in the EIC, funding an expansionist drive in a similar way to the Mughals. Between 1757 and 1857 Westminster acquired more control. In 1773 after allegations of high-level corruption, the EIC was deprived of sole control⁵⁰. A more unified system of administration was created with Calcutta as the central seat of administration. The Governor of the Bengal Presidency was given the title of Governor-General, with the authority 'of superintending and controlling' in certain matters the Governments of Madras and Bombay (Government of India 1948c: Article 9). This confirmed the dependent status of the other two Presidencies.

⁴⁹ This penetration increased over time and was only put on a more solid footing after Westminster acquired direct control of India and rewarded those princes who had remained loyal during the uprising of 1857. However, not all the princes were peacefully accommodated under this system. In the late eighteenth century, the EIC fought wars against the Marathas in western India and Tipu Sultan in Mysore.

⁵⁰ Although Fox's 1783 Bill to transfer all effective powers to the British Government was rejected in the House of Lords, causing his government to fall.

In 1858 an Act of Parliament relieved the EIC of its role in the governance of India after the debacle of the uprising of 1857, for which London held the Company responsible⁵¹. Westminster assumed direct control of Indian governance and the Secretary of State became a member of the Cabinet. Despite the centralised nature of both regimes, both the Mughals and the British used intermediaries to collect taxes and the British increasingly came to rely on the provinces for tax collection. As in Mughal days, continued central control was based on conceding greater executive power to the provinces. After the uprising, the British were dependent on the loyalty of the princes, whom they relied upon to represent conservative interests. Thereafter, they treated them as bastions of the regime⁵².

Systems of provincial government

The gradual extension of federal principles and the subsequent extension of democratic rights to Indians living within British India at the provincial level were important factors in determining the later development of the Indian and Pakistani federations. Despite this, not all developments were decentralising. In 1833, under the influence of the Utilitarians, Westminster continued the centralisation process, both between London and India, but also within it.

The Superintendence, Direction and Control of the whole Civil and Military Government of all the said Territories and Revenues in India shall be and is hereby vested in a Governor-General and Counsellors (Government of India 1948a: Article 39)⁵³.

Under this clause the Governor General of Bengal expanded his discretionary powers over the two subordinate presidencies, and was given the power to abolish the Councils of Madras and Bombay. In the event, the number of Councillors in these provinces was reduced from four to two. More importantly, this Act removed all legislative powers

⁵¹ In 1834 Westminster had closed down the commercial business of the Company. Subsequently, the EIC was dependent on revenues from taxation. This gave a further incentive for territorial expansion, as seen under Governor-General Dalhousie at the end of the 1840s. London must therefore bear some responsibility for the actions of the Company.

⁵² Until their primary goal became to exit India with as little loss of British lives as possible.

⁵³ Parliament rejected the proposal that the 'whole civil and military government' should be vested in the Governor General (Stokes 1959: 182-3). But as Stokes argues, 'the sacrifice was one of form rather than substance' (1959: 182). With the extraordinary powers of the Governor General there was no need to strip the provinces of their 'semblance of independence'.

from the provinces⁵⁴ and the provinces became financially dependent upon the centre, a trend that was never fully reversed subsequently. The Utilitarian centralising trend did not survive the death of its founders, and was reversed soon after the death of Bentham and Mill⁵⁵. Macaulay was appointed to the Government of India legislative council in 1834. With his 'Whig suspicion of political power...there could be no sympathy for the planned, centralised, bureaucratic state, which Bentham had envisaged' (Stokes 1959: 192). Although elements of Utilitarianism were retained, its doctrinaire and centralising application was abandoned.

The 1853 Act created a lieutenant governor to administer Bengal (Government of India 1948b: Article 16). This allayed

the fears of the other two presidencies ... that they were mere appendages to the Presidency of Bengal so long as the Governor of Bengal continued to be the Governor-General of British India (Sharma 1932: 150).

The beginnings of provincial representation at the centre were laid down. The Governor-General's Council's legislative element was also expanded and included 'One member for each Presidency and Lieutenant Governorship' (Government of India 1948b: Article 22). This was designed to reverse the situation 'of there being no member of the Legislative Council at Calcutta who knew anything of the manners and customs of other parts of India'⁵⁶. However, while this appeared to be a significant victory for proponents of provincial administration, at the same time the centre obtained the power to alter the boundaries of the provinces of India and acquired all residual powers (Government of India 1948b: Article 18). This conformed to the trend established under the Mughals, of conceding territorial autonomy to aid efficient administration, thus reinforcing rather than undermining the power of the centre. In 1861⁵⁷ the Indian Councils Act attempted to establish closer contact between the government and the governed, and reinstated and expanded the legislative element in the Madras and Bombay Councils, half of whom were to be people who did not hold office. The number of provincial legislative councils was expanded (previously comprising only Madras, Bengal and Bombay) by the provision to establish lieutenant

⁵⁴ The Regulating Act of 1773 had vested 'the power of superintending and controlling' in the Governor-General. 'But as those Presidencies have had the right of legislating for themselves, your superintendence has been exercised only on rare and particular occasions' (Court of Directors 1948).

⁵⁵ Respectively in 1832 and 1836.

⁵⁶ Speech by Sir Charles Wood, Secretary of State for India 1859-1866, (cited in Mukherjii 1915: 87).

⁵⁷ After the uprising of 1857.

governorships with legislative councils in the North-Western Provinces⁵⁸ (1886) and Punjab (1897) (Keith 1936: 182).

However, even with the 'progression' made under the 1861 Act, the powers of the legislatures were limited. Contrary to their sister organisations in other parts of the British Empire, they were not permitted to discuss taxation. Their function was more advisory - a channel of communication - and they were not sovereign legislative bodies (Coupland 1942: 13). In practice as seen under the Mughals, the restrictions imposed by the sheer territorial size of India, and the administrative complexity of ruling the country, ensured that central powers 'were exercised in matters of policy rather than of current administration' (Coupland 1942: 11). An 1861 memo from the India Office in London to the Governor-General wanted the local legislatures to carry out 'as far as possible, the necessary legislative business for their territories under their respective jurisdiction. The circumstances of different parts of India are widely different', (reproduced in Sharma 1932: 152).

Additionally, 'the cost of administering India was rising rapidly. In order to extend taxation it was necessary to increase local representation, which meant that Indians had to be allowed into government' (Bayly 1989: 135) – on Lockean principles. The Finance Minister's opinion on the 1882 Government of India resolution concerning Local Self Government was that 'We shall not subvert the British Empire by allowing the Bengali Baboo to discuss his own schools and drains. Rather shall we afford him a safety valve if we can turn his attention to such innocent subjects', (quoted in Bayly 1989: 135). Because of administrative expediency,

a series of settlements were made in accordance with the needs of various provinces and their ability to raise funds within their own borders. By the end of the nineteenth century it had become customary to regard these rules as quasi-permanent (Coupland 1942: 11).

In 1904 the trend was reinforced through the allocation of definite shares of income to the provinces. 'A real beginning was made in the direction of genuine autonomy' (Keith 1936: 187).

⁵⁸ Which became the United Provinces.

The above chronology shows that while the granting of self-government to the provinces progressed slowly, it was an inexorable slide. Every reform conceded a little more to British educated Indians who were pressing for a say in their government (and frequently citing the precedent established in the other colonies, specifically Canada and Australia). The Indian Councils Act of 1892 increased the size of the provincial legislative councils and extended their area of competence. By 1909, indirectly elected members were in a majority in the council of Bengal and had significantly increased in number in the other provincial councils. The process of democratisation and co-option of Indians into the governing administration was instituted at the provincial level as a 'safety valve' mechanism. The provincial governments were still mere agents of the centre, 'general instructions were to be carried out even against their own convictions' (Sharma 1932: 160). However, the fact that provinces became the focus point of democratic politics had ramifications for the development of political parties. Ultimately, this contributed to the politics that led to partition in 1947 and the formation of the constitutions after independence.

Provincial reorganisation.

The Mughal provincial boundaries were broken by the EIC's random administrative expansion. When Westminster took direct control in 1858 Whitehall undertook a systematic reorganisation of their Indian possessions. The Presidencies were broken up although they retained memories of their independence that were slow to die. Swiftly however, the new provinces also developed identities of their own (Coupland 1942: 12). This was significant for later developments. The development of democracy in India was a provincial phenomenon as the British conceded power at levels they considered 'safe'. Democratisation at the provincial level enabled the colonial power to maintain control of the centre through a process of divide and rule.

Table 2.1: Reorganisations of provinces under the British

Year	Reorganisation
1835	The 1833 Act was amended. Instead of its recommendation to divide Bengal Presidency into the Presidency of Fort William and Presidency of Agra, a lieutenant Governorship of the North Western Provinces was created instead.
1853	The Chief Commissioner's province of Punjab was created – portions of the area were combined with recent acquisitions.
1856	Oudh (a former Princely State) was acquired by British because of 'misgovernance' and made into a province.
1861	The Central Provinces were formed. Sagar and Narbada territories of the North Western Provinces were combined with the Nagpur territories of Bengal to form a Chief Commissioner's province. In 1862 Sambalpur and its dependencies were transferred from Bengal to Central Provinces. Berar was added in 1903 when it was 'leased in perpetuity' to the British by the Nizam of Hyderabad (as a result of non-payment for the subsidiary alliance).
1869	The Chief Commissionership of Mysore and Coorg was created (Coorg was transferred from Madras). Coorg was created as a separate Chief Commissioner's province in 1881 when Mysore reverted to its status as a princely state.
1871	Ajmer and Merwara were separated from the North Western Provinces and established as a Chief Commissioner's Province.
1872	The Andaman and Nicobar islands were united as a Chief Commissioner's Province.
1874	Assam was separated from Bengal and was constituted as a Chief Commissioner's Province.
1877	Oudh was merged with the North Western Provinces to form the United Provinces of Agra and Oudh.
1887	British Baluchistan was incorporated into British India as a province.
1901	The North West Frontier Province was formed from tribal frontier districts added to the Punjab in the late nineteenth century.
1902	North Western Provinces were renamed the United Provinces to avoid confusion with the North West Frontier Province.
1905	Bengal, Bihar, Orissa and Assam were converted into two provinces under lieutenant-governors, one composed of Western Bengal, Bihar and Orissa, the other of Eastern Bengal and Assam.
1911	Lord Curzon's partition was set aside. Eastern and Western Bengal became three provinces. Bengal became the charge of a governor in council, Bihar and Orissa were placed under lieutenant-governor in council, and Assam was entrusted to a chief commissioner.
1936	The province of Orissa was created from the province of Bihar and Orissa and the province of Sind was created from Bombay.

Source: Adapted from Schwartzberg (1978: 210-217).

Notes: The table does not include acquisitions of areas of Princely States except where they affect existing provinces. I have excluded Burma and Ceylon.

Table 2.1 details the reorganisations that took place under the British. Several themes can be teased out.

- As administration became more complex, and the large size of the provinces led to inefficiency, a number of provinces were reorganised into smaller units⁵⁹;
- The expansion of provinces coincided with the increase in representative government;
- The process of reorganisation reveals a preference for religious rather than linguistic criteria as religious cleavages were easier to identify and categorise. Religious reorganisation also served to divide and rule as seen in Bengal, Orissa and Sind.

The first partition of Bengal in 1905 was critical. Bengal was divided between eastern Bengal and Assam and a province consisting of western Bengal, Bihar and Orissa. This reorganisation created two religiously defined provinces. Educated Bengali speaking Hindus were concerned firstly about the creation of a Muslim majority province in which they would be marginalised along religious lines and secondly about their status as a linguistic minority in a state merged with Orissa (Oriya speaking) and Bihar (Hindi speaking). 'Hindus saw Curzon's desire to create a Muslim majority province where previously none had existed' (Schwartzberg 1978: 217). The Muslim League was formed in 1906, partly in reaction against this vocal Hindu sentiment that they interpreted as being anti-Muslim⁶⁰. It was encouraged by the British who either initiated (Banerjee 1949a: 205), or at least supported the demand for separate electorates (Robinson 1993: 143-144).

The reasons behind the 1905 partition are disputed. The Indian elite asserted that it was an attempt to divide and rule the Hindu and Muslim communities. As Menon states, 'the dividing line was so crudely drawn that it meant the splitting of the province into two communal blocs' (1957: 6). Keay argues that 'only the tidiest of minds would have tackled such a thorny project, only the most arrogant of autocrats would have persisted with it' (2000: 464). While it is tempting to attribute the motivations of

⁵⁹ The 1901 creation of the North West Frontier Province was an attempt of Curzon to create a buffer between the Punjab and Afghanistan. The Punjab was made more linguistically homogeneous by the creation of the NWFP, but the Muslim majority was substantially reduced within the province – with important ramifications later.

⁶⁰ Robinson also links the creation of the Muslim League to the perception of the Aligarh Muslims that 'they appeared to have lost the favour of the government just at the time that it was to share out more powers among Indians' (1993: 142).

partition to a case of divide and rule, and 'Curzon ... was not unimpressed by the view that Bengal's highly vocal critics would also thereby be partitioned' it needs to be stressed that the British (and the Mughals before them) had previously pursued reorganisation within this Presidency⁶¹. An additional administrative rationale cannot be discounted, although the neat division between the two religious communities did serve British interests well. But, the (primarily) Hindu agitation against the partition forced the British to reverse their decision in 1911. The re-partition of Bengal in 1911 created the provinces of Bihar, Bengal and Assam, which increased the congruence of provincial boundaries with homogeneous linguistic populations. Despite this, the partition of Bengal led directly to the formation of the All India Muslim League. Although it did not speak for most Muslims until the 1940s, it was a nail in the coffin of a united India – although partition did not become inevitable until as late as 1946⁶².

The 1919 Act did not recommend a reorganisation of states. However the Montagu-Chelmsford report on which it was based stated that, 'Our conception of the eventual future of India is a sisterhood of States ...perhaps modified in area according to the character and economic interests of their people' (1918: Article 349). In both the 1919 and the 1935 Acts the centre retained the power to change the boundaries of a unit. The Act of 1919 contains a forerunner of sections in the Indian and Pakistani constitutions.

The Governor General in Council may, after obtaining an expression of opinion from the local government and the local legislature affected, by notification ... constitute a new governor's province... (Government of India 1964a: Section 15 (1)).

There was nothing new in this. What was interesting is that a debate had begun over the need to create 'smaller, more homogeneous areas' among members of the Round Table group – an academic circle promoting the idea of an Imperial Federation and who contributed to the design of the South African Union (Burn 1932: 591). These debates soon began to impact upon British and Indian discussions of the linguistic or religious composition of provinces. While the British pursued a similar task of empire building, their provinces did not reflect cultural boundaries to the same extent as the Mughals. It was only at the time of limited democratisation that reorganisation took place along

⁶¹ The 1833 Act proposed to split the Fort William Presidency (Bengal) and in 1835 a lieutenant governorship of the North Western Provinces was created. See Table 2.1 for more details.

⁶² This is discussed in Chapters Three and Four.

religious lines. This combination ensured that religion would become a mobilising force in the independence movement, and therefore impact on post-independence federal design and hence stability.

Ethnic accommodation

The British view of the Indian subcontinent as diverse and divided against itself served two functions. Firstly they claimed that their presence was required to maintain order, without which there would be bloodshed. It also enabled them to divide and rule. It was only under the British that the notion of distinct Hindu and Muslim communities came into shape. Under the Mughals, the concept of a 'Hindu' was used to connote different sects and castes rather than a unified faith (Metcalf 1994: 132). The British categorised and ranked the different social groupings, and by so doing, increased awareness of the differences within the hierarchical society⁶³. This attempt at classification was an exercise in administrative efficiency, but it also served as a method of marking India off as different, as well as dividing the Indians amongst themselves. A contemporaneous account of the British dominions, argued that 'so long as we can keep the Hindoo races divided in sentiment, so long is our supremacy assured to us' (Mortimer-Franklyn 1887: 206).

The British were not as 'neutral' or removed from the religious conflicts in the subcontinent as they are sometimes portrayed. Much of the agitation which led to the 1857 uprising was produced by rumours that the Company was polluting both Hindus and Muslims through using pig and cow fat on cartridges and mixing cow's blood with salt (James 1997: 236). The fears of conversion bought many Hindus flocking to the cause of removing the British, despite the fact that it was a Mughal Emperor who was the target for the restoration. While most of the stories were exaggerated, the British were certainly guilty of seeking to 'enlighten' the Indians. Mortimer-Franklyn argues that when 'English rule increased Indian intelligence, the gulf between him and the Hindoo would be reduced. And will emancipate the Hindoo from the thralldom of superstition'⁶⁴ (1887: 208), a policy that some British educated, secular leaders of India after Independence sought to continue. After the Uprising, missionary activity in India,

⁶³ The first decennial census was introduced in 1871. For the first time it revealed the relative local and national strength of the different communities (Talbot 2000: 13).

⁶⁴ While 'reassuringly' adding that Englishmen would still be more intelligent than the 'Hindoo'.

once declared by Wilberforce to be 'that greatest of all causes, for I really place it before Abolition (of slavery)', was curtailed. Queen Victoria disclaimed 'any desire to impose Our convictions on any of our subjects' (Keay 2000: 429). The dangers of religious conversion were thus recognised.

An appreciation of the British understanding of the subcontinent as a collection of diverse races and religions contributes to an analysis of the nature of the provincial reorganisations which were undertaken, as well as the means by which they sought to devolve power. The rationale for the slow delivery of elected government has sometimes been attributed to the fact that India, in contrast to the other colonies, was diverse. As A.J.Balfour stated in opposing Home Rule for Ireland - representative government was

only suitable (w)hen you are dealing with a population in the main homogeneous, in the main equal ... in a community where the minority are prepared to accept the decisions of the majority (cited in Coupland 1942: 27).

This statement ignored the fact that self-government had been granted to Canada, which had a religiously, linguistically and culturally reinforcing cleavage between the French and the English speakers. Therefore a racial motivation cannot be discounted in accounting for the slow devolution of power, as well as the method by which it was conceded⁶⁵.

In 1909⁶⁶ indirect elections were held for the first time at the centre and in the provinces. The elections were held on the communal principle. In the aftermath of the communal divisions after the partition of Bengal, Viceroy Minto was persuaded,

that any electoral representation in India would be doomed to ... failure which aimed at granting a personal enfranchisement regardless of the beliefs and traditions of the communities composing the population of this continent (Coupland 1942: 34).

⁶⁵ In 1883 the civil service was reformed to permit Indians to enter the higher services, and exams replaced the previous system of nomination. However, this system was still biased against Indians as the requirement to travel to London to sit the exams, and the low age limit for taking the exams, ensured that few could avail themselves of the opportunity.

⁶⁶ After a Liberal Government came to power with a large majority

Yet separate electorates reinforced the very cleavages which the British had cited as their reason for delaying the introduction of representative government; confirming their divide and rule strategy⁶⁷. The British justified their strategy according to the principles espoused by a future Prime Minister,

The irritating problems of the small nationality, of the type of Ulster, included in a State of different nationality are likely to be solved by constitutional rights being secured to the minority; and there is very good reason for believing that when minority rights are thus recognised, so far from a divided allegiance being created or existing differences being stereotyped, unity will be promoted (Ramsay MacDonald 1919: 76).

Coupland argues that it was because of democracy and equality under the law that both communities felt secure and began to grapple for power (1942: 35). This was partially the case; access to power resulted in mobilisation around the emotive cleavage of religion. However, it is undeniable that at different stages of the constitutional decolonisation process, the British used one group as collaborators against the other. The creation of separate electorates cannot simply be seen as a concession to a legitimate fear, as separate electorates were ‘nothing less than the pulling back of sixty-two millions of people from joining the ranks of the seditious opposition’, (a contemporary statement quoted in Metcalf 1994: 224). Although the principle of election was accepted for the centre (the Governor-General’s Legislative Council) as well as the provinces, democratisation proceeded at a piecemeal pace. ‘(T)he constituencies were still to be communities and groups of various kinds and not general constituencies of the normal democratic type’ (Coupland 1942: 17). Separate electorates became part of the Government of India’s strategy of control, co-opting Muslim elites into government, although not into the higher echelons of power.

As Brown reminds us, democratisation increased pressures to determine the issue of which Indians would be represented (1985: 127). The Montagu-Chelmsford report on which the 1919 Act was based reluctantly conceded the communal principle of representation, but subsequently extended it to the Sikh community because they were ‘a distinct and important people; they supply a *gallant and valuable element of the Indian Army*; but they are everywhere in a minority, and experience has shown that they go virtually un-represented’ (my emphasis) (Montagu and Chelmsford 1918: Article

⁶⁷ Although they had been used at municipal level in the Punjab to maintain ‘communal balance’ before their introduction as a state-wide device (Brown 1994: 145).

232). While the proclamations of the statesmen decry the charge of divide and rule⁶⁸, British policy was dependent upon some division among the Indian elite and the Hindu-Muslim divide was the most obvious. However, the report's authors were also reacting to the Lucknow formula, hammered out between the Congress Party and the Muslim League in 1916. This provided for the representation of Muslims in the central and provincial legislatures through separate electorates. The 1919 Act incorporated this principle by providing communal representation at both levels of government. It also allocated seats to non-religiously defined communities⁶⁹.

2.4. 1919 Government of India Act

Continuities and discontinuities have been discussed in relation to territorial autonomy in British policy more generally, but the 1919 Act deserves separate consideration. This is for the following reasons. Firstly, the 1919 Act was the institutional product of the Montagu Declaration of 1917, which proclaimed self-governance for India. Secondly, it produced an explicitly federal form of government. Although it conceded 'too little too late', the provisions of the Act structured much of the subsequent debate.

Viceroy Hardinge's Delhi Despatch of 25th August 1911 stated that Indians needed to be given a larger share in the governance of their country, and linked this to the need to accord the provinces more autonomy. The next viceroy, Lord Chelmsford, came to the conclusion 'that the endowment of British India as an integral part of the British Empire with self-government was the goal of British rule', (quoted in Banerjee 1949b: 1). However, it was only when Montagu became the new Secretary of State for India in 1917 that his views were taken up by (sections of) the home government. He called for 'the progressive realisation of responsible government in India', (reproduced in Banerjee 1949b: 1).

While 1919 was a step in the direction of democratic federal government, even British constitutional historians such as Keith conceded that the Act of 1919 'effectively

⁶⁸ 'The British Government is often accused of dividing men in order to govern them. But if it *unnecessarily* divides them at the very moment when it professes to start them on the road to governing themselves it will find it difficult to meet the charge of being hypocritical or short-sighted' (my emphasis) (Government of India 1964a: Article 229). The report's authors concluded with the *necessity* of maintaining 'adequate safeguards' for the Muslims.

⁶⁹ In addition to the Muslim community, Sikhs, Europeans, Anglo-Indians and Indian Christians were granted seats.

negatived (sic) any real test of the capacity of Indian ministers to work responsible government' (1936: viii). Even liberally minded British politicians argued that Indians would have to be gradually inculcated with the ideas of government and responsible opposition rather than being granted self-government in one fell swoop. This was partially because of the fear of the instability that would be produced by the differences in race, religion and customs, as well as the lack of stable parties with majorities in the provincial legislatures (Sharma 1976: 39)⁷⁰.

Divisions within the British establishment widened after the First World War, primarily over the issue of whether India should be treated differently from the white colonies. Through the agencies of Secretary of State Montagu and Viceroy Chelmsford a decision was taken to decentralise formally the Indian Government, for the first time codifying the division of powers between centre and provinces. The decision to grant Indians a share in the government of their country at provincial level was significant. It can be seen as a mechanism of control – not only was Indian responsibility confined to 'unimportant' issues, but the ultimate power lay with the Governor of the province and the Governor-General above him. However, it also conformed to the strategy of co-optation practised by the Mughals. The increase in Indian legislative and executive responsibilities was to give (however imperfectly) members of the Indian elite experience of rule (or parliamentary opposition in the case of the Congress who stood for election but refused to take office). Secondly, as Brown reminds us, the 1919 Act opened up the province as the arena of political competition (1985: 169). It also had wider effects. As the Montagu-Chelmsford Report stated '... change obviously cannot be confined to the Provinces. In proportion as they become more responsible the control which the Government of India exercises over them must diminish' (1918: Article 380).

The 1919 Act was a step in the direction of democratisation but the electorate was restricted and the Governor General had overarching powers. The Preamble to the 1919 Act states that

... concurrently with the gradual development of self-governing institutions in the Provinces of India it is expedient to give to those Provinces in provincial

⁷⁰ Although by recognising separate electorates and reserved seats, the British promoted these very same differences.

matters the largest measure of independence of the Government of India, which is compatible with the due discharge by the latter of its own responsibilities.

Section 1 provided 'for the classification of subjects in relation to the functions of government, as central and provincial subjects' (Government of India 1964a: Section 1 a). Sharma argues that the 1919 Act 'thus recognised the great and supreme necessity of reversing completely the process of centralisation begun in 1833' (1932: 165). This is an overstatement, especially given the extraordinary powers of the Governor-General. It also ignores the decentralisation since 1833. The concession to the provinces was circumscribed by, 'the question (of) how this devolution of power can be conceded without impairing the supreme authority of the Governor-General in Council'. Lord Hardinge's Delhi Despatch 25th August 1911, (quoted in Menon 1957: 13). Before 1919, many functions had been delegated to the provinces. However, this was the first time a formal division of functions between the central and provincial governments was codified⁷¹ (although residuary powers remained with the Centre).

Dyarchy

While the 1919 Act maintained separate electorates and Muslim over-representation in provinces where they were a minority⁷², it did not concede the provincial autonomy called for in the Lucknow Pact. It created a system of dual control which came to be called dyarchy. The system transferred specified **provincial** subjects to the control of a provincial legislative council, upon whose advice the provincial Governor would act (Government of India 1964a: Article 1(d)). Other powers delegated to the provincial level were *retained* by the provincial Governor who was to be advised by his executive council of two to four persons, at least one of whom was to be an Indian (Government of India 1964a: Article 3 (1)).

The system of dyarchy, while imperfect from the view of the Indian elite recommended itself to the British elite on the grounds that,

any further advance on the lines of the Morley-Minto reforms would give the electorate power to paralyse government at every turn, but not the power and the responsibility of conducting government for themselves (Barua 1984: 42-3).

⁷¹ Although the existing division of powers was not substantially altered.

⁷² Both of which had been agreed to in the Lucknow Pact of 1916.

A future Prime Minister, Ramsay MacDonald, was scathing of dyarchy.

The proposal in the Montagu-Chelmsford Report that it should consist of two sections, one owing allegiance to the Viceroy and the other looking to the Legislatures for authority, is clumsy and in every sense expedient (1919: 91).

The system had precedents in Canada. The Durham Report of 1839 had permitted domestic affairs to be exercised by the Union and the other colonies, while foreign policy, defence and overseas trade were retained by Crown. However in the Indian case the division of powers was rigidly codified, broaching no compromise, and in practice operated in a more limited fashion than was provided for. Additionally, the division of sovereignty was complex. Section 1 (1) (d) provided,

for the transfer from among the provincial subjects of subjects (in this Act referred to as 'transferred subjects') to the administration of the governor acting with ministers appointed under this Act (Government of India 1964a).

Section 1 (4) stated that (All) 'provincial subjects, other than transferred subjects, are in this Act referred to as 'reserved subjects' (Government of India 1964a). Residual (non-transferred) provincial powers remained in the hands of the Governor, and the numbers of powers transferred to the elected representatives of the provinces was limited. This resulted in a situation where, as a contemporaneous account observed, 'you cannot with seemliness ask people to trust you and then show obviously that you do not trust them ... Lack of trust is writ large across the face of that document' (Wedgewood 1921: 139). Additionally, the 1919 Act provided the provincial Governor with the power to override his Legislative Council's decisions on transferred powers if 'the Bill or any clause of it or the amendment affects the safety or tranquillity of his province or any part of it' (Government of India 1964a: Section 1 (4)).

Subjects reserved for the exercise of the provincial Governor included control over land revenue, finance, and law and order. He also appointed ministers who would aid him in the administration of transferred subjects (Government of India 1964a: Section 4 (1)). Their advice was not binding.

In relation to transferred subjects the Governor shall be guided by the advice of his Ministers, unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice (Government of India 1964a: Section 4 (3)).

As the Montagu-Chelmsford Report stated 'we do not think that he should accept without hesitation and discussion proposals which are clearly seen to be the result of inexperience' (1918: Article 219).

The choice of topics to be transferred,

was dictated by the consideration of the matters which most easily could be entrusted to (Indian) ministers and which offered them the greatest scope for social and economic development, the nation-building activities, and the sphere of social reform, the latter a sphere in which British officials could not safely operate' (Keith 1936: 254).

They also included '... those in which mistakes that might occur would not be irremediable' (Menon 1957: 20). The transferred financial powers of the provinces were also limited. The newly acquired provincial revenues were linked to the provincial subjects and were acquired at the expense of the central government. The Government of India therefore required that a proportion of these funds be paid back to the centre (Menon 1957: 22). In addition, 'rather than assigning certain revenues to the transferred subjects ... the joint report and the select committee decided in favour of annual distribution of revenue by discussion' (Keith 1936: 247). The lack of secured revenue detracted from the autonomy of the provinces to exercise their rights, as surely as the powers of the provincial governor detracted from real and effective democratisation.

'Viceregalism'

In addition to the limited nature of democratisation, the Governor General remained theoretically entitled to legislate over the entire field of government administration in India, and 'was made an integral part of the authority of legislation' (Keith 1936: 254). Ultimately no provincial act was valid until the Governor General had consented to it. More importantly, a Bill 'if not so consented to, (by either or both assemblies) shall, on signature by the Governor-General, become an Act' if the Governor-General certifies 'that the passage of the Bill is essential for the safety, tranquillity or interests of British India' (Government of India 1964a: Section 26 (1)). Both chambers at the centre could be dissolved (or extended) at the will of the Governor General (Government of India

1964a: Section 21(a b)); and 28 of the 52 provincial subjects were wholly or partially subject to central legislation. Section 12 (1) of the Act required the Governor General's consent before contentious laws could be introduced. Provincial autonomy was also curtailed by the provision that, 'without the previous sanction of the Governor General', subjects which might remotely be connected to central powers were excluded from the provinces' powers. These included the imposition of new taxes or even from,

... regulating a provincial subject which has been declared by rules under the principal Act to be either in whole or in part, subject to legislation by the Indian Legislature, in respect of any matter to which such declaration applies (Government of India 1964a: Section 10 (3)).

In addition, the Governor-General retained power over provincial questions. The provincial Governor 'was thus compelled as well as authorised closely to control the actions of his ministers' (Keith 1936: 259). The Governor-General additionally possessed the power to override the entire constitution if the peace and security of India were threatened. Sharma therefore misses the point when he argues that 'in practice this control was extremely limited and exercised on perhaps very few occasions and that too in connexion with matters affecting all Indian services' (1932: 171), given the subsequent debate over the power of the centre over the provinces in both federations⁷³.

2.5. Conclusion

This chapter establishes the durability of taxation units, petty principalities and a degree of autonomy (self-rule) within the subcontinent. The significance of this inquiry reveals that the British, who built on the Mughals, in their turn produced legacies of governance which would impact upon the federal constitutions of independent India and Pakistan. These legacies are the subject of Chapter Three. It suffices to say that patterns can be traced through time in the territorial space that now constitutes India, Pakistan and Bangladesh. If the thesis of progression holds, Low's claim that 'Congress captured the Raj from India by supersession' makes perfect sense (1991: 74). A similar situation pertained in Pakistan. The British adopted the mechanisms of federalism as a means of co-opting and accommodating the Indian middle class, but their other methods of co-option such as those of separate electorates, and the co-option of the princely states

⁷³ Although I have the benefit of writing with hindsight, and Sharma was writing under British rule.

worked against the unification of the Indian subcontinent and its peoples. Both the Congress and the League had to respond to these additional constitutional proposals, which ultimately included degrees of consociationalism.

To argue that federal elements were part of a necessary strategy of government to rule such a large and territorially diverse region is almost tautological. Not only was the Indian subcontinent geographically large, but its population was (and still is) extremely diverse, segmented along religious, linguistic, regional and caste lines. All these divisions in turn influenced the federal structures that were developed. This does not mean that federalism was inevitable. The fact that continuities can be traced is significant. It poses the question why the structures adopted after independence differed so radically according to the provincial composition of their units? An examination of the plans proposed by the main protagonists between 1916 and 1946 in Chapter Three sets out on this task by assessing their majoritarian versus consociational characteristics.

Chapter Three: Method from Muddle: Federal Plans in pre-independence India 1916-1946

'The Government of India Act 1935 was 'itself essentially a temporising device behind its impressive federal façade' (Mansergh 1999: 32).

'Congress and a strong centre were the best insurance the British could take out to prevent chaos and balkanisation in the India they proposed to leave. But giving Congress the strong centre it wanted was difficult to square with the provincial thesis in the Punjab and Bengal' (Jalal 1985: 75).

'We divide and you rule' Mulana Muhammad Ali⁷⁴ to the British Government at the first RTC in 1930, (cited in Sayeed 1968: 7).

'The basis of Pakistan is the fear of interference by the Centre in Muslim majority areas as the Hindus will be a majority in the centre' (Azad 1988: 152).

3.1. Introduction

Territorial autonomy was a historically established ruling strategy for the Indian subcontinent, even if it was not the rigid codified constitutional federal form of the nineteenth and twentieth century analysed by constitutionalists such as Wheare (1963: esp. 33). To argue that the states of India and Pakistan were influenced by the state structures that preceded them is not a revelation. A stronger claim supported by the evidence is that federation was the only possible institutional structure through which the subcontinent could have been ruled after partition. This does not necessarily mean that the elites who designed the post-independence constitutions were ideologically committed to federal forms of government. Jawaharlal Nehru's⁷⁵ statement in the Rajya Sabha in December 1955 that a one-unit federation 'would be ideal' is a strong indication of his dispositions⁷⁶ (Bondurant 1958: 56). This chapter demonstrates that both the Muslim League and the Congress Party, despite their many internal divisions, indeed perhaps because of them, signed up to plans that were federal. To understand post-independence constitutional formation, and its impact upon my dependent variable, federal stabilisation, it is vital to elucidate the pre-independence preferences of the British, the League and Congress.

⁷⁴ Indian Nationalist Muslim and President of Congress 1923-1924.

⁷⁵ Hereon referred to as Nehru. His father, Motilal Nehru will be referred to by forename as well.

⁷⁶ Although he swiftly added 'but I am not sure that would be ideal in some ways. Anyhow, now it is not a practical proposition'.

Without them I cannot assess the validity of my three independent variables⁷⁷ and one intervening variable⁷⁸. To do so I examine the following three hypotheses⁷⁹.

1H₀ – The British Government was consistent in its plans: This hypothesis primarily relates to institutional antecedents of federalism. Unless a clear pattern can be discerned in British plans, the relevance of the British legacy to post-independence constitution formation must be questioned.

2H₀ – There was no difference between the Congress and League in the degree of consociationalism in the accepted plans. If the null is correct, then we should assume that the post-independence constitutions of India and Pakistan would be identical on this variable.

3H₀ - There was no difference between the effective number of ethnic groups (*eneth*⁸⁰) and the degree of consociationalism in the plans proposed. This is my third independent variable. As the effective number of ethnic groups is a constant before independence and the constitutional plans discussed up to independence were focused upon united India, this hypothesis can only be assessed retrospectively in Chapter Five. It is essential to make the point that ‘orthodox’ historiography has portrayed Jinnah as hell-bent on achieving partition and the Congress standing for unity at any cost⁸¹. Jalal’s eloquent and persuasive thesis demonstrates that this position is at the very least simplistic, and at most, contrary to the facts (1985: esp. xv-xvi & 174-191). Jalal demonstrates that Congress’s constitutional preferences were dictated by the religious composition of the state it sought to run⁸². As this chapter makes clear, Congress favoured a centralised but partitioned state to a decentralised united one with a large territorially concentrated Muslim minority to accommodate.

⁷⁷ a) Institutional legacies; b) National identity articulation; c) Effective number of ethnic groups.

⁷⁸ The homogeneity of federal units.

⁷⁹ I use conventional statistical notation. H₀ denotes a null hypothesis. A hypothesis is a statement about the relationship between variables that is derived from a theory. The null is posited because in order to accept the alternate hypothesis (H₁) these data must allow me to reject the null.

⁸⁰ The effective number of ethnic groups. The formula for calculating the number is discussed on page 143.

⁸¹ For an in-depth analysis of the orthodox and revisionist positions see Roy (1993: 102-132).

⁸² Although she does not analyse it as such.

3.2. Institutional antecedents of federalism

The plans proposed between 1916 and 1946 were numerous and complicated. Not all were directly concerned with the issue of federalism and federal design. Issues such as the granting of Dominion Status rather than full independence, or reservation of seats and separate electorates for Scheduled Castes often occupied more prominent ground. Despite this, all the constitutional plans proposed within these dates were drafted under the assumption that there would be a central government with provincial governments with a certain amount of autonomy. Certain aspects of what are normally considered elements of federal systems were not present. As a colony, the constitution would necessarily be a product of the Westminster Parliament and the Governor General as representative of that parliament possessed extraordinary powers. Within these limitations, the plans proposed a definitively federal form of government, with provincial representation and division of powers between the provinces and the centre. This colonial legacy has proved to be a definitive one.

Federations, as we have seen can take many forms and are created for many different purposes. The structures of federalism adopted in India were partially mechanisms to perpetuate British rule, firstly through democratising at a 'safe' level and later through including the primarily pro-British Princes within the central institutions. But they were also a necessity to rule such a large and diverse country. The British Government came to view federal structures as a *gradualist* mechanism for conceding democracy, and, at some future date, Dominion Status. In this it was guided by the experience of other Dominions of the Commonwealth – Australia, Canada and South Africa. In its turn, the Congress Party incorporated provincial units into its party organisation after 1908, but favoured a centralised federation as a mechanism of ruling India. As an organisation Congress did NOT favour a unitary government⁸³. It concurred with the British over the centrist nature of the federation while disagreeing over the extent of Indian control of these structures. Jalal argues that Jinnah's initial preferences were for a centralised federation along Congress lines with minority protection at the centre and within the

⁸³ Despite the Presidential Address of Mr C Vijaraghavachariar in 1920 at Nagpur - ironically at the very session where Congress reorganised its internal organisation around linguistic Provincial Congress Committees (PCCs). In discussing the 1919 Act he incorrectly argued that it was 'a new and perilous utopia... India has ever been a unitary country... The India of Asoka and of Akbar were great unitary countries and their reigns were the brightest and their people were the freest in the history of India' Presidential Address 35th Session INC Dec 26-31 1920, (reproduced in Zaidi and Zaidi 1979: 631-2).

provinces (1985: 10). This reflected his desire to consolidate the Muslim League's position across all of India. However, a tension existed within the League between the minority and majority Muslim provinces over this issue. The Muslim majority provinces viewed federalism primarily as a mechanism of minority protection, and therefore favoured a more decentralised federation. Jinnah subsequently modified his position as his mobilising strategy required the accommodation of the Muslim majority provinces⁸⁴.

While all the plans discussed in this chapter operated under the assumption of an eventual federal (or possibly confederal) constitution for India, they differed according to various criteria. I focus on the elements relevant to the success of a federation as a mechanism of ethnic conflict regulation. I discuss variables that are not normally considered as relevant to a federal system. This is for two reasons. Firstly, for federalism to be an effective mechanism of regulating ethnic conflict it often requires additional elements. While methods of securing proportionality in decision-making organs, security or a grand executive coalition are more commonly associated with theories of consociationalism expounded by Arend Lijphart, they have also been associated with federal organisation, especially in multiethnic societies. Consociational federal structures facilitate the accommodation of territorially dispersed ethnic groups, something which federal structures cannot easily do⁸⁵. They also address the concerns of territorially concentrated groups who are a minority in the state as a whole, for whom federal structures give no guarantees of minority veto or protection outside their province, especially at the centre. Although consociational elements are distinct from those specifically associated with federalism, there can be overlaps, as Lijphart argues (1979: 505-512). The demand for the inclusion of these consociational elements, specifically by the Muslims who were in a provincial minority, must therefore be seen as an integral part of the acceptance of the federal system of government in *united India*, and should not, indeed, cannot, be dissociated from the plans proposed and accepted.

Secondly, an analysis that takes into account consociational elements is better placed to posit the distinction between the attitudes towards minority accommodation proposed

⁸⁴ Although the Muslim League did not command the support of the majority of Muslims until after 1940, its demands influenced constitutional form. It was taken into account by both the British and the Congress.

⁸⁵ When groups are territorially concentrated, consociationalism enhances the benefits of federalism without the danger of alienating minority groups from the decision-making process. It is this danger that enhances the fear of separatism, precluding many statesmen from advancing it as an ethnic conflict regulation mechanism.

by the Congress and the League than a simple focus on formal elements of federal structures does. Although a federal form of government can be part of a consociational system, it is neither *necessary* nor *sufficient* for consociationalism. Federations can be and often are majoritarian systems of government. Concentrating on the degree of consociationalism within federal plans fits into alternate hypothesis 2H₁: were there differences between the federal plans proposed by the different parties according to their degree of consociationalism? It provides a strong comparative element with which to assess the post-independence constitutions.

I have identified nine variables of the many constitutional proposals advanced between 1916 and 1946 as set out in Table 3.1. The nine variables are grouped under Lijphart's fourfold classification of the four elements of consociational forms of government. All nine fit into the criteria specified above, either being elements of federations, or consociational elements that complement them. All nine variables were also integral to the type of federation proposed and facilitate comparison of the plans according to testable criteria. As such they complement 1H₀ and 2H₀.

Table 3.1. The elements and variables to test federal degrees of consociationalism

e1. Grand Coalition	
	x1. Executive Weightage
e2. Proportionality	
	x2. Separate Electorates
	x3. Reserved Seats
	x4. Legislative Weightage
	x5. Bicameral Representation
e3. Segmental Autonomy	
	x6. Religious reorganisation
	x7. Linguistic reorganisation
	x8. Residual powers
e4. Mutual Veto	
	x9. Community veto rights

Grand Coalition

Lijphart includes a grand coalition as one of the elements of consociational democracy because of its inclusion of all the political leaders of the significant segments in a society (1977: 25). In so doing he precludes the existence of political groups that transcend ethnic lines⁸⁶. Lijphart compares the grand coalition to a government of national unity formed to combat an emergency, but points out that in plural societies the *potential* for an on-going emergency is greater, and therefore the need for a *permanent* government of national unity, stronger.

The first variable (*x1*) I look for in the plans is that of weightage⁸⁷ for one or more community in the executive in the province (before central representation was conceded) and later the centre. The institutional representation of one or more ethnic groups can be either a formal or an informal arrangement. It is important to note that weightage or reserved seats within an executive does not guarantee that this community's interests will be protected. Unless parity is achieved or decision making rules are enforced which guarantee a minority veto, minority groups can always be outvoted. It merely ensures that they possess a substantial voice at the level at which decisions are taken. This element of consociationalism is eminently compatible with federal executives as Steiner analyses in Switzerland (1989: 107).

Proportionality

For Lijphart, proportionality primarily refers to the 'method of allocating civil service appointments and scarce resources (1977: 51) and the 'removal of a large number of potentially divisive issues from the decision-making process'. Lijphart only secondarily includes the issue of representation in proportion to community strength in 'decision-making organs' because representation does not guarantee the security of group interests, as noted above (1977: 39). However, it is with the representation of the group in the legislature in proportion to or in excess of population that I am concerned. Proportionality in government appointments was not an important element in the constitutional plans under discussion, although the issue recurred throughout the period.

⁸⁶ The Congress Party argued that it did transcend these cleavages (although in actuality it was not successful in doing so). This perception/bargaining chip was responsible for many of the differences between Congress and League in their constitutional preferences.

⁸⁷ Which may or may not be in proportion to population.

The second variable (x2) I analyse is that of separate electorates. These are part of the proportionality element of consociationalism because they can be used to guarantee proportionality of representation in accordance with population strength – vital if groups are not territorially concentrated and will lose out under the simple plurality electoral system. They can also be used to over-represent *minority communities*. Separate electorates were advocated by the Muslim League and other Muslim organisations. Ambedkar also advanced them for the untouchables during the Round Table Conferences (RTC). They were advocated as a mechanism of securing adequate representation in the legislature, but also as a means of electing representatives who would stand up for their interests. Separate electorates, as with the Party List electoral system, increase the control of the leaders of the community *by segmenting* the communities. They do not ensure that one party gains all the votes of this community – intra-segment fragmentation can occur. However, with no need to appeal to other communities, incentives for extremism are increased rather than decreased⁸⁸. There is a case for including this variable under the segmental autonomy element. However, separate electorates were not only used as a mechanism of segmentation but to ensure a certain number of representatives. Additionally, while separate electorates were a mechanism to segment the communities, they did not provide *autonomy*. Separate electorates were applied equally to Muslim populations in Muslim majority provinces as they were to Muslims in Hindu majority provinces.

The third variable (x3), related to separate electorates, but distinct from it, is that of reserved seats for certain communities in the provinces or at the centre. There are various mechanisms by which reserved seats are allocated to minorities. They can be allocated without any regard for the population within a particular unit (a system that allocated seats equally would fall into this category). Alternatively they can be allocated either in proportion to population or in excess of population. These latter two are more common and can lead to the under-representation of a majority within that particular legislature – a source of discomfort to the Muslim majority in Bengal and Punjab. While it could be argued that separate electorates can equally be a mechanism

⁸⁸ Separate electorates are not the only electoral mechanism for ensuring representation. In pre-independence India, the possibility of having primaries where only members of the community could choose who would be able to stand in the constituency was proposed by Attlee at the RTC (Times 1931: 30). This mechanism is compatible with joint electorates – and would ensure that only candidates acceptable to the community were elected. The fact that these proposals were not accepted demonstrates that the desire to segment the communities from one another was of paramount importance.

of providing reserved seats, the two are distinct. Seats can be reserved for a community with a general electoral role to elect them. Therefore while separate electorates require reserved seats, the converse is not true.

The fourth variable (x4) according to which constitutional plans diverged was that of legislative weightage. Conceded in the 1909 Act, legislative weightage fits more comfortably under proportionality than it does under the grand coalition element of consociationalism. Guaranteed representation in a legislature is no guarantee of executive participation, especially in a majoritarian system of government. Legislative weightage guarantees a certain level of representation for minority communities, often in excess of its population. It only becomes part of minority veto rights if the excess representation prevents the normal majority from governing alone. It differs from reserved seats that do not necessarily guarantee extra representation according to numerical strength. Weightage can be used to promote a community's representation at the national level commensurate either with its political importance (however defined) or with its national strength, which because of its territorial distribution it is unlikely to gain electorally. It can be used to promote national level protection for a territorially concentrated minority, or for dispersed communities.

The fifth variable (x5), and the fourth to be included by me under Lijphart's element of proportionality is that of representation in the second chamber of a federal legislature. Representation in the lower chamber of a federal legislature usually occurs according to the population strength of the units that comprise the federation. Representation in the upper house (a frequently occurring though not necessary element of a federal system) varies between equality of representation for all units regardless of size (as in the USA and Pakistan after 1973), representation according to population size (Austria) and those in which representation compensates marginally for population differences but does not attempt to achieve equality of representation (India and Canada). If units are homogeneous or particularly incongruent in terms of size (Lijphart 1984a: 74), the representation in the upper chamber becomes vital for issues of inclusion and exclusion. Representation in the second chamber can therefore be seen as also increasing segmental autonomy.

Segmental Autonomy

Lijphart includes segmental autonomy as one of his elements of consociationalism because,

It is the logical corollary to the grand coalition principle. On all matters of common interest, decisions should be made by all the segments together with roughly proportional degrees of influence⁸⁹. On all other matters, however, the decisions and their execution can be left to their separate segments (1977: 41).

The design of provincial units fits into Lijphart's segmental autonomy category through creating an institutional space for territorially concentrated groups. Within this territorial space the groups' leaders control decisions relating to their community's well being, such as education or the language of the state. This variable is linked most closely to federalism as a mechanism of ethnic conflict regulation. I concentrate on it because my intervening variable is the ethnic homogeneity of the provincial unit. Lijphart specifically associates federalism with segmental autonomy in 'Democracy in Plural Societies'. Segmental autonomy is designed to 'at least initially ... make plural societies more thoroughly plural' and to strengthen segmental organisations (1977: 42). Because government (as opposed to autonomy) at the provincial level is in practice always organised along territorial lines, federalism offers an especially attractive way of implementing segmental autonomy for territorially concentrated ethnic groups.

The sixth (x6) and seventh (x7) variables are therefore closely equated with federal design: the design and composition of the units of the federation according to religious and/or linguistic criteria. The extent of segmental autonomy conceded in practice varies according to the powers that are allocated to the provincial level of government (or to selected provinces under asymmetrical federal arrangements). Yet institutional recognition of the legitimacy of ethnic units is significant in itself. It demonstrates that the state in question is committed to the maintenance of these identities. These two variables are difficult to classify. The acceptance of one of the two variables (linguistic or religious) does not necessarily entail the rejection of the other. Therefore, the other demand may be sidelined; for example the Muslim League in its quest for more Muslim states did not address the linguistic question, but did not reject it either. Additionally,

⁸⁹ To their population strength.

the simple scoring mechanism employed in this analysis does not and cannot distinguish between the acceptance of different religious claims, whether Sikh, Muslim, Hindu or Christian. Lijphart reminds us of the need to be alert to different kinds of segmental cleavage (1977: 18). These issues are problematic.

The eighth (x8) variable is that of the location of residual powers. While the location of these powers might more pertinently be used to measure the degree of centralisation of a federation in conjunction with the distribution of revenues, by themselves they are meaningless and assume more or less importance depending on other factors⁹⁰. The location of the residual powers of a federation in conjunction with the creation of ethnically defined units is strongly indicative of the importance of these units' autonomy and is symbolically important⁹¹. Residual powers could also be included within Lijphart's element of a mutual veto because it provides the community with the ability to protect its vital interests. I have included it under the segmental autonomy element because mutual vetoes are usually exercised at the centre. Residual powers in a province may protect the significant interests of the community but they do not veto the actions of a regime.

Mutual Veto

My ninth and final variable (x9) is that of the mutual veto which exactly corresponds to Lijphart's fourth element. Lijphart stresses the importance of the mutual veto in constitutional design as a mechanism to ensure that a community represented in government will not have its vital interests outvoted at the centre - damaging the condition vital to make consociational democracy work - that of inter-segmental elite cooperation. Lijphart acknowledges that the mutual veto in effect amounts to negative minority rule, but argues that as all communities benefit from the protection it affords, minority communities have an incentive not to abuse it (1977: 36,38). The mutual veto is a device by which a community can object, either in the legislature and/or executive to the passing of a decision, which that community's representatives decide affects their

⁹⁰ The exact enumeration of powers for each level of government, emergency powers of the centre and financial distribution of powers.

⁹¹ The Canadian and Australian federations adopted opposite positions on the location of residual powers at the time of federation. Canada sought to create a centralised federation having viewed the US Civil War as a lesson of the dangers of decentralisation. In contrast, Australia was constituted from provinces with a much greater awareness of their independent existence and therefore allocated residual powers to the provinces. It is important to note however, that in both these federations, while the allocation of the residual powers remained the same, the attitude towards centralisation changed through of the operation of the courts - Australia becoming in practice a more centralised federation than Canada.

vital interests⁹². The mutual veto has also been used as a measure to prohibit discussion of a contentious issue. It is usually triggered through a formula – three quarters or two thirds of a community’s representatives within the relevant legislative or executive body having to agree to use the veto. It also differs according to whether the required percentage is calculated from those present and voting or from all those registered as representatives of that community whether present or not. This arrangement was central to the operation of the Northern Ireland Assembly before its suspension.

3.3. Formal Analysis

If the plan incorporated the relevant consociational variable it scores 1, if not, it scores 0 as set out in Table 3.2⁹³. I have scored a variable Ø if it was not mentioned in the plan and if its absence is not indicative of a deliberate omission⁹⁴.

Table 3.2. Descriptions of majoritarian and consociational forms in scoring system.

No	Variable	1 – consociational	0 - majoritarian
x1	Executive Weightage	Weightage	No weightage
x2	Separate Electorates	Separate electorates	Joint electorates
x3	Reserved Seats	Reserved seats	No reserved seats
x4	Legislative Weightage	Weightage	No weightage
x5	Representation in the Second Chamber	Equality	Proportional
x6	Religious Territorial Reorganisation	Religious provinces	Administrative provinces
x7	Linguistic Territorial Reorganisation	Linguistic provinces	Administrative provinces
x8	Residual Powers	To the provinces	To the centre
x9	Community Veto Rights	Veto rights	No veto rights

I exclude all plans that cannot be scored on five of the nine variables (x)⁹⁵. Other influences on constitutional formation such as the discussions of the three RTCs of 1930-1932 are of course relevant to my analysis. However, they proved unworkable with the formulae set out here. The sample size is too small to be subjected to any meaningful statistical analysis. These data will therefore be presented in a qualitative comparative format. Of all the plans proposed by these three actors between 1916-1946

⁹² Lijphart does not stipulate that this mutual veto has to be enshrined in a written constitution.

⁹³ I considered using a more sophisticated mechanism to assess degrees of consociationalism within the variables (for example the levels of weightage). However, this was impossible to standardise, and detracted from the analysis.

⁹⁴ E.g. The 1919 Act did not concede linguistic reorganisation of provinces. However, the Montagu-Chelmsford Report on which the Act was based called for more homogeneous units (1918: Article 246). The report argued that operating in the vernacular would increase interest and participation in politics. As the Act ignored this recommendation, its omission is a deliberate one. This variable is therefore scored 0 rather than Ø.

⁹⁵ A plan does not have to be scored on all four elements, although in practice, all have been.

I have only been able to score eight⁹⁶. Many of the plans discussed in this period were nothing more than one-issue presentations designed to influence the debate. The Lahore Declaration of 1940 is a prime example – it demanded independent and autonomous states, but did not explicitly call for any particular form of constitutional structure.

The formula I have chosen to analyse the plans leading up to independence averages the scores for the variables allocated to Lijphart's four elements of consociationalism. It then sums the four variables, but 'weights' two of them. Lijphart argues that 'the two most important (elements) ... are the complementary principles of grand coalition and segmental autonomy' (1979: 500). Lijphart has consistently prioritised executive power sharing as a necessary feature of consociationalism because of the requirement of elite agreement for consociationalism to be successful. He also prioritises segmental autonomy because '(t)he ideal consociation maximises both the segment's power in the area of common concerns and their freedom to organize their own affairs autonomously' (1979: 501). An additional reason for weighting segmental autonomy is that its inclusion or exclusion places greater emphasis upon my intervening variable; that of the homogeneity of units in explaining federal stabilisation⁹⁷. This weighting does not contradict the results of the un-weighted scores although it does confirm my argument in a stronger fashion.

To conclude this section - a quick comment on what has been excluded. I have concentrated upon consociational rather than formally federal elements. Although many of the variables are perfectly compatible with federalism, they are not always associated with it. In my formal analysis I have omitted the following variables that are commonly used to compare federations, the centralisation variable and the extent of the Governor General's powers.

The most common measure to analyse the level of centralisation is the distribution of tax revenues between the different levels of government or the location of residual powers or distribution of powers between the two levels of government⁹⁸. I have not included an analysis of these variables. Most of the plans proposed before

⁹⁶ Although Sikander Hyat Khan's 1939 plan could have been included on the basis of the specified criteria, I have excluded it from discussion, as he was not a member of the Muslim League.

⁹⁷ Appendix One works through the formula.

⁹⁸ See Lijphart for a discussion of receipts from revenue (1984b:177-179), Riker for a discussion of minimum and maximum devolution of powers (1964: 5-6), and Watts for an analysis of the different approaches (1994: 17-20).

independence (already a very small sample) did not reach the implementation stage or involve any discussion of tax revenues; therefore it is impossible to conduct a comparative analysis of even hypothetical tax revenues. Without an analysis of tax revenues, an analysis including the location of residual powers as a measure of centralisation would be superficial and misleading. Also, the location of revenue cannot account for the existence of emergency powers of the centre nor the party system's role in undermining (or promoting) the autonomy of the provincial units. It is therefore insufficient on its own.

The extent of the powers of the Governor-General⁹⁹ is directly related to the nature of both federations and the power of the centre. However, before independence, debate over the extent of these powers was primarily related to the power of the colonial regime rather than the nature of the federation. The Governor General and provincial Governor in the 1935 Government of India Act were given the power to act in the interests of minorities (Government of India 1964b: Article 12 9c & 52 (b)). Even the Muslim League stridently objected to these provisions on the grounds that 'it is well nigh impossible to conceive of a dictator possessed of greater powers'¹⁰⁰. It is significant that even the Muslim League saw these provisions as related to colonial control rather than minority protection. In contrast to Wilkinson, I argue that the powers of the Governor General in this regard were not related to degrees of consociationalism before independence, rather to British control (2000a: 773-774).

Before I discuss the scores themselves, one final point needs to be addressed. This chapter concentrates upon the federal legacies of the British, the Congress and the League in post-independence India and Pakistan. Inevitably, in a period so wide but also with so many actors, any analysis runs the risk of being superficial¹⁰¹. This is especially the case when focussing on the leaders of movements. In addition, differences within these organisations are often more significant than those between them. Different institutional solutions recommended themselves to accommodate the same community - one a minority at the centre but with the security of being a local

⁹⁹ Later the President in both India and Pakistan.

¹⁰⁰ President of the Muslim League, Syed Wazir Hasan, All India Muslim League 24th Session Bombay April 1936, (reproduced in Pirzada 1970: 252).

¹⁰¹ I do not include the Princes within the analysis as their preferences were even more diverse than those of the Congress, British and League.

majority (Muslims in Sind), and one who was 'twice cursed', being a minority both at the provincial and the national level (Muslims in the United Provinces).

In criticising Madan's methodology focussing on texts and speeches, Manor has argued that '(p)olitical action has always been more important than political rhetoric in determining outcomes in India' (1996: 474). In seeking to address this thorny methodological problem I have concentrated upon the plans that the relevant party signed up to as expressions of an institutional mentality, and have attributed less significance to conference speeches and press briefings. This is not to deny the role of individual agency – Azad's criticism of Nehru places the blame for the failure of the Cabinet Mission squarely on his shoulders (1988: 166). However, it puts them into context – Jalal claims that Nehru's pronouncement in 1946 was no surprise in relation to the debates of the Congress at this time (1985: 209). The only way in which I can take account of these detailed problems is to deconstruct the attitudes of the two main movements through a longer textual analysis. In this chapter my analysis, scoring system and conclusions concentrate upon the changes over time in the preferences of the India-wide organisations and movements. These changes are shown in Table 3.3. Chapter Four concentrates upon the different contexts in which these plans were conceived.

Table 3.3. Consociational Analysis of Federal Plans in India 1916-1946

	1916	1919	1928	1929	1930	1935	1942	1946
	Lucknow Pact ⁽ⁱ⁾	Govt. of India Act ⁽ⁱⁱ⁾	Nehru Report ⁽ⁱⁱ⁾	Jinnah's 14 points ^(iv)	Simon Commission ^(v)	Govt. of India Act ^(vi)	Cripps Mission ^(vii)	Cabinet Mission ^(viii)
<i>e1. Grand Coalition</i>								
	0	0	0	1	0	0	0	1
<i>e2. Proportionality</i>								
	1	1	0	1	1	1	0	1
x2. Separate Electorates	1	1	1	1	1	1	0	1
x3. Reserved Seats	1	1	1	1	1	1	0	1
x4. Legislative Weightage	1	1	0	1	1	1	0	0
x5. Bicameral Representation	0	0	0	0	1	0	0	0
<i>e3. Segmental Autonomy</i>								
	0	0	1	1	0	1	0	0
x6. Religious reorganisation	0	0	1	0	1	1	0	0
x7. Linguistic reorganisation	0	0	1	0	1	1	0	0
x8. Residual powers	0	0	0	1	0	0	0	1
<i>e4. Mutual Veto</i>								
	1	0	0	1	1	0	0	1
	0.25	0.09	0.28	1.00	0.44	0.34	0.00	0.77
1.5e₁+0.5e₂+1.5e₃+0.5e₄								
	4							

Source: (i) Indian National Congress and Muslim League (1949) (ii) Government of India (1964a) (iii) Nehru (1928) (iv) Jinnah (1969) (v) Indian Statutory Commission (1930a); 1930b) (vi) Government of India (1964b) (vii) Cripps (1949; 1970) (viii) Cabinet Mission (1946a; 1946b).

Notes: All formulae exclude blanks, which are signified as 0 (blanks retained where plan or discussions relating to it did not refer to the variable). For a breakdown of the elements of each plan, see Appendix Two.

Institutional legacies

Assessing the effect of institutional legacies on the development of the federal structures of India and Pakistan requires an appreciation of how many of the federal provisions after independence conformed to the plans proposed by the British. The extent of the similarities is discussed in Chapter Five. This chapter concentrates on the following null hypotheses:

- The value of analysing the post-independence constitutions is predicated upon the consistency of the British plans before independence. Therefore my first null hypothesis argues that the British Government was not consistent in its plans. **1H₀ – the British Government was not consistent in its plans.** If it is not possible to disprove the null then the institutional antecedents of the federal structures after independence must be questioned.
- The second null hypothesis is that there was no difference between the Congress and League in the degree of consociationalism they accepted. If we cannot disprove this null then we would expect the degree of consociationalism in India and Pakistan's constitutions to be identical. **2H₀ – there was no difference between the Congress and League in the degree of consociationalism in the accepted plans.**

a) The British Government was not consistent in its plans

The most accessible way to assess whether the British Government was consistent in its plans is to look at the range of scores. Of the three organisations, the British Government had the most divergent scores, as seen in Table 3.4¹⁰².

Table 3.4. The range of scores from the accepted plans.

Party	Muslim League ^a	Congress Party ^b	British Government ^c
Range	0.75	0.52	0.77

Source: As in Table 3.3.

Notes: ^a ML – 1916, 1929, 1946, ^b CP – 1916, 1928, 1946, ^c BG – 1919, 1930, 1935, 1942, 1946

¹⁰² Although the range was high for all three actors.

The large range of scores for the British Government is indicative of a lack of continuity in its plans over the degree of consociationalism within federal structures. The wide range is not surprising given that the British claimed to be trying to reconcile divergent interests; indeed, it serves to illustrate that they were not as independent as they are often portrayed. They changed policies according to the exigencies of the situation e.g. according to wartime priorities, or the desire to include the Princes to slow down democratisation. Even if the Cripps plan¹⁰³ is excluded from the average on the grounds that it was a wartime proposal to lure Congress into supporting the war effort – it failed – the British Government's range of scores still produced a wide range of 0.68. This calls into question my independent variable of institutional antecedents, *with the exception of the advocacy of the federal structure*.

To reinforce this point, unlike the Congress and League, the British did not possess any 'absolutes' across the nine variables. The British proposed five plans in the period under discussion and therefore the opportunities for change were nearly twice as great as those of the Congress or League. Even accounting for this, the lack of continuity is dramatic. Separate electorates and reserved seats were included in all the British plans with the exception of the Cripps Plan of 1942. It has been argued that Cripps was an aberration and Churchill expected it to fail, pulling the rug from beneath Cripps' feet when a deal was looking likely (Jalal 1985: 73; Inder Singh 1990: 74). Even if this were the case, this would not explain why the Cripps proposals were so close to the Congress preferences. The omission of separate electorates and reserved seats was therefore significant, as the composition of the Constituent Assembly arising from this plan would be vital in influencing the type of constitution which was drafted. While the Muslims would have been in a minority in any case, the election of the constitution body by a *single* electoral college of *all* the members of provincial legislatures, gave them an *even smaller* number of seats than they would have received using separate electorates. As Jinnah complained, 'when that body is formed, I cannot conceive how they can come to any other conclusion except the Union; and that it why it is so composed'¹⁰⁴. Therefore the omission of separate electorates and reserved seats must be seen as indicative of changing priorities for the British – the need to get the Congress on board – even if it did not succeed. The only other variable over which there was

¹⁰³ Which produced a score of 0, and was therefore perfectly majoritarian despite its acceptance of the right of secession of provinces.

¹⁰⁴ Presidential Address, All India Muslim League Twenty Ninth Session Allahabad April 3-6 1942, (reproduced in Pirzada 1970: 386).

almost unanimity of purpose was that concerning executive weightage. In four out of the five plans it was not included, indicative of the limitations of the divide and rule policy and the promotion of Muslim interests when it came to British control of the subcontinent. It was finally included in the Cabinet Mission Plan (CMP) – but this was the only plan in which the British Government had definitively accepted that its rule was over.

This is not to say that other institutional continuities do not exist. As Chapter Five discusses, a large proportion of the post-independence constitutions of India and Pakistan was lifted directly from the 1935 Government of India Act, as was the experience of working these constitutional forms. Additionally, the federal structure was a definite legacy, even if the specifics of its form were not. However, in terms of consociational elements it is not possible to point to any constants which either the League or Congress could have adopted. Although I am not rejecting the institutional antecedents as a valid independent variable, I need to proceed in an alternative fashion.

- I examine whether the British plans were closer to one of the main parties than the other – despite the varied spread of these plans.
- I examine whether the inconsistencies can be accounted for by the closeness to independence and the likelihood of disengagement in the imminent future.
- I assess whether the British during this period can be understood as independent actors. Were they as influenced by the plans and demands of the other movements as they influenced them?

a) In analysing the institutional legacies of the pre-independence period it is instructive to consider whether the British Government, despite its wide-ranging preferences was consistently closer to either the Congress or the Muslim League. If their average scores were significantly closer to one rather than the other, then the lack of consistency in the British plans does not prevent us from using British preferences to explain constitutional formation after independence. Using the averages of scores is beset with problems as the different plans were conceived of in very different environments and

for different reasons. Yet for my comparative purposes it provides the best way of condensing the preferences over this period.

Table 3.5. The averages of the scores of the accepted plans

Party	Muslim League	Congress Party	British Government
Average score	0.67	0.43	0.33

Source: As in Table 3.3.

Table 3.5 indicates that the average British proposal was much closer to that of Congress than to that of the League. This is significant because the conventional wisdom is that the British sought to use the Muslim's political demands as a mechanism of divide and rule. Constitutional plans to cement these differences were a perfect mechanism to do so. While I do not seek to contradict the divide and rule thesis, these data presented above indicate that there were limits to the encouragement of the Muslim League, and that it was primarily confined to the issue of separate electorates – maintaining the boundaries between the communities¹⁰⁵. Wilkinson has described India before 1947 as a consociational state (2000a: 772-774). While he is correct that there were many consociational elements present, these were not at the executive or the minority veto level. As Chart 3.1 illustrates below, many of the British proposals were significantly majoritarian.

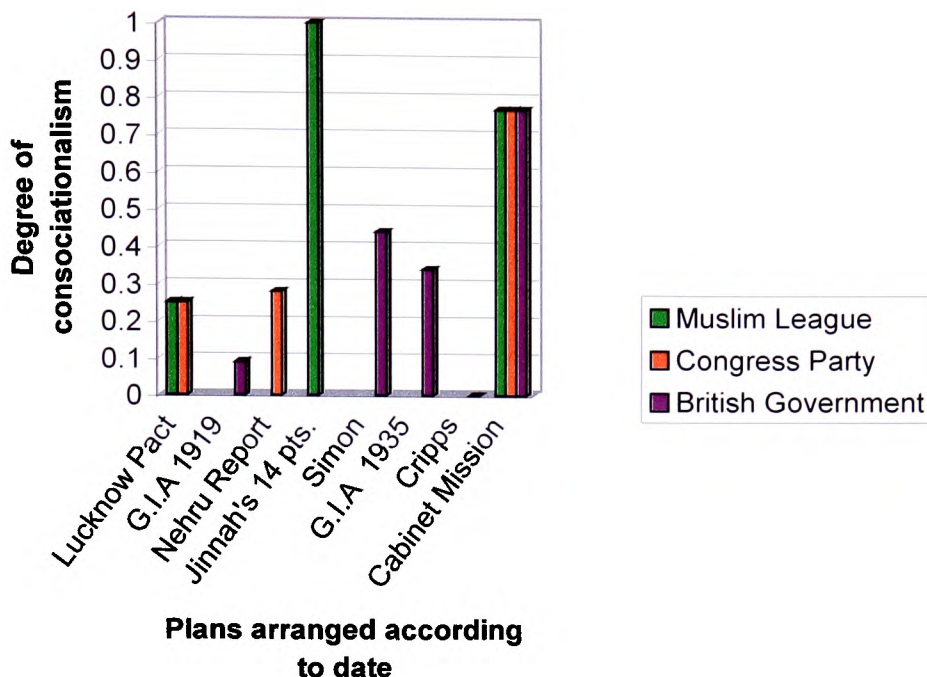
The fact that the scores of the Congress and British were closer together than those of the League and the British suggests that the constitution of India would be majoritarian¹⁰⁶. Additionally, an inverse relationship existed between the degrees of consociationalism espoused and the range of scores: those who were more concerned with consociational protection were less likely to compromise on this matter. This supports the hypothesis that we would expect Pakistan's constitution after independence to be much more consociational¹⁰⁷.

¹⁰⁵ Although Parikh claims that the British used 'aspirations of minority elites to dilute (Congress's) power', her primary focus is on separate electorates (1997: 155).

¹⁰⁶ Congress's rejection of the majoritarian 1935 Act and 1942 Cripps plan was primarily attributable to the limited extent of Indian control of the centre and the inclusion of un-elected princely representatives rather than their federal provisions.

¹⁰⁷ The extent to which this was the case, despite the changed ethnic composition of the states will be analysed in Chapter Five.

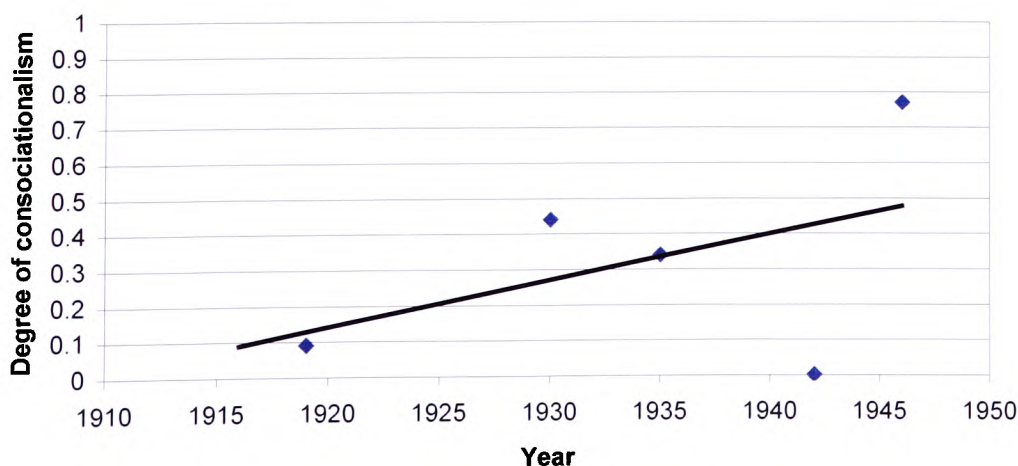
Chart 3.1. Bar Chart of principal actors' proposals scored according to the degree of consociationalism.



Source: As in Table 3.3.

b) Can the inconsistencies in the British position be related to the closeness to independence? If there was no relationship between the plans the British proposed and the closeness to independence, then we would have to conclude that the high range of scores of the British could not be accounted for by imminent disengagement.

Chart 3.2. Scattergram of year and degrees of consociationalism in British plans including a trend line



Source: As in Table 3.3.

Chart 3.2 demonstrates that there is a medium positive trend between the closeness to independence and the degree of consociationalism, even despite the wholly majoritarian Cripps Mission. Therefore, the perceived proximity to independence *did* affect the proposed degrees of consociationalism. As Table 3.6 illustrates, this was not confined to the British. The scores for *all* actors were higher in 1946 than they were at the beginning of the period, despite the lack of linearity in the intervening years.

Table 3.6. The change in range of scores for the three actors

Year	Muslim League	Congress Party	British Government
1916/1919*	0.25	0.25	0.09
1946	0.77	0.77	0.77

Source: As in Table 3.3.

Notes: * Lucknow Pact of 1916 or 1919 Government of India Act

The increase in scores represents the increased influence in the power of the Muslim League and in its demands for representation, although on the other variables of consociationalism, the British were much less sympathetic. The British were much less concerned to maintain a majoritarian system of government once they decided to quit the subcontinent – a fact that explains the slope upwards in Chart 3.3. Interestingly, as discussed below, the Muslim League actually moderated its consociational demands once independence for a united India became a real possibility. While Congress initially accepted the CMP, its concern to maintain the structures of the Raj for independent India made this acceptance a tenuous one.

c) It could be argued that the lack of continuity of British Government scores can be accounted for by the difficulty of treating the British as independent actors. From the setting up of the INC in 1885 and the acceptance of demands for separate electorates in the 1909 Reform Act, British Governments were subject to varying degrees of pressure from the Indian politicians and their own MPs. While the 1919 Act attempted to sideline Indians' influence to the provincial arena, in the 1920s demands became more insistent for reform at the centre. The setting up of the Simon Commission in 1927 excluded Indian politicians, but the outcry at this, as well as a change in Government in London (from Conservative to Labour) promoted the three RTCs held between 1930

and 1932¹⁰⁸. These well known facts demonstrate that the British plans in this period should be seen as much as reactive as they were proactive. This conclusion does not detract from the fact that the British *could* unilaterally implement constitutional plans in a way that the Congress and League could not. The British enacted the 1935 Government of India Act despite all main parties being opposed to it. As Attlee complained,

I could not see that there had been any enthusiasm whatever for this Bill in India. There was, as a matter of fact, rejection by all the live movements in India¹⁰⁹.

Their partial dependence upon the Indian organisations partially explains why their range is so wide.

b) The two main movements did not differ in their proposed constitutional structures

Neither Congress nor the League could be accused of either following slavishly or completely rejecting the British proposals, as the British proposals differed so widely. However, they can be compared to each other to assess the differences in their preferred degrees of consociationalism. The null is therefore that there are no differences. As Table 3.5 showed, the average score of the League was 0.67 whereas the Congress was 0.43. The fact that these differences existed is no revelation for anyone with a basic knowledge of the history of the subcontinent, and indeed, was the logical corollary of the fact that the British were much closer to the Congress than the League. What is interesting is that the range of scores for both the League and the Congress - as Table 3.4 showed - was substantial - 0.75 and 0.52 respectively. This poses problems for using this scoring method for analysing post-independence continuity and discontinuity in constitutional formation.

However, there is another way to utilise these data. Revisionist historiography of the partition has questioned the traditional interpretation of the events surrounding the CMP. The Plan was accepted by all three actors in its minimal format although it was

¹⁰⁸ Although only the second was attended by the Congress. In 1932 the Labour Government became a National Government under Ramsay MacDonald.

¹⁰⁹ Mr Attlee on the Government of India Bill 1935. House of Commons Feb 6th 1935, (cited in Banerjee 1949b: 256).

published separately from the imposed settlement over the communal composition of the interim government. Those espousing an orthodox version of the events leading to partition stress Jinnah's and the Muslim League's acceptance of the Cabinet Mission as a stepping stone towards partition and an independent Pakistan (Kaushik 1964: 318; Inder Singh 1990: 142,169). The Muslim League Council accepted the plan while reiterating that 'the attainment of the goal of complete sovereign Pakistan still remains the unalterable objective of the Muslims of India'¹¹⁰. This school sees acceptance of the CMP as a prelude to partition.

In contrast, the so called revisionist historiography of Jalal and previously, Moon, have questioned the desire of Jinnah for an independent Pakistan (Moon 1961: 21, 49-56; Jalal 1985: xv-xvi, 179-187). They portray the Pakistan demand as a strategy to secure rights for the Muslims within a decentralised, possibly confederal united India, as well as pointing to Jinnah's personal preferences for safeguarding Muslims in minority provinces as well as those in majority ones. They note that the Cabinet Mission definitively rejected a sovereign Pakistan. Revisionists have placed the blame for partition onto the shoulders of the Congress generally (Jalal 1985: 209) or Nehru in particular (Azad 1988: 166).

Table 3.7. The average and range of scores from the plans adopted by Congress and League before 1946 (scores including 1946 in brackets)

Party	Muslim League	Congress Party
Average Score	0.63 (0.67)	0.27 (0.43)
Range	0.75 (0.75)	0.03 (0.52)

Source: As in Table 3.3.

Table 3.7 demonstrates that the League's average preference remains similar whether the CMP is included or not. This supports the revisionists' arguments that the League's preference, headed by Jinnah was to create consociational power sharing arrangements within a united India and that the partition demand was a bargaining chip. The fact that Congress's average score falls dramatically, from 0.43 with the Mission included to 0.27 when the CMP is excluded similarly supports the argument that Congress's agreement to the Cabinet Mission was not sustainable and was an aberration of its

¹¹⁰ Resolution of the Muslim League Council, June 6th 1946, (reproduced in Banerjee and Bose 1946: 191).

organisational and individual preferences. Jalal concludes that Nehru's rejection of the permanence of the plan should not have come as a surprise to those familiar with the internal dynamics of the Congress 'but his open repudiation of the plan gave a severe shock to ... Muslims' (1985: 209).

If the CMP is excluded, Congress's range of scores falls dramatically to 0.03. Congress's first preference was for a majoritarian federation and importantly, one that was centralised; the League's first preference was for a consociational federation. Although Congress accepted some consociational features, and the League was willing to concede some majoritarian ones, both movements preferred partition to working within a constitution that diverged too far from their original preferences.

Because Congress's preferences were more stable than those of the League, all other things being equal we should expect more continuity between pre and post-independence constitutional preferences. Conversely, as the League's range is wider, it is more difficult to predict post-independence constitutional formation. Because the League and Congress had radically different averages and ranges of preferences we can strongly reject the null – there were major differences between the League and the Congress on the degree of consociationalism within their preferred constitutions. Therefore we would expect huge differences in the constitutions of India and Pakistan after independence on this issue, all other things being equal¹¹¹.

3.4. Conclusion

In a study of this breadth, covering three organisations, all incredibly internally diverse, details are inevitably obscured. The formal analysis presented here condenses the information, to test workable hypotheses. While the three actors' preferences changed over time as circumstances and personalities changed, it is interesting to compare the average scores, but also the range. I do not seek to minimise the importance of other

¹¹¹ Although I argue that Congress prevented the possibly of the Cabinet Mission Plan succeeding, I do not argue that the plan would have succeeded in holding India together. As discussed in the conclusion to this thesis, federations with a number of units of three or less have historically been unstable. The Plan was ultimately rejected by the League following Nehru's repudiation of the permanence of the arrangements proposed. Mulana Abul Kalam Azad's unabridged 'India Wins Freedom' released in 1988, puts the blame for the failure of the Cabinet Mission Plan squarely on the shoulders of Nehru (1988: 166). Azad was a Nationalist Muslim who became President of the Congress twice, and retained the position during 1939-1946 as Congress was banned and most of its leaders imprisoned.

actors or to deny the diversity within the movements. This is merely an attempt to make manageable the unmanageable. In so doing I have both reinforced and challenged existing history on the pre-independence period.

The conclusions reached so far indicate that we would expect Congress's institutional majoritarian preferences to be borne out in independent India given a) its general closeness to the British institutional legacy; b) the willingness of the upper echelons of the party to reject a plan which would have secured a united India (in the short term at least) in order to create a centralised majoritarian constitution; c) the experience of working these structures. However, independent India had a changed religious configuration. Muslims remained large in absolute numbers, but had diminished in percentage terms. Additionally, they were not territorially concentrated, with the significant exception of Kashmir and therefore could not be accommodated within federal structures. Chapter Five discusses the extent to which continuities existed between the two periods, and to what extent they were dictated by this changed demography and geography.

It is more problematic to use the scores and preferences of the League to predict the constitutional make up of independent Pakistan. The Muslim League rejected British majoritarian constitutions. However, this was in a situation where they were in a minority overall and had to reconcile the tensions between the territorially concentrated majorities and dispersed minorities throughout the rest of India, especially the northern United Provinces. Additionally, unlike the Congress, the Muslim League had not boycotted the institutions, acquiring the experience of working these institutions for longer than Congress members. An analysis of post-independence constitutional formation in Pakistan must inevitably take these factors, but especially the changed religious configuration, into account.

These issues will be revisited in Chapter Five. Before these issues can be addressed, the motivations behind the differing scores, not only between the organisations, but also within them, have to be evaluated. This is the subject of Chapter Four - to elucidate the more complex positions on attitudes towards federation and consociationalism as institutions to structure ethnic conflict regulation, as well as their attitudes towards the type of units within these systems.

Chapter Four: Practical politics of federal design in pre-independence Indian politics 1916-1946

'Federalism is the ideal solution acclaimed by Indians of all parties and shades of opinion, but it is no less true that the kind of federation envisaged by the Viceroy and the British Parliament will bring to India not peace but a sword' (Pole 1939: 206).

'Centralisation as a system is inconsistent with non-violent structure of society ... Centralisation cannot be sustained and defended without adequate force' Gandhi in 1942, (quoted in Barua 1984: 79).

'Since the Reforms of 1919 introduced responsible government to some extent, the linguistic and cultural diversities in these provinces have come to the fore' (Sharma 1932: 191).

4.1. Introduction

The position of the British Government, the Congress and the League as parties in a 'triangular relationship' has been evaluated (Mansergh 1999: 6). This chapter has narrower objectives. We have seen that there are methodological limitations in comparing the positions of these three organisations over time. This is not because of changes in policy, which the analysis is designed to identify, but because to speak of a 'party line' is problematic. The Congress was a centralised and disciplined organisation but had several major disputes within its ranks¹¹². While the issue of federalism was not one of them, it serves to illustrate the difficulties in assessing organisational coherence. There are even more difficulties in portraying the Muslim League as a unified organisation, even though its leadership was more stable. Unlike the Congress which changed its President annually¹¹³, Jinnah became, in Jalal's terminology, 'the sole spokesman'. He was the Muslim League's most vocal spokesman at the all-India level, contrasting sharply with the Congress Party's many prominent all-India leaders. Yet the League was riven with divisions. Sole spokesman notwithstanding, the League was polarised between the priorities of the Muslim majority and the Muslim minority provinces.

This chapter contextualises the debates through discussing the major differences between the Muslim League and the Congress, but also the areas on which there was most agreement. I do not discuss the British Government's preferences as the manner in which they structured the debate has already been covered. My scoring formula demonstrated that it was not possible to identify a specific legacy in the field of federal

¹¹² Over the issue of the boycott and non-cooperation with the British constitutional structures and over the issue of whether to accept Dominion Status or call for complete independence.

¹¹³ Azad's long tenure was because of the incarceration of the Congress leaders during the war.

design (as opposed to the recognition of the need for a federal structure of government to rule the subcontinent). The British ‘winner-takes-all’ system of federation appealed to the Congress while the concern of the British with segmenting and dividing communities appealed to the League. I also exclude discussion of the Princes, Akali Dal, National Liberals, Unionists, Hindu Mahasabha and Red Shirts. Talbot argues that

An analysis which ignores the emergence of other regional or communal parties inevitably glosses over the compromises which the bearers of Indian and Pakistan nationalism had to make with ascriptive loyalties. It also leaves the reader to puzzle over their resurgence since independence (2000: 111).

The point is valid and I do not seek to marginalise the importance of these movements. However, I cannot take account of their preferences in the macro analysis deployed here. This chapter’s purpose is to unpack the macro-level analysis of Chapter Three. In so doing it achieves two objectives.

One: it evaluates the attitudes of the Congress and League towards federalism as a concept. In Chapter One, federalism was defined as a commitment to the self-government of a people through the division of sovereignty between at least two territorially defined levels of government. The term federation in contrast, defines a specific political system within the genus of federal political systems, which may or may not be democratic. In evaluating the attitude of the Congress and League to federalism, the distinction between a unitary and federal form of government (as opposed to centralised and decentralised forms of government) is vital. Within the history of the period it is common to read that 1935 was the first federation of India (e.g. Wheare 1963: 32; Sharma 1976: 60; Barua 1984: 56). This is false¹¹⁴. Chapter One demonstrated that federations as forms of government are diverse. Federations are not necessarily the most decentralised forms of government – what is important in defining a federation is the division of sovereignty between at least two territorially defined levels of government, NOT how much sovereignty is devolved. The perception that Congress was in favour of a unitary state and the League in favour of a federation is similarly false.

Two: this chapter evaluates the attitudes of Congress and League towards federal design – concentrating on federation as a structure of government. The specific element

¹¹⁴ 1919 was the first constitution with a federal division of sovereignty between the centre and the provinces.

of federal design of importance to my analysis is that of the composition of the units within the federation. This is one of my intervening variables to explain the comparative success of federalism in the sub-continent; that homogeneous units promote security, intra-elite competition and division of the dominant group. The attitude of the Congress to linguistic reorganisation is well documented (Roy 1965: 217-220; King 1997: 52-73). Not so commonly appreciated, especially given the anathema to the subject post-independence, is the Congress's acceptance of the religious reorganisation of Sind in the 1928 Nehru Report. The Muslim League's position with regard to federal design, in contrast, has not been explicitly commented on in the literature. This omission is surprising because whether Jinnah sought an independent Pakistan (orthodox historians), or security within a united India (revisionist historians), both strategies involved a degree of religious organisation of units. The partition of the subcontinent involved the division of the Punjab and Bengal on religious lines, although Jinnah resisted the logic of the argument until the bitter end. If the revisionists' position is accepted, then Jinnah's desire to be 'safe' within a united India demanded provincial reorganisation and power sharing for religiously defined provinces - as he accepted in 1929 and Iqbal demanded in 1930.

4.2. Attitudes towards federalism as a concept

Federalism expresses itself as a division of sovereignty between two levels of territorially defined government. While a commitment to federalism cannot be separated from its governmental form, in the period under discussion both Congress and the League accepted the need for a federation, and advocated federal forms of government. This is an important point to make. Although they disagreed over specific forms of federation, specifically over the scale and depth of the powers of the federal government, this should not be taken to mean that either party officially advocated a unitary form of government in the plans discussed, although some individuals within the Congress did¹¹⁵. The commitment to a federal system of government, as argued, can be partially accounted for by the fact that the parties worked within a British institutional framework. This framework was initially based around autonomous presidencies,

¹¹⁵ There is evidence of members from the southern provinces advocating unitary structures of government, as did Mr C N Muthuranga Mudaliar, head of the Reception Committee for the 1927 Madras Congress, who maintained that 'Federal Government... will be peculiarly unsuitable to India with its revived sense of solidarity' Welcome address at the 42nd Session of the INC at Madras Dec 26-8 1927, (reproduced in Zaidi and Zaidi 1980a: 226).

which gradually came under central control. After the uprising of 1857 India moved towards a formally federal constitution. This movement was dictated by the practical demands of decision-making over a wide geographical area, which caused difficulties for quick and effective communication, culminating in the 1919 Act. In this the British borrowed and adapted Mughal institutions of governance, but were also influenced by the experience of the other colonies. Federation was also a mechanism of preserving British power – provincial self-government was less threatening to the Raj than democratic control of the centre.

Congress Party

The Congress was initially suspicious of federal structures of government, especially under the 1919 Act. It was concerned that the British sought to pursue a policy of divide and rule using the provincial governments. It also worried that federation was a mechanism to thwart self-government in the absence of real power at the centre – an accurate perception of Britain's intentions. It is important to stress that the Congress did not reject the 1919 Act because of its concession of provincial autonomy¹¹⁶. It rejected it because under the system of dyarchy, only a few select powers were transferred to the Indian ministers in the provinces. The remainder resided in the hands of the provincial Governor-in-Council (Sitaramayya 1935: 208). The fact that Congress did not oppose the federal provisions is illustrated by the fact that in 1924, Motilal Nehru - a prominent Swarajist¹¹⁷ - advocated the extension of provincial powers and revenues (Sharma 1976: 122).

Congress's acceptance of the need for federation was exactly the same as the British – practical. The size and diversity of India required it, and Congress had also been influenced by the experience of the colonies. Besant, as Congress President in 1917, called for 'A Bill...establishing self-government in India on lines resembling those of the Commonwealth' (Sitaramayya 1935: 247). Additionally, its internal party organisation after 1908 was structured around Provincial Congress Committees (PCCs), and after 1920, linguistically defined PCCs at that. Even though the All India Congress

¹¹⁶ On the contrary, the 19th resolution at the 1915 Congress session had called for self-government 'by introduction of Provincial Autonomy' (Sitaramayya 1935: 208).

¹¹⁷ The name of a faction within the Congress who sought to disrupt the 1919 Act by contesting elections and seeking to undermine the institutions from within, rather than pursuing the Gandhian policy of non-cooperation.

from the centre. Unlike the Congress who viewed the concession of power at the provincial level as a negative mechanism of maintaining the Raj, elements within the Muslim League were content with provincial autonomy within a British controlled federation precisely because of the dangers of a Hindu Raj. The League's attitude towards federalism was therefore more complex than that of the Congress.

The 'community' around which the Muslim League mobilised can be split at its most basic into those living in provinces primarily populated by Muslims - North West Frontier Province, Punjab and Bengal¹²⁰, and those in which they were a minority; United Provinces and Bihar being the two most prominent. Unlike the Congress that proclaimed to represent all Indians, the League had a narrower base. Until the late 1930s it could only claim to represent those Muslims in Hindu majority provinces. As federalism is a device best suited for regulating ethnic conflict when groups are territorially concentrated, federal structures of government offered no immediate security for Muslim minorities in a province. Therefore, Jinnah and others in the Muslim minority provinces were initially just as centralist as those in the Congress¹²¹. It subscribed to a more decentralised federation only as a strategy to co-opt the Muslim majority provinces into the League (Jalal 1985: 54).

The difference in political aims among the majority and minority Muslim provinces was not immediately apparent. Demands for representation at the centre, a consociational mechanism, additionally served the interests of the Muslims in Muslim majority provinces, as well as those in provinces dominated by Hindus. This was because federal structures of government did not guarantee Muslim interests within an all-India setting. Similarly, demands for the creation of separate electorates and reserved seats (also priorities for Muslim minorities) promoted Punjabi and Bengali Muslim's interests, a majority in their respective provinces, but only just. For the Muslim majority provinces there was no necessary incompatibility between federal and consociational elements within the League's proposed plans, although those in the Punjab and Bengal sought reserved seats to maintain their majority status. Although there was no necessary incompatibility between the elements, many Muslims living in Muslim majority provinces perceived one.

¹²⁰ Baluchistan was a British protectorate rather than a province and Sind was not a separate province until 1936.

¹²¹ Jinnah hailed from the Bombay Presidency, in the area that is now the Indian State of Gujarat.

It had always been the contention of Muhammad Shafi¹²² that Muslim majorities, particularly where they were narrow as in Punjab and Bengal, were being sacrificed in order to get more seats for Muslims than were due to them on the basis of their population in Hindu majority provinces (Sayeed 1968: 65).

However, while consociational elements protected the Muslim minorities' interests, and their leaders extended the same courtesy to Hindu and Sikh minorities in the Muslim majority provinces, the issue of residual powers and religious re-organisation of provinces did not serve the Muslim minorities' interests. In this CWC member, Sitaramayya was incorrect (1935: 811). He implausibly argued that Muslims wanted residuary powers in the provinces so as to 'deal effectively with Provinces having a majority of Hindus which might ill treat the Muslims'. He was standing the logic on its head - residuary powers were useless in these provinces precisely because they could be turned against the Muslim minorities.

These tensions between the consociational and federal variables identified in Chapter Three were revealed in the position of Jinnah towards a federation. Hailing from a Muslim minority province, from which most of the League's support came¹²³, he was more orientated towards securing power at the centre than those in the majority provinces, already relatively secure in their position. This did not preclude his support for a federation – although Jalal argues he was lukewarm to the idea personally (1985: 13). In this he was similar to many of the Congress High Command. This changed in 1929 when Jinnah's 14 points envisaged no change in the constitution without the concurrence of the provinces – a federal provision. This was a sure sign of his change in strategy. Jinnah still had a very different conception of federation to Shafi. Within a weak federation, favoured by the Muslim majority provinces, strong Muslim provinces would ensure that the Muslim League would be the servant not the master. In Jinnah's opinion, Muslim minorities needed a strong centre to achieve power and patronage (Jalal 1985: 51).

The change in the fortunes of the Muslim League came after the 1937 elections when the Congress gained majority control of five provinces and the Muslim League suffered

¹²² The leader of a faction of the Muslim League that broke away over the issue of boycotting the Simon Commission in 1928 – his faction saw advantage in co-operating with the British rather than the Congress.

¹²³ Other entities captured the vote in the Muslim majority provinces - such as the Unionist Party in Punjab and Red Shirts in North West Frontier Province.

an electoral debacle. Following Congress's success the Muslim majority provinces came to accept that they needed security at the centre. They turned away from territorial segmental autonomy as their sole strategy. 'No juggling of the political arithmetic could prevent safe provincial Muslim majorities from being turned into an ineffectual minority at the centre' (Jalal 1985: 52). It is at this point that Jinnah's consociational and the majority province's federal strategies coalesced strongly, and the League became an effective mobilising force, centralising control of its organisation in a manner similar to Congress.

Although Jinnah vociferously rejected the 1935 Act, firstly for its inclusion of the Princes¹²⁴, and then for its benefiting the Congress 'agenda' (despite Congress's denunciation of the Act in even more virulent tones than the League), he did not reject the federal form. This is important to reiterate. A united Indian federation was still supported by the Muslim League even after Congress gained an absolute majority in five out of the eleven provinces in the 1937 elections. The Muslim League suffered an embarrassing defeat – securing only 108 out of the 482 Muslim seats and not securing a majority in any province (Mansergh 1999: 9). Despite this, at the 25th Session of the All India Muslim League in 1937, Resolution II stated that

The object of the AIML shall be the establishment in India of full independence in the form of federation of free democratic States in which the rights and interests of the Musalmans and other minorities are adequately and effectively safeguarded in the Constitution¹²⁵.

Therefore, the League's diminishing commitment to an all-India federation cannot be attributed simply to the Congress's rejection of coalition ministries. Congress had promised a coalition with the Muslim League in the United Provinces, but was so successful it reneged on the deal. This was not merely a partisan communal decision or one confirming Congress's belief in the Westminster system of government - Muslims in the Congress Party opposed such a coalition to preserve their own positions (Hasan 1993: 13). The actions of the Congress convinced many in the League of the dangers of a majoritarian federation. The allegations included the singing of the anti-Muslim song *Bande Mataram* and discrimination against Muslim culture and Muslims in

¹²⁴ On the grounds that this would bring an undemocratic force into a constitution which was supposed to be moving in a more democratic and inclusive direction.

¹²⁵ AIML 25th Session. Lucknow, Oct 15-18 1937, (reproduced in Pirzada 1970: 274).

appointments. 'Whether or not they were justified, they were believed' (Talbot 1990: xvii). At the 26th Session in Patna in 1938, Jinnah argued that;

If the Congress can gain control over the Federal machinery, then, by means of direct and indirect powers vested in the Federal Government, the Congress would be able to reduce to a nonentity the Government of the Hon'ble Fazul Huq in Bengal and the Hon'ble Sir Sikander Hayat Khan in the Punjab (reproduced in Pirzada 1970: 309).

In 1939 events had reached such a state that the Muslim League declared that it was 'irrevocably opposed to any 'federal objective' which must necessarily result in a majority community rule under the guise of democracy and parliamentary system of government'¹²⁶). The Lahore Declaration of 1940 demanding independent sovereign states in the northeast and northwest parts of India was not a 'short step' away from the formation of the Congress Ministries, but a result of their controversial actions, especially in the United Provinces which the Pirpur Report detailed in 1939¹²⁷.

While the Muslim League expressed its dissatisfaction with a united Indian federation, the Lahore Resolution supported a federal form. It called for independent and sovereign autonomous states, 'grouped' together. After 1940, League pronouncements on the form of a federation in an independent Pakistan were vague. The imperative was to retain unity within its ranks. 'As long as Pakistan remained unachieved, all Muslims were supposed to subordinate their personal and ideological differences to the national goal' (Sayeed 1968: 180). However, in 1945 in an interview to the Associated Press of America Jinnah stated that the units of a federation of Pakistan would 'have all the autonomy that you will find in the constitutions of the United States of America, Canada and Australia' (cited in Pirzada 1970: xxxi).

Building on the British legacy, the Muslim League had an eminently practical purpose in subscribing to the federal idea. It was committed to it as a mechanism of minority protection for provincial Muslim majorities, in conjunction with consociational mechanisms at the centre. The actions of the Congress ministries after 1937 convinced many within the movement of the limitations of such a strategy, given the large Hindu

¹²⁶ Emergency Meeting of the Working Committee of the All India Muslim League 17th-18th September 1939, New Delhi, (reproduced in Pirzada 1970: 310).

¹²⁷ The Lahore Resolution was also prompted by Viceroy Lithlingow, who pushed the Muslim League to come up with a statement on its aims in an attempt to 'prove' that Congress's call for immediate independence and a constituent assembly was not representative of the whole of India (Jalal 1985: 48).

majority at the all-India level. Jinnah, through articulating the demand for Pakistan (although the Lahore Resolution never mentioned the word), sought to secure consociational security at the centre as well as more autonomy for the provinces (as seen by the Muslim League's acceptance of the Cabinet Mission Plan).

Neither the Congress nor the League felt able to reject the federal idea. Both recognised the necessities that drove the British to adopt the framework. As the League and the Congress both advocated democratic and federal forms of government, it is necessary to unpack the conflict between the two organisations' preferences further. Both federalism and democracy can be majoritarian or consociational. An understanding of the conflicts between the two parties can be best understood by employing this consociational-majoritarian dimension. This dimension also facilitates a comparison of the constitutions that were adopted after independence. Structurally it is easier to split the following discussion into these two dimensions. This follows from the line of reasoning in Chapter Three that established that the Muslim League's preferences were for a more consociational federation than that of the Congress.

4.3. What were the differences concerning federal provisions?

With regard to formally federal provisions, Congress and the League were remarkably similar – differing only on the issue of the location of residual powers. Should these powers be with the centre or in the provinces - 'a very important question and the crux of the whole problem' (Sharma 1932: 210). The differences over this issue go to the heart of the debate between League and Congress, but also between different sections of the League. The two parties agreed over the issue of reorganisation of provinces, although they had different priorities. In terms of other federal provisions such as the representation of provinces in the bicameral legislature, the Muslim League maintained silence and Congress only addressed it in the Nehru Report – supporting a majoritarian set up. Issues of a written constitution and Supreme Court were also not controversial.

Congress generally opposed residual powers being allocated to the provincial units of a federation. While it did not seek to dispute the rights of these provinces to be effective units of governance, it did not accord them pride of place in the governance of the state as a whole. The Congress Party was far more concerned with power at the centre and

the Nehru Report rejected the allocation of residual powers to provinces. Although the CWC compromised in a 1931 resolution¹²⁸ arguing that '(t)he future constitution of the country shall be federal. The residuary power shall vest in the federating units, *unless, on further examination, it is found to be against the best interests of India*', the emphasis added by Gandhi was the significant part of this statement (Sitaramayya 1935: 808). At the Second RTC, convened to determine the future constitution of India under British rule, the Congress remained implacably opposed to the location of residual powers in the provinces. The lack of agreement between the Congress and the League over the issue ensured that the Government of India Act 1935 fudged the issue - Article 104 (1). It left the subject of 'non-elucidated' (therefore residual) powers at the discretion of the Governor General - therefore effectively in the hands of the centre. However, in 1942 after the Congress rejected the Cripps Mission, the AICC adopted the 'Quit India' resolution that included the statement,

The Provisional Government will evolve a scheme for a Constituent Assembly which will prepare a constitution for the Government of India acceptable to all sections of the people. The Constitution according to the Congress view should be a federal one, with the largest measure of autonomy for the federating units, *and with the residuary powers vesting in these units*. Bombay August 7-8 - *my emphasis* - (reproduced in Zaidi and Zaidi 1981a: 392).

This resolution did not include the caveat of 'the best interests of India' noted above and therefore marked a departure from the more cautious position adopted previously. This departure can be explained by the fact that Cripps had changed the parameters within which the 'communal problem' would be decided, by allowing provinces to secede. Although Cripps 'tried to defend his position by pointing out that the right was given to a Province as a whole and not to any particular community' (Azad 1988: 60), this was the first time the British Government had officially recognised that an independent India might not be a united one. Congress was thus accepting the provincial location of residual powers as an attempt to 'solve' the communal problem without separation, and concerned to build as broad support for immediate British withdrawal as possible. This preference changed once British withdrawal became imminent.

Congress later reluctantly accepted the CMP in 1946, which left the centre with only three powers, foreign affairs, currency and defence. This was the only constitutional

¹²⁸ Bombay July 7-12, (reproduced in Zaidi and Zaidi 1980b: 193).

plan signed up to by the Congress involving other parties in which it accepted that residual powers should reside in the provinces. Despite this, the Congress strongly argued for the power of taxation to the centre to fund these subjects – an argument strongly resisted by the League. Congress's acceptance of the Mission's Plan ran contrary to its established constitutional preferences and ultimately Nehru undermined the plan, in order, at the very least, to give the Congress freedom of manoeuvre in future constitutional formation¹²⁹. The division of powers and location in the provinces was an important part of the problem with this Plan for the Congress. While some within the party were prepared to concede a confederal formula to keep India intact, others such as Nehru were not. The issue of residual powers was an important element undermining the acceptance of the CMP, possibly as important as the issue of executive formation. The preferences of the Congress as expressed at the Second RTC in 1931 won through in the end, ultimately leading to the partition of India.

The position of the Muslim League was very different. The Muslim minority provinces (where most of the League's support was concentrated) and the Muslim majority provinces (where the League hoped to expand its support), obviously had very different concerns. Although their priorities were not necessarily antithetical to one another's, they had the potential to be. The location of residual powers was one of these issues.

Residual powers were a demand suited to the needs of the Muslim majority provinces that would gain more autonomy from the centre with which to enhance their security. For those Muslims in a minority, residual powers for provinces predominantly populated by another religious group, did not enhance their security and potentially undermined it. The security promoted or diminished by the location of residual powers is, of course, dependent upon which powers are allocated to the centre and the provinces, and how the courts will regulate their use. Jinnah's initial concern with the needs of the Muslim minorities ensured he did not call for the provincial location of residual powers until after the publication of the Nehru Report. The Nehru Report rejected his 1927 concession to abolish separate electorates because of the 'strings' attached to it. In return for this concession Jinnah had demanded representation in the

¹²⁹ Nehru's answer to a question at the Press Conference of 10th July 1946, that Congress would enter the Constituent Assembly 'completely unfettered by agreements and free to meet all situations as they arise' (quoted in Azad 1988: 164), is the subject of much debate amongst orthodox and revisionist historians. The only possible effect this statement could have had on the attitude of the Muslim League was to undermine the whole of the Cabinet Mission Plan.

Bengal and Punjab provincial legislatures according to population (so that the Muslims would receive a slight majority of seats in each case), a mutual veto at the centre and that in the central legislature Muslim representation should not be less than one third¹³⁰.

In the absence of Congress accommodating Jinnah's demands on securing rights for the Muslim minorities,

(b) by the late nineteen twenties the demands of the Muslim provinces, the Punjab in particular, had swamped Jinnah's centralist strategy. Jinnah the nationalist concerned with securing a share of power for Muslims at a strong centre, had to recognise the forces of provincialism and appear to come out in favour of a weak federal structure (Jalal 1985: 10).

The demand that residual powers be allocated to provinces coincided with the demands for the separation of Sind from Bombay and the recognition of Baluchistan and North West Frontier Province as Governor's Provinces. The demand for residual powers must therefore be viewed in the context of promoting further provincial autonomy for Muslim majority provinces. Jinnah, in short, was changing strategy. In the language of consociationalism and federalism, it marked a change from seeking segmental autonomy and consociational executive power-sharing in a strong centre, to seeking territorially defined autonomy and a weaker centre (while not abandoning power sharing).

Significantly Iqbal backed up the demand for a territorial solution in 1930, calling for independent Muslim states (as part of India). Following on from the 14 points, Iqbal demanded that,

The Muslims of India can have no objection to purely territorial electorates¹³¹ if provinces are demarcated so as to secure comparatively homogeneous communities possessing linguistic, racial, cultural and religious unity.

¹³⁰ His other conditions were: a) Sind to be constituted as a separate province. b) Baluchistan and the North West Frontier Province to become full Governor's provinces. c) the Muslim majority provinces of Sind, North West Frontier Province and Baluchistan were to concede over-representation of Hindu minorities in the same manner as Hindu majority provinces did to Muslims. None of these were controversial. It is significant that he did NOT include the demand for residual powers in this list. It is also significant that the 1927 Congress Madras Session had accepted the demand for majority reservation in the Punjab and the Bengal and the mutual veto (Pirzada 1969: lx).

¹³¹ E.g. abandoning separate electorates.

As Jinnah had done he included the caveat that 'what is called 'residuary powers' must be left entirely to self-governing States'. In so doing he was articulating a federal solution to the 'communal problem'¹³². Jalal argues that Iqbal's statement was part of a centralised federal strategy (1985: 12). Jinnah's changed preference for the location of residual powers undermines the credibility of this statement. At the RTC, the Muslim League refused to budge on this issue.

4.4. Differences concerning consociational federal provisions

While there was one, albeit significant difference over the formal federal provisions between the Congress and the League, the primary disagreement concerned the degree of consociationalism. This is why Sharma concentrates his analysis upon a discussion of factors affecting the *form* of the Indian federation – separate electorates and reserved seats (1932: 210). These two issues, together with the issue of mutual veto rights for a minority in the executive, were sacrosanct for the League, and all three appear in all the plans the League signed up to or advocated. Congress was not as consistent. These issues were vitally important to the League because a federal system does not guarantee protection for minorities except within a province in which they are a comfortable (as opposed to a bare) majority. Even with control of a province, a community in a minority in the country as a whole is not guaranteed sufficient representation, let alone an effective voice in decision-making at the centre. This is why the needs of the Muslim majority and Muslim minority provinces were not antithetical in all respects and when Jinnah moved towards a federal strategy to accommodate the Muslim majority provinces, consociational elements remained important.

Both separate electorates and reserved seats would have guaranteed a certain level of representation at the centre (and in the provinces), although they would not guarantee an effective voice in decision-making. This is why the demand for the mutual veto was significant. Although there were differences of approach between the Congress and the League over the issue of reserved seats, the Congress accepted reserved seats in all three plans it signed up to during this period. Even the Nehru Report accepted them reluctantly, arguing that

¹³² Iqbal, AIML 21st Session Allahabad Dec 29-30 1930 (reproduced in Pirzada 1970: 161-162).

for various reasons of expediency, such reservation was recommended for a time to serve as a transitional stage ... The idea was that during the interval the distrust of one community of the other would be very much lessened if not altogether removed (1928: 38).

Congress also expanded the use of reserved seats for untouchables after the Communal Award of Ramsay MacDonald in 1932 bestowed separate electorates on the untouchable community. To prevent untouchables being classified separately from the rest of Hindus, Gandhi undertook a hunger strike. The resulting compromise was the Poona Pact between Gandhi and Ambedkar, which abolished separate electorates for untouchables while allocating them a larger number of reserved seats¹³³.

In contrast to Congress's pragmatic but grudging concession of reserved seats, these reserved seats were indispensable for the Muslim League, featuring in all its plans – a precondition for legislative weightage and linked also to separate electorates. This issue of reserved seats was central to Jinnah's strategy of reinforcing the Muslim position at the centre. In a majoritarian political system even those with a guaranteed reservation of seats could be excluded from power. Yet reserved seats and guaranteed representation would have made it much harder for them to have been so, especially had the Muslims secured one-third representation in the central legislature. Therefore one-third reservation at the centre was not a trivial demand, but one that was central to Jinnah's strategy, especially if parties were split along religious lines¹³⁴.

Congress rejected the one-third demand in no uncertain terms.

They cannot be allowed reservation over and above that proportion (of their population) in the central legislature (we cannot) ... recommend reservation of one third of the total number of seats for Muslims in the central legislature (Nehru 1928: 54).

The Nehru Report also rejected the reservation of seats for the Muslims in Punjab and Bengal on the basis of population (which would have given them a slim majority). It

¹³³ It is significant that despite Gandhi and Congress's protestations of representing the whole of the Indian 'nation', Gandhi did not see their abolition for Muslims as a fasting issue, precisely because of his limited support within the Muslim as opposed to the Harijan community.

¹³⁴ In 1946 Jinnah was more concerned to secure the grouping of provinces and the allocation of residual powers to these provinces. At this stage, legislative weightage was not such a prominent issue and it did not feature in the CMP.

did so on the ground that 'reservation for a majority is indefensible' (1928: 39), despite Congress's acceptance of the demand the year previously.

Separate electorates were the second element on which the Muslim League was adamant it would not compromise, at least in the absence of the safeguards laid down in 1927. The Congress Party was opposed to their use as seen in the intractable language used in the Nehru Report. Despite this Congress conceded their use in 1916 and again in 1946 – the separate electorates being one of the least contentious issues in the latter. They did not jump at Jinnah's offer to scrap them in return for one-third representation at the centre and residual powers to the provinces in 1927. This does not mean that they were not important – separate electorates undermined the basis of Congress's ideology: India as a united nation. The fact that it did not jump at the chance to scrap them suggests that Congress's belief in united nationhood was subservient to other matters – namely its own level of representation and control of the centre.

The third element on which the Muslim League did not compromise was that of the mutual veto. This was a consociational demand. It was the Congress Party at its 4th Congress in 1888 that decided that 'no subject shall be passed for discussion by the Subjects Committee to the introduction of which the Hindu or Muslim delegates as a body object unanimously or nearly so.' The proportion of objectors was fixed at three quarters and it was adopted in the Congress's constitution in 1908 (Sitaramayya 1935: 87). It was designed to encourage Muslims to join the organisation (in this it largely failed). Given this provision within the Congress's organisation and the rationale for its inclusion therein, the question must be asked, why was this provision excluded from the Nehru Report despite Jinnah's insistence that it be included? It had been confirmed by the Congress at the 1927 Congress Madras Session only one year previously, and the Nehru Report was set up as an 'all parties' conference.

There are two explanations, both of which carry weight. The first is that the influence of the Hindu Mahasabha at the 1928 All Parties Conference cannot be discounted - seeking to prevent a Hindu-Muslim rapprochement. Jayakar, the leader of the Hindu Mahasabha, argued that even if the concessions Jinnah wanted were granted, Jinnah would not be able to bring his followers along with him. The Hindu Mahasabha was a small organisation. Despite this, Motilal Nehru and others in the Congress Party were

sympathetic to some of its ideas precisely because the concession of too many minority rights was seen to be antithetical to national unity (and therefore would not serve the interests of the minorities either in their opinion). The second explanation is that the Congress, sensing that Dominion Status, if not independence, was within its grasp, had changed its mind on the art of the possible and was moving towards an even more majoritarian framework. Mansergh has argued that to compromise on these issues would have undermined Congress's position (1999: 10). Others have argued that Jinnah would have been unable to deliver on his promises. A more convincing explanation is that Congress was primarily concerned with maintaining its prospective control over the centre as a means to promote national unity. This is consistent with the argument put forward so far.

The failure of the Nehru Report to accept the amendments proposed by Jinnah led to the rapprochement of the Shafi and Jinnah wings of the League. The Shafi wing had remained true to the call for separate electorates but was also associated with the demands for the Muslim majority provinces. They were closer to the British Government (they participated in the discussions held to the Simon Commission) and less willing to compromise with the Congress than Jinnah. Barua argues that it was the rejection of the Muslim demands in the Nehru Report that led to the League's separatism (1984: 65). In contrast, the constitutional lawyer Noorani, argues that the Nehru Report did not make the parting of the ways between the two parties inevitable, or otherwise the 1937 elections would not have seen a coalition between the Congress and the League (2001: 84). I concur with Noorani.

4.5. Reorganisation of provinces

It has already been argued that the ethnic composition of provinces fits into the segmental autonomy category. Yet there is no reason that a unit should contain the majority of the population of a particular ethnic group. In many federations such a set up would be impossible to achieve for reasons of administrative convenience. In India one Hindi-speaking unit would produce a province of 443 million people, or 45% of the Indian population (Government of India 2001). In many cases there would be a lack of territorial contiguity. Additionally, it would create problems for fair and equitable representation in the central legislature if the units were greatly different in population

size¹³⁵. Finally, having total segmentation along territorial and community lines (one ethnic group = one unit) is not particularly conducive to national integration – especially if huge disparities in representation exist. However, if an ethnic group is subdivided between more than one unit, it diminishes the elite’s ability to speak for and control their ethnic group, said to be vital for a successful consociational settlement.

Whether or not an ethnic group is located within one unit of a federation, the fact remains that homogeneous units permit an ethnic group control over issues on the provincial list of powers. Provincial lists usually include functions such as education, language policy and law and order as well as control over local taxation (although the extent of provincial autonomy differs substantially between federal systems). As already discussed in Chapter One, the ethnic compositions of the units of a federation are important for the stability of the federation. This is for two reasons. Firstly because recognition of the legitimacy of a group’s identity, permitting it institutional expression is indicative of an inclusive state strategy in relation to the particular identity recognised¹³⁶. ‘The negotiation of the basis of unit demarcation and the politics of that demarcation are thus also negotiations about the identity of the state’ (Rajagopalan 2001: 14). The second reason why the effective number of ethnic groups at the provincial level affects the stability of a federation is that it influences the extent to which in a democratic federation a chance to gain power at the provincial level increases intra-ethnic competition. This intra-ethnic competition is reflected in the party system.

Congress Party

Congress was favourably disposed towards the reorganisation of provinces before independence despite its majoritarian preferences in other areas of constitution formation. This confirms the above point that concessions regarding ethnic units are not necessarily related to consociationalism. Contrary to popular history, it was not implacably opposed to reorganisation of provinces along religious grounds as seen in

¹³⁵ In the lower chamber, large difficulties in population size create large differences in representation, which are not conducive to the smooth operation of a federation given the potential for one large province to out-vote all others. In the upper chamber the same problem would occur if provinces were represented according to population strength. If the more common set up were adopted, where provinces are represented equally, this can lead to charges of inequity if the small provinces can out vote the larger one e.g. Sikkim in India has a population of 540,493, while Uttar Pradesh has 166 million (Government of India 2001).

¹³⁶ This is not necessarily the case however. Federalism is still maligned in South Africa because of its association with the apartheid ‘homelands’ concept (as is consociation). It is also maligned because of ‘manufacturing identities’.

the 1928 Nehru Report. This historical misperception arose because of Congress's opposition to the 1905 partition of Bengal along religious lines as well as the attitudes of Jawaharlal Nehru to the demand for the reorganisation of the Punjab after independence. Congress's opposition to the Bengal partition was not entirely related to its secular stance. Congress rejected the perception of India as divided communally, but it also saw the partition as a mechanism to divide and weaken the politically active Hindu population in Bengal. Additionally, it was concerned that educated Hindus in the province were being 'cut off from obtaining service positions in Calcutta and elsewhere in the west' (Schwartzberg 1978: 217). The fact that Congress was not irrevocably opposed to the creation of Muslim majority provinces is borne out by the fact that in the 1920s the Congress adopted a more complex attitude towards religiously defined provinces. The Nehru Report of 1928 sanctioned the creation of Sind on religious lines. Although the creation of Sind is often cited as a linguistically motivated reorganisation, the Report specifically talked of communal criteria, and separately included a discussion of the Sind question in an annex at the back of the report rather than in the section on the creation of an Oriya speaking province (which it also sanctioned). Additionally it justified the creation of Sind on the basis of self-determination, on the grounds that the Commission has 'yet to know that a single Musalman opposes it' (Nehru 1928: 66). Sharma, a contemporary source, claimed that '(t)he Nehru Committee while deploring the communal tinge that has unnecessarily been given to the question of Sind, conceded the Muslim demand on this point' (1932: 321). The Nehru Report also sanctioned the creation of Governor's provinces of the Muslim majority provinces of the North West Frontier Province and Baluchistan – although not creating new provinces along religious lines, it was sanctioning an increase in existing powers.

Congress's acceptance of some of the details of the CMP was half hearted at best (residual powers to the grouping of provinces and the compulsory nature of this grouping) and downright hostile to others (the formula for deciding Muslim representation in the executive). It was not however implacably opposed to the grouping ideal, although it opposed Jinnah's original demand of a bipolar federation. 1946 was not the first time Congress had accepted groupings. In 1939 Gandhi had instructed the Congress not to oppose Sikander Hyat Khan's plan that operated upon a similar 'grouping' assumption. While it must be conceded that Congress was not

unreservedly advocating these religious reorganisations, rather responding to demands from the Muslim community, it was not opposed to these reorganisations.

Congress was by contrast deeply committed to the principle of linguistic reorganisation. There were long standing demands within the Congress Party, initially relating to the 1894 demand for the creation of Bihar from the province of Bengal (Sitaramayya 1935: 250). In a forerunner of the 1911 British annulment of the partition of Bengal, the Congress in 1908 created Bihar as a separate PCC, the same year it restructured the AICC to reflect provincial populations in its composition. In 1917 the Congress units of Sind and Andhra were created, despite the opposition of Tamil delegates and Annie Besant, the Congress President. In 1920 at Nagpur, the Congress reorganised its PCCs along linguistic lines, creating twenty-one PCCs with pre-specified provincial headquarters and languages. This compared favourably to the nine British Indian provinces in existence at this time (AICC 1956: 1).

(W)ide and strong was the belief that for Provincial Autonomy to be successful, the medium of instruction as well as administration must be the provincial language (Sitaramayya 1935: 250).

Amongst others King claims that Gandhi accepted linguistic reorganisation only tactically to ease Muslim reservations about Swaraj in provinces such as Sind and that 'the Congress support for linguistic boundaries was almost always a consequence of other considerations, usually communal in nature' (1997: 61). But this does not ring true. Congress's acceptance of linguistic reorganisation *of its own organisation* had nothing to do with communal considerations, and everything to do with a mobilising strategy in the struggle for independence. Additionally, 'the Reforms of 1919 having considerably changed the form and principle of Indian administration, the necessity of redistributing the provinces ha(d) pressed itself on the people' (Sharma 1932: 229).

The systematic restructuring of Congress's organisation and a commitment to linguistic reorganisation coincided with Gandhi's rise to prominence in the Congress. Although he initially opposed linguistic reorganisation, in 1920 he cited it as one of the four principles he held dear¹³⁷. It also coincided with Congress becoming a more democratic and active organisation (Kaushik 1964: 34). Instead of a three-day annual wonder, it

¹³⁷ Although he confessed that the reforms were secondary to national reconstruction (Sitaramayya 1935: 320).

became an organisation ‘humming with activity’ throughout the year. The link between linguistic reorganisation and the Congress’s mobilising success was a dynamic one. As Manor argues, the fact that Congress was such a broad church had as its corollary the need for internal representation, and linguistic reorganisation strengthened the Congress in many regions (1990: 29). Low supports this. ‘When ... the Congress provinces were redrawn they ... helped pave the way for the recruitment of new categories of supporters’ (1991: 75). The 1920 reorganisation and the general acceptance of the legitimacy of the linguistic demand increased the acceptability of the Congress and opened its ranks to non-English speaking leaders. Congress’s success sprang from its ability to mobilise the masses, for which local organisation was required. It linked itself tightly into the linguistic movement of India through reorganising its PCCs along linguistic lines. Schwartzberg also argues that the location of the Congress Party’s annual session should be seen as significant. ‘After the turn of the century it increasingly moved its venue further and further afield’ (1978: 220).

The Nehru Report provides the best example of Congress thinking on the matter of linguistic reorganisation. Sayeed’s allegation that the Congress conceded linguistic reorganisation only to counter the concessions made to the Muslims over the creation of Sind does not ring true given that Congress had been committed to this course since 1920 (1968: 69). Following on from the 1927 Congress Resolution stating that the time had come for the redistribution of provinces on a linguistic basis and urging the creation of Andhra, Utkal (Orissa), Sind and Karnataka¹³⁸, the Nehru Report concluded that

if a province is to educate itself and do its daily work through the medium of its own language, it must necessarily be a linguistic area ... Language as a rule corresponds with a special variety of culture of traditions and literature. In a linguistic area all these factors will help in the general progress of the province ... thus we see that the two most important considerations in rearranging provinces are the linguistic principle and the wishes of the majority of the people (1928: 62-3).

The political identity of a state is often revealed by the extent of political institutional recognition of the different ethnicities within its borders. This can be for ideological and/or practical reasons. Congress’s attitudes towards linguistic reorganisation were extremely practical. In 1938 the CWC while still accepting linguistic reorganisation (the AICC had reaffirmed it for the first time in 1937), argued that

¹³⁸ AICC Resolution Bombay May 15th-18th 1927, (reproduced in Zaidi and Zaidi 1980a: 262).

This committee desires to assure the people of the areas concerned that the solution of this question would be undertaken as a part of the future scheme of the Government of India as soon as the Congress has the power to do so and *calls upon the people of these areas to desist from any further agitation in this behalf which may divert attention from the main issue now before the country (my emphasis)* (Sitaramayya 1969: 94).

The Congress was to move even further in the direction after independence, so much so that Nehru was seen to be 'defending legacies of the old imperial order' (Manor 1990: 35).

Muslim League

Unlike the Congress who claimed to be a national party, the League's mobilisation strategy was premised upon gaining the support of Muslims. Initially Jinnah had been concerned to pursue a consociational strategy of gaining power at the centre. He subsequently moved towards a territorial autonomy strategy in addition to the consociational power sharing strategy – seeking to encourage a religious reorganisation of provinces, predicated upon the need to create as many Muslim majority provinces as possible.

Their object thereby is to get as much power for their people in the several of these provinces as is ultimately decided upon ... to get a large share in the federal or central Indian Government by virtue of the number of the provinces with Muslim majorities' (Sharma 1932: 236).

The Lahore Resolution also mentioned the possibility of territorial readjustment; foreshadowing the partition of Bengal and Punjab either within united India or through partition.

(N)o constitution plan would be workable in this country or acceptable to the Muslims unless it is designed on the following basic principles, viz, that geographically contiguous units are demarcated into regions which should be so constituted, *with such territorial readjustments as may be necessary*, that the areas in which the Muslims are numerically in a majority, as in the North Western and Eastern zones of India, should be grouped to constitute Independent States in which the constituent units shall be autonomous and sovereign¹³⁹.

¹³⁹ Resolution 1, All India Muslim League Twenty Seventh Session Lahore March 22-24 1940, (reproduced in Pirzada 1970: 341).

The future Prime Minister of Pakistan, Liaquat Ali Khan denied that this sentence envisaged the division of Bengal and Punjab (Pirzada 1970: xxiii), but it is the only plausible interpretation of the statement as territorial expansion would have endangered the slim Muslim majority in these provinces. Although the CMP did not recommend religious reorganisation, the basis of its plan was provincial groupings – defined along communal lines. The League supported these groupings as part of its territorial autonomy strategy, and the zones were seen as essential to promoting Muslim security (compatible with consociationalism) and preventing partition.

The Muslim League did not have a definite policy on linguistic redistribution of the units of the federation, although it was not contrary to its interests. It was not seen to be important to the Muslim bargaining position in all-India discussions. In 1924 and repeated in 1929, the League argued that,

Any territorial redistribution that might at any time be necessary should not in any way affect the Muslim majority in the Punjab, Bengal and the North West Frontier Province' (Jinnah 1969).

While not an explicit call for linguistic provinces, this statement took into account the Congress demands for linguistic reorganisation, while seeking to ensure that religious groupings would not be undermined. Similarly, in 1930, Iqbal argued that

... it is clear that, in view of India's infinite variety in climates, races, languages, creeds and social systems, the creation of autonomous States based on the unity of *language*, race, history, religion and identity of economic interests, is the only possible way to secure a stable constitutional structure in India¹⁴⁰ (*my emphasis*).

However, while the League was not opposed to linguistic reorganisation in Congress areas, the call of Suhrawardy, the premier of Bengal in 1946, that 'the units should be as far as possible ... workable units and should conform to the conditions of linguistic and cultural affinities', (quoted in Pirzada 1970: xxxiii), exposed the tensions which would come to plague Pakistan. Jinnah's strategy was predicated on Muslim unity, anything which undermined this, especially language and culture, threatened the consociational

¹⁴⁰ Presidential Address of All India Muslim League 21st Session Allahabad Dec 1930, (reproduced in Pirzada 1970: 160).

elite autonomy he strove so hard to achieve. Linguistic reorganisations that threatened Muslim unity were therefore rejected, a policy he continued after independence.

It is significant that the League and Congress were both committed to reorganisation of units, but along very different lines. The reorganisation of units along ethnic lines is the intervening variable in my analysis. It is important to note here that while Congress did not advocate religious reorganisation, it did not oppose it. After independence it changed its position, with destabilising consequences. In contrast, the League's post-independence position on this variable was more predictable. What is interesting about the above discussion on reorganisation of units is how important it was, not only to the federal constitutions that they sought to create, but also to the mobilising strategies of the two organisations.

4.6. Conclusion

The preceding analysis has unpacked the preferences of the Congress and the League over time. Importantly it has established that almost everything was negotiable at one time or other, whether this was the issue of residual powers with the Congress Party, or the issue of separate electorates with Jinnah and the League. This makes it harder to draw substantive conclusions about linkages between pre and post constitutional formation. The above caveat notwithstanding, the following conclusions stand.

The first conclusion is that both parties espoused federal forms of government. The federal legacy was absolutely entrenched, partially because of the perception that federalism was perceived as the only possible institutional configuration to rule such a diverse and geographically large country, but also because of the institutional experience of working these constitutional forms. Despite the agreement on federal structures, the specific form of this federal constitution was subject to much disagreement among the parties, and was still 'up for grabs'. The extent to which the ethnic composition of the units the elites envisaged working the constitution within (which changed after partition) affected the continuity of institutional forms is the subject of Chapter Five.

Congress as a whole was more post-independence orientated than the League; as a self-defined national party seeking control of, rather than accommodation within, constitutional structures. The desire to supersede the British accounts for the fact that the Congress's version of the federal form was a majoritarian one, notwithstanding its commitment to a religiously defined mutual veto for its internal organisation, reserved seats and linguistic reorganisation. Ironically, it shied away from legislative weightage for Muslims, despite the fact that as a 'national' party it would have been able to contest these seats and fill some of the weightage itself. Its rejection of weightage was at least a partial recognition of the inadequacy of its claim to be national as much as it was its self-proclaimed desire to avoid the segmentation of India into different groups. It also has to be related to its conception and articulation of national identity. The fact that Congress saw federation as being compatible with a majoritarian form of government is indicated by the fact that it did not oppose the creation of, or more powers being ceded to, Muslim provinces¹⁴¹. The major exception to this was of course, the partition of Bengal, as discussed. Congress's general opposition to residual powers being located in the units supports the fact that there were limits to the federal devolution of power it would permit – Congress's federal form was a centrist one.

The League's reticence in expounding its position on post-independence arrangements is tackled by both the orthodox and the revisionist historians of partition. If the orthodox position is accepted then the League's lack of concern with post-independence arrangements is attributed to the all-or-nothing commitment to Pakistan. 'If Pakistan did not come into existence, all their wider plans were by that very failure rendered meaningless' (Mansergh 1999: 59). If the revisionist position of Jalal is accepted, then Jinnah's failure to elucidate clearly the constitutional provisions of the new state is attributable to his need to avoid clarity in order to keep the maximum number of followers on board. This was compatible with the consociational settlement Jinnah sought to achieve within a united India, for the success of which elite autonomy was vital. This federal consociational strategy sought to secure Muslim representation both at the central and provincial levels. While Jinnah's priorities were focused on this aim, he actively sought to move towards a territorial autonomy strategy under pressure from the Muslim majority provinces, in an attempt to speak for the Muslim 'community'.

¹⁴¹ Although not residual powers.

With the exception of the call for residual powers to be allocated to the provinces this was compatible with his consociational strategy, as already outlined.

The third observation is that the reorganisations of units both Congress and the League advocated were, in most part, designed to support the parties' organisational strength and to accommodate different factions. Congress's claim to be a national organisation was realistically predicated more on its ability to accommodate different linguistic groups and their elites than it was upon the religious question. In contrast, Jinnah tried to be a national force based on solely religious criteria – a much smaller catchment area; one quarter of the British Indian population. More autonomy for Muslim majority provinces did not undermine his strategy of seeking Muslim security in a united India although it represented a compromise.

These above preferences – majoritarian federation versus consociational federation and the dynamics of party organisation and mobilisation – were to have ramifications for the post-independence constitutional settlement in the following ways. Firstly the differences between the Congress Party and the Muslim League on the intervening variable – reorganisation of units, although they were not as great as often portrayed – can be traced before independence. Secondly, it shows that the Congress Party and the Muslim League were committed to majoritarian and consociational federations respectively. The extent to which these constitutional preferences were carried over in the post-independence period will be discussed in Chapter Five. In Pakistan it would be expected that separate electorates, reserved seats for minorities and community veto rights would be present. In India, one would expect to see reserved seats for minorities and linguistic reorganisation of provinces. If there was no change between the pre and post-independence preferences then this either indicates consistency of vision, OR that the changed effective number of ethnic groups did not affect the constitutional formation. In such ethnically divided societies this would be staggering. If there was a change, then the strategy is simpler – I analyse what factors changed and what variables contributed to this.

Chapter Five: Division and federalism: majoritarianism, consociationalism and provincial design

'(The constitution could be) both unitary as well as federal according to the requirements of time and circumstances' Ambedkar, (quoted in Austin 1966: 188).

'Sardar Patel characterised the impatient champions of the redistribution of provinces on a linguistic basis as the assassins of nationalism' (Vanhanen 1992: 72).

'If Pakistan is to return to the past to safeguard the future, it is not to the mythical theocratic intentions of its founders. It is rather to the original ideas of the 1940 Lahore Resolution that emphasised the decentralisation of power to the federating units of a Muslim state. Secondly it is to the consociational, accommodationist politics of the Muslim League's Unionist Party rivals in the Punjab during the 1940s' (Talbot 1998: 5).

5.1. Introduction

Post-independence constitutional formation in India and Pakistan was hotly contested. Constitutional design is always a controversial business, whether it comprises 'mere' tinkering with the means of electing representatives (electoral reform) or is concerned with creating an entirely new constitution. This is because constitutions structure the rules of the political, legal, social and possibly even moral games in a state e.g. the personal laws of the state. Constitutions also say something about the nature of a state, the way it projects itself internally and externally (Dittmer 1993: 17).

Constitutions are used to reconstruct the state's central self-portrait. They typically contain statements of what the state is or means to be, they spell out the rights of citizens as individuals and as members of groups, and they describe the internal structure of the state (Rajagopalan 2001: 30).

Other laws and the actual operation of the constitution are also vital. So too are the state-sponsored national identity and the actions (or non actions) of the officers of the state¹⁴². However, Rajagopalan is correct in assuming that '(c)onstitutions express the vision of the state in its most idealised form' (2001: 30). An analysis which concentrates on constitutions therefore provides a useful starting point; precisely because it provides an understanding of the way the state's founders purposively sought to project it and define its membership.

¹⁴² E.g. the failure of the Rao Government in 1992 or the state BJP government to prevent the destruction of the Babri Mosque in Ayodhya. For a discussion of elite non decision-making see Bachrach and Baratz (1963: 632-642).

This thesis is premised on the understanding that institutional legacies are important. When a state writes a new constitution, it does not have perfect freedom of manoeuvre. Its recent history is a powerful constraint. The ‘learning effects’ of using a set of institutions such as parliamentarism and federalism are important (Pierson 2000: 254). They structure the parameters of the debate. The existence of these institutional legacies does not preclude the constraining role of outside influences¹⁴³. However, although the Constituent Assembly Debates (CAD) of India and Pakistan were replete with references to other constitutions, as examples to emulate, or examples to avoid¹⁴⁴, they were still constrained by the institutional legacies of the colonial power. Although ex-colonies can deliberately emulate, or avoid the example set by the colonial power, it would be naive to ignore the legacies that previous strategies and institutions of governance within a state play in the framing of a constitution.

Chapter Three examined the institutional legacies within which Indian and Pakistani elites had to work and developed a formula to measure the degrees of consociationalism within the federally based constitutions. Table 5.1 reproduces the formula, and scores the post-independence constitutions of India and Pakistan - as enacted in 1950 and 1956 respectively – in their original form. I seek to examine two points.

1. To identify institutional legacies that influenced constitutional design; the pre-independence plans of the British, and those of the Congress and the League.
2. To identify the differences that emerged between these institutional legacies and the actual constitutions, and to posit an explanation for these changes using my second independent variable of the effective number of linguistic and religious groups (*enling* and *enrel*¹⁴⁵).

¹⁴³ India’s federation was influenced by the Soviet system, and the Americans in the interests of regional security promoted the One Unit Plan of Pakistan. The Americans wanted a strong centre for such an important buffer state.

¹⁴⁴ Reference was made in both Constituent Assemblies to existing federations (Austin 1966: 186) e.g. Mr N Gopaldaswami Ayyangar quoted from the Report of the Royal Commission on the Australian Constitution (Government of India 1947b: 47). In Pakistan a report was commissioned for the Constituent Assembly detailing the structures and institutions of other federations (Ahmad 1949). This report discussed general principles of federalism and produced an analysis of the division of powers in the US, Canada, Australia and South Africa.

¹⁴⁵ The abbreviations *enling* and *enrel* refer to the effective number of linguistic and religious groups respectively. The formula for calculating an ‘effective group’ is explained on page 143.

5.2. Institutional Legacies

The strongest institutional legacy was that of the acceptance of federalism as a structure of governance in South Asia. Neither of the Constituent Assemblies seriously considered any other mechanism. The territorial size of the states encouraged this, as well as the territorial discontinuity of the Eastern and Western Wings in Pakistan¹⁴⁶. The specific *form* in which the federations were created is the vital ingredient in my analysis, especially concerning the degrees of consociationalism and the creation of ethnically homogeneous units. Congress and the League differed radically over this issue before independence.

Colonial legacies

The British constitutional plans varied according to the degrees of minority protection included within their (increasingly federal) constitutional plans. In assessing colonial legacies, a case can be made for using the 1935 Government of India Act as the benchmark. It was the British Raj's most extensive constitution, produced after consultation with the Indian political parties, including the Princely States¹⁴⁷. It was also produced as a governing document – through which the British intended to rule for some time (they did not include a commitment to a future Dominion status within it). The constitutions that the League and Congress developed and signed up to before independence were, in varying degrees, bargaining chips¹⁴⁸. As such, to facilitate a meaningful comparison of the constitutions of India and Pakistan after independence when the *realities* of power were paramount, it is more appropriate to compare these constitutions with a *real* constitution. As Washbrook has observed, the Indian constitution took 250¹⁴⁹ of its clauses directly from the 1935 Government of India Act (1997: 37). Finally, the *interim* constitutions of both India and Pakistan after independence were based on the 1935 Act¹⁵⁰. In assessing the constitutional similarities between the British and post-independence eras it is therefore legitimate to use the

¹⁴⁶ Conversely, the lack of territorial contiguity in Pakistan also led to calls for more centralisation (Choudhury, 1969: 79).

¹⁴⁷ Despite the consultation, the League, Congress and the Princes rejected the final Act. This did not preclude the League and the Congress from contesting the elections of 1937 held under it.

¹⁴⁸ Although the Congress sought to rule through the structures, while the League sought accommodation within them.

¹⁴⁹ Approximately 68%.

¹⁵⁰ This Act was renamed as the 1947 Indian Independence Act with Westminster's power of amendment removed.

scores of the 1935 Government of India Act to analyse the constitutional changes from the British legacy.

Table 5.1. Comparative consociational analysis of the 1935 Government of India Act, Constitution of the Republic of India and Constitution of the Islamic Republic of Pakistan.

	1935 Govt. of India Act (i)	1950 Indian Constitution (ii)	1956 Pakistani Constitution (iii)
e1. Grand Coalition			
x1. Executive Weightage	0	0	0
e2. Proportionality			
x2. Separate Electorates	1	0	1
x3. Reserved Seats	1	0	1
x4. Legislative Weightage	1	0	1
x5. Representation in second chamber	0	0	∅
e3. Segmental Autonomy			
x6. Religious territorial reorganisation	1	0	0
x7. Linguistic territorial reorganisation	1	0	0
x8. Residual powers	0	0	1
e4. Mutual Veto			
x9. Community veto rights	0	0	0
$\frac{1.5e_1+0.5e_2+1.5e_3+0.5e_4}{4}$	0.34	0.00	0.25

Source: (i) (Government of India 1964b) (ii) (Government of India 1950) (iii) (Government of Pakistan 1956).

Notes: The Indian constitution included reserved seats for Scheduled Castes and Scheduled Tribes. However, I have not scored this variable as a positive because of the following reasons. Firstly, Scheduled Castes do not constitute a separate ethnic group. There is no one identity for a Scheduled Caste any more than there is for a Brahmin or a Kshatriya – it is a regionally defined phenomenon. There is a stronger case to be made for including Scheduled Tribes as a separate ethnic group. Vanhanen argues that Scheduled Tribes are ‘the most clearly separate ethnic group in India’ (1992: 52). At the most basic level they can be subdivided into Adivasis and those racially distinct communities of the northeast of India (Manor 1996: 462). They are therefore not a homogeneous community – many tribes exist within the northeast. It is therefore nonsensical to speak of a community of Scheduled Tribes ‘they encompass many groups and communities’ (Phadnis and Ganguly 2001: 65). It is undeniable that some tribes such as the Nagas and the Mizos, which have fought secessionist wars against the centre, are large enough and have a sense of an identity that qualifies them for the status of an ethnic group despite their internal diversity¹⁵¹. However, not all these areas have reserved seats for tribes. Meghalaya and Arunachal Pradesh do not. Nagaland and Tripura have only one seat out of two reserved for a ST and Assam has only two out of 14 (Election Commission of India 2000). Mizoram is the only state which has 100% of its seats (one seat) reserved for Scheduled Tribes. As it is generally nonsensical to talk of the Scheduled Tribes as a homogeneous entity and the reserved seats are not allocated to all Scheduled Tribes, I have decided to concentrate on linguistic and religious communities only in relation to this element.

Table 5.1 immediately lends itself to two observations. The first of these is that Congress, which espoused majoritarian preferences before independence, became even

¹⁵¹ Ali points out that there are 16 clans ‘that identify with the Naga nation’ (1993: 25).

more majoritarian after independence. This was reflected in the 1950 constitution. Austin observes that India retained the executive and judicial provisions of the 1935 Act but completely remade the legislative provisions (1966: 144). This is apparent from the scoring system that reveals that the Congress rejected all legislative proportionality for religious or linguistic groups. The second observation is that while the British preferences before independence were generally closer to those of the Congress, after independence it was the constitution of Pakistan that closely mirrored the 1935 Government of India Act, rather than India. This is both in terms of the overall score – 0.25 for the constitution of Pakistan, and 0.34 for the Government of India Act 1935 – but also in terms of the detailed constitutional provisions. Yet this conceals the fact that Pakistan’s legislative provisions were subject to immense change – disputes over which were one reason for the protracted constitution making process. This will be discussed in more detail below. The one immediately noticeable difference between Pakistan’s constitution and the 1935 Act concerns the segmental autonomy provisions – especially the design of the provincial units of a federation – the intervening variable in my analysis. This is something that needs to be examined further. On a more general level, as Austin reminds us, the Indians and Pakistanis had no real experience of ‘the working of a more traditional federal system...their immediate experience with government, therefore, almost inevitably led them towards centralisation’ (1966: 189). What was more significant was that *both* tended towards majoritarianism after independence. It is my contention that the reduced effective number of religious groups explains this change.

Political parties’ legacies

The fact that the elites who participated in the making of the pre-independence plans were those who participated in the framing of the constitutions after independence makes the linkages between the pre and post-independence constitutions extremely important. While they were not the only actors, and were not monolithic organisations, the Congress Party and the Muslim League played major roles in constitution formation in their respective states. In the case of Pakistan, Jinnah’s death removed a stabilising influence, but more importantly, removed the strategist of constitutional proposals before independence. Despite the lack of continuity in leadership after the assassination of Prime Minister Liaquat Ali Khan in 1951 and the factionalisation of the Muslim League discussed by Waseem (1994b: 114-117), drawing continuities between the two

periods is still a valid exercise. The League controlled the Pakistani Constituent Assembly until its dissolution in 1954 by Governor General Ghulam Mohammad. Callard's point remains valid that as late as 1954 'the conclusion is unavoidable that, on major constitutional issues, the place of decision was transferred from the Assembly to the Muslim League Parliamentary Party' (1957: 98). Additionally, a process of constitution formation which had to accommodate regional politicians and their demands was no different from the situation which pertained before independence (Talbot 1990: 108-112).

The linkages between the pre and post-independence actors in India are of course, easier to make. Congress was predominant in both eras. As Austin discusses, with the exception of the 'untouchable' Ambedkar, the Congress 'oligarchy' of Nehru, Azad, Patel or Prasad held the chairmanship of the major constitutional committees (1966: 18). Congress also dominated the Constituent Assembly with 74% of the seats (Butler 1995: 72-3). Despite this, Congress was not a monolithic organisation and tensions existed, especially between Nehru and Patel. After Congress took power in the 1937 elections many more conservative and business elements joined in pursuit of the rewards of office (Manor 1990: 31). This strengthened the hand of Patel. Despite these qualifications, Nehru wielded enormous influence.

India

A comparison of Table 3.3 and Table 5.1 reveals that the constitution of India was similar to the proposals that the Congress had made before independence. While Congress had ultimately acquiesced in a positive score for all the consociational variables at some time during the period 1916-1946¹⁵², these points were grudgingly conceded.

In the Constituent Assembly ... the members of sensitive minorities (Muslims particularly) supported the Swiss system or some form of elected ministry, while members of larger communities favoured traditional cabinet government (Austin 1966: 118 & 123).

¹⁵² With the exception of equal representation in a bicameral legislature for the states of a federation.

Nehru 'flatly rejected' a power-sharing executive (Austin 1966: 118, 123 & 132). Despite the pre-independence majoritarian preferences, the Nehru Report of 1928 had included consociational autonomy for three of the variables; a) reserved seats; b) religious reorganisation and c) linguistic reorganisation. When these three variables were included in the plans Congress signed up to they were scored consociationally. The move to majoritarianism in the post-independence constitution therefore requires elaboration.

a) reserved seats

While Congress rejected separate electorates in the Nehru Report and was generally opposed to them, the Nehru Report reluctantly accepted reserved seats on the grounds that they were necessary to secure the protection of the minorities. Although India was much more religiously homogeneous after the partition, the absolute number of religious minorities was substantial. Muslims accounted for 10% of the total population of India, and other religious minorities such as Sikhs, Christians, Buddhists and Jains comprised another 5%. It is arguable that the Muslim community had more reason to feel insecure after partition, their numbers having diminished. They were therefore in need of more rather than less protection. Yet this played out in different ways. The changed religious balance also made the Muslims more dependent on the will of the Congress Party. Patel headed the Sub Committee on Minorities. Its initial report on the 27th August 1947 rejected separate electorates but recommended 'as a general rule that seats for the different recognised minorities shall be reserved in the various legislatures on the basis of their population...initially for a period of ten years' (Constituent Assembly of India 1947: 267). The report was accepted. However, on the 25th May 1949 Patel moved an amendment to the report, removing the reserved seats, on the grounds that 'the effect of partition was not fully comprehended or appreciated' and that the minorities themselves wished to remove these reservations (Constituent Assembly of India 1949). While this statement was resented by Muslim members of the Constituent Assembly¹⁵³, as Austin argues, '(u)ltimately (Muslims) would decide, along with other minorities... to forego even reservation in the Legislature, hoping by its sacrifice to ensure fair treatment from the Hindu majority' (1966: 151).

¹⁵³ Mr. Mohamed Ismail Sahib (Madras: Muslim) argued that 'if the majority community or the party in power (sic) to do away with any of these safeguards, that is one thing. But I submit that it is not fair to place the responsibility for doing away with such safeguards on the shoulders of the minority' (Constituent Assembly of India 1949).

Chiriyankandath puts a slightly different slant on this point, viewing the concession as a bargaining chip. He argues that 'the majority of north Indian Muslims eventually acquiesced in the abandonment of reserved seats while seeking to preserve religious freedoms' (2000: 12).

The omission of reserved seats is indicative of the fact that the inclusive nation the Indian elite sought to create did not extend to inclusion within the decision-making process. Austin argues that Nehru would have accepted reserved seats but he 'believed it was 'manifestly absurd to carry on with this reservation business' (1966: 154). Wilkinson is less charitable, citing the fact that in the Constituent Assembly, Nehru opposed reserved seats for all minorities, including Scheduled Castes and Tribes (2000a: 774). What cannot be denied is that the removal of reserved seats for religious groups fitted with Congress's general preferences. Although there were many prominent Muslims within Congress, such as Azad, they were not there as leaders of their community. These individuals had specifically opposed separate representation, 'seeing the Moslems' place as inevitably within the larger complex' (Gupta 1962: 363). The weakness of the Muslim leadership, most of who had migrated to Pakistan, and the association of the ones which remained with the Congress, is demonstrated by the fact that the Indian constitution included reserved seats for the Scheduled Castes and Tribes - forcefully argued for by Ambedkar¹⁵⁴.

b) and c) religious and linguistic reorganisation

The issue of the reorganisation of provinces along religious lines was a contentious one before independence. The partition of Bengal in 1905 inflamed nationalist Hindus. It was perceived as a mechanism of divide and rule and ignited linguistic demands¹⁵⁵. The 1919 Government of India Act had ignored calls for religious reorganisation. Given the proximity to the 1911 reversal of the Bengal partition this was not surprising. In 1935 the Government of India Act bowed to the demands for the creation of the provinces of Sind and Orissa. While both these provinces were linguistically defined, there was also a religious rationale behind their creation. Sind was a Muslim area and had been demanded by the Muslim League for this reason. While Orissa was a culmination of

¹⁵⁴ The fact that the Muslims lacked a forceful leadership, prepared to articulate their separate interests demonstrates why Lijphart's 1996 categorisation of the Congress Party as a 'Grand Coalition' in his consociational scheme is misleading (1996: 260).

¹⁵⁵ Although these linguistic demands were long standing. In 1894 the Congress called for the separation of Bihar from Bengal on linguistic grounds.

the long-standing demand for an Oriya speaking province, its creation at the same time as the creation of Sind ensured that the issue of religious reorganisation of provinces was also at the fore. As Sir Reginald Craddock stated at the Joint Committee on Indian Constitutional Reforms in 1933,

... the whole of India considers that the proposal to create a new Province of Sind is intended to placate Moslem sentiment, and similarly the creation of a new province of Orissa is intended as a counterpoise to gratify Hindu sentiment (Joint Committee on Constitutional Reform 1934: 443-444)¹⁵⁶.

The constitution of independent India as it was initially devised, made no concessions to linguistic or religious territorial demands. The rejection of religious reorganisation has been treated as unproblematic by many authors, and omitted from the analysis of authors questioning India's status as a consociation such as Wilkinson (2000a: 767-791)¹⁵⁷. However, the Indian secular state did not separate state and religion, rather promoting neutrality between religions¹⁵⁸. This conception of secularism did not preclude the religious reorganisation of states, although it made it more unlikely. Secondly, the Nehru Report of 1928 argued for the creation of Sind on religious grounds. It could be argued that this was a one off occurrence. While it indeed proved to be exceptional, the Nehru Report did not specifically limit the application of the religious principle. As discussed below, it was the reduced proportion of Muslims, no longer an 'effective' religious group within an independent India, which had the most impact on the rejection of religious reorganisation of states as the groups who would benefit by it, Muslims and Sikhs, were small minorities in the new state.

The rejection of linguistic reorganisation in the original constitution was more of an aberration. Austin argues that Article 3 of the Indian constitution provided for the centre to amend unilaterally provincial boundaries precisely in order to facilitate a later process of linguistic reorganisation and provide a safety valve (1966: 238). Austin's interpretation is too generous. Even Lijphart concedes 'that Nehru was not a fully

¹⁵⁶ However, Craddock was in reality opposing the demand for Orissa on linguistic grounds, for fear that it would inflame the Telugu speakers to the south (Joint Committee on Constitutional Reform 1934: 443). Additionally, the demand for an Oriyan speaking unit was long standing.

¹⁵⁷ Wilkinson argues that before independence India was a consociational state. However he does not mention the fact that the religious majority the Muslims enjoyed in certain states was a form of segmental autonomy (2000a: 772-774).

¹⁵⁸ Although it has not been neutral in practice, this has not been in exclusive favour of the majority Hindu community. One of the 'grievances of the BJP' has been precisely that Muslims have their own personal laws. For a discussion of Indian secularism see Mitra (1991: 759-777), Madan (1997: 759-754), Chiriyankandath (2000: 8-22), Corbridge and Harriss (2000: esp. Ch 2) and Desai (2000: 113-121).

convinced consociational thinker is shown by his initial opposition to the principle of linguistic federalism' (1996: 262). Talbot is nearer the mark when he argues that the reorganisation of states should not be held up as

an example of Nehruvian accommodationist policies which stands in stark contrast to the handling of linguistic demands in neighbouring Pakistan (because) in reality, Nehru acceded to this process with extreme reluctance (2000: 179).

Both the Dar Report of 1948 and the Congress JVP Report¹⁵⁹ (Dar 1948; Linguistic Provinces Commission 1949) rejected linguistic reorganisation as a general principle, and both recommended that consideration of the issue be postponed in the wider interests of national unity¹⁶⁰.

The rejection of linguistic reorganisation was a major difference compared to the pre-independence constitutions of the British and the Congress. The initial rejection of linguistic reorganisation after independence can be explained by two factors. The first one was the violence that accompanied partition, which reinforced, although it did not create the fear in the Indian elite's minds of the danger of 'primordial identities'. As the JVP Committee argued, 'partition has led us to become wary of anything that tends to separate and divide' (Linguistic Provinces Commission 1949: 5-6). Although there was truth in this statement, Congress had already started to qualify its commitment to linguistic reorganisation as a primary goal before independence¹⁶¹. The second, and I argue the more important factor, was that linguistic provinces were sidelined precisely because of the unwillingness to bring these identities into the decision-making process at the centre and politicise them (as they would be represented in the Lok and Rajya Sabhas). The rejection of linguistic reorganisation was therefore a specific extension of the majoritarian nature of the Indian federation. Subsequent linguistic reorganisation mitigated the majoritarianism somewhat as linguistically defined provinces were

¹⁵⁹ The Dar report was commissioned by the President of the Constituent Assembly; the JVP Report was a Congress report, the members of which were J Nehru, V Patel, P Sitaramayya.

¹⁶⁰ The Dar Report argued that 'the formation of provinces on exclusively or even mainly linguistic consideration is not in the larger interests of the Indian nation and should not be taken in hand'. However, it did concede that 'in the formation of new provinces, wherever such a work is taken in hand, oneness of language may be one of the factors to be taken into consideration along with others; but it should not be the decisive or even the main factor' (1948: 34-5). The JVP Report argued that partition was a major factor in the reversal of the Congress position, and demanded 'further stern discouragement of communalism, provincialism and all other separatist and disruptive tendencies' (Linguistic Provinces Commission 1949: 5). It did concede that the demand for an Andhra province had wide consent and that although no general principle of linguistic reorganisation could be conceded, the question of an Andhra province should be examined (1949: 16).

¹⁶¹ CWC Resolution of 1938 (Reproduced in Zaidi and Zaidi 1980c Vol. 11: 42-43).

represented in the Lok and Rajya Sabhas. Lijphart argued that India under Nehru fitted his model of a consociational democracy. Yet he does not discuss the fact that even after linguistic states were conceded, India's bicameral legislature was constituted according to majoritarian principles, a 'demos enabling' format in which the states were represented in close accordance to their population (Stepan, 1999: 23)¹⁶². While Lijphart has analysed the deviation from proportionality in federal chambers in other works (1984a: 174), he does not address this point in his 1996 article. The high deviation from proportionality ensured the domination of the larger populated Hindi speaking states of the north in both the lower and upper chambers of the central legislature, and demonstrates why federal structures on their own are not consociational¹⁶³.

Although Nehru ultimately reversed his position on the issue of linguistic reorganisation, he did so reluctantly and only after overwhelming pressure from within the Congress. Gopal is therefore far off the mark when he argues that,

the general aspirations for comprehensive linguistic provinces might have been kept in control had Nehru declared firmly that there was no question of recasting India at this stage. His failure to do so was not solely a consequence of weakness, he felt that it would be undemocratic to smother this sentiment which, on general grounds, he did not find objectionable (1979: 259).

The Congress tried to prevent its PCCs from joining the agitation for linguistic provinces, as this statement by Nehru to the Presidents of the Congress PCCs makes clear on the 7th July 1954.

The Working Committee has made it perfectly clear that there must be no public agitation by Congressmen, and that this question of the reorganisation of states should be considered calmly and dispassionately (Nehru 1955: 7).

It failed to do so. The belated acceptance of linguistic reorganisation was an outcome produced by the danger of internal as well as external dissent. As Desai notes, language

¹⁶² The majoritarianism was mitigated somewhat by the fact that this chamber is indirectly elected by the state legislatures using the Single Transferable Vote. STV was used 'in order to give some representation to minority communities and parties' (Basu 1994: 196).

¹⁶³ Although Lustick (1997: 113-117) and Wilkinson (2000a: 767-790) criticise Lijphart's description of India as a consociational democracy, as they do not concentrate on federal design, they do not make this point.

politics produced more street violence in the twenty years after the partition riots than did religious violence (2000: 93; Wilkinson 2002: 15-16).

Pakistan

The constitution of Pakistan bore similarities to the proposals put forward by the Muslim League before independence on some elements of Lijphart's categorisation, but overall was much more majoritarian. The constitutional form changed much more in the Pakistani case than in the Indian. Because preferences before independence were very wide ranging, this was predictable. The changes can also be attributed to the fact that before independence, Muslims were seeking security within a constitution dominated by Hindus. After independence Muslims became the majority community. Instead of seeking security within institutions, their preferences changed to controlling these institutions. Therefore, although separate electorates and reserved seats were included in the constitution, their inclusion for the Hindu community was a mechanism of divide and rule rather than minority accommodation¹⁶⁴. Their introduction was compatible with a segregationist strategy in a Muslim dominated state, the recognition of one religion not precluding recognition, categorisation and segmentation of another. Legislative weightage was also included, but for a different community than previously¹⁶⁵. Interestingly, in none of the plans the Muslim League had signed up to or created had the composition of the bicameral legislature featured. For very different reasons, the 1956 constitution of Pakistan is scored blank on this variable (∅). The third change was that within a Muslim majority polity other cleavages such as language became pivotal. The omission of linguistic reorganisation from the constitution of Pakistan was not surprising based on the pre-independence scores, although the decision to create a heterogeneous province in the Western Wing proved to be detrimental to the stability of the Pakistan federation.

While all the plans signed up by the Muslim League before independence had included community veto rights, these were excluded from the constitution as was executive weightage. Although the demand for executive weightage had not been included in the

¹⁶⁴ Hindus within the Eastern Wing opposed their introduction for precisely this reason. They were only introduced in the Western Wing.

¹⁶⁵ The legislative weightage in the 1956 Pakistani constitution over-represented the Western Wing in the National Assembly, to ensure parity with the demographically dominant Eastern Wing. As the Western Wing was linguistically heterogeneous, this did not amount to recognition of a linguistic identity in the decision-making institutions of the state.

Lucknow Pact, its omission in that Act was because executive power had not been delegated to Indians at this stage. Executive weightage was a central feature of Jinnah's demands in 1929, and was a source of contention in the 1946 Cabinet Mission Plan. The omission of a) executive weightage and b) community veto rights in the Pakistani constitution were major differences from the pre-independence preferences of the League. Their omission skews the overall score heavily because they are the sole variables within their respective elements. Their exclusion therefore requires explanation.

a) executive weightage

This issue was critical at the time of partition, and disagreement between Congress and League over the exact form of the weightage in the government to be formed under the Cabinet Mission Plan contributed to its failure¹⁶⁶. Executive weightage was a vital part of Jinnah's centralising consociational strategy; accommodating both the demands of the Muslim minority and Muslim majority provinces. While the Muslim majority provinces were concerned to secure provincial autonomy, in a federal system this did not guarantee their interests would be protected at the centre. Therefore executive weightage for their community was a natural corollary of their demands. But in a Muslim majority state, the parameters of the debate changed. The Pakistani elites did not see the necessity of including executive weightage for religious communities, though significantly they excluded it for linguistic communities as well. While they were happy to include representatives of religious groups within the legislature, and their so doing is significant for understanding the national identity as articulated by the Pakistani state, the Pakistani elites were not happy to include these identities within the executive. They were close to British preferences in this regard.

b) community veto rights

Similar motivations accounted for the exclusion of community veto rights. The Pakistani elite accepted the legitimacy of different *religious* identities in decision-making institutions in a way that their Indian counterparts did not, but this acceptance

¹⁶⁶ It is the major counterweight to the argument that Nehru's statement on the non-binding nature of the Cabinet Mission Plan was the cause of partition – if agreement could not be reached on the interim government, what hope was there for independent India?

did not extend to recognition in the decision-making organs of the state¹⁶⁷. Prime Minister Mohammad Ali Bogra's formula of 1953¹⁶⁸ had included a mutual veto along provincial lines, through a complex formula involving the upper and lower house¹⁶⁹. In the 1956 constitution, not only had the second chamber been removed, but with it the veto powers for either of the wings (although the provinces were allocated residual powers as a *quid pro quo*).

In both states the pre-independence preferences are of some use in accounting for constitution formation, but they can only take us so far. Pre-independence preferences were an important independent variable because of the importance of the federal legacy to post-independence India and Pakistan. Austin claims that there was no dogma in accepting federalism for India and Pakistan (1966: 186). As I have already argued, this was not the case. Federalism was a necessary form of governance for the states of India and Pakistan, although the British and Mughal constitutional structures did not dictate the *form*. Even though the constitutions diverged substantially from the pre-independence preferences articulated by Congress and the League, this does not diminish the validity of the pre and post-independence comparison. However, with these institutional antecedents taken into account, there is a missing element. Even in India where substantial continuity existed between the elites of the pre and post-partition era, the constitutional framework changed. It is my contention that the changed religious composition of the states after partition changed the constitutional preferences.

¹⁶⁷ This did not preclude the sanctity of the personal laws for the minority religious communities - Article 198 (1).

¹⁶⁸ The formula was set to be accepted by the Constituent Assembly before its dissolution by Governor General Ghulam Mohammad.

¹⁶⁹ 'In the case of difference of opinion between the two Houses in respect of any measure, the following step will be taken: A joint session of the two Houses will be called; the measure may then be passed by a majority vote, provided the majority includes 30% of the members present and voting from each zone' (Bogra 1953: 5-6).

5.3. The effective number of ethnic groups

My second independent variable in explaining federal stabilisation is that of the effective number of ethnic groups (*eneth*). The effective number of ethnic groups is a statistical formula applied by O'Leary to assess the stability of democratic federations (2001a: 288-289). O'Leary's 'law' is that without a dominant group (defined using the statistical formula set out below) a majoritarian democratic federation will not be stable and will require additional consociational mechanisms to accommodate the different ethnic groups.

The conclusions O'Leary reaches are based on a re-working of a statistical formula. The formula was originally developed by Hirschman as an index to assess the concentration of economic power (1945: 159). Taagepera and Shugart applied the formula to the study of party systems (1989: 77-91). They measured the effective number of parties in a political system. The actual number of political parties tells us very little of political interest as parties have varying degrees of influence and a party may exist with minimal support. They sought to discover the influence and political effects that these 'effective' parties had¹⁷⁰. Their formula is a useful one because it does not exaggerate the influence of the tiny parties. O'Leary adapts the formula to measure the number of ethnic groups (whether defined along linguistic, religious, racial or cultural lines¹⁷¹) within a political system. His formula is useful for my analysis because he is also concerned with federal stability.

The formula is $1/\sum p_i^2$

'Where p_i is the fractional share of the i -th ethnonational group and \sum stands for summation over all components' (O'Leary 2002b: 171). The formula 'allows each group's share of the population to 'determine its own weight' so its share is multiplied by its share' (O'Leary 2001a: 288). The weighted values of each group are subsequently added together and then divided into 1 (the reciprocal of the index). The division into 1 ensures that the final score is a logical one, making 'political and

¹⁷⁰ For a more detailed discussion on the history of this formula see Hirschman (1945: 157-162), Taagepera and Shugart (1989: 79-80) and O'Leary (2001a: 288-289).

¹⁷¹ The particular identity that is categorised is controversial and specialists on the countries that O'Leary discusses may dispute the applicability of the particular criterion. To avoid this, O'Leary has included multiple identities. Therefore there may be more than one result for a country – as with religion and language in India.

intuitive sense' (2001a: 289). Instead of producing a score between 0 and 1 as my formula for scoring the consociational elements of federations does, it creates a score that corresponds to the effective number of ethnic groups in a state. The range therefore starts at 1 if there is just one ethnic group, and rises according to the 'effective' number of groups. Groups with a very small fractional share of the population do not skew the results.

In the case of united India, the effective number of religious groups (*enrel*) is calculated as follows.

Table 5.2. The distribution of religious communities in 1941

Religious Group	% of pop	Weighted values	
Hindus	65.9	0.4343	
Muslims	23.8	0.0566	
Christians	1.6	0.0003	
Sikhs	1.5	0.0002	
Others	7.2	0.0052	<i>enrel</i>
TOTAL	100	0.497	2.01

Source: Adapted from Government of India (1943).

Notes: Weighted values produced by multiplying the fractional share by itself, e.g. $.659 \times .659 = 0.4343$. 'Others' includes tribal groups who were classified separately under the 1941 British census as comprising 6.6% of the population. **Enrel remains the same whether they are classified with the others or separately.** For comparative purposes with the post-independence charts I have classified them with the 'others'.

While some scholars of South Asia would no doubt raise their eyebrows at the notion that there were two effective religious groups within united India, effectiveness should not be confused with parity. The fact that Jinnah managed to secure promises of a level of consociational and federal protection within united India supports the claim of the Muslim community's 'effectiveness'. Additionally, when the Muslim population of India declined, the Congress constitution became more majoritarian. This indicates that as the Muslim's 'effectiveness' declined – their demands could be discounted¹⁷².

Ethnic groups within a political system can be categorised according to multiple criteria. I focus on religion and language. The manner in which these identities have been

¹⁷² Although it is debatable whether the Hindu community was dominant in the sense of having a unified sense of purpose. It is divided by caste, language and region.

differentially accommodated is vital to explaining federal stabilisation in the two countries. Both have posed challenges to the stabilisation of the two federations. The manner in which the Indian or Pakistani state has sought to manage them through the federal structure is vital to understanding federal stabilisation in the two countries. Although tribal violence has posed serious challenges to federal stabilisation in India (Manor 1995: 120), in the majority of cases, individual tribes are not large enough to form units around. Even the state of Nagaland is comprised of many tribes, at least six, although an over-arching Naga identity exists (Ali 1993: 25). Similarly, caste politics affects federal stabilisation, but at the level of party politics. Castes are not large enough to form individual states around, and differ according to their geographical location.

The relationship of the effective numbers of ethnic groups to degrees of consociationalism

One of the hypotheses set out in Chapter One was that as the effective number of ethnic groups changed, the nature of the federal constitution proposed for the state changed along consociational criteria. Although $3H_0$ – that there was no relationship between the effective number of ethnic groups and the degree of consociationalism in the plans proposed – may be seen as a ridiculously easy null hypothesis to falsify, it is still important to do so. Ethnically diverse societies manage their diversity in different ways even if they have the same number of effective ethnic groups (McGarry and O'Leary 1993: Ch 1). However, if the constitutional framework did not change after independence with such a radically changed effective number of ethnic groups this would be staggering. It would indicate that *either* the institutional antecedents were very restrictive, *or* that the elite sponsored national identity was inflexible and was unrelated to the numbers of groups within the state.

a) The effective number of religious groups

Calls and demands for a change in the effective number of religious groups resulted in the partition of the subcontinent. The pre-independence constitutional preferences of the Muslim League and of the Congress were at least partially determined by the existence of a high number of effective religious groups. The Congress ostensibly did not form its constitutional plans on this basis, being inclusive of all groups within its conception of the Indian nation. Despite this, its desire for a centralised federation had

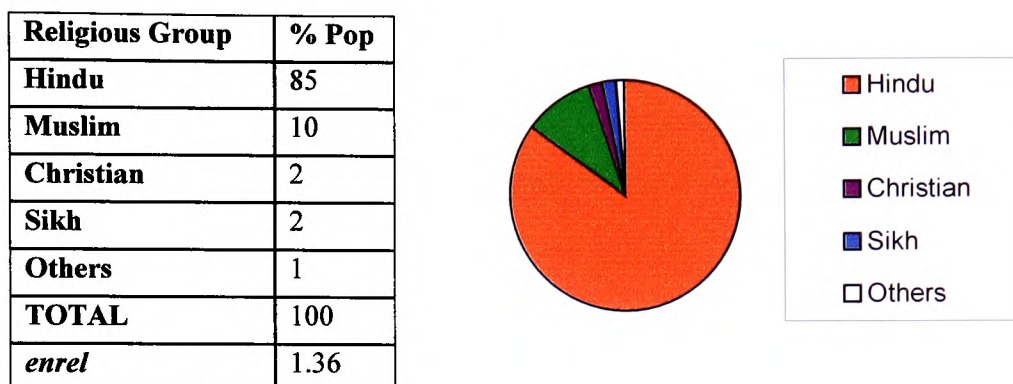
as its corollary the dilution of the demands of the Muslim majority provinces¹⁷³. While most of the constitutional preferences of the Congress remained remarkably consistent, not all did so. I contend that the reduced effective number of religious groups after independence accounted for the majority of changes that occurred. As Table 5.2 showed, the *enrel* of the state of India before independence was 2.01.

Muslims were almost one quarter of the population and therefore counted as an effective religious group despite the fact that Hindus were 66% of the population. We have already established that there were differences according to the degree of consociationalism within the federations of post-independence India and Pakistan compared to the preferences previously articulated by Congress and League. In this section I demonstrate that these differences were partially related to changes in the effective numbers of religious and linguistic groups. Establishing this enables me to reject null hypothesis $3H_0$.

The main differences between the pre and post-independence preferences of the Congress Party concerned the variables of religious reorganisation, reserved seats and linguistic reorganisation. It is possible to argue that the reduced effective number of religious groups changed two out of the three. The demand for religious reorganisation was undermined by the fact that the main areas with religiously concentrated groups had become part of Pakistan. Reserved seats for Muslims were omitted from the Indian constitution because the diminished percentage of Muslims within the state decreased their bargaining power. The general move in a majoritarian direction was also the result of the decline in the effective number of religious groups. 'Mountbatten announced Partition on 3rd of June 1947. Within four days the Assembly had embarked on a centralised federal union' (Austin 1966: 193). The horrors of partition partially determined the increased majoritarian nature of the Indian constitution. But it must be remembered that the preference for a majoritarian constitution determined the response of Congress to the Cabinet Mission Plan – leading to partition and a lower effective number of religious groups.

¹⁷³ This is not the same as saying that they wanted a Hindu dominated state. It was the territorial concentration of the Muslim community that threatened the federal governing structure. Congress's constitutional preferences, dictated by its notion of national identity, enabled it to accommodate non-territorially concentrated minorities but not territorially concentrated ones.

Chart 5.1. Religious groups in India after partition



Source: Data adapted from Government of India (1953b).

Therefore, because the effective number of religious groups in a partitioned India was only 1.36 as seen in Chart 5.1, O’Leary’s law that the federation did not require consociational mechanisms applied. The Congress intuitively perceived this. Nehru and the Congress were unhappy about the provisions of the CMP precisely because it included so many consociational provisions. Therefore, the decline in the effective number of religious groups, at least partially caused by Nehru’s rejection of the CMP would be expected to lead to a more majoritarian constitution after independence. As demonstrated in Table 5.1, the constitution was indeed more majoritarian after independence. The Muslims of partitioned India comprised only 10% of the population, but possessed 36 million members, a population larger than many independent countries, and the third largest Muslim population in the world, a status they still possess today¹⁷⁴. Therefore, the effective number of religious groups by itself does not indicate whether consociational provisions were necessary for federalism to be a successful mechanism of ethnic conflict regulation¹⁷⁵. Conversely, despite their absolute size, their diminished percentage of the population could have enabled them to call for more protection rather than less. Communities do not usually call for protection

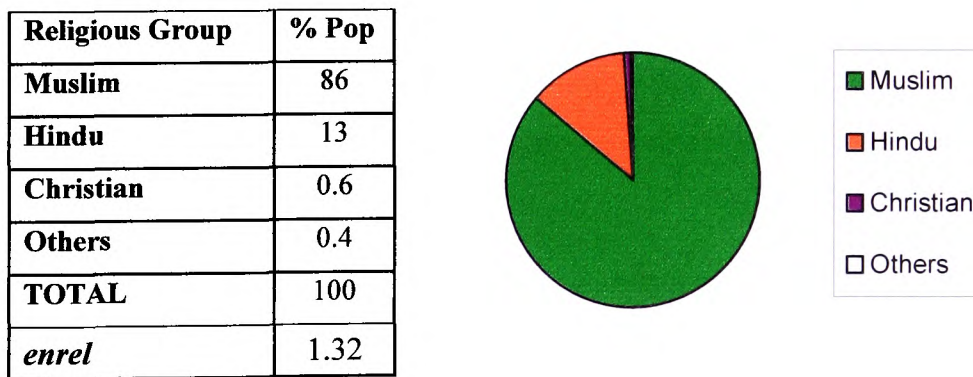
¹⁷⁴ Pakistan’s 1951 census returned a Muslim population of 64,959,000 (Government of Pakistan 1951b). India’s census returned a population of 35,400,117. Even though the 1951 census was not held in Kashmir, when its estimated Muslim population is added to the total for the rest of India there were only 38,412,147 Muslims in the country (Government of India 1953b). The 1998 Census in Pakistan returned the Muslim community’s population strength as 127,433,409 (Government of Pakistan 2001: 207). Religious data is not yet available for the 2001 census in India. However, most sources estimate that Muslims comprise 12% of the Indian population of 1,027,015,247 (Central Intelligence Agency 2002). This gives the community a population of 123,241,829. It therefore appears likely that the population of India’s Muslims will soon overtake Pakistan’s, but they have not done so yet.

¹⁷⁵ O’Leary does not claim that a federation will *necessarily* be stable with a low effective number of ethnic groups.

when they feel secure. The fact that the Muslim community dropped the demand for reserved seats was related to their lack of leadership. The reduced effective number of religious groups reduced the need to concede religious reorganisation, as did the fact that fewer areas existed which could have been reorganised along religious lines. However, a small number of areas did exist. The Sikh majority region within the Punjab could have been a candidate for religious reorganisation, as could many regions within the north east of the country.

The effect of the changed effective number of religious groups was limited to the two variables of religious reorganisation and reserved seats. This was because although the Hindu community increased its dominance after partition, the fact of Hindu dominance did not change. Hindus were a majority both before and after independence. This enables us to reject the null hypothesis $3H_0$, that there was no relationship between the effective number of ethnic groups and the degree of consociationalism in the post-independence constitutions. However, this cannot explain why the perceived *legitimacy* of this demand had receded. To understand why the general perceived legitimacy of religious representation had diminished, as well as why linguistic reorganisation was rejected it is necessary to consider the state-sponsored conceptions of national identity, which are examined in Chapter Six.

Chart 5.2. Religious groups in Pakistan after partition



Source: Data adapted from Government of Pakistan (1951b).

Notes: 'Hindu' includes members of the Scheduled Castes who were classified separately in the Pakistani census, but were still Hindus.

As can be seen in Chart 5.2, the effective number of religious groups declined from 2.01 in united India to 1.32 in Pakistan. Interestingly for a state that was created on the basis of religion, Pakistan possessed a similar number of religious minorities as India. The

dominant group, the Muslims, was 86% of the population compared to 85% of Hindus in India. This in itself is staggering given the exclusivist rationale behind partition, and is a fact that is not much commented on¹⁷⁶. The changes in Pakistan's constitution can be related to the changed effective number of religious groups much more than they could in the case of India – it is therefore easier to falsify **3H**. In pre-independence India, the Muslim League concentrated upon securing accommodation within the structures of the constitution. After independence, the dominance of the Muslim community was assured. This inevitably affected the constitutional framework that was produced. Rather than seeking security, the Muslim community were now concerned with the business of governance. They were a majority of the population in a state for the first time in the subcontinent. The reduced effective number of religious groups in the case of Pakistan therefore had a dramatic impact.

The changes in the consociational federal provisions concerned executive weightage and the removal of the mutual veto. The new found majority status of the Muslims ensured that the protection in decision-making institutions for that community was no longer required. However, as was the case of India, the effective number of groups at the national level cannot tell the whole story; it conceals the fact that within East Pakistan Hindus comprised 22% of the population¹⁷⁷. 'Compared to West Pakistan, it is estimated, a lesser number of non-Muslims left East Pakistan and even fewer Muslims from India entered that wing' (Masood, 1970: 39). This point is important because it is indicative of a fact that became apparent after partition, that for the population of East Bengal, the Bengali identity was as important as their religious status. This is why there was less movement across the border than in the Punjab at the time of partition. However, this unity was strained in the wake of the economic crisis that affected East Pakistan after partition and 'more than a million persons abandoned their homes before the year was out, though many returned after a measure of tranquillity was restored' (Brecher 1959: 428). Additionally, a comparison of the number of effective ethnic groups cannot reveal that a new leadership transported itself to Pakistan, the Muhajirs¹⁷⁸, who lacked a power base despite being the leaders of the Muslim League.

¹⁷⁶ These data suggest the crude 'fairness' of the Radcliffe line. 'The ratio of the majority to the minority populations was almost identical' (O'Leary 2001b: 14-15).

¹⁷⁷ 13% of the population of Pakistan.

¹⁷⁸ The word translates to mean refugee. This group were Muslims who migrated to Pakistan from India at partition. Many Muslims migrated; the word primarily refers to Muslims who migrated to Karachi. Many Punjabi Muslims migrated to the Punjab but they were more easily absorbed because of the cultural similarities.

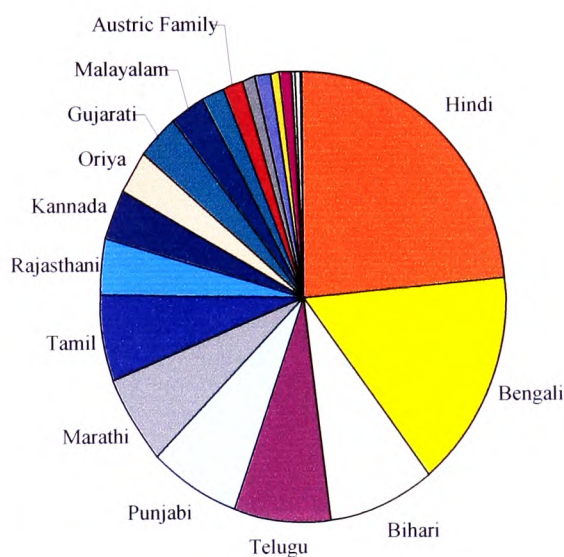
In the words of Ian Talbot, this created a ‘fearful state’ in which ‘pluralism was seen as a source of weakness not of strength’ (1998: 7). This had implications for federal stabilisation.

b) Effective number of linguistic groups

The effective number of linguistic groups before independence in India was 8.52, incredibly high¹⁷⁹. Chart 5.3 demonstrates this diversity. This high number of effective linguistic groups explains the importance that Congress placed on the linguistic reorganisation of its PCCs and its commitment to a reorganisation of states along linguistic lines. It was an excellent means of mobilisation and a way of securing the effective use of identity politics in the nationalist movement (Manor 1990: 29).

Chart 5.3. 1941 linguistic distribution of India

Language	% of pop
Hindi	23.58
Bengali	15.81
Bihari	8.31
Telugu	7.80
Marathi	6.22
Tamil	6.02
Punjabi	7.26
Rajasthani	4.14
Kannada	3.34
Oriya	3.31
Gujarati	3.23
Malayalam	2.72
Austriac Family	1.45
Sindhi	1.19
Other Dravidian	1.15
Pahari	0.81
Tibeto-Chinese Family	0.74
Pushtu	0.49
Kashmiri	0.43
Others	1.82
Total	100
<i>enling</i>	8.52



Source: Data adapted from Government of India (1947c)

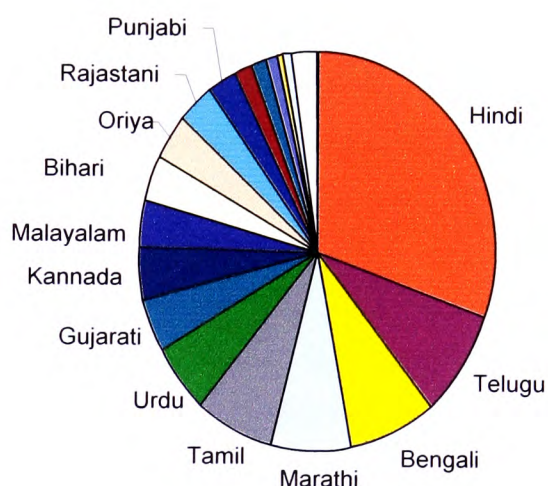
Notes: This source from which this table was compiled used the 1931 census data to compile its figures, but adjusted them to take account of the creation of Sind and Orissa. Urdu was subsumed within Hindi in this census.

¹⁷⁹ No states in O’Leary’s table of democratic federations come close to this figure. The highest is that of Nigeria with a score of 6.91 (O’Leary 2001a: 290). In all the federations of the twentieth century, both democratic and non-democratic, only Uganda has a higher effective number of ethnic groups of 15.08. Data adapted from United Nations (1963).

The high effective number of linguistic groups also explains why Jinnah and the Muslim League could not oppose linguistic reorganisation as a general principle although they opposed it for Muslim majority areas. Despite the high number of effective linguistic groups before independence, the most salient political identity was that of religion¹⁸⁰. After independence, linguistic identities resurfaced with a vengeance within both India and Pakistan.

Chart 5.4. 1961 linguistic distribution of India

Language	% of pop
Hindi	30.40
Telugu	8.58
Bengali	7.72
Marathi	7.58
Tamil	6.96
Urdu	5.31
Gujarati	4.63
Kannada	3.97
Malayalam	3.88
Bihari	3.83
Oriya	3.58
Rajastani	3.40
Punjabi	2.49
Assamese	1.55
Austro-Asiatic	1.41
Pahari	1.04
Tibeto-Chinese	0.73
Kashmiri	0.50
Other	2.44
Total	100.00
<i>enling</i>	7.67



Source: Data adapted from Government of India (1961e) and Kothari (1970: 324).

Notes: I have used data from the 1961 census to create this table rather than creating a chart for the 1951 census. This is because the 1961 data are more reliable, not lumping Hindi, Punjabi, Urdu and Pahari together in the case of five northern states, the Punjab, Himachel Pradesh, Delhi, Bilaspur and Pepsu. Despite this, the enumeration of Punjabi speakers was lower than it should have been, because Hindu Punjabi speakers in the Punjab returned themselves as Hindi-speaking to deflect calls for the creation of a separate Punjabi speaking state (Wilkinson 2002: 4).

In independent India, as Chart 5.4 shows, the effective number of linguistic groups was 7.67, still incredibly high despite partition. Therefore there is no linguistic *staatsvolk*, the majority linguistic community - Hindi speakers - comprise only 30.4% of the

¹⁸⁰ Identities are situational, and language was temporarily subsumed under religion because of the success of the Muslim League's mobilising campaign. This did not mean that linguistic identities were unimportant. As Robinson demonstrates, the campaign to secure Urdu as a means of instruction and of government service cannot be separated from the Muslim movement for autonomy/partition (1993: esp 33-83).

population¹⁸¹. On O'Leary's criteria, if the cleavage was salient, consociational mechanisms would be required to stabilise the linguistic cleavages of the Indian federation along democratic lines. Lijphart's 1996 article in the *American Political Science Review* argued that India after independence was an example of a consociational democracy and therefore a confirming rather than a deviant case for his theory. I concur with Lustick that Lijphart's treatment of the case is suspect and reveals '...an impressionistic methodological posture, (and) flexible rules for coding data' (1997: 117). Table 5.1 demonstrated that India's constitution was totally majoritarian at the time of independence. Even if the additional elements mentioned by Lijphart are included under the segmental autonomy element¹⁸² the constitution scores only 0.19¹⁸³.

While Lijphart points to the existence of a Grand Coalition within the cabinet by the Congress's proportional inclusion of the members of minorities according to religious and linguistic criteria¹⁸⁴, what he does not acknowledge is that the Muslim representatives were *Congress* Muslims. These leaders were very different from an ethnically defined elite cartel with authority over, and autonomy from, the community they represented. Secondly, as Lustick points out, this Grand Coalition at no time managed to secure a majority of votes (1997: 115). Thirdly, 'no Muslim was appointed to any of the four major cabinet positions in the federal government' in Nehru's tenure (Wilkinson 2000a: 779). Kothari has described the 'Congress System' as a system where the Congress as the predominant party after independence, accommodated other groups within it. 'It consists of a party of consensus and parties of pressure' (1964: 1162). However, as Wilkinson discusses, the CWC's 'recommendations on minority proportionality were being flaunted at every level of government from district boards right up to the national parliament' (2000a: 778-779). Therefore Lijphart has not made a convincing case for the existence of consociational democracy in Nehruvian India in the most important area of grand coalition, rather only in the areas of segmental autonomy. This linguistic autonomy permitted the use of languages recognised in the Eighth Schedule of the constitution for government and for civil service examinations. Subsequently re-drawing federal units to reflect linguistic concentrations increased this

¹⁸¹ Although this percentage rises and falls according to how Hindi speakers are classified, e.g. in the 1971 census Bihari and Rajasthani speakers were conflated with Hindi speakers.

¹⁸² Such as the lack of a uniform civil code and educational autonomy and state funding for linguistic and religious schools.

¹⁸³ If linguistic reorganisation is included within this amended scoring system, the Indian constitution scores 0.25.

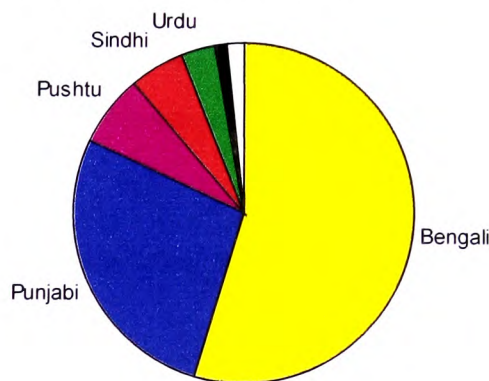
¹⁸⁴ Which Austin in 1966 concluded had worked remarkably well (1966: 125).

autonomy. Yet the constitution offered linguistic autonomy for linguistic *minorities* as well as *majorities*. First, all states are constitutionally required to provide adequate primary education facilities for children of minority language groups, or if numerous enough, to permit them to set up their own educational institutions (this provision also applies to religious groups). Whilst these decisions are in the hands of the states, and linguistic minorities have been discriminated against, the President of India is empowered to appoint a special officer for linguistic minorities; there is therefore a procedure for minorities to complain to, and seek redress from, the national government. This segmental autonomy was essential for federal stabilisation, but the overall degree of consociational democracy remained low.

In the case of Pakistan, as can be seen in Chart 5.5, the effective number of linguistic groups of 2.62 diminished substantially from the pre-independence score of 8.52 for India, but was still above O’Leary’s threshold of 1.9 for a stable democratic majoritarian federation. The fact that the Pakistani elite did not seek to accommodate linguistic identities through consociational mechanisms is an important point.

Chart 5.5. Linguistic Distribution in Pakistan in 1951

Language	% Pop
Bengali	54.42
Punjabi	27.55
Pushtu	6.61
Sindhi	5.28
Urdu	3.24
Baluchi	1.24
Others	1.66
TOTAL	100
<i>enling</i>	2.62



Source: Data adapted from Government of Pakistan (1951b).

While the absence of linguistic reorganisation *was* compatible with their pre-independence constitutional preferences, O’Leary’s formula would support the contention that they were short-sighted in not accommodating these linguistic groups and that the absence of accommodation destabilised the federation. While the Pakistani constitution of 1956 scored 0.35 on the consociational dimension when separate

personal laws are added into the formula, as well as the provisions for educational autonomy – these provisions were only for *religious* communities. Linguistic communities were not accommodated at the provincial or the national level under the 1956 constitution with the belated exception of the recognition of Bengali as a state language on a par with Urdu. Pakistan did not recognise the legitimacy of provincial languages. This contrasted with India, which, even before linguistic reorganisation was conceded, recognised the right of the states to use their own languages. It is in the field of language that the greatest challenges came to the stability of the federations of India and Pakistan at the time of independence. Since the Pakistani state was created around ostensibly religious criteria, provincial linguistic identities, never far below the surface in the struggle for Pakistan, resurfaced with a vengeance. Although there was no call for linguistic reorganisation in Pakistan; alternative consociational linguistic accommodation was possible through language laws. One final point concerning the changed effective number of linguistic groups is that it affected the general constitutional formation in Pakistan. Partition created one demographically dominant group with over 50% of the population, the Bengalis. However, they did not constitute a *staatsvolk* and, more importantly, did not possess the resources of state power¹⁸⁵. The high number of effective linguistic groups shows that there was a second large linguistic group, the Punjabis. Interestingly, their dominance was coupled with a centralisation of the Pakistani state¹⁸⁶. Their changed position was reflective of the fact that the Muslims were now the *staatsvolk*.

The distribution of the provincial effective number of ethnic groups

The second purpose of analysing the effective number of ethnic groups is to assess the distribution of the effective number of ethnic groups at the provincial level. The intervening variable in explaining federal stabilisation in India and Pakistan has been the organisation of units along ethnically homogeneous lines and the recognition of ethnic groups in the decision-making institutions. The effective number of ethnic groups at the provincial level is, I maintain, just as important in explaining federal stabilisation as the national number. Provincial reorganisation has been, and remains, a

¹⁸⁵ They were massively underrepresented in the army and the bureaucracy and were denied the opportunity to form the government after the Awami League won a majority of seats in the 1970 national elections. In Schermerhorn's terminology, they were 'mass subjects' – the majority of the population, but a subordinate group, not possessing any power (1978: 12).

¹⁸⁶ This is interesting because before independence when religious identities were more salient, the Punjabi Muslims had been concerned to promote confederal, decentralised constitutional forms.

contested phenomenon in both countries. India initially rejected linguistic reorganisation despite the Congress's long-standing commitment to the project before independence. The units of independent India were amenable to linguistic reorganisation as can be seen in Table 5.3.

Table 5.3. The effective number of linguistic and religious groups of the states of India before linguistic reorganisation

	STATE	<i>enrel</i>	<i>enling</i>
1	Ajmer	1.32	2.54
2	Andaman and Nicobar	4.1	5.35
3	Assam	2.08	2.92
4	Bhopal	1.38	1.51
5	Bihar	1.35	1.56
6	Bilaspur	1.03	5.87
7	Bombay	1.27	3.19
8	Coorg	1.3	4.16
9	Delhi	1.39	1.62
10	Himachel Pradesh	1.04	5.87
11	Hyderabad	1.32	3.19
12	Jammu and Kashmir	1.82	2.83
13	Kutch	1.89	1.03
14	Madhya Bharat	1.17	1.74
15	Madhya Pradesh	1.1	3.06
16	Madras	1.29	2.94
17	Manipur	2.35	2.3
18	Mysore	1.22	2.13
19	Orissa	1.05	1.47
20	Pepsu	2.08	2.09
21	Punjab	1.88	2.09
22	Rajasthan	1.21	6.65
23	Sikkim	1.7	6.89
24	Suarashtra	1.31	1.06
25	Travancore	2.12	1.31
26	Tripura	1.63	2.55
27	Uttar Pradesh	1.34	1.53
28	Vindhya Pradesh	1.05	1.01
29	West Bengal	1.28	1.35

Source: Linguistic data adapted from Government of India (1951h; 1951e; 1951d; 1951f; 1951c; 1951n; 1951a; 1951g; 1951b; 1951j; 1951k; 1951i; 1951m; 1951l; 1961e; 1961a; 1961c; 1961d; 1961b). Religious data adapted from Government of India (1953b).

Notes:

1) These data for Delhi, Punjab, Pepsu, Himachel Pradesh and Bilaspur were taken from the 1961 censuses. This was because the census of 1951 (Government of India 1953a) did not differentiate between Hindi, Punjabi, Urdu and Pahari in these states. These data for Jammu and Kashmir were also taken from the 1961 census as no census was taken in 1951.

2) The states without a dominant group are highlighted in bold.

Out of the 29 states, only 11 (38%) were below O'Leary's level for majoritarian federal stability when analysed according to linguistic criteria. This means that there was great potential for reorganisation. In contrast, only 17% of the Indian states before reorganisation did *not* possess a dominant group according to religious criteria (defined as possessing an effective number of religious groups of 1.9 or below). These were Assam, Pepsu, Travancore-Cochin, Manipur and the Andaman and Nicobar Islands. There was generally less need to reorganise states on religious grounds. This did not mean that these identities were irrelevant. Many of these states were to become problematic later on. Although O'Leary's criterion for federal stability was applied to understanding the system-wise dynamics, it appears that it can also apply at the provincial level as well. Although Punjab possessed a dominant group in 1951 – the Hindus – this was by the barest of margins (1.88). When Punjab and Pepsu were combined in 1956, it scored 1.92, slightly *above* O'Leary's criterion for federal stability¹⁸⁷.

The fact that the northeast (from Assam) and Punjab were reorganised according to linguistic and tribal lines rather than religion, and Kashmir has never been so reorganised¹⁸⁸, is indicative of the changed status of religious reorganisation since independence. This reluctance to concede the legitimacy of a religiously defined unit contrasts with the position taken in the Nehru Report of 1928 to the reorganisation of Sind. At this point the Muslims were a much larger percentage of the national population. Therefore the changed legitimacy of religious reorganisation can be related to the national number of effective religious groups, but also to that at the provincial level; there were fewer states that could be reorganised according to religious criteria.

Congress belatedly succumbed to internal and external pressure, and after conceding the legitimacy of Andhra Pradesh in 1953, appointed a States Reorganisation Commission. The SRC reported in 1955 and recommended a radical reorganisation of the map of India. In the rejection of linguistic reorganisation Congress was initially inconsistent with its pre-independence constitutional preferences, but returned 'to the fold' under entirely predictable outrage and pressure. It is however, too much to claim that Nehru

¹⁸⁷ Punjab was eventually reorganised in 1966 but not along religious lines. The reorganisation did not create a particularly homogeneous province along linguistic lines, and remains incomplete.

¹⁸⁸ There have been recent calls for a division of Jammu and Kashmir into religiously defined units by the Sangh Parivar. These have been kicked into the long grass by the BJP dominated coalition at the centre.

was returning to the consociational fold as Lijphart does (1996: 262). Yet it stabilised the federation along linguistic lines. Despite the concerns articulated by Selig Harrison (1960: 135, 307) and Brecher (1959: 21), linguistic reorganisation accommodated conflicts and stabilised the federation. This contrasts with the position taken by the news magazine, *India Today* in 1998.

Four decades ago, the country upturned every tenet of good governance by carving out new states on the basis of language rather than administrative convenience (1998)¹⁸⁹.

Unlike India, Pakistan was consistent in its rejection of linguistic accommodation in terms of the constitutional preferences expressed before independence. These preferences rejected the application of linguistic divisions to Muslim majority areas, but were guilty of ignoring the calls for autonomy within the Muslim League. Pakistan's strategy of dealing with linguistic diversity was the exact opposite of India. Not all the units of the federation were homogeneous although four out of the six had a dominant group, and East Bengal in particular was remarkably homogeneous. Yet, as seen in Table 5.4 and Chart 5.6, the Baluchi States Union and the capital city of Karachi were linguistically heterogeneous¹⁹⁰. However there were no calls for linguistic reorganisation (although the Chittagong Hill Tracts demanded autonomy).

Table 5.4. The effective number of linguistic groups in all the provinces of Pakistan before the One Unit Plan

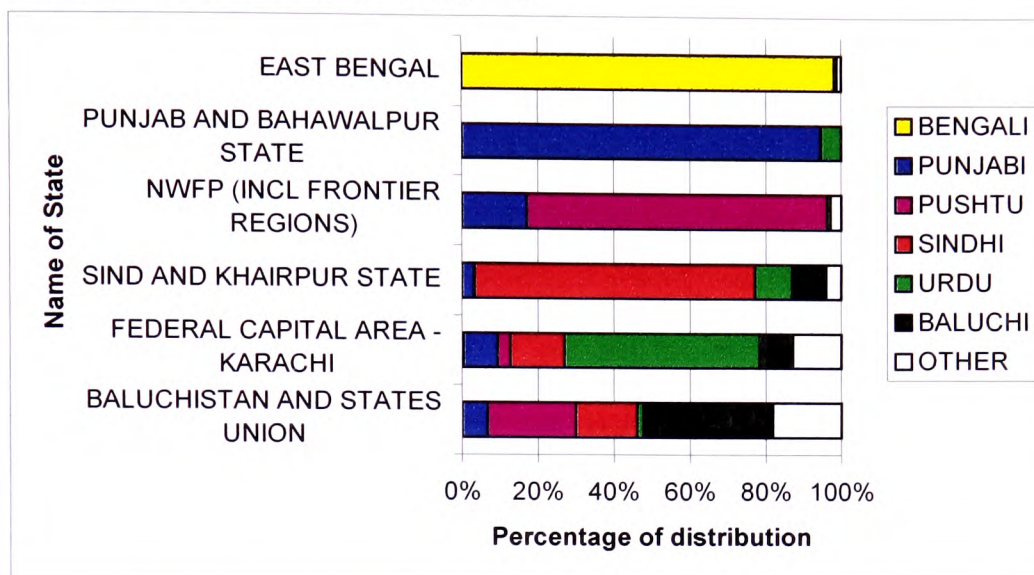
Name of State	<i>ENLING</i>
Baluchistan and States Union	4.27
East Bengal	1.04
Federal capital area - Karachi	3.15
North West Frontier Province (incl. frontier regions)	1.53
Punjab and Bahawalpur state	1.12
Sind and Khairpur state	1.77
PAKISTAN	2.62

Source: Data adapted from Government of Pakistan (1951b).

¹⁸⁹ Published in both Hindi and English.

¹⁹⁰ Karachi was the capital city, flooded by Muhajirs after partition, which substantially increased its heterogeneity. Baluchistan was comprised of multiple tribal areas. Within Pakistan as a whole, six districts were anomalously located in accordance with provincial criteria, two districts in the NWFP had a majority of Punjabi speakers, one district in Baluchistan had a majority of Sindhi speakers and three provinces also in Baluchistan had a majority who spoke Pushtu (Masood 1970: 58-71). Baluchistan was the only province that was constituted anew. Pushtu speakers were deliberately included within its boundaries rather than adding them to the NWFP (Rahman 1996: 156). This undermined both Baluchi homogeneity and calls for a greater Pakhtoonstan.

Chart 5.6. Linguistic Distribution of the provinces of Pakistan 1951 organised by the effective number of linguistic groups



Source: Data adapted from Government of Pakistan (1951b).

Despite the ‘relative’ homogeneity of its units as seen in Chart 5.6, Pakistan pursued a strategy that made the units *less* homogeneous. In 1955 Pakistan merged its Western Wing into one unit. This was an important indicator of Pakistan’s attitude to linguistic accommodation. It decreased the average effective number of linguistic groups as seen in Table 5.5. At the same time it increased linguistic diversity within the federal structures, rather than diminishing it. In my view this undermined federal stabilisation.

Table 5.5. The linguistic distribution of East and West Pakistan after the creation of the One Unit Plan of 1955

Name of State	<i>ENLING</i>
West Pakistan	2.36
East Pakistan	1.04
PAKISTAN	2.62

Source: Data adapted from Government of Pakistan (1951b).

Of equal significance was the fact that under the 1956 Constitution of Pakistan provincial languages were not recognised. The language riots of 1948 and 1951 in East Pakistan over this issue were indicative of the exclusion of linguistic identities that was to follow in the constitution, the seeds of which were sown by Jinnah in his rejection of ‘parochial’ linguistic identities in favour of Urdu. Although Bengali was recognised as

the joint state language in the 1956 constitution as a quid pro quo to agreeing to legislative parity, provincial languages were NOT recognised¹⁹¹. Although Sindhi continued to be used in schools in the province these schools came under pressure during the 1950s and 1960s and their numbers sharply declined (Rahman 1996: 116). According to O'Leary's criteria, the high effective number of linguistic groups would point to the dangers of the exclusion of linguistic identities from the constitutional framework. The changed effective number of linguistic groups at the national level and the reduced effective number of religious groups, ensured that language became the most significant identity marker after independence. The absence of constitutional recognition and the amalgamation of units into a Punjabi dominated Western Wing were folly in this regard¹⁹². There was no real call for reorganisation along religious lines, as this would not have been practical. Only the district of the Chittagong Hill Tracts had a non-Muslim majority within it after partition¹⁹³.

5.4. Conclusion

While the changed effective number of ethnic groups, specifically the changed effective number of religious groups affected the constitutional formation of both states, it was more important in the case of Pakistan. However, it was not the only explanatory variable in determining the exact constitutional provisions. India and Pakistan both had a similar effective number of religious groups and they adopted different constitutional provisions. However, in both cases the lower number of effective religious groups provided the impetus for *linguistic* demands to emerge. This required a constitutional response that was eventually forthcoming in India. Although this could have been predicted on the basis of pre-independence constitutional preferences, as argued, India conceded linguistic reorganisation only with reluctance. The accommodationist response was not forthcoming in Pakistan. Although the effective number of ethnic

¹⁹¹ Rajagopalan is incorrect in arguing that they were (2001: 47).

¹⁹² One of my hypotheses is that the homogeneity of the units of a federation is neither sufficient nor a necessary condition for secession. While this has generally held true in South Asia, the case of East Pakistan is a notable exception. As I will discuss in Chapters Six, Seven and Eight, other factors such as state strategies of inclusion and exclusion as well as the number of provincial units and the division of the dominant group are also vital.

¹⁹³ In an anomaly of the Radcliffe Award, Khulna district in Bengal, which was awarded to Pakistan, had a bare Hindu majority before partition. This changed after partition (Government of Pakistan 1951a). The Chittagong Hill Tracts were a contested region – ethnically similar to the districts of Mizoram and Tripura (then both part of Assam), which they bordered. Radcliffe argued that the district could not be assigned 'to a State different from that which controlled the district of Chittagong itself' (1958: 3) despite the district not having a Muslim majority. Therefore he allocated the district to Pakistan despite the disquiet of India. However, India benefited from several controversial decisions within the Punjab.

groups does not and cannot dictate constitutional form, as I have argued, it does explain the decisions that were taken as well as providing an indication of the identities that needed accommodating. If these identities were not accommodated within constitutional structures, we have to seek to a) understand why, and b) understand what impact this decision had upon federal stabilisation. The first point is addressed in Chapter Six, the second in Chapter Seven. Although the changed ethnic composition of the states changed the context in which decisions on constitution formation were made it does not explain why, for example, India initially rejected linguistic reorganisation. For this we must examine the national identity of the state as articulated by the elites. The relationship between the plans that were articulated before independence and the version of the national identity that the elites articulated has only been briefly touched upon. The reactions to the demands for linguistic and religious recognition can and should be related to the national identity articulated by the elites of India and Pakistan. This national identity explains the exact strategies that were chosen and explains some of the apparent inconsistencies. This is the subject of Chapter Six.

Chapter Six: Inclusion or Segregation? Federalism as a multicultural strategy

'When the vision of the state is contested, the vision of the units is apt to be contested' (Rajagopalan 1999: 193).

'To accept Muslims or Christians as minorities would (be) tantamount to making religion a permanent divisive line ..., in every walk of social life. Indirectly, this would mean upholding the pernicious two-nation or multi-nationality theory' (Vajpayee 1961: 2)¹⁹⁴.

'It may be that the founding fathers of independent India did not fully understand the significance of ethnic loyalties and cleavages, some institutions adopted by them would have been better suited to homogeneous societies than to India' (Vanhanen 1992: 3).

6.1. Introduction

My final independent variable in explaining federal stabilisation in India and Pakistan is that of the state-sponsored national identity. The state's articulation of a national identity is arguably the most important independent variable in explaining *attitudes* towards constitution formation (which I contend has affected federal stabilisation in India and Pakistan). As should be clear from the previous chapters, it cannot stand-alone. State-sponsored national identities in India and Pakistan were inevitably influenced by those constitutional structures that existed under the British. Ignoring institutional legacies reduces our ability to identify the changes in constitutional strategies to manage ethnic diversity after partition. Without an appreciation of these changes it is not possible to explain the reasons behind them.

A state can respond to diversity within its borders by seeking to repress, expel, eliminate, accommodate or assimilate (McGarry and O'Leary 1993: 1-40). The existence of diversity does not dictate a specific response. Despite this, analysing the effective number of ethnic groups is necessary to understand constitutional structures. The state-sponsored national identity and strategies to manage diversity cannot be divorced from it. However, although the effective number of ethnic groups is vital to understanding the constitutional changes that occurred after independence, as established in Chapter Five it cannot explain *all* these changes. It is my contention that the conceptions of national identity need to be appreciated to understand these changes. The articulation of the national identity by the elites of India and Pakistan must therefore be understood in conjunction with the effective number of ethnic groups as

¹⁹⁴ Prime Minister of India 1996, 1998-present.

well as the institutional legacies. The combination of the three contributes to an understanding of federal stabilisation in India and Pakistan.

6.2. National Identity

The articulation of a national identity influences the institutional design of a state and its response to ethnic diversity, especially at a time of constitutional flux such as decolonisation. States promote differing conceptions of national identity. In most states, national and political borders do not coincide; therefore notions of national identity are often contested, whether state-sponsored or otherwise. To be accepted, a state-sponsored national identity must have resonance with the general population. States, especially former colonial possessions, have sought to construct nations as a means of legitimising their rule within often very ethnically diverse territories. These nations can be civic, defined by residence within the territory regardless of language, religion or tribe. Alternatively they can be ethnic, e.g. based on religious identity. What is important is that states promote certain conceptions of national identity. National identity cannot be directly equated with patriotism (loyalty to the state) as it defines the legitimacy (or otherwise) of claims for recognition of ethnic groups within that state. Groups may be loyal to a state but not be recognised by it and included within its identity¹⁹⁵.

The state-sponsored national identity is given expression in the institutions of the state. In short, it articulates what it is to be a member of a state and in what capacity 'private' characteristics of an individual are adopted or rejected as manifestations of that identity. Ethnic identities can support, coexist with or oppose the state-sponsored national identity. Therefore the state's articulation of a national identity has implications for ethnic conflict regulation, as the acceptance of the legitimacy of a group's claims affects the distribution of political and economic resources. As it is state-sponsored it is an elite conception, although to be stable it has to be reflected in popular perceptions.

The categorisation of a state-sponsored national identity is complex. The provisions of the constitution (whether codified or otherwise) are the obvious starting point. In addition, laws concerning citizenship, educational provision and personal laws are

¹⁹⁵ Although this state of affairs is unlikely to be sustainable.

important. Finally, the ideological discourse of the inhabitants of the state (especially the prominent elite members) influences the ability of different sections of the state's inhabitants to *identify with the state*. It is difficult to categorise definitively a state as identities are situational and a person excluded as a result of one identity may be included on another. Despite this, it is important to do so. Among others, Brubaker has distinguished between civic and ethnic states, and their laws relating to citizenship (1992: Introduction). Yet, this distinction is limited. Civic identities have often been equated with inclusive, liberal states, while ethnic descriptions have been seen as 'nasty' and illiberal. These perceptions are often inaccurate. Civic conceptions of national identity can reinforce historical ethnic domination, as has been the case in America. States organised around ethnic categories may permit greater recognition for non-dominant groups than their civic counterparts. Additionally, simply defining identities as civic or ethnic does not address the question of whether an identity presents overt or covert costs of inclusion, as discussed by Carling (1992: 302-306).

State strategies to regulate diversity can be categorised into four ideal types: assimilation, integration, multiculturalism and segregation. These ideal types broadly conform to some of the categories set out by McGarry and O'Leary although their typology also includes specific institutional arrangements (1993: 1-40). These four strategies can be categorised according to whether they recognise ethnic identities in the public realm, confine them to the private realm, or seek to eliminate ethnic difference entirely. To facilitate the categorisation, the costs for a *non-dominant* group of being regulated by one of these strategies must be included.

It is problematic to define a non-dominant group. In most cases a non-dominant group comprises a minority of the population e.g. Native Americans. Immigrants can also be defined as non-dominant groups. However, the framework set out below only includes immigrants when they become numerous (and territorially concentrated) enough to demand action from the government on behalf of their community. However, non-dominant groups are not necessarily in a minority. Examples of a non-dominant *majority* were the Bengalis within Pakistan before 1971 and the black 'community' in apartheid South Africa. These types of groups have helpfully been described as 'mass subjects' (Schermerhorn 1978: 12). If a majority is a 'subject' then a minority group must be dominant - e.g. the white community in South Africa. Therefore, to determine

whether a majority group is dominant, additional criteria need to be deployed. These additional criteria include whether a clear hierarchy of ethnic groups exists within the state in question, whether the rights of citizenship are denied to the majority community, or whether democracy has been subverted in order that the majority is not able to exercise its demographic strength.

Table 6.1. State strategies to regulate ethnic diversity

	Identity recognised in the public and the private sphere	Identity recognised in private sphere	Identity neither recognised publicly nor privately
High Cost	Segregation		Assimilation
Medium Cost		Integration	
Low Cost	Multiculturalism		

Notes: The table is my own. However, the public/private distinction has been made by McGarry and O’Leary (1993: 16-22) and also by O’Leary (2001c: 34).

Assimilation:

A state pursuing an assimilationist strategy articulates a national identity than can either be civic or ethnic¹⁹⁶. Assimilationist strategies are inclusive. Assimilationist states such as France have few barriers to citizenship. However, the cost of assimilation for the non-dominant group is high as it entails the loss of their ethnicity in the private as well as the public sphere. There are two types of assimilationist strategies.

- *Fusion:* This assimilationist strategy entails the fusion of different identities into one identity. If *a* and *b* are differentiated identities, then *C* is a new identity created out of the fusion of *a* and *b*. This can be schematically written as

$$a+b = C$$

Membership of this identity entails the abolition of the original identity, both in the public and the private spheres. This does not mean that the identity will disappear entirely, but it does mean that it is the state’s strategy to make it disappear entirely. Although the USA is often cited as a case of assimilationist fusion this has not been an

¹⁹⁶ Most ‘civic’ identities in reality possess an ethnic core e.g. the historic WASP identity in the US.

accurate description of state strategy for over a hundred and fifty years¹⁹⁷. The Yugoslav case is a better example of a state that articulated a strategy of fusion. ‘Ethnicity was not so much dealt with as declared non-existent’ and the system was managed ‘through the political monopoly of the party’ (Schopflin 1993: 180-181). The fact that it was not successful does not mean that the strategy was not adopted.

- *Acculturation*: although assimilationist fusion results in the abolition of the original identity, assimilationist acculturation is a more extreme strategy. The original identity is subsumed in both instances but only in acculturation is it subsumed to an *already existing* dominant identity. In this case *a* is the dominant identity and *b* is the non-dominant identity. Schematically this can be written as

$$a + b = a$$

The dominant identity can be either civic or ethnic. France is an example of a state espousing acculturation. Although the French identity claims to be civic, in reality, most civic identities possess an ethnic core. ‘There was a French nation, defined largely by blood and later by conceptions of “our ancestors, the Gauls” ’ (Horowitz 1992: 7). The assimilationist nature of this strategy is demonstrated by the fact that, ‘(i)t is possible to be an Italian in France, but it is not possible to be an Italian-Frenchman in the same easy way as it is possible to be an Italian-American’ (Horowitz 1992: 7).

Integration:

Integrationist strategies seek to confine ethnicity to the private sphere. This conception of national identity deliberately ignores ethnicity as a means of legitimising the state. Everyone is equal within this state; ‘liberal integrationists promote bills of rights with equal rights for individuals rather than communities’ (McGarry and O’Leary 1993: 17).

¹⁹⁷ It was in the 1840s that the ‘great school wars’ in New York broke out over the demands for Catholic education, and in the 1880s there were disputes concerning the rights of ‘German children to receive instruction in German’ (Glazer 1994: 122). These issues multiplied in the 1920s (Horowitz 1992: 16). The US now encourages bilingual ballot papers in 422 “covered jurisdictions” most of which are counties—in 28 states”. ‘The act defined these language minorities as persons of Spanish heritage, American Indians, Asian Americans, and Alaskan Natives’ (GAO 1997: 1 & 4). I am indebted to Dame Steve Shirley for bringing the latter point to my attention. In addition America practices affirmative action policies. Any one of these policies challenges the description of current day America as a ‘melting pot’ – although this is not to deny that America still assimilates many of its more recent day immigrants, especially those from the Asian community (Horowitz 1992: 22-23).

This strategy is therefore an inclusive one, and can be equated with most 'civic' forms of national identity. This is not to deny that there have been notable exceptions made in states espousing this identity, e.g. until recently the Australian attitude concerning its Aboriginal population. In addition, integrationist strategies are rarely ethnically neutral, e.g. the choice of the language of government effectively discriminates against a group that does not speak the 'civic' national language. This latent ethnic dimension increases the costs to a non-dominant group of being subject to this strategy. As McGarry and O'Leary point out, integrationist strategies may also be a means of consolidating majority control (1993: 18). Integrationist strategies differ from assimilation because they permit groups to maintain their identities in the personal sphere. They are not threatened by the maintenance of these identities. The case of Britain is often cited as an integrationist state (Birch 1977: esp. Ch 3). However, it has become more multicultural in recent years e.g. in relation to non-Christian schools.

Multiculturalism:

This strategy protects personal identities and institutionalises them within the public sphere. Therefore, the identity the state promotes will be multi-faceted. Multiple identities are promoted in the public sphere, using educational, housing and employment policies, e.g. Canada and Switzerland. Not all identities within the state may be part of the national identity, e.g. religious groups may be denied state recognition. However, they will be permitted private expression. Canada and Switzerland both have multicultural strategies of inclusion, based primarily around language. A non-dominant group has low costs of being subject to a multicultural strategy if its identity is included within the national identity. However, it is arguable that multicultural strategies increase ethnic conflict by separating non-dominant groups from the rest of society. Multicultural strategies do not necessarily require consociational frameworks (Smooha 2002: 425), although consociational government is a multicultural strategy. Multicultural strategies are also inclusivist, especially for those identities protected in the public sphere.

Segregation:

A strategy of segregation is similar to a multicultural one because it recognises different identities in the public sphere and adopts state policies in accordance with these differences. It may even seek to protect these identities – deliberately emphasising the divisions between the identities. However, such a strategy differs from multiculturalism on one important point – it does not treat these identities as equals. Such state strategies have high costs for a non-dominant community. They are also exclusive. There are high, often insurmountable barriers to membership of the dominant group. Segregationist strategies, like assimilationist ones, have to be subdivided.

- *Control*: Not all control strategies seek to maintain ethnic difference; some regimes ‘suppressed latent divisions between ethnic communities’. Yet others are premised on the dominance of the most ‘powerful ethnic community’ (McGarry and O’Leary 1993: 23). Control strategies do not seek to eliminate differences by transforming the non-dominant group into members of the dominant one. Ethnic difference is recognised within both the public and the private spheres. However, unlike multicultural policies that seek to protect this identity, segregationist control strategies have less laudable intentions. The element of voluntarism and consent is absent. South Africa under apartheid was an excellent example of a segregationist control strategy – individuals were (often forcibly) categorised into different racial groups by the state. Separate homelands were enforced and the black community were denied the right to vote. Yet control can co-exist with formal democracy. Smooha characterises this as an ‘ethnic democracy’, which ‘lacks the feature of ‘civic equality’ and ‘civic nation’’ (2002: 425).

- *Citizenship*: The second type of segregation is different from the first because it does not *purposively* seek to dominate another community. However it denies the rights of citizenship to a non-dominant group and maintains the distinction between itself and the non-dominant group. The cases of Germany and the UAE typify states where citizenship is defined by ethnicity. Assimilation or integration is not possible. While non-dominant groups may not be physically segregated from the dominant group, they are denied the rights of citizenship. Control strategies may also deny rights of citizenship to the non-dominant group (apartheid South Africa). But they do not

necessarily do so (Palestinians living within Israel¹⁹⁸). Before the naturalisation reforms of 1999, Germany fitted these criteria. Citizenship was granted to 'ethnic' Germans migrating from other countries such as Russia, while it was not granted to even third generation German-born Turks. State policies were geared towards the notion that third generation immigrants might 'return to their ancestral home countries' (Horowitz 1992: 11). A similar policy operates in the UAE. In 1982, the most recent data available, only 20% of the population were citizens, the rest being migrant workers, primarily from South and South East Asia (Central Intelligence Agency 2002).

The strategies identified above are not necessarily exclusive of one another. They are *ideal types*. Different strategies can be used in relation to different groups within the same state. By differentiating policies adopted in relation to linguistic and religious identities in India and Pakistan it is possible to discern different state strategies and articulations of national identity. Differentiating between the strategies adopted with regard to these two identities is vital to understanding issues of federal stabilisation in India and Pakistan. A concession or a change in the strategy involves a realignment of resources and access to power. This has been seen most dramatically in the design of the federal systems in both states.

6.3. State Conceptions of National Identity at Independence

Congress and the Muslim League were not unchallenged by other parties, nor indeed, monolithic entities (Talbot 2000: 111). The Congress was challenged from outside by Hindu groups such as the Mahasabha, especially at the time of the Nehru Report of 1928, and of course, the League. The Congress was also a broad church. Vast differences existed within it, both over what kind of economic system independent India should seek to create, as well as the notion of national identity that should be promoted, particularly over whether it should be a secular or a Hindu majoritarian identity (Chiriyankandath 2000: 9). In the interests of manageability, these differences have been subsumed in the analysis¹⁹⁹. The Muslim League was also riddled with factionalism. In addition, the League faced challenges to its claim to speak on behalf of the whole Muslim community within India, notably from the Unionist Party in the

¹⁹⁸ As distinct from those in the occupied territories.

¹⁹⁹ For a more detailed discussion on the factional politics within Congress see Kothari (1964) and for a discussion of the increased communalism within Congress see Gupta (1962: 357-8) and Austin (1966: 11).

Punjab and the Red Shirts in NWFP. Unlike the Congress, which committed to linguistic provinces in 1920 and reorganised to reflect this commitment, the League had never come to terms with linguistic regional diversity. Jinnah's reference to 'independent states' in 1940 was merely a reflection of the vagueness of the demand for Pakistan that was necessary to gain and maintain the support of these regional groupings.

The attempts by the leaders of Congress and League, both before and after independence to articulate the idea of the 'nation' profoundly influenced the type of institutions which were created to give expression to this 'nation'. Territorial demarcation of the units of a federal state is one way of defining the identities that are seen as legitimate.

There is no question that the demarcation of units is a tangible, physical statement of the state or nation-state's self image as well as the image of the 'place' of its units (Rajagopalan 1999: 192).

It occupies such a space because the demarcation of units not only permits political recognition of certain identities, but, in a federal system gives them a place within decision-making organs²⁰⁰. While it is one thing to permit a cultural identity to express itself in the personal sphere – an integrationist strategy - it is quite another to institutionalise an identity in the public sphere. It is an even stronger commitment to allow that identity to be reflected in decision-making institutions. When a federation is organised around territorially concentrated ethnic groups, federalism can provide a mechanism of affirming ethnic segmental autonomy. When these homogeneous units secure representation in decision-making bodies, they may be part of a wider consociational segmental autonomy framework²⁰¹.

In defining the nature of state-sponsored national identities of India and Pakistan I have concentrated primarily on the ideas articulated by Nehru and Jinnah. To do so is not to deny the existence of other important figures, nor the debates that occurred within the major political parties, or indeed between them. The pronouncements of these

²⁰⁰ Unless it seeks to ignore these identities politically and creates heterogeneous units to achieve this end, or does not give democratic rights to ethnically homogeneous units.

²⁰¹ Although consociational structures do not require federal ones.

individuals were not made in isolation from the movements of which they were members and leaders. But these particular individuals had a great influence on constitutional formation and on the constitutional preferences of the movements of which they were leaders. In Nehru's case the connection was obvious. He was Prime Minister of India from 1947-1964 and shaped the making of the constitution, although he was not the only important figure in this process, and his position was strengthened by the death of Patel in 1950 (Desai 2000: 112). As Chatterjee states,

it is in the writings of this principal political architect of the new Indian state that one can find, more clearly than anywhere else, the key ideological elements and relations of nationalist thought at its moment of arrival (1999b: 132).

Even Talbot, who rejects the 'high politics' approach, concedes that after the death of Patel, Nehru stamped his ideas on the nation building programme (2000: 116). It is harder to assess Jinnah's legacy as he died so soon after the creation of Pakistan. During this time however, he set the parameters of the debate, both in his statements on language and provincial autonomy, but also in his actions as Governor General.

India

Nehru argued that India was a historic unity, based on traditions of toleration, incorporation and assimilation (1946: 79). He refused to accept religion as the basis of nationality, arguing that there was no one definition of 'a nation'. Nehru therefore rejected Jinnah's two-nation theory and in 'The Discovery of India', portrayed Indian history as all-inclusive and accommodating. He attributed India's strength to its success in attaining unity through diversity (1946: 112). Nehru's socialist beliefs influenced his attitude towards ethnic demands, which, whether based on language, religion or caste, he assumed to be identities that would fade away with the onset of modernisation. Although Nehru's one-nation theory promoted the *protection* of minority rights, it was designed to thwart demands for Hindustan, rather than to *promote* multiculturalism. This is an important distinction that explains his reticence in accommodating 'irrational' identities in the public sphere. Nehru's ideal strategy to managing India's diversity can be described as an integrationist one.

Despite his preferences, Nehru was constrained by the high effective number of ethnic groups within India. Before independence Congress had accepted religious and

linguistic reorganisation as well as reserved seats for Muslims. All three required recognition in decision-making organs – consociational practices. It was therefore significant that the Congress backtracked on these after independence. The more majoritarian nature of the post-independence constitution was not entirely unexpected as it fitted with both the predominantly Hindu Congress's preferences and also those socialists who shared Nehru's vision of the irrelevance, and ultimate oblivion of 'primordial' identities. Nehru's preference for a centralised, integrationist majoritarian constitution had led to the ultimate rejection of the Cabinet Mission Plan – with the predictable result of partition. The lower number of effective religious groups after partition ensured that the constitution was able to become more majoritarian without destabilising the state.

However the strategy adopted by the Indian state was not an integrationist one. This was because of the dilemma as identified by Chiriyankandath that,

underwriting any minority 'rights' could be seen as compromising the secular character of the state, but if such rights were left unprotected, there was the danger that the state might be secular in form but unrestrainedly majoritarian in practice (2000: 12).

Despite Nehru's belief in the primacy of individual rights rather than those of groups, the Indian state recognised both linguistic and religious identities in the public sphere. This was for three reasons.

- Firstly, after the horrors of partition, traditional identities could not be swept aside. Nehru was aware of the need to allay the minorities' fears (Rudolph and Rudolph 2000: 31) if only because his desire to avoid a 'Hindustan' required a level of protection for religious minorities. In the process the constitution 'gave statutory recognition to minorities, thereby implicitly accepting the existence of a majority' (Chiriyankandath 2000: 20).
- Secondly, although Nehru would have preferred to adopt an integrationist strategy, the effective number of linguistic groups demanded accommodation in the public sphere. After partition India had a very high number of effective linguistic groups – as we saw, *enling* was 7.67. Such a high number of effective linguistic groups required political recognition, although Nehru did not initially realise this.

- Thirdly, partition had given credence to the two-nation theory. Many Congressmen thought that Muslims should not have any political rights within India. Tensions famously existed between Nehru and Patel on this issue²⁰². Ashoka's four lions in the state emblem epitomised a tolerant Maurayan past, but potentially conflicted with the first article of the Constitution, which stated that 'India, that is *Bharat*, shall be a Union of States'. Bharatta is 'the old Sanskrit name derived from the mythical founder of the race' (Nehru 1946: 38). Its inclusion in the constitution according to Mitra 'is an unwitting double entendre that indicates the unresolved conflict between tradition and modernity' (1991: 761). At the time of independence it was used as an 'acceptable' alternative to 'Hindustan', but was still a religious reference in the constitution of a secular state.

a) Linguistic accommodation

Despite the integrationist strategy preferred by Nehru, linguistic identities were given a multicultural 'nod' in Article 345 of the constitution. It provided that,

Subject to the provisions of articles 346 and 347, the Legislature of a State may by law adopt any one or more of the languages in use in the State or Hindi as the language or languages to be used for all or any of the official purposes of that State.

This provision promotes and protects linguistic identities in the public sphere; recognising different languages as languages of government *at the provincial level*. This provision was included in the constitution *before* linguistic reorganisation had been conceded. It was important because it meant that 'speakers of the major regional languages could continue to use their own languages in the examinations for entry into the Union public services' (Brass 1994: 164). While nationalist movements are never solely motivated by economic considerations, the two can coincide. When they do they are a potent force. This provision ensured that the Hindi speaking states would not dominate government appointments. However, it was not a measure of *consociational segmental autonomy* that challenged majoritarianism for three reasons. Firstly, this provision accorded no representation in decision-making organs. Secondly, and more importantly, the provincial units were very heterogeneous. Before linguistic

²⁰² 'Patel, the Deputy Prime Minister and Home and States Minister ... in retrospect appears as a Hindu nationalist' (Rudolph and Rudolph 2000: 30).

reorganisation in 1956, over 60% of the states had an effective number of linguistic groups above 2. Thirdly, Article 346 diminished the inclusiveness of this provision.

The language for the time being authorised for use in the Union for official purposes shall be the official language for communication between one State and another State and between a State and the Union.

This was not a problem while English remained an official language (Article 243). However, Article 351 provided that 'It shall be the duty of the Union to promote the spread of the Hindi language'. It is therefore it is not surprising that Article 346 was not seen to be inclusive by the states of the Union who did not speak Hindi. As Rajagopalan reminds us, the declaration of Hindi as an official language

is the only place where the state identifies itself with any particular identity trait. Little wonder, then, that in the first thirty years of the union's existence, language was the most contentious identity issue (2001: 35)²⁰³.

Linguistic autonomy was reduced in effectiveness without the power to have influence at the centre. Linguistic autonomy did not challenge centralised majoritarianism. This was why the question of the official language of the state became such a politically charged issue, both before and after linguistic reorganisation. The constitution had provided that English should be retained for a fifteen-year interim period - expiring in 1965. In 1963 the Official Languages Act was passed, providing that 'Hindi was indeed to become the sole official language of the country in 1965, but English was to be continued as an associate additional official language' (Brass 1994: 165). Provision was made for parliament to re-consider the issue every ten years. Nehru personally assured the non-Hindi speaking states that there would be no attempt to impose Hindi upon them 'but the ambiguity in the Act of 1963 left an unresolved tension' (Brass 1994: 166). The ambiguity did not keep the peace for long after Nehru's death as discussed by Das Gupta (1975: 478-485) and Brass (1994: 166-167). It was only in the amended Act of 1967 that the position of English was secured for use in Parliament and for centre-state communications by providing a veto to 'the legislatures of all the States which have not adopted Hindi as their Official Language' (Government of India 1967). This concession was vital to the stabilisation of the federation.

²⁰³ The description of 'India that is Bharat' means his argument is overstated. Hindi was made the 'official' rather than the 'national' language precisely because of the claims of the regional languages to also be 'national'.

Nehru and the Congress initially retreated from the pre-independence commitment to linguistic reorganisation. As the rejection was a reversal of policy, it cannot be related to continuity in constitutional preferences. The rejection also cannot be related to the reduced effective number of linguistic groups, as although partition reduced linguistic diversity, it did not reduce it significantly. Partition, and the elite fear of further disintegration gave Nehru and Patel the pretext required to shelve the demand, but it was not the cause of the u-turn. The initial reversal of policy over linguistic reorganisation is the one element of constitutional form that can be directly related to Nehru's attempt to create an integrationist majoritarian strategy for the state. However, the Congress divided over the issue. The Congress President in 1948, the Telugu-speaking Sitaramayya, called for linguistic reorganisation. No matter how strong Nehru's modernising tendencies, against which he saw arrayed the forces of provincialism, the strength of linguistic identities expressed within Nehru's own Congress Party ensured that they could not be ignored.

In 1953 after prolonged agitation, the demand to create Andhra Pradesh was conceded and in 1955 the SRC accepted in practice the demands for linguistic reorganisation. However, the Commission's terms of reference for reorganisation were national unity and economic and administrative considerations (1955: 10). In his statement announcing the appointment of the SRC, Nehru acknowledged that 'the language and culture of an area have an undoubted importance' but added that there were other important considerations, namely,

the preservation and strengthening of the unity and security of India (and) a great ordered plan for her economic, cultural and moral progress. Changes which interfere with the successful prosecution of such a national plan would be harmful to the national interest (Nehru 1953: 2843).

The SRC received 152,250 memoranda although 'the number of well-considered memoranda (did) not exceed about 2000', travelled all over India and interviewed approximately 9000 people (1955: ii-iii). The national wing of the INC did not submit a memorandum to the SRC (although the Commission's remit had been defined by Nehru). However, the PCCs were free to do so. The PCCs of Maharashtra and

Karnataka were permitted to make joint representations with other parties in favour of the linguistic reorganisation of their states²⁰⁴.

The SRC eventually reorganised the majority of the federal states around linguistic groups. However, these units were conceded grudgingly and often justified according to administrative and economic criteria rather than the legitimacy of linguistic demands. As the SRC stated

the reorganisation of states has to be regarded as a means to an end *and not an end in itself*, that being the case, it is quite legitimate to consider whether there is on the whole a balance of advantage in any change (*my emphasis*) (1955: 29).

Rajagopalan is therefore incorrect when he argues that linguistic reorganisation was an expression of the identity of the state (2001: 14). Instead it was a *very reluctant* concession by Nehru, though a transformation of the nature of the state²⁰⁵. It is only after the 1967 Official Languages (Amended) Act and linguistic reorganisation were both in place that India possessed a truly multicultural and partially consociational linguistic strategy. Before this Act was amended, the provision to adopt Hindi as the sole *official* language challenged even this limited multiculturalism²⁰⁶. The move to a consociational multicultural strategy after Nehru's death *did* follow from concessions made during his lifetime. These concessions were promoted by electoral considerations, demonstrating that the high effective number of linguistic groups could not be ignored. This change in policy and the creation of linguistically homogeneous units was, I contend, a major explanatory factor promoting the stabilisation of the Indian federation.

b) Religious accommodation

When it came to the institutional recognition of religious demands, the Indian state reached a unique compromise (Chiriyankandath 2000: 12-13). Although the word secular did not appear in the constitution until 1976, India's original constitution

²⁰⁴ CWC meeting New Delhi 22nd May 1954, (reproduced in Zaidi and Zaidi 1981b: 547-8).

²⁰⁵ To mitigate the 'dangers' posed by the linguistic reorganisation of states, Nehru simultaneously announced the creation of zonal councils. 'Above all, the zone was thought of as a means for developing the habit of cooperation and for overcoming the divisiveness in linguistic sectionalism' (Bondurant 1958: 56). These zones have not been significant as they are only advisory 'and the results have been less than impressive' (Hardgrave and Kochanek 2000: 150).

²⁰⁶ The strategy was edging close to acculturation because it had very high costs for non-Hindi speakers, many of whom had a much richer linguistic heritage than the relatively recent Hindi written in the Devanagari script.

embodied secular provisions²⁰⁷. Article 15 (1) of the constitution stated that 'The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them'. Secularism in India did not entail the separation of state and religion. It sought to maintain the neutrality of the state with regard to the different religions. The Indian state does not deny the legitimacy of religion in the public sphere and has funded educational institutions of all denominations. In Nehru's words, '(i)t does not obviously mean a state where religion as such is discouraged. It means freedom of choice and conscience, including freedom for those who may have no religion'²⁰⁸.

Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion (Article 25 (1)).

While this right was conditional, the right to 'profess, practise and propagate' was significant²⁰⁹. As the promotion of religion was not forbidden in the public sphere, and the state and religion were not strictly separated, this was a multicultural strategy. Other examples of multiculturalism were that the personal laws of the Muslim and Christian minorities were protected, continuing the practice from the British era. India rejected the imposition of a uniform civil code. However, India was only multicultural in relation to *some* religious communities. Ironically, the Hindu Code Bill sought to redefine what it is to be a Hindu, and secularise aspects of Hinduism²¹⁰. While the Muslim and Christian minorities were exempt from the Hindu Code Bill, not all religious minorities were. Article 25 (1b) of the constitution provided 'for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.' The explanatory clause states that 'the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion', thereby challenging the reality of multiculturalism for

²⁰⁷ 'Was it because socialist or secularism were contested terms in the 1940s, or was it because they were taken for granted by the nationalist elites, charged with the invention of modern India' (Corbridge and Harriss 2000: 21)? The authors conclude that the answer lies somewhere in between. Secularism was less contested than socialism, neutrality between religions having been the practice (in theory) of the Government of India before 1947. In contrast, socialism was seen to be Nehru's private obsession.

²⁰⁸ 'A Circular to the Pradesh Congress Committees', 5.8.54, (reproduced in Gopal 1983: 328).

²⁰⁹ And currently contested by the RSS in relation to Christian missionary activities. For a discussion of the BJP's campaign against Christians see Zavos (2001: 73-89). This provision was included in the constitution because of the intervention of Sardar Patel (Chiriyankandath 2000: 14).

²¹⁰ Although Hindus have been the sole financial beneficiaries of the Hindi United Family tax provisions. I am indebted to Marie Lall for bringing this point to my attention.

these religions. There was no consistent strategy with regard to religious groups – these latter minorities were subject to a strategy of acculturation.

The Congress was not so accommodating in relation to reserved seats and religious reorganisation. Congress had reluctantly accepted these before independence. The reduced effective number of religious groups is the main explanatory variable accounting for their omission from the Indian constitution. The effective number of linguistic groups had remained high and the politicisation of linguistic identities had forced the governing elite to concede linguistic reorganisation. Nehru had accepted partition precisely to be able to implement majoritarian centralism which was facilitated by a lower number of effective religious groups. The Muslim community was much reduced as a proportion of the population of India, and in addition, their leaders were more concerned to secure the goodwill of the Congress. Wilkinson (2000a: 774) and Chiriyankandath (2000: 13) detail the pressure put on the Muslim community to drop the demand for reserved seats. Muslims and Christians therefore had constitutionally recognised personal autonomy, but none in decision-making institutions. This was compatible with multiculturalism but significantly, also with a majoritarian constitutional framework. Although it could be argued that the concession of personal laws was a form of segmental autonomy, the absence of any of the other features of a consociation diminished this protection.

The organisation of unit boundaries along religious lines was antithetical to Nehru's integrationist preferences but also to his majoritarianism. This was because the territorial nature of the demands for religious reorganisation posed a greater threat to an integrationist civic territorial conception of nationhood than accommodation at the personal level did²¹¹. Additionally, because these religious groups were smaller in number after partition, they posed *less* of a threat to the security of the state. Despite this, a reorganisation of states that coincided with a territorially concentrated non-Hindu religious group was rejected. Nehru rejected the linguistic reorganisation of the Punjab on the lines that it 'propagated communalism' (Dua 1990: 193; Singh 2000: 90)²¹². However, the status quo was the existence of Hindu majority provinces, and Nehru's reticence in conceding the linguistic reorganisation of non-Hindu areas demonstrated

²¹¹ This is also an argument that can be applied to explain the initial rejection of linguistic reorganisation.

²¹² The SRC initially recommended merging Punjab, Pepsu and Himachel Pradesh to create a larger and solidly bilingual state. Sikh opposition killed the plan (Dua 1990: 192).

that the Indian state was *not neutral* between the religious communities²¹³. As Table 6.2 reveals, all religions other than the Hindus were under-represented at state level.

Table 6.2. Religious group's demographic control of Indian states in 1951

Group (absolute majority of state's population).	% Pop	Number of states controlled	% Control of states
Hindu	85	26	90
Muslim	10	1	3
Christian	2	0	0
Sikh	2	0	0
Others	1	0	0
No overall control	n/a	2	7
Total	100	29	100

Source: Government of India (1953b).

Notes: The states with no overall control were Andaman and Nicobar Islands where Christians had 31% of the population and Hindus 30%, and Pepsu where Sikhs had 49.3% of the population and Hindus had 48.8%.

When linguistic and religious identities coincided, the Indian state was reticent about conceding territorial recognition. Therefore the religious identity became the relevant identity for the centre over that of language, as seen in the Punjab. In these cases federalism's ability to regulate ethnic conflict became problematic. Although a selective incorporation of ethnic groups does not challenge the validity of a multicultural strategy, problems arise if the accommodation of some groups over others is related to an ethnic exclusivism, or is perceived to be a strategy of control²¹⁴. While India was a Hindu majority state and it should therefore have been expected that the majority of its units would also have Hindu majority populations, as can be seen in Table 6.3 there were territorially concentrated areas in which alternative religions were a majority.

The religious distribution of states has changed since Nehru's death with the acceptance of the demand for a Punjabi-speaking state. The death of Nehru removed one of the main obstacles to its concession (Singh 2000: 91). Subsequently, the Indian state has reorganised the northeast of the country. As can be seen in Table 6.3, there are now five states which do not have a Hindu majority, and one in which no religious group is a

²¹³ Jammu and Kashmir was the only non-Hindu majority state – in which normal democratic politics was not permitted to operate (Bose 1997: 38).

²¹⁴ As discussed above, integrationist strategies can be a form of control (McGarry and O'Leary 1993: 18).

majority (Arunachal Pradesh). With the exception of Jammu and Kashmir they were all created after Nehru's death, although it is important to note that none of them was conceded on ostensibly religious grounds.

Table 6.3. Religious group's demographic control of Indian states in 1991

Group (absolute majority of state's population).	% Pop	Number of states controlled	% Control of states
Hindu	82	19	76
Muslim	12	1	4
Christian	2	3	12
Sikh	2	1	4
Others	2	0	0
No overall control	n/a	1	4
Total	100	25	100

Source: Adapted from Government of India (1990; 1991b).

Notes: Arunachal Pradesh was the state with no overall control. I have used 1981 data for Jammu and Kashmir as no census was conducted in 1991.

Secessionist demands have primarily occurred within these regions – the 'periphery'. However, to attribute secessionist demands to the fact that these regions have a different dominant religion is simplistic. These states are not particularly homogeneous along religious lines, and the Indian state has not been neutral in its approach to their demands for autonomy. Most of the movements in these regions have been promoted by the central government's inaction or manipulation (Brass 1994: 192-227). Congress governments, especially those of Indira and Rajiv Gandhi, were unwilling to permit these states to be ruled by alternative parties than the Congress²¹⁵. This behaviour has been mitigated and perhaps abolished by the Bommai Supreme Court judgement of 1994²¹⁶, but also because India has entered an era of coalition politics.

Additionally, the commitment to the accommodation and equal worth of all groups and peoples resulted in an uncompromising attitude to the maintenance of India's territorial integrity. Nehru was committed to a strong state in order 'to bring about the social revolution that India must achieve if it was to survive' (Austin 1966: 4). As discussed, Nehru was willing to concede partition to secure a centralised state. Ironically, he was

²¹⁵ Although as Appendix Three details, the imposition of President's Rule has certainly not been confined to these states.

²¹⁶ The Bommai judgement of the Supreme Court restricts the ability of the centre to dismiss state governments without following procedures such as giving the state government a chance to prove its majority on the floor of its Legislative Assembly (Tummala 1996: 380).

not willing to risk losing Kashmir and the Indian state adopted an intransigent position over the issue²¹⁷. Any concession permitting the breakaway of Kashmir would be tantamount to refuting the claim of India to be a secular, multicultural state. As Singh argues,

(l)egitimizing Indian presence in Kashmir, the Congress fanned a curious double-speak, which held that Indian secularism would be threatened if Kashmir left the Indian Union. The obverse, that if India's secularism was so strong the right of provinces to self-determination should be entertained, was insidiously made a political non-issue... (1997: 60-61).

Nehru did *not* subscribe to the majoritarian version of Hindu nationalism which, in the words of Partha Chatterjee,

assumes the centrality of the modern state in the life of the nation ... The majority 'community' is Hindu, the others are minorities. State policy must therefore reflect this preponderance, and the minorities must accept the leadership and protection of the majority (1999a: 100).

However, the version of the constitution Nehru promoted *was* majoritarian. This exposed the contradiction identified by Chatterjee that,

in order to prevent the oppression of minorities by the majority, the state must enact legal measures to protect the rights and separate identities of the minorities. The difficulty is that the formal institutions of the state, based on an undifferentiated concept of citizenship cannot allow for the separate representation of minorities. Consequently the question of who represents minorities necessarily remains problematic, and constantly threatens the tenuous identity of nation and state (1999a: 112).

Chatterjee sums up the position very well. India possessed limited multicultural elements at an early stage even within the majoritarian structures of the Indian constitution. Segmental autonomy elements existed but there is a qualitative difference between the acceptance of personal laws, and consociational recognition in political decision-making institutions – India only reluctantly conceded linguistic reorganisation for this reason. Both language and religion were equally threatening to Nehru's integrationist strategy – but only one of them had a high enough effective number of groups to warrant accommodation in decision-making institutions. The fact that

²¹⁷ His intransigence over this issue must also be attributable to personal reasons. A Kashmiri Pandit (albeit brought up in Allahabad), it was his ancestral homeland.

linguistic identities were eventually accommodated on a territorial dimension was a major factor in explaining federal stabilisation in India.

The recognition of personal laws *did* constitute a form of consociational recognition – in terms of promoting segmental autonomy for groups. Therefore, I disagree with Chiriyankandath who argues that the inclusion of the personal laws ‘highlights the distinction the makers of the Constitution made between granting political recognition to minorities and respecting their religious and cultural autonomy’ (2000: 15). The concession of personal laws *did* constitute political recognition and can be viewed as a limited form of consociational segmental autonomy. However, as argued, the recognition of provincial languages was not sufficient to challenge majoritarianism without the concession of linguistic states. Religious groups were not given further political recognition in the form of reserved seats.

India’s concern to safeguard its territorial integrity and to mitigate the ‘danger’ of undermining an all-Indian identity has been reflected through the structure of other institutions of the state, including the bureaucracy, judiciary and army. Unlike in Pakistan, there are no regional quotas for appointments in the Indian Administrative Service (IAS). With the exception of reservations for the Scheduled Castes and Tribes – geographically dispersed communities - appointment is purely on merit. The controversy over the official languages of India was related to the perception that non-Hindi speaking applicants would be disadvantaged in government examinations if they were not allowed to use their mother tongue. As discussed, different linguistic communities are permitted to use a language specified in the Eighth Schedule to the constitution to sit this examination²¹⁸. Yet there is no guarantee that these linguistic communities will have guaranteed representation in the IAS, or even that the states of the federation will have a certain number of IAS positions reserved for their candidates.

The integrationist strategy is further strengthened by the fact that, with the exception of the very top scoring applicants, successful applicants are sent to a different state than their own (Radin 1999: 87). ‘The bureaucracy ... provide(s) a mechanism for national integration through members of the services allocated to the various states on the basis of ability. They ... provide the nation with an all-India outlook’ (Radin 1999: 85). In

²¹⁸ Successful applicants are trained in, and are subsequently required to ‘demonstrate competency in, the regional language’ of the state to which they are assigned (Radin 1999: 87).

addition, the centre does not possess its own civil service – it is comprised of IAS members deputed from the states.

The centre has tried to institute a similar process for the judiciary. In 1981 the Law Minister, Shankar declared that, in accordance with the SRC's recommendations, one third of High Court judges should be appointed from outside the state in which they were to preside. In so doing he declared that this was part of an overall strategy to 'further national integration and to combat narrow parochial tendencies bred by caste, kinships and local affiliations' (Baxi 1985: 39). As Baxi discusses at length – this has not happened (1985: 37-59). No effort has been made to even have a 'sprinkling of Justices' from outside a state (Baxi 1985: 41).

The one exception to the regionally neutral appointment process has been in relation to the army. Although the Indian army does not release data on the individual composition of regiments (Cohen 1990: 189), since 1953 the Indian state has pursued a policy of recruiting from those states that traditionally have not been army recruiting zones (Khalidi 2001-2002: 540). In 1971 this policy was stepped up, and was one of the contributing factors to the alienation of the Sikh community who were over-represented in the army according to their proportion of the population²¹⁹. The demand to reverse the policy featured in the Anandpur Sahib Resolution – demonstrating that such policies can increase as well as ameliorate ethnic conflict.

Pakistan

In contrast to Nehru's reluctant acceptance of multiculturalism, Jinnah articulated a multicultural strategy with consociational dimensions. The demand for consociational accommodation within a united India and then for an independent Pakistan was premised upon the belief, influenced by the poet Iqbal, that 'the Musalmans are not a minority. The Musalmans are a nation by any definition'²²⁰. Jinnah rejected Congress's claim that the Muslim community would be safe within a united majoritarian India.

Here we have a permanent Hindu majority and the rest are minorities which cannot within any conceivable period of time hope to become majorities. The

²¹⁹ As Cohen analyses, in 1974 Punjab provided 15% of the army. In this year Punjab was assigned a quota of 2-6% which was commensurate with its population (including Hindus) (1990: 210-211).

²²⁰ 'Presidential Address at the 27th Session of the All-Indian Muslim League', Lahore March 1940, (reproduced in Pirzada 1970: 335).

majority can afford to assume a non-communal label, but it remains exclusively Hindu in its spirit and action²²¹ (*my emphasis*).

Jinnah's fears of 'Hindustan' were confirmed by the actions of many of the Congress provincial administrations of 1937-1939, specifically those in the United Provinces. After the partition of the subcontinent, Jinnah still viewed the coherence of the Muslim community as vital to its survival.

a) Religious accommodation

In relation to religion, Pakistan could be said to be multicultural. Indicative of this is the fact that the flag of Pakistan has a white stripe that symbolises the existence of minorities within the state (as nominally does the Indian)²²². After independence, Pakistan boasted the same percentage of religious minorities as secular India. Therefore Jinnah was speaking to a sizeable population when he declared that 'minorities to whichever community they may belong will be safeguarded. Their religion or faith or belief will be secure...They will be, in all respects, the citizens of Pakistan without any distinction...²²³'. Religious minority rights were also enshrined in the Constitution and their personal laws were protected from being brought into conformity with Islam (Article 198 (1)). However, this multiculturalism was *not* defined by equality. Muslim and Pakistani identities were interchangeable in the new state, and Islam was constitutionalised as the dominant identity²²⁴. The 1956 constitution, entitled 'The Islamic Republic of Pakistan' began with the preamble 'in the name of Allah'. It then affirmed the sovereignty of God. 'Sovereignty over the entire Universe belongs to All Almighty alone' (Choudhury 1969: 103)²²⁵. Therefore elements of hierarchy and

²²¹ 'Speech delivered at the Muslim University Union' on 5.2.38, (reproduced in Ahmad 1960: 42-43).

²²² The colours of the Indian flag were initially determined in 1921 'after careful consultation with leaders of all communities in the Congress'. In the 1930s Nehru tried 'later not to lay stress on the communal reason for the colours as we wanted it to be considered the common national flag of all' (1938: 34-5). This was the 'official version' cited by the CAD (Government of India 1947a: 764). Other speakers contended that the colours were communal, although they could also appeal to other communities (Government of India 1947a: 784-787).

²²³ Press Conference in Delhi 14.7.47 (reproduced in Afzal 1966: 421).

²²⁴ Moon alleges that although Jinnah rejected Rajagopalachari's 'moth eaten Pakistan' of partitioned Punjab and Bengal in 1942, he made no attempt to win over the Sikhs and other sections of the non-Muslim population in the Punjab. Moon argues that Jinnah should have offered the Sikhs their own state within an independent Pakistan (1961: 82-96). The inclusion of a Sikh state would a) have seriously undermined the nature of Pakistan as a homeland for Muslims (of which P stood for a Muslim Punjab), and b) included a very sizeable group within the decision-making institutions (although separate electorates for the Hindu community did include 22% of the population). The inclusion of the Sikh population would have increased Punjabi dominance within the Pakistani army, but it would have diluted the Punjabi *Muslim* majority.

²²⁵ Although Pakistan has never been a theocracy and religiously defined political parties have performed extremely badly at the polls – gaining on average 3-4% of the vote. The 2002 election was an aberration in this respect, with an alliance of religious parties gaining 19% of the seats in the National Assembly. Whether this is an electoral 'blip' remains to be seen.

segregation existed. As Talbot also details, in 1947 Suhrawardy tried to open membership of the Muslim League to Hindus, but was rebuffed. 'Ideology took precedence over nation building' (1998: 92). In order to justify its claim to be the sole representative of the Indian Muslims, the AIML had adopted a strident approach in which its Muslim Nationalist, Unionist or Red Shirt rivals were denounced as both traitors to Islam and the Indian Muslim community. Because it was not making such exclusivist claims, the Congress could afford to be more tolerant (Talbot 1998: 92). Additionally, Liaquat Ali Khan argued in 1950 that 'the formation of new political parties in opposition to the Muslim League is against the interest of Pakistan', (quoted in Talbot 1998: 93). The constitution did not preclude minority protection. However, the constitutional hierarchy limited the substantive identification with the state for those minorities.

b) Linguistic accommodation

In Pakistan, being a Muslim was a prerequisite for substantive identification with the state²²⁶. All other religions were excluded from substantive identification with the state without incurring a high cost - that of changing one's religion. Such a national identity would have been expected to be inclusive to all Muslims. In the event, as illustrated by the secession of East Pakistan, this was not the case. Jinnah regarded all identities as subservient to Islam, and regionalism was seen as negative and detracting from Islamic unity²²⁷. 'So what is the use of saying we are Bengalis, or Sindhis, or Pathans, or Punjabis? No, we are Muslims', (quoted in Syed 1979: 98). Jinnah was consistent in his attitude to linguistic regionalism both before and after independence. However, the fact that the effective number of linguistic groups remained above 1.9 was indicative of the fact that linguistic conflicts were likely to cause federal instability in the absence of consociational measures (O'Leary 2001a: 291-292). Coupled with the fact that the 'independent states' cited in the Pakistan Resolution were relatively homogeneous linguistic entities who had their own identities before partition it is not surprising that difficulties emerged (Masood 1970: 32).

Although denying the legitimacy of linguistic provincial claims for recognition would have been consistent with Jinnah's multicultural/segregationist strategy in favour of

²²⁶ Although not all Muslims were automatically included. In the 1950s Ahmadiyas were controversially classified as not being Islamic because of their worship of saints.

²²⁷ This was remarkably similar to Nehru despite his civic conception of nationality.

Islam, (which saw ethnic identities as irrelevant) the disparity in the treatment of the regions was not²²⁸. Although some claim that Jinnah's responsibility for the discrimination was limited, he set the tone before partition by marginalising the Bengali speaking leaders of the AIML in favour of Urdu speakers from Calcutta (Talbot, 2000: 148). The denial of regional claims for recognition was always going to create tensions; the inequality of access to state resources only exacerbated it.

Pakistan's strategy in relation to language has fluctuated over time. Before 1954 Pakistan's elites pursued an integrationist strategy – promoting Urdu as the state language of Pakistan. Urdu was spoken as a mother tongue by only 3.24% of the population at the time. While there is a case to be made for categorising the use of Urdu as a 'neutral' language, similar to the adoption of Bahasa in Indonesia rather than the dominant Javanese, it was chosen as the state language as a result of its association with the Muslim nationalist movement in northern India. It thus took on exclusive connotations - as alluded to in the definition of integration – such strategies are not always ethnically neutral.

It benefited some linguistic groups more than others: Bengali and Sindhi were disproportionately endangered by the imposition of Urdu. Punjabi, Baluchi and Pushtu did not have a strong literary tradition so were not as threatened by this decision according to some (Masood 1970: 63). This is too neat. A more comprehensive analysis is provided by Rahman (2002: Ch 6). The British moved away from using Persian in administration in the North Western Provinces²²⁹ in the 1840s. They continued this process in the Punjab after its annexation in 1853. This contrasted with the Central Provinces and Bihar where the provincial government favoured Hindi (Rahman 2002: 222)²³⁰. Therefore, in what became the United Provinces, Punjab and the NWFP²³¹ 'the language of the domains of power (employment) was Urdu' (Rahman 2002: 222). The NWFP and the Punjab had historical experience of operating in Urdu in government circles whereas Baluchistan, Sind and Bengal did not. The Baluchi, Sindhi and Bengali languages were therefore disadvantaged and excluded by the new

²²⁸ It is worth mentioning that the name of Pakistan, coined by a student, Rahmat Ali at Cambridge in 1933, omitted the province of Bengal from the acronym. '(Pakstan) by which we mean the five Northern units of India, viz.: Punjab, North West Frontier Province (Afghan), Kashmir, Sind and Baluchistan'. Coincidentally it translates as Land of the Pure (Aziz 1987: 81).

²²⁹ Which became the United Provinces, and later Uttar Pradesh.

²³⁰ I am grateful to Ian Talbot for bringing this point to my attention.

²³¹ After its separation from Punjab in 1901.

language policy. Exclusion was compounded by the fact that the United Provinces (from where the Muhajirs had predominately migrated) had also operated in Urdu before independence.

While the policy in reference to language was ostensibly integrationist, it reinforced Punjabi domination of the state and its institutions. After 1954, Bengali was accepted as a joint state language, and the language policy became technically more multicultural. However, there were high costs for the 40% of the population not speaking either language as their mother tongue²³². The provinces of the Western Wing were not allowed to have their own provincial languages, although provinces such as Sind retained Sindhi in schooling, and the centre gradually moved to close Sindhi medium schools (Rahman 1996: 117)²³³. The strategy was nominally multicultural *between* the Eastern and the Western Wings, but remained integrationist *within* the Western Wing. The fact that the strategy was only nominally multicultural revealed itself through the Punjabi machinations leading to the One Unit Plan. This plan was devised to counter Bengali demographic dominance and relegate them to the status of 'mass subjects'. The Bengalis were aware of this, and perceived the One Unit Plan to be a rejection of their identity. Their leaders only accepted the plan when Bengali was recognised as the joint state language of Pakistan. As subsequent events would reveal, the One Unit Plan was an institutionalisation of an ethnic hierarchy and therefore indicative of a strategy of segregation rather than multiculturalism, despite the constitutional recognition of Bengali. In addition, the One Unit Plan consolidated Punjabi dominance over the Western Wing: the capital of West Pakistan was Lahore and provincial languages were *not* recognised²³⁴.

As Rajagopalan discusses, there are limits to an analysis that concentrates on constitutional provisions (2001: 51). Even if the state is ethnically neutral (which the Pakistani state was not), some institutions lend themselves to ethnic appropriation. In a state such as Pakistan which had high effective number of linguistic groups after independence, limited resources AND conflict with a much stronger neighbouring

²³² Although many of the Punjabi elite were included within this 40%, for whom, as said, Urdu was part of their state building policy.

²³³ After the secession of East Pakistan and the promulgation of the 1973 constitution, provincial languages were accepted as legitimate, although Urdu and English persisted as national languages. Articles 28 and 251.

²³⁴ Despite the promise to the Chief Minister of the NWFP, Sardar Abdur Rashid Khan, that the capital would be in his province. It is claimed that this deception was the factor that tricked him to support the creation of One Unit (Malik 1988: 47-48).

power, the power of the army as a means of defence, and also of maintaining internal order became increasingly relevant²³⁵. Pathan and Punjabi domination of this institution exacerbated ethnic tensions. In this sense, R J Moore's contention that 'the Pakistan Army stands out as one of the foremost stabilising elements in the country...performing notable services in the nation's behalf' is misguided (1969: 447). While Punjabisation can be detected in the formation and operation of the institutions in Pakistan, and post-1973 in its demographic dominance of the lower chamber²³⁶, much of the ethnicisation and exclusivism has operated *outside* the constitutional frameworks in Pakistan. While Punjabis were by no means a monolithic bloc (Samad 1995b: 32), the perception that they were has not been conducive to national integration.

Both the civil service and the army were ethnically skewed in favour of the Punjabis and the Pathans. Sindhis, Baluchis, and most importantly, Bengalis, were minimally represented (Talbot 1998: 221). The disparity in provincial appointments drastically destabilised the federation. This was very important in Pakistan as the institutions in which power resides have been the army and the bureaucracy. Power sharing in a non-democratic setting may not be as effective as democratic consociationalism, but the co-optation of elites is possible. Pakistan's elite tried to de-ethnicise the state as much as possible through an integrationist policy towards all Muslims. This was a façade. In reality they were consolidating a new ethnic core. The community of the state that were demographically dominant – Bengalis - were subject to a practice of segregation.

Despite this segregationist strategy, both before and after the secession of East Pakistan a regional (rather than a linguistic) quota existed for bureaucratic appointments²³⁷. 80% of the appointments were to be filled by a quota. Before its secession, East Pakistan had 40%, Punjab and Bhalawpur 23%, Karachi 2% and the rest were to share 15% between them (Kennedy 1987: 187). However, 87% of the senior officers in the central civil service were from West Pakistan in 1960 (Naz 1990: 84). After 1971, the quota system was reformed, to be based on one that was roughly based on population. Although it has lessened ethnic inequalities, as Kennedy discusses, it has not eliminated them. Muhajirs and Punjabis are still over-represented according to their population and

²³⁵ See Jalal for further discussion (1995: 50-62).

²³⁶ The 1973 constitution had a second chamber in which all units were equally represented.

²³⁷ The distinction is significant because many of the provinces of Pakistan such as Sind and Baluchistan are not particularly homogeneous along linguistic lines.

Sindhis and Baluchis have alleged that 'domicile fraud' is widespread²³⁸ (Kennedy 1993: 137-140). In addition, as the quotas are roughly based on population, as Punjabis are approximately 50% of the population; this confirms their dominance in this realm.

The situation with regard to the army was not so progressive. The quota for bureaucratic appointments has 'never been applied to recruitment to the military, the ethnic preserve of Punjabis' (Kennedy 1993: 140). At the time of independence, as Cohen discusses, there was resistance to expanding Bengali representation in the army. 60% of the army came from the Punjab at the time of independence (1998: 43). In 1959 Bengalis comprised only 2% of the top military elite (Rahman 1996: 121). In 1998 there had not been much change in Punjabi domination – 75% of the army came from only 3 districts in the Punjab and 2 districts from NWFP (Cohen 1998: 43). Punjabi domination of the two powerful institutions of the Pakistani state maintains their ethnic dominance through a segregationist strategy.

6.4. Conclusion

An examination of the practice of the two states with reference to language and religion casts doubts over the coherence of the strategies adopted to manage diversity. Nehru and Jinnah's ideal strategies were challenged by the linguistic diversity within their states. Their willingness and ability to adapt to these challenges had consequences for the stability of the two federations. Neither leader's articulation of the national identity, defining the legitimacy of claims for recognition by their diverse populations can be used to explain wholly the *inequitable* accommodation of different ethnic groups. Nehru permitted provincial languages but only very reluctantly did he recognise language in decision-making institutions through linguistic reorganisation. However, his simultaneous commitment to forge all Indians into one nation had as its corollary, an urge to maintain India's territorial integrity. His unwillingness to concede territorial institutional recognition to any religious groups explains why conflicts intertwined with linguistic or border issues were not accorded legitimacy. The whittling away of Kashmiri autonomy and the refusal to grant a Punjabi speaking state until 1966 are examples of this. The changing configuration of the Indian political scene distorted his

²³⁸ 'It is often alleged that lever Muhajirs, Punjabis or Pathans, with the connivance of ethnic-co-conspirators, force domicile certificates and stand for seats reserved for Sindhis and Baloch' (Kennedy 1993: 139)

integrationism further. Under Indira Gandhi and afterwards (Brass 1994: 195-196), religion became a tool of political mobilisation²³⁹.

Jinnah's conception of an Islamic state with protection for religious minorities was a multicultural one on the surface, but segregationist in reality. However, it failed to accommodate all Muslims equally. This exclusion was the result of two factors. The discrimination between regions exposed the limits of the all-encompassing integrationist nature of the Islamic identity. When this discrimination linked itself to a linguistic bias, conflict ensued. The second factor was the result of the first; Muslim identity became less salient as other identities were threatened in place of the Muslim one. Therefore, the mobilisation of Muslims as a political force that had led to the state's creation was not translated into an overarching identity. Pakistan's integrationist strategy transformed into a mechanism of segregationist control with regard to the Bengalis and took on an ethnic dimension with regard to the Western Wing. This restricted the state's ability to accommodate linguistic groups. After 1973 it accommodated languages more readily, but disparities remained in their representation in the institutions that mattered – the army and bureaucracy.

Chapters Five and Six discussed the relationship between the effective number of ethnic groups and the national identity. These variables cannot be separated from the constitutional legacies. All three independent variables contributed to constitutional formation and hence federal stabilisation. Nehru and Jinnah's understanding of national identity remained essentially the same after independence. What neither leader initially acknowledged was the increased salience of language partially because of the reduced effective number of religious groups. This challenged the strategies to accommodate diversity. While Pakistan was consistent in its rejection of linguistic identities, and India was not, India's belated recognition of language in decision-making institutions was a vital feature of federal stability for linguistic groups. This will be examined in more detail in Chapter Seven. In the case of Pakistan, the lack of accommodation of linguistic identities led to conflict and federal destabilisation.

Chapter Seven is concerned with the relationship between linguistic heterogeneity and the number of parties. The contention of this thesis is that there is a relationship

²³⁹ Although this political mobilisation was not always pro-Hindu, as seen by Rajiv Gandhi's role in the Shah Bano case in 1985 (Brass 1994: 233).

between the homogeneity of a province and federal stability in South Asia. This cannot be separated from the other constitutional provisions, such as recognition of language at the national level, and the security or insecurity such a policy can create. What this chapter has established is that understanding the state-sponsored national identity can help us understand why the elites adopted a certain attitude towards constitutional formation. As Rajagopalan argues 'Demands for representation and for units or autonomy ... are both more likely to be made and less likely to be met when the identity or identification of the state is open to challenge' (2001: 65-66). It is not necessarily centralisation *per se* that causes problems in an ethnically diverse society; rather majority dominance within majoritarian institutions.

Chapter Seven: Party fractionalisation and linguistic homogeneity in India and Pakistan

'The conclusion appears to be that integration has not so far completely succeeded in the growth of an organic political community. In fact, politics since integration, in some cases, has tended to sharpen the sense of a separate identity' (Narain 1967: xxiii).

'Intra-group divides contribute to inter-group peace' (Varshney 2002: 171).

'Pakistan... provides the most vivid illustration of the proposition that centre-province conflicts have less to do with the inherent volatility of cultural or 'ethnic' divisions in heterogeneous societies than with the complex and shifting ways in which social identities are forged and refashioned in response or resistance to structures' (Jalal 1995: 183).

'Insufficient solidarity exists at the state level to fuel separatism' (Manor 2002: 447).

'It is important to point out that perceptions are more important than accurate arithmetic in influencing political behaviour' (Jeffrey 1994: 188).

7.1. Introduction

Chapter Six discussed strategies to accommodate different communities within state structures; especially that of the design of the federal system. It established that a major difference between Indian and Pakistani strategies concerned the accommodation of linguistic groups. Jinnah sought to impose Urdu as the state language of Pakistan, and did not accept the legitimacy of linguistic inclusion within federal structures. Nehru accepted minority languages as a means of provincial communication, but he sought to marginalise identities based on language within decision-making institutions. He ultimately conceded linguistic reorganisation, but only for electoral reasons. Linguistic reorganisation in India can therefore be viewed as a necessary concession to preserve Congress's electoral hegemony. On another level linguistic reorganisation can be understood as the element of federal design that has increased India's federal stability. This chapter assesses the impact that the differences in the linguistic homogeneity of the units of India and Pakistan have had on the stabilisation of their federations.

Many scholars of federalism have decried giving autonomy to ethnically homogeneous units within a federation, fearing it will lead to destabilisation. In contrast I argue that in South Asia homogeneous units have promoted federal stabilisation by providing security for linguistic groups. This security encourages the conditions for the group to factionalise and organise on alternative criteria. The measure I use to assess whether a group has factionalised is that of the effective number of *legislative parties*²⁴⁰. I

²⁴⁰ The effective number of legislative parties is a measure of the effective number of political parties who have gained seats (Cox 1997: 208). It contrasts with the effective number of *elective* parties, which measures the

correlate this measure with the effective number of linguistic groups within the federal units of India and Pakistan. If my argument is correct, then the relationship between the two should be a negative one – the lower the effective number of linguistic groups within the unit, the higher the number of legislative parties.

The stabilisation of the federations of India and Pakistan is my *dependent variable*²⁴¹. Federal stabilisation is a difficult variable to quantify. I define it here through a combination of three elements. None are sufficient, but taken together; they are a strong indicator of the stability of a federation.

- The maintenance of territorial integrity;
- The fractionalisation of the party system;
- The number of secessionist movements.

7.2. The maintenance of territorial integrity

Federal stabilisation can be measured most simply as the maintenance of territorial integrity. On such a definition, Pakistan, Yugoslavia and Czechoslovakia were failures, and India, Canada, and Switzerland definite success stories. After the initial accession of the Princely States²⁴², Pakistan lost territory with the secession of East Pakistan²⁴³. In contrast, India gained the territories of Sikkim, Goa and Pondicherry.

It is possible to argue that the maintenance of territorial integrity is a flawed measure of federal stabilisation. This is because the international system has not been permissive of secession - the UN militarily intervened in the Congo to prevent Katanga's

effective number of parties according to their vote share. The literature varies as to whether the effective number of legislative parties (*enseats*) or the effective number of elective parties (*envotes*) is used to calculate the effective number of parties. Either can be used. I have chosen to use *enseats*. This is because I focus on the impact of institutional variables - the federal and the electoral system - on party system formation. Although Heath is correct when he argues that *envotes* 'is a more accurate indication to the degree of fractionalisation, as it reflects the actions of voters rather than the effect of the constituency boundaries' (1999: 67), he is not concerned with the interaction of the electoral system and federal design. For my purposes, *enseats* is more appropriate.

²⁴¹ The independent variables are institutional legacies, the *eneth* of the two states and the state-sponsored national identity. These three variables combined to influence attitudes to provincial organisation along linguistic lines; my intervening variable.

²⁴² The accession of the princely states in the late 1940s must be understood as part of the decolonisation process.

²⁴³ East Pakistan was called East Bengal before the creation of the One Unit Plan in 1955. I have called it East Pakistan throughout this thesis for the sake of clarity.

secession²⁴⁴. East Pakistan's successful secession holds the dubious distinction of being the only opposed secession that succeeded during the cold war era²⁴⁵. It succeeded because of Indian military intervention rather than because of the success of an indigenous movement²⁴⁶ (Marwah 1979: 13-14). Therefore a definition of federal stabilisation that is predicated on territorial integrity ignores the international constraints on the possibility of such an attempt succeeding. In addition, the success of a secessionist demand may be prevented by military force. No state lightly permits the dissolution of its territorial integrity. The twentieth century has seen many examples when the central government has suppressed secessionist demands using force, e.g. Biafra & Chechnya. Territorial integrity in such circumstances has little to do with the institutional structures of the state such as federal design²⁴⁷. The Indian state has responded with the use of extreme force to secessionist attempts, or autonomist movements that it perceives as secessionist. By the same token, it is likely that Pakistan would have been able to prevent East Pakistan's secession had India not intervened.

Despite this, the break up of territorial integrity is the strongest example of a federation that has 'failed', even if the break up is a peaceful one as in the case of Singapore in 1965 and Czechoslovakia in 1992. The absence of a break up may not be a sign of success, but if a state has lost territory then this is a powerful indicator of destabilisation. On this variable India is a definite success, having acquired territory, and Pakistan a definite failure as East Pakistan seceded in 1971.

7.3. Fractionalisation and the party system.

Another measure of assessing federal stabilisation is to focus on the structure of the party system. This variable is relatively easy to categorise and to measure. Party systems within federations have two dimensions; a regional and a national one. I concentrate on the national one²⁴⁸. As discussed in Chapter One, the creation of homogeneous states within a federation accentuates other divisions: once a 'self' is

²⁴⁴ Although the international environment has arguably become more permissive in recent years, e.g. in relation to many of the states of the former Yugoslavia.

²⁴⁵ Singapore seceded from the Malayan federation in 1965 but this was a mutually agreed split.

²⁴⁶ By the time India intervened, between one to three million East Pakistanis had been victims of genocide by the West Pakistani armed forces (Rummel 1994: 331), and ten to eleven million refugees had fled across the border to India (Marwah 1979; Hewitt 1997: 46).

²⁴⁷ However, a secessionist demand can be encouraged by exclusionary structures.

²⁴⁸ Although I am interested in fractionalisation of the party system at the state level, I have chosen to focus on the national rather than the state elections. This is because I am interested in the way these parties interact with each other at the national level. Parties that seek national representation are better indicators of federal stability. In addition, this thesis adopts a macro level analysis and a consideration of the individual state party systems is beyond its scope.

secure, it becomes more difficult to determine who the 'self' is (Horowitz 1985: 617). Individuals are comprised of multiple, overlapping and sometimes complementary identities. Once one identity is secure it provides the conditions for other identities to come to the fore. Under such conditions in a democracy, parties proliferate: reflecting or mobilising alternative identities. In these cases, the area of political competition shifts within the state rather than between the state and the centre. These parties may not appeal to a specific regional ethnic identity such as language or religion, but they have a regional base²⁴⁹.

Political parties who seek to become part of the national party system are not seeking to challenge the system; indeed they have an interest in maintaining it (Horowitz 1985: 628). A proliferation of regionally based political parties at the national level and unstable coalitions may be a sign of *political* instability, but it does not necessarily follow that it leads to *federal* instability. It is not indicative of federal destabilisation or secessionism; indeed, federalism in India has become more 'real' because of

the increased importance and expanding role of state-based political parties, and the necessity of building federal coalitions which reconcile regional aspirations with national cohesion (Arora 2002: 507).

A proliferation of parties at the regional level *may* undermine federal stability if these parties are ethnically defined and seek to outflank each other (Nordlinger 1972: 118). In such situations, a proliferation of parties within the unit may lead to conflict with the centre. But this only happens when ethnically defined regional parties attempt to prove to their electorate that they can stand up to or gain concessions from the centre. This situation is likely to occur when the unit is insecure. It is important to note that the fractionalisation of the party system is not a *sufficient* measure of federal stabilisation – fractionalisation can occur within heterogeneous units. I only use it as a measure of federal stabilisation in homogeneous units.

In recent years many authors have posited a relationship between the party system and the federal system in India (Vanhanen 1992; Manor 1995; Verney 1997; Chhibber and

²⁴⁹ It is difficult to define definitively a regional party. Indexes do not take into account the different sizes of the units. Additionally, many parties are concentrated within a particular state, but do not have an explicitly regional programme. Manor lists only four states having explicitly regional parties. These are the AGP in Assam, the TDP in Andhra Pradesh, the SAD in Punjab and the DMK and its offshoots in Tamil Nadu. However, there are many other parties whom Manor describes as *de facto* regional such as the CPI (M) (1995: 118). Parties such as the Shiv Sena in Maharashtra can also be categorised as being explicitly regional.

Kollman 1998; Wyatt 2001; Arora 2002; Sridharan 2002). Attention on the relationship between the two has not been as pronounced in Pakistan, primarily because its party system is underdeveloped. In the case of India, it is not hard to fathom the reason for the increased attention on the relationship between the two. Twenty years ago, Riker cited India as an example of an exception to Duverger's 'Law'²⁵⁰ primarily because India had a one party system at the centre despite using the simple plurality electoral system. He also cited it as an exception because of the multiple parties at state level (1982: 761). In recent years, India has seen a proliferation of parties at the centre as well. The proliferation of parties and the decline of the INC are problematic for institutionalist theorists of party systems. The percentage of seats gained by state parties at the centre increased from 16% in 1991 to 29% in 1999 (Rudolph and Rudolph 2001: 1543). Coalition governments now look to be the norm rather than the exception.

As well as being an exception to institutionalist theories of party systems, India has also been an exception to sociological theories. Sociological theorists argue that party systems reflect the primary cleavages in a society such as class, language or religion. The most famous exponents of this argument are Lipset and Rokkan who concentrate on 'conflicts and their translations into party systems' (1990: 93). India is an exception to this argument. There are many divisions within Indian society, yet the INC historically attracted a large section of the electorate across many diverse groups (Chhibber and Petrocik 2002: 56). Multiple explanations for the subsequent decline of the Congress Party have been advanced (Sridharan 2002: 492-496). Kohli has discussed Indira Gandhi's role in undermining the organisational roots of the party (1991: 5-6); Brass has focussed on the entrance of new social groups into the political system (1997: 204); and Sridharan focuses on the interactive nature of the federal and electoral systems. His explanation is concerned with 'the systemic properties of the first past the post electoral system working themselves out in a federal polity' (2002: 495). This interpretation forms the basis of my analysis of this measure. My institutionalist explanation is premised on the importance of the creation of linguistically homogeneous units. Linguistically homogeneous units have affected the number and type of parties that compete at the national level.

²⁵⁰ Duverger's 'Law' was that countries with simple plurality electoral systems would produce two party systems as a result of the psychological and mechanical incentives (1964: 224-226).

The role of the electoral system in India and Pakistan

In India, simple plurality magnified the votes of the INC into a majority of seats in the elections of 1952-1971 and 1980-1984, despite the fact that Congress never won a majority of votes at the national level. In the 1990s the Congress' fortunes turned and the party is no longer the beneficiary of the system. This was demonstrated most dramatically in 1999 when the party gained 28.3% of the votes, 4.6% more than the BJP, but secured 68 fewer seats²⁵¹ (Election Commission 2000: 34).

Table 7.1. Number of recognised parties in the general elections

Election year	National Parties	State Parties	Total (not including independents)	Effective number of legislative parties
1952	14	39	53	1.78
1957	4	11	15	1.73
1962	6	11	27	1.84
1967	7	14	25	3.12
1971	8	17	53	2.12
1977	5	15	34	2.63
1980	6	19	36	2.17
1984	7	19	35	1.69
1989	8	20	113	4.34
1991	9	28	145	3.62
1996	8	30	209	5.80
1998	7	30	176	5.25
1999	7	40	169	5.86

Source: Data on the numbers of national parties adapted from Election Commission of India (1952; 1959; 1963: 26-34; 1968; 1973; 1978; 1981; 1985; 1986; 1990; 1991; 1992; 1996a; 1998a; 2000: cited on pages 1-7 for all thirteen reports). Data on the effective number of legislative parties adapted from Butler (1995) and Election Commission of India (1996b; 1998b; 2000).

As Table 7.1 illustrates, an extraordinary number of parties competed in the first election of 1952²⁵². Many authors have argued that the other parties did not have an incentive to merge together because the Congress was in such a commanding position (Weiner 1957: 227; Riker 1982: 761; Cox 1997: 77). Although this explanation makes intuitive sense, it does not account for the huge drop in the numbers of parties between the elections of 1952 and 1957. The electoral system remained constant, and therefore

²⁵¹ The BJP won 53.7% of the seats it contested, compared to the 25% won by the Congress. The BJP's success was attributable to pre-election alliances with members of the NDA.

²⁵² The number of parties was extraordinary according to institutionalist explanations of the likely number of parties under simple plurality.

the drop in parties is best explained by the fact that the majority of these parties over-estimated their support in 1952 (Weiner 1957: 227).

The electoral system has undoubtedly played a large role in influencing the number of effective legislative parties, initially reducing their success rate. However, the number of parties competing in the elections has dramatically increased over time. In 1952 there were 53 parties, and in 1957 after the consolidation of the party system only 15. In 1999 there were 169 parties plus many independent candidates! The effective number of legislative parties has also risen dramatically from 1.78 in 1952, to 5.86 in 1999.

In the case of Pakistan, the effective number of legislative parties is also higher than Duverger's 'Law' would expect for a political system with simple plurality, but is lower than that of India.

Table 7.2. The Effective Number of Legislative Parties in Pakistan

Election year	Effective number of legislative parties
1954	2.95
1955	4.99
1970	2.75
1977	1.58
1988	3.18
1990	2.89
1993	3.13
1997	2.05
2002	5.35

Source: Data adapted from Afzal (1976: 79), Aziz (1976: 275-277), Election Commission of Pakistan (2002), Kaniyalil and Pande (1989: 79), SAARC-NGO Observers (1995: 116-117), Talbot (1998: 200 & 314), Waseem (1994a: 334; 1998: 11).

Notes: There were no national elections in 1954 and 1955. The Constituent Assembly was reconstituted in 1954 following its dismissal by Governor General Ghulam Muhammad. The effective number of legislative parties differed from the Constituent Assembly indirectly elected in 1947 from the provincial assembly elections of 1946 when the number of effective parties was 1.46. This was because provincial elections were held between 1951-1954. As the Constituent Assembly was indirectly elected from the provincial assemblies, the number of parties in the Constituent Assembly changed accordingly. The effective number of parties increased in 1955 as the United Front coalition of East Pakistan broke up.

The electoral system is a constant variable within India and Pakistan and cannot account for differences between the two states. Additionally, as can be seen in Tables 7.1 and 7.2, the effective number of legislative parties has dramatically increased in India and Pakistan since independence. As the electoral system has not changed, it cannot

account for this rise. Therefore, although I am looking at the interaction of the federal system and the electoral system, I concentrate on the former²⁵³. The form of the federal system *did* change within both states. In the mid 1950s India re-designed its units along primarily linguistic criteria, while Pakistan consolidated the Western Wing into one linguistically heterogeneous province. I contend that the different types of provincial design affected federal stabilisation.

The relationship between provincial unit design and the party system

The hypothesis that homogeneous units have a positive effect on federal stability can be assessed in a number of ways. I follow Horowitz's reasoning and argue that the creation of homogeneous states accentuated other divisions (1985: 617). This had a positive effect on federal stability because it provided a structural and institutional incentive for the proliferation of regionally based parties. Weiner saw this as a source of instability, arguing that 'the multiplicity of political parties threatens to destroy stable government' (1957: 289). In contrast, I argue that it has been a force for stability because it is indicative of intra-elite competition.

The statistical section below assesses my null hypothesis. Appendix Four provides a justification for the statistical tests used. Appendix Five provides the key to these data tables. Appendix Six reproduces these data tables.

H₀ - There is no relationship between the effective number of linguistic groups and the effective number of legislative parties

I seek to reject the null hypothesis. If I am able to reject the null hypothesis that there is no relationship, my alternate hypothesis is:

H₁ - The variables of the effective number of linguistic groups and the effective number of legislative parties are negatively correlated

If I am able to accept my alternate hypothesis in India and Pakistan then it indicates that the homogeneity of units along linguistic lines provided the conditions for other

²⁵³ This strategy is compatible with Cox (1997: 221) and Ordeshook & Shvetsova (1994: 122) who find that the number of effective parties is an additive function of social heterogeneity and electoral system permissiveness.

identities such as region, caste and class to come to the fore²⁵⁴. This has created the conditions favourable for federal stabilisation.

India

As laid out in Table 7.3, there is a low negative correlation between the two variables of effective number of linguistic groups and the effective number of legislative parties. Although the strength of the relationship is only $-.273$, and is therefore a weak correlation coefficient (Pallant 2001: 120), the fact that the correlation coefficient has a negative sign indicates that the lower the effective number of linguistic groups (e.g. the more homogeneous the unit) the higher the effective number of legislative parties. The result is also significant at the 1% confidence interval (there is less than a 1% chance that this could have occurred randomly²⁵⁵).

Table 7.3. Pearson's correlation between *enseats (log)* and *enling (log)* for the Indian National Elections 1952-1999

Correlation Coefficient	Sig.	Sig. (2-tailed)	N
-.273	**	.000	263

**** Correlation is significant at the .01 level (2-tailed)**

Source: Electoral data adapted from Butler et al (1995), Rana (1998) and Election Commission of India (1996b; 1998b; 2000). Linguistic data adapted from Government of India (1951h; 1951e; 1951d; 1951f; 1951c; 1951n; 1951a; 1951g; 1951b; 1951j; 1951k; 1951i; 1951m; 1951l; 1961e; 1961a; 1961c; 1961d; 1961b; 1976; 1991a).

Notes: These data exclude those units of the federation that return only one seat to the Lok Sabha. These units skew the relationship as *enseats* cannot be greater than 1.00, regardless of the score for *enling*. Excluding these units does not produce as strong correlation coefficients as including all of them, but the relationship is still a negative one. This is a more consistent method of proceeding and has the advantage of excluding Nagaland. Nagaland is also an outlier on the *enling* index as it has an *enling* of 11.25 because the rationale for reorganisation was tribal rather than linguistic. Mizoram and Sikkim are the other two excluded states. I have also excluded the Union Territories of Lakshadweep, Dadra and Nagar Haveli, Andaman and Nicobar Islands Daman and Diu, Pondicherry and Chandigarh that return only one seat. I also use the *log* of *enling* and *enseats* to enable me to use Pearson's Correlation.

Therefore I can reject the null. There is a significant negative relationship between the effective number of linguistic groups and the effective number of legislative parties. However, the relationship is weak. Large sample sizes can yield higher significance levels than the correlation coefficient warrants. This may well be one of these cases

²⁵⁴ I do not argue that these identities were insignificant before linguistic reorganisation in India. Rather I am arguing that these identities became more prominent after linguistic reorganisation.

²⁵⁵ I use the measure of significance commonly used in political science statistical analysis – the 5% significance level – as my cut off point. This is expressed in the tables as a significance level of 0.05 or smaller. I have highlighted cases that are significant at the 1% level as this indicates that the significance is greater. See Healey (1993: 189-191) for further discussion of alpha levels.

(Pallant 2001: 121). Although I can reject the null, the weak relationship prompts me to investigate further. The results are tabulated below. Table 7.4 sorts the effective number of legislative parties and effective number of linguistic groups according to national election year. The relationship of the two variables to one another now becomes clearer. There are eight significant relationships between the two variables, and half of these are significant at the 1% level. The relationship is in the direction I have hypothesised and is stronger than that in Table 7.3. This corroborates my alternate hypothesis.

Table 7.4. Pearson's correlation of *enseats (log)* and *enling (log)* for Indian national elections

Year	Correlation Coefficient	Sig.	Sig. (1 Tailed)	N
1952	0.14		0.26	23
1957	-0.01		0.49	14
1962	-0.52	*	0.02	15
1967	-0.48	*	0.03	17
1971	-0.59	**	0.01	18
1977	0.11		0.32	21
1980	-0.26		0.13	21
1984	0.03		0.45	21
1989	-0.50	**	0.01	22
1991	-0.51	**	0.01	22
1996	-0.41	*	0.03	23
1998	-0.54	**	0.00	23
1999	-0.47	*	0.01	23

* Correlation is significant at the 5% level (1 tailed)

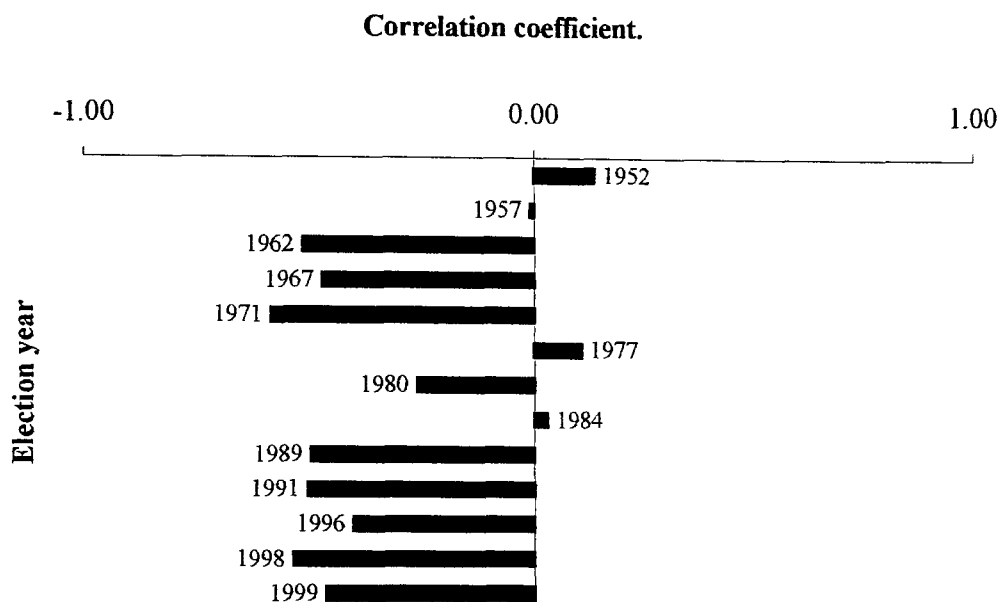
** Correlation is significant at the 1% level (1 tailed)

Source: As for Table 7.3.

Notes: In Table 7.3 I used a two-tailed significance test to test the null hypothesis. This is because I was assessing whether there was a relationship between the two variables as well as the direction of the hypothesis. See Healey (1993: 185-189) for further discussion of one and two tailed significance tests. For the Indian section I now use one tailed significance tests, as I am interested in the relationship between the two variables on one end of the continuum. Table 7.3 has already demonstrated that the relationship between the two variables was a negative one.

Although there is not a linear relationship between the election years and the strength of the correlation coefficient, there is a definite trend. The relationship between the two variables becomes stronger in the elections that are furthest from linguistic reorganisation. After linguistic reorganisation was conceded, the two exceptions to the trend were 1977 and 1984 as can be seen in Chart 7.1.

Chart 7.1. Pearson's correlation between *enseats (log)* and *enling (log)* for Indian national elections



Source: As for Table 7.3.

Congress had to concede linguistic reorganisation for electoral reasons. The effective number of linguistic groups was too high for it to have done otherwise. The success of the reorganisation in terms of protecting Congress dominance is illustrated by the fact that the numbers of parties dropped dramatically between the two elections. As already argued, the reduction in parties in 1957 was partially a result of the perceived futility of standing against the Congress. These data indicate it was also because Congress temporarily reaped the benefits of reorganisation and forestalled more factionalism.

Agitation for the redistribution of states along linguistic lines has sharpened the factional divisions in some areas, but at the moment no other issue of state policy seems likely to provide a further basis for the further development of factions (Weiner 1957: 283).

In the event, Congress suffered a major split a decade later. I contend that if linguistic reorganisation had not been conceded then electoral considerations would have caused many more defections before this date. The demand for linguistic reorganisation was an issue to 'create... a coalition of voters that spans electoral constituencies' (Chhibber 1999: 18). Nehru had sought to prevent linguistic identities from gaining representation in decision-making institutions. Electoral considerations were the main reason he

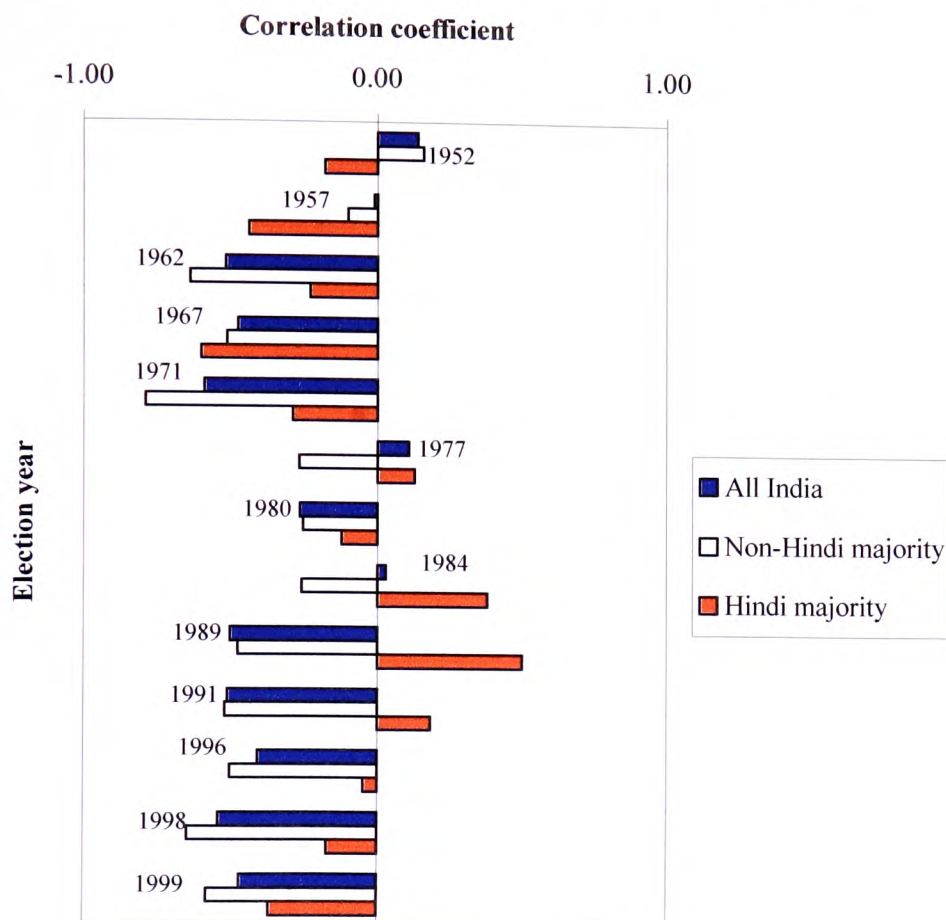
compromised. As Kothari points out, 'soon after the successful culmination of the agitation... the Congress absorbed a large number of the new entrants (into politics) and succeeded in capturing full initiative in state politics' (1964: 1168).

Therefore Congress reaped the benefits of linguistic reorganisation in the 1957 election. This is why the relationship between the effective number of linguistic groups and the effective number of legislative parties was a weak one in this year, although still in the hypothesised direction. The two aberrant elections were 'special' elections. The 1977 election followed the Emergency in which there was a high degree of unanimity among the political parties on the need to defeat the Congress. The 1984 election did not buck the trend in such a strong fashion. But its departure from the general trend is explainable by Indira Gandhi's assassination, which led to her son, Rajiv, being elected on a huge sympathy vote.

I have established that a negative correlation exists between the effective number of linguistic groups and the effective number of legislative parties. I have concentrated solely on a linguistic measure rather than one that includes religion, caste or tribe. Creating a wider measure of ethnic heterogeneity²⁵⁶ misses the point that the homogeneity of the states along linguistic lines (through linguistic reorganisation) provided favourable conditions for alternative identities to become politically significant. For the purposes of this study, it is appropriate to focus on the single variable of linguistic heterogeneity. This point becomes clearer when these data are disaggregated into states for which the majority language is not Hindi, and those in which it is. The results are shown in Chart 7.2.

²⁵⁶ As Wilkinson (2000b: 14-15) and Vanhanen (1992: 57) do. They include religious, linguistic and Scheduled Castes and Tribes within one measure.

Chart 7.2. Pearson's correlations between *enseats (log)* and *enling (log)* for Indian national elections organised according to majority language spoken



Source: As for Table 7.3.

As Chart 7.2 and Table 7.5 demonstrate, the hypothesised relationship is more strongly borne out for those states that have a non-Hindi majority.

Table 7.5. Correlation of all Indian elections 1952-1999 between *enseats (log)* and *enling (log)* sorted according to majority language

Language	Correlation Coefficient	Sig.	Sig. (1-tailed)	N
Non-Hindi majority	-0.371	**	0.00	171
Hindi majority	-0.167		0.06	92

** Correlation is significant at the .01 level (1-tailed)

Source: As for Table 7.3.

These non-Hindi majority states were not part of the 'core'. During the era of Congress dominance 'all (Congress) Prime Ministers ... contested from constituencies...in Uttar

Pradesh' at some time (Butler 1995: 68)²⁵⁷. These non-Hindi states initially fought the attempt to introduce Hindi as the sole official language. The fact that it is the non-Hindi speaking states that have divided into competing factions illustrates that India's strategy of linguistic reorganisation has been a success. In Madras there were incredible tensions before reorganisation – the fasting to death of Potti Sriramulu in order to secure a Telugu speaking state in 1953 was the catalyst for the wider reorganisation of states. The tensions that would have been caused by not conceding linguistic reorganisation can be illustrated through a discussion of Bombay state, excluded from the initial reorganisation.

In Bombay, after the denial of the claims for a bifurcation of the state, Congress was challenged by two parties – the Maharashtra Samyuka Samiti²⁵⁸ and the Mahagujarat Janata Parishad. 'Leading Congressmen joined the chorus of dissent' (Brecher 1959: 484) despite the CWC calling on Congressmen to 'avoid the agitational approach' (Windmiller 1956: 132). In November 1955 '600,000 workers left their jobs in response to the call of the leftist leaders. Almost immediately violence exploded over the city and an orgy of rioting and destruction resulted...' (Windmiller 1956: 135). Agitation on the Gujarati side was more muted as a linguistic division meant losing the cosmopolitan business city of Bombay to Maharashtra. 'Day by day the situation...became ugly...opening out opportunities for people with fissiparous political views to ...create confusion' (Roy 1962: 208). In January 1956 'riots (had) enveloped Bombay ... (and) eighty people were killed and 450 wounded ... (in) the large-scale police firing' (Brecher 1959: 484)²⁵⁹. Although Nehru argued that the coming elections could 'go to hell. I am tired of listening to talks of pleasing this party and that party' (Windmiller 1956: 141), the state 'Congress government found it impossible to turn a deaf ear to this demand and carry on with the administration of the state insensible to the constant agitation' (Roy 1962: 207). The Maharashtra Samyuka Samiti was very successful in the 1957 elections, demonstrating that 'sentiment for the creation of a Maharashtrian state is still strong'. It reduced 'the Congress majority in the Bombay state legislature' (Weiner 1957: 267) The effective number of legislative parties in

²⁵⁷ Uttar Pradesh is the largest state in the Hindi heartland of India. It returns the most seats to the Lok Sabha. K M Panikkar recommended the division of the state but was outvoted by the other members of the SRC. In his dissenting note, he observes that the leaders of Uttar Pradesh argued 'that the existence of a large, powerful and well-organised state in the Gangetic Valley was a guarantee of India's unity; that such a state would be able to correct the disruptive tendencies of other states, and to ensure the ordered progress of India' (States Reorganisation Commission 1955: 246).

²⁵⁸ Organisation for Greater Maharashtra.

²⁵⁹ Windmiller alleges that the death toll was much higher; between 250-400 (1956: 140).

Bombay was the second highest in the country in the elections of 1957 compared to the other states where the Congress had retrenched its position after linguistic reorganisation. Although there were no calls for the secession of the state, the violence was widespread. The instability led to the division of the state into two. Congress reaped the benefit of reorganisation in the 1962 election 'and won an easy victory over all the opposition parties' (Joshi 1968: 194). Linguistic reorganisation thus produced a similar result in this state than it did in the rest of India five years previously.

As Table 7.6 shows, eight elections produced significant results between the two variables, and seven of these returned large correlation coefficients (defined as being above $\pm .50$) (Pallant 2001: 120). Three of the relationships were significant at the 1% confidence interval.

Table 7.6. Pearson's correlation coefficients for *enseats (log)* and *enling (log)* for the non-Hindi majority states of India

Election Year	Correlation coefficient	Sig	Sig 1 tailed	N
1952	0.16		0.29	14
1957	-0.10		0.42	7
1962	-0.64	*	0.04	8
1967	-0.51	*	0.05	11
1971	-0.79	**	0.00	11
1977	-0.27		0.18	14
1980	-0.25		0.19	14
1984	-0.26		0.19	14
1989	-0.48	*	0.04	15
1991	-0.52	*	0.02	15
1996	-0.50	*	0.02	16
1998	-0.65	**	0.00	16
1999	-0.58	**	0.01	16

* Correlation is significant at the .05 level (1-tailed).

** Correlation is significant at the .01 level (1-tailed).

Source: As for Table 7.3.

Explanations for the difference between Hindi and non-Hindi majority states

As Table 7.5 showed, the relationship between the effective number of linguistic groups and the effective number of legislative parties was not significant for Hindi majority states, and the correlation coefficient was very weak. When these data are disaggregated into election year *none* of the individual correlations are significant.

There are a number of possible explanations for the differences between the Hindi majority and non-Hindi majority states.

a) The states which do not have Hindi as the majority language tend to be further away from the capital, and are certainly not part of the Hindi heartland. In a federal system these states would be more likely to develop in opposition to the centre. However, while this factor might explain the development of regionally based parties, it does not explain why there should be a *multiplicity* of parties rather than one strong regional party. Therefore the fact that the non-Hindi majority states fractionalised more than the Hindi majority ones in the first instance is indicative of the success of the federal system. As Table 7.7 shows, the non-Hindi majority states have a much wider range of the effective number of legislative parties than the Hindi majority states do²⁶⁰.

Table 7.7. The distribution of *enseats* between Hindi majority and non-Hindi majority states for the Indian national elections 1952-1999

Language	N	Minimum <i>Enseats</i>	Maximum <i>Enseats</i>
Non-Hindi majority	261	1.00	5.39
Hindi majority	105	1.00	3.96

Source: As for Table 7.3.

Wilkinson provides a plausible explanation for the differences in the number of effective legislative parties between the two types of states (2000b: 21-24). He argues that in the early twentieth century, the status of the lower castes in the southern, non-Hindi speaking area of India was much worse than in the north. In these southern states there had been caste agitation in favour of job reservations. The British were keen to concede these reservations because the Brahmins in these states were at the forefront of the Home Rule movement.

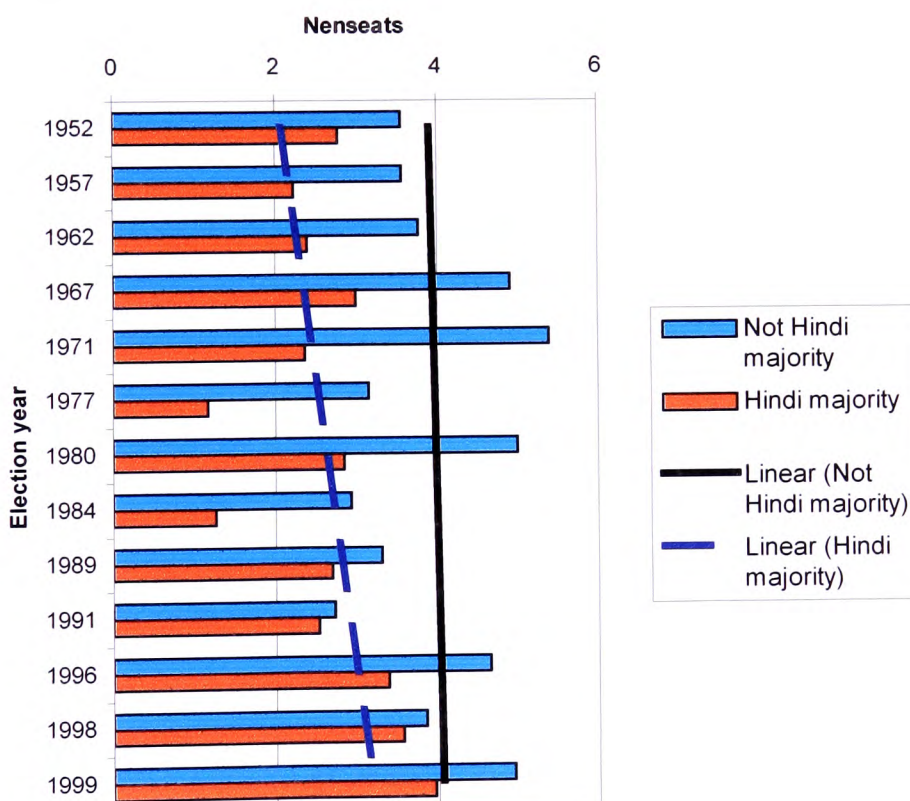
It was the social organisations, built around more inclusive caste identities than those that existed in the north (where middle and lower castes were still concerned to distance themselves from each other) that laid the basis for the development of organized opposition parties to Congress after independence (Wilkinson 2000b: 23).

I do not argue that linguistic reorganisation was the *sole* factor that caused the party system to fractionalise. The state of Madras would be an obvious counter example as

²⁶⁰ Although in recent years many of the Hindi-speaking states have possessed incredibly fractionalised party systems e.g. Uttar Pradesh and Bihar.

the DMK under Annadurai split from the Dravidian Federation in 1949. However, Tamil Nadu's (as it became) party system ultimately supports the hypothesis. Despite tensions with the centre the state strongly supported the Indian Union in its 1962 war with China. The DMK called off its secessionist campaign in 1963 on the grounds that 'there is a threat to our sovereignty...and we must act as one...only if there is a state...can we ask what we want of it', (quoted in Rajagopalan 2001: 156). In 1967 the DMK split and has continued to fractionalise further. For a region that has such an antipathy to Hindi speakers and elements of Hinduism²⁶¹ this is a definite sign of security within a federation. In recent years Tamil parties have been prominent members of the national coalition.

Chart 7.3. Variance in effective number of legislative parties in Indian national elections



Source: As for Table 7.3.

Chart 7.3 demonstrates this trend. It shows that Hindi majority states have tended to have lower numbers of parties than the non-Hindi majority states. In recent years however, the differences have grown smaller. This explains why the relationship

²⁶¹ Periyar, the leader of the Dravidian Federation in the 1940s and 1950s saw the Ramayana as an 'epic of the conquest of the South by the North' (Roy 1962: 269).

between the effective number of legislative parties and the effective number of linguistic groups has started to swing in a negative direction again.

In recent years the northern Hindi speaking states have seen a rise in demands for job reservations for the lower castes. These demands provided the basis for the formation of political parties – the BSP was formed in 1984. When the Mandal Report²⁶² was taken out of storage in 1990, it provoked violent and bloody opposition from the higher castes. The Hindi majority northern states have since seen their party system fractionalise more than at any time in the past. Uttar Pradesh is now a battleground for at least three significant political parties – the BSP, SP & BJP - scoring 3.96 on the *enseats* index in 1999.

The argument that the politicisation of caste has accounted for the fragmentation of the party system, first in the southern and later in the northern states is compatible with my hypothesis. It provides a satisfactory explanation of why the southern states saw a coherent negative relationship between the effective number of legislative parties and the effective number of linguistic groups. Linguistic reorganisation provided the security for alternative identities to mobilise. The same reasoning explains the initial rise in the effective number of legislative parties in the Hindi majority states. In the late sixties ‘primarily intermediate and backward caste peasants in the Green Revolution areas of northern India’ began to mobilise (Brass 1997: 207-208; Sridharan 2002: 493-4). Socialist and agrarian parties were formed as a result. As Wyatt argues,

upwardly mobile groups that were not accommodated by ... Congress ... took a while to organise effectively but once they had reached a certain point...they proved to be formidable opponents even if they were not always able to displace the dominant party (2001: 159).

Indira Gandhi’s personal campaign strategy, focusing on issues important to the rural poor, was able to regain the support of these groups, leading to a diminution of the effective number of legislative parties in these states. Her success was facilitated by India’s intervention in East Pakistan in 1971. However, this was at the expense of the organisational capacity of the party, reducing the ability of Congress to accommodate demands when the populist appeal failed (Manor 1995: 106). By the mid 1990s the party system fractionalised again as the lower castes independently asserted themselves.

²⁶² The Mandal report recommended that 27% of government jobs should be reserved for the backward castes (OBCs). This increased the percentage of reserved government jobs to 50% overall (Brass 1994: 252).

Caste mobilisation was therefore a contributing factor to party fractionalisation along regional and caste lines²⁶³.

b) An alternative explanation for the differences between the Hindi and non-Hindi majority states is offered by Vanhanen. He contends that,

It seems reasonable to assume that the electoral support of national and semi-national parties is the highest in the core areas of India and that it declines in more remote regions ... The strongest areas of regional parties are outside the Hindi heartland of north India (1992: 107-108).

This argument is also compatible with my hypothesis. As Hindi speakers are the largest linguistic group within India, these states can be understood to be members of the *staatsvolk*²⁶⁴. The *staatsvolk* of a state typically do not perceive any incompatibility between the identity of their region and the identity of the state (e.g. English in Britain, Punjabis in Pakistan). Weiner supports this argument.

In the Hindi-speaking areas there tends to be less of an identification with the State governments as such, compared to the degree of identification among the non-Hindi language... many Hindi speaking politicians see the Hindi region as the 'heartland' of India (1967: 325 & 342).

Vanhanen was writing in 1992, using electoral data from 1984. Recently, parties with a national support base have declined in states such as Uttar Pradesh. Parties with a more specific appeal such as the BSP and SP have come to the fore. As Varshney discusses, these lower caste communities have articulated a very different version of the Indian nation than either Hindu or secular nationalists.

Rather than talk about the nation and the placement of religious or linguistic groups therein, the caste narrative speaks of the deeply hierarchical and unjust nature of *Hindu social order*... an egalitarian restructuring of the Hindu social order is the chief goal (*his emphasis*) (2002: 57).

These states were already homogeneous along linguistic lines. They did not factionalise immediately because the population identified with the nation and with national parties more than those states which did not have a Hindi majority. The rise of political parties

²⁶³ Caste is a regionally differentiated phenomenon – a Brahmin in the South is very different from a Brahmin in the north (Varshney 2002: 59).

²⁶⁴ I do not agree with Singh who, adapting Ernest Gellner's point, argues that 'Hindus speak the same language even when they do not speak the same language' (2001: 144). The *staatsvolk* in India is more narrowly defined.

mobilising around lower caste communities is indicative of the fact that they do not identify with the *staatsvolk* to the same extent.

Pakistan

Assessing the relationship between federal stabilisation and the party system is more problematic in Pakistan than it is in India²⁶⁵. This is for five reasons.

- Pakistan has held only seven national elections in fifty-six years²⁶⁶. Because the first national elections were not held until 1970, I have included electoral data from the provincial elections held between 1951-1954²⁶⁷.
- The second problem with using party system data as a measure of federal stability in Pakistan is that unlike India which had a large number of states, the largest number of states in Pakistan has numbered five²⁶⁸. The relationship between the number of units and federal stability will be discussed in the conclusion. For now it suffices to say that the small number of states means that any analysis inevitably has a low *N*. This potentially diminishes the validity of the results.
- The third problem is that unlike the Indian case, Pakistan's electorate has systematically and pervasively experienced intimidation and army interference. In the provincial elections in West Pakistan in the 1950s 'it was widely and persistently complained that these elections were a farce, a mockery and a fraud upon the electorate' (Callard 1957: 67). In recent years Pakistan has invited international agencies to observe the elections, and in 1997 the Commonwealth Observer Group pronounced 'that this general election was credible and ... there was no evidence of systematic or widespread abuse of the electoral process' (1997: 38). However tensions remain –

²⁶⁵ The electoral data has not been collated in the same systematic fashion as in the Indian case – therefore I have had to rely on secondary sources.

²⁶⁶ In 1970, 1977, 1988, 1990, 1993, 1997 and 2002. I exclude elections to the Basic Democracies under Ayub Khan in 1962 as well as the party-less election held in 1985 under the auspices of Zia ul Huq. I have reluctantly included the 2002 elections. Commonwealth Observers declared that 'polling itself was generally fair - but raise(d) questions about the run-up to the election' (BBC 2002b).

²⁶⁷ Provincial elections were held in Punjab and NWFP in 1951, in Sind in 1953 and in East Pakistan in 1954. Baluchistan only became a province under the Legal Framework Order of 1970.

²⁶⁸ I exclude the Federally Administered Tribal Areas and the capital of Islamabad from this analysis, as the party systems are too small. *Azad* Kashmir is not integrated into the National Assembly of Pakistan as it has a separate Assembly.

although the 2002 elections were relatively free, they were dogged by severe restrictions on candidates before polling.

- Fourthly, political parties have not formed the same roots as they have in India and they have not been able to perform the same integrative function. The early leaders of the Muslim League, Jinnah and Liaquat Ali Khan, also disapproved of alternative political parties. In 1948 Jinnah argued that,

Every Mussalman should come under the banner of the Muslim League, which is the custodian of Pakistan, and build it up and make it a great state before we think of parties amongst ourselves which may be formed on sound and healthy lines, (quoted in Samad 1995a: 129)²⁶⁹.

Writing on the party system up to 1958, Aziz argues that parties 'were made up more of a large number of leading persons with their political dependants than of distinct parties with visible rival programmes' (1976: 180). The situation has not improved dramatically since then. The Muslim League, the most organised political force at independence, was dependent on the landlords in the countryside who were not concerned with coherent political programmes (Waseem 1994b: 115-116).

- Finally, the constitution of Pakistan and the constant interference of the military in political life undermine the credibility of the electoral process. A state in which people ask when rather than if the military will take over is not a consolidated democracy, nor likely to become so in the near future²⁷⁰. The lack of outrage at the military take over by General Musharraf in October 1999 confirms this observation. The military has not only seen itself as the saviour of Pakistan, but the constitutional framework after Zia's 8th amendment gave the indirectly elected President the power to dismiss the Prime Minister and call general elections. The use of this power led to elections in 1990, 1993 and 1997. In none of the elections in the post-Zia age have the people of Pakistan had a chance to vote a government out of office, although they have had five chances to vote in a government. This diminishes the efficacy which they view their vote²⁷¹.

²⁶⁹ Ghaffar Khan's 'People's Organisation' was banned and Ghaffar Khan arrested. This party 'had the potential of becoming a national opposition to the ruling party, with a presence in the assembly and enough cadres to make an impact on the streets as well' (Samad 1995a: 129).

²⁷⁰ Personal conversations and general observations during fieldwork in November 1998 in Pakistan.

²⁷¹ Ironically, Nawaz Sharif was elected on a ticket in 1997 to abolish this Eight Amendment. He therefore removed a constitutional mechanism that could have been available to Musharraf in 1999 to depose 'constitutionally' Sharif. Musharraf's proposed new constitution has reinstated this provision and also

Although the results of any statistical analysis must be treated with more caution than those obtained from India, it does not mean that the tests are invalid. It does however; mean that I have to investigate the results in more detail.

Table 7.8. Pearson's correlation between *enseats (log)* and *enling (log)* in Pakistan for provincial elections 1951-1955 and national elections 1970-2002

Correlation Coefficient	Sig.	Sig 2 tailed	N
.228		.187	35

Source: Electoral data adapted from Afzal (1976: 79), Aziz (1976: 275-277), Election Commission of Pakistan (2002), Kaniyalil and Pande (1989: 79), SAARC-NGO Observers (1995: 116-117), Talbot (1998: 200 & 314), Waseem (1994a: 334; 1998: 11). Linguistic data adapted from Government of Pakistan (1951b; 1984a: 10; 1984b: 10; 1984c: 10; 1984d: 9).

The collated electoral data of Table 7.8 returns a weak and non-significant relationship between the two variables. This means I am unable to reject the null hypothesis that there is no relationship between the effective number of linguistic groups and the effective number of legislative parties. To determine whether any of the periods in Pakistan's brief democratic history have had a relationship between these two variables, I have disaggregated these data. As the sample size is small, I cannot disaggregate these data into election years as in the Indian case. Therefore I have grouped these data into three electoral periods; 1951-1955, 1970-1977 and 1988-2002.

Table 7.9. Pearson's correlation between *enseats (log)* and *enling (log)* in Pakistan for provincial elections 1951-1955 and national elections 1970-2002.

Election period	Correlation Coefficient	Sig.	Sig 2 tailed ²⁷²	N
1951-1955	-.199		.705	6
1970-1977	-.303		.428	9
1988-2002	.455	*	.044	20

* Correlation is significant at the 0.05 level (2-tailed).

Source: As for Table 7.8

Table 7.9 indicates that there was no relationship between the effective number of legislative parties and the effective number of linguistic groups in the first two periods. Therefore we fail to reject the null for these periods. However, the relationship is a medium to strong one however for the electoral period, 1988-2002, and is significant at

formalised the role of the military through the creation of a National Security Council, 'as the president believes that by formalising the role of military, sustainable democracy could be achieved!' (Dawn 2002).

²⁷² I have reverted to two-tailed analyses to determine if there is a relationship between the two variables.

the 5% level. Importantly, the relationship is in the opposite direction to the one I hypothesised; there is a positive relationship between the effective number of legislative parties and the effective number of linguistic groups. Therefore, there is a relationship between the two variables. However, this does *not* permit me to accept the alternate hypothesis. The coefficient indicates that the relationship between the effective number of legislative parties and the effective number of linguistic groups is in the opposite direction to that of the Indian case. There appears to be a positive relationship between the two variables.

When the data is disaggregated the picture becomes clearer. My alternate hypothesis concerned only those units that were homogeneous. Neither Sind or Baluchistan are homogeneous along linguistic lines – indeed, both provinces have become more heterogeneous. Sind has become less homogeneous along linguistic lines as Karachi has attracted migrants from East Pakistan, India and Afghanistan. In 1953 the effective number of linguistic groups in Sind was 1.77. In 1981 this had risen to 2.95²⁷³. Sindhis now account for only 52.4% of the population of Sind – they are a majority, but only just. In the census of 1951 Sindhi speakers comprised 74% of the population. In 1981, the *Muhajir* Urdu speakers accounted for 22.6% of the population. Baluchi, Pushtu and Punjabi speakers accounted for another 15% of the population, many of these in Karachi. In this situation it is not surprising that a multiplicity of parties exist. The effective number of legislative parties has varied between 1.61 in 1977 to 3.67 in 1997. The two main linguistic groups, the Sindhis and the Muhajirs, have their own parties, the PPP and the MQM. The party system has fractionalised, but along linguistic lines, although in recent years the only party which can claim national status, the PML, has also gained substantial support in the province. This fractionalisation is indicative of federal *instability*.

In the case of Baluchistan, the effective number of linguistic groups has consistently been above 4 and it is a multilingual province. Baluchistan only became a province in 1970, but was merged with Pushtu speaking areas in 1954, despite the wishes of some Baluch sardars. ‘Whether this was done intentionally to weaken the Baloch nationalist struggle cannot be ascertained, however, this was certainly one of its results’ (Rahman 1996: 156). The average number of effective legislative parties in Baluchistan in

²⁷³ The only state in India with a higher effective number of linguistic groups is Nagaland, excluded as an outlier.

national elections has been 3.66. The high effective number of linguistic groups also reflects the fact that,

the poorly developed nature of the social and physical infrastructure has forced the majority of the Baluchis to try and eke out a living in Sind and parts of the Punjab. Baluchi speakers have been reduced to a minority of about 36% (Jalal 1995: 191).

Among the provinces that were linguistically homogeneous, NWFP appears to be the only province in which the relationship is as hypothesised – it has a relatively low effective number of linguistic groups at 1.97 but its average number of effective legislative parties in national elections has been 3.38. After the Punjab, it is the most integrated and secure state within Pakistan²⁷⁴. The province is integrated because,

its foothold in the power structure has given the Pathans a much greater degree of self-confidence about their future in Pakistan than can be said for either the Baluchis or the indigenous inhabitants of Sind (Jalal 1995: 194).

Pathans have been well represented in the military and also within the ‘civil and police services’ of their own province (Jalal 1995: 194). However, these are non-democratic institutions, confirming that inclusion and exclusion within Pakistan has not been entirely related to the federal structures of government. Pushtu remains an important identity marker for Pathans but it was not introduced as a medium of instruction in primary schools until 1984 (Rahman 1996: 149). This was because it was not perceived to be a language that allowed great economic mobility or prospects. Calls for a greater Pakhtunistan do exist, but these are irredentist claims on parts of Baluchistan province as well as on parts of Afghanistan. They are not secessionist. However, demands for renaming NWFP Pakhtoonistan have been rejected on the grounds that such a name would encourage secessionism.

Punjab is a different story. After independence,

the new Pakistan Army had something like 60 percent Punjabi Muslims as sepoy and in the officer corps...from the beginning these officers claimed a special position in the new state of Pakistan (Cohen 1998: 42).

In addition, ‘Punjabis dominate the federal bureaucracy’ (Jalal 1995: 188). Punjab has been relatively homogeneous along linguistic lines, the highest effective number of

²⁷⁴ Despite some claims for a greater Pakhtoonistan to be created.

linguistic groups being 1.63 in 1981²⁷⁵. The average effective number of legislative parties in national elections has been a relatively homogeneous 2.07. Before the secession of East Pakistan, and especially afterwards, Punjabis were perceived to dominate the federation. Through their dominance in the army and the bureaucracy they have formed 'a large percentage of the provincial civil services and police forces in Sind and Baluchistan' (Jalal 1995: 188). They also dominated the bureaucracy in East Pakistan. Although there have been calls for the division of Punjab into three provinces along lines of dialect - a Punjabi centre, a northern Hindko belt and a Siraiki belt in the south²⁷⁶ - the party system within the province has not fractionalised along these lines. 'Siraiki political organisations have generally been divided, short lived and less popular than national political parties even in their own areas' (Rahman 1996: 186). They have not gained many votes, many Siraikis supporting the PPP of Sind in hope of gaining their own province. The PPP did not concede the demand 'for fear of alienating the sympathies of the Punjabi ruling elite and the army' (Rahman 1996: 187). In addition, as Punjabis are the staatsvolk of Pakistan they are more likely to feel secure. According to the hypothesis this is likely to increase rather than decrease fractionalisation. However, in India, the party system in the Hindi majority states did not fractionalise to the same extent as the non-Hindi majority states. One explanation was that the electoral support of national parties was higher in the core areas of India. This explanation may well apply to the Punjab as well - whose inhabitants are more likely than those of Sind or Baluchistan to identify with Pakistan. They see no incompatibility between a Punjabi and a Pakistani identity. This does not mean that fractionalisation could not occur or that the demands for a Siraiki province will go away. In the last elections, flawed though they were, the effective number of legislative parties in Punjab rose to 3.54.

However, although Sind and Baluchistan can be excluded from the hypothesis because of their heterogeneity and Punjab because of its status as the province of the Staatsvolk, East Pakistan cannot be. The fact that East Pakistan was an extremely homogeneous province that seceded is the major challenge to my hypothesis that homogeneity facilitates federal stabilisation. Yet the fractionalisation of the party system was only one of three measures to assess federal stabilisation. The number of secessionist

²⁷⁵ This is higher than the score in 1951 because Siraikis were categorised separately. The Siraikis claim a separate province in the South of the Punjab.

²⁷⁶ I am grateful to Alyssa Ayres from the University of Chicago for discussing this issue with me.

movements within a state is also an important measure – as is an appreciation of what led to these movements.

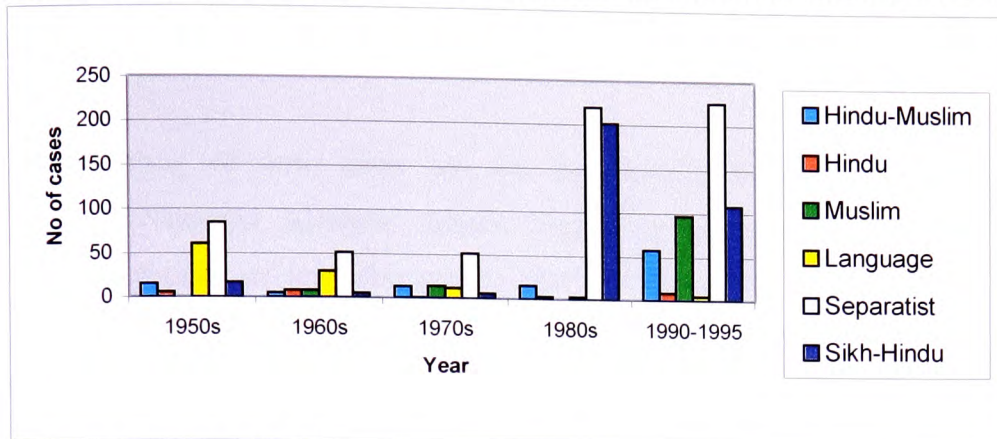
7.3. Secessionism and security

An alternative method of measuring federal stabilisation is to analyse the number of attempted secessions within a state. A high number of secessionist movements indicate that a federation has failed to accommodate a large number of groups. In Gurr's maps of areas of ethnopolitical conflict, India is more conflict prone than Pakistan (1993: 121-122). Intuitively however, most observers would conclude that India's federation has been more successful at managing ethnic conflict than has Pakistan's. An analysis which only takes into account the absolute numbers of secessionist movements does not take account of the ethnic diversity of a state or the size of that state's population. India's population is much larger than that of Pakistan, and it is much more religiously and linguistically diverse, especially after the secession of East Pakistan in 1971. Using this measure on its own would ignore the real success that India has had accommodating linguistic identities (though it has not been as successful accommodating religious ones). Yet this measure is still indicative of federal destabilisation.

India

India has had several violent secessionist or autonomist movements, the most notable being those in Kashmir, Punjab, Mizoram, Assam and Nagaland. These movements have all been in regions with an international border. Most of the states are non-Hindu majority states, in the northeast of the country and there are numerous tribes. In contrast, the Indian state has been much more successful at accommodating identities which are defined by language – through institutional innovations such as the linguistic reorganisation of states. That the Indian federation has been more successful in accommodating identities defined by language rather than those defined by religion is demonstrated by Wilkinson (2002: 15).

Chart 7.4. Sample of all incidents of ethnic mobilisation in India 1950-1995



Source: Wilkinson (2002: 15).

Notes: The cases cited by Wilkinson are taken from a sample of days in each year. The absolute numbers cited are therefore lower than the actual number, but their relative position is accurate.

As Chart 7.4 reveals, incidents that were mobilised around linguistic issues have declined from the 1950s. This concurs with my argument that the concession of linguistic reorganisation provided security and is reflected in my findings on the fractionalisation of the party system. Rather than leading to instability, this reorganisation provided the conditions for dual or multiple identities to be created. That linguistic identities remain strong despite linguistic reorganisation is not questioned – one only has to look at Tamil websites to see a vociferous campaign against insipid Hindi-isation (e.g. Tamil Tribune). In addition, the riots over what the official language of the Indian Union should be occurred after linguistic reorganisation. Yet in the main linguistic identities have become compatible with, rather than antithetical to, Indian identity. Language laws at the centre were essential to promote this security.

However, these data are very different in relation to mobilisation around religious issues. Mobilisation organised around a Muslim identity was non-existent in the 1950s²⁷⁷. From its emergence in the 1960s, it has increased twelve fold, and has ‘been especially important in the long-running insurgency in Kashmir’ (Wilkinson 2002: 15)²⁷⁸. Incidents which were mobilised around Sikh identities also increased twelve fold from the 1950s compared to the 1980s, dropping back slightly in the 1990-1995 period. At the same time, separatist violence has increased despite dropping in the 1950s after ‘India defused linguistic separatist movements by creating new states’ (Wilkinson 2002: 16). To assess India’s record in federal stabilisation, we must

²⁷⁷ The quiescence of the Muslim population after partition has been discussed in Chapter Six.

²⁷⁸ In contrast, incidents involving Hindu-Muslim issues only quadrupled in the 1950-1995 period.

understand what accounts for the rise in secessionism in recent years. How do the existence of secessionist forces in the Punjab, Jammu and Kashmir, Assam, Nagaland and Mizoram equate with the argument put forward so far?

Firstly, many of these units are not linguistically homogeneous²⁷⁹. Jammu and Kashmir, Nagaland, Manipur, Assam, Meghalaya and Arunachal Pradesh all have an effective number of linguistic groups that are above 1.9. This makes it possible to exclude them, and they do not undermine my hypothesis that the creation of linguistically homogeneous states has promoted federal stabilisation. However, two other points need to be made before I can put these counter examples aside.

- a) To argue that the secessionist conflicts in Jammu and Kashmir are linguistically motivated would be nonsensical;
- b) Both Punjab and Mizoram are linguistically homogeneous; the effective number of linguistic groups in this state is below 1.9. These movements need to be accounted for. Why did linguistic homogeneity not lead to security in these states?

To explain federal destabilisation in these states it is necessary to look at another variable - their religious majority. All the states with secessionist movements since linguistic reorganisation with the exception of Assam – i.e. Jammu and Kashmir, Punjab, Mizoram and Nagaland - are non-Hindu majority states. Chapter Six established that religiously defined groups were accommodated differently to those defined by linguistic criteria. The attitude of the Indian state to non-Hindu religious groups has led authors such as Singh to argue that India is best understood as an ethnic democracy.

Where non-Hindu minorities have constituted a majority in the federating unit, the operation of hegemonic control has been exercised through the Hindu minority...the use of residual powers by the union government; the use of administrative structures...and the coercive power of the Indian state (2000: 47-8).

Does Singh's account explain the high level of secessionist movements since linguistic reorganisation in these units? If Singh's contention were correct, then we would expect to see the following. Firstly, the imposition of President's Rule under Article 356 of the

²⁷⁹ Data adapted from 1971.

constitution²⁸⁰ would have occurred predominantly in units without a Hindu majority. Secondly, we would expect to see a higher level of army interventions in these units. The evidence is not conclusive. Although Singh's arguments concerning an ethnic democracy in India are a useful addition to the debate, he portrays the Hindu core as more homogeneous than it is (2000: Ch. 3 esp.45-48). To assess Singh's contention, I have separately correlated the measures of the number of days a state has spent under President's Rule (*prdays*) with a) the majority religion in a state (*rel*), and b) with the border status of the state (*border*).

President's Rule

My findings can be summarised as follows.

- There is no relationship between the number of times *or* the number of days that President's Rule has been in force in a state and the majority religion of that state. Mann-Whitney tests²⁸¹ do not reveal a statistically significant relationship between these two variables. Table 7.10 demonstrates why. States such as Punjab and Jammu and Kashmir, states without a Hindu majority, are at the top of the table. However, significantly, Meghalaya and Arunachal Pradesh are at the bottom. This confirms that the religious majority of the state in question does *not* determine the extent of the centre's interference. An explanation for the low ranking of the states of Meghalaya and Arunachal Pradesh could be that the former became a state, and the latter became a Union Territory only in 1972. This would be misleading for two reasons. The first of these is that the Union Territory of Mizoram was also created in 1972, but has a much higher rank on the table.

²⁸⁰ Article 356. Provisions in case of failure of constitutional machinery in States provides that 'If the President, on receipt of a report from the Governor of a State or otherwise, is satisfied that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of this Constitution, the President may by Proclamation (a) assume to himself all or any of the functions of the Government of the State and all or any of the powers vested in or exercisable by the Governor or any body or authority in the State other than the Legislature of the State; (b) declare that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament; (c) make such incidental and consequential provisions as appear to the President to be necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending in whole or in part the operation of any provisions of this Constitution relating to any body or authority in the State'.

²⁸¹ These test the relationship between one categorical independent variable with two levels (e.g. Hindu/Non-Hindu) against one continuous dependent variable (e.g. number of days that Presidential Rule has been enforced in a state).

Table 7.10. the number of days under President's Rule for the States and Union Territories of India 1951-2002

	Name of state	Days imposed	No. times imposed
1	<i>Punjab</i>	3518	9
2	Pondicherry	2699	6
3	<i>Jammu and Kashmir</i>	2351	3
4	Manipur	1930	10
5	Uttar Pradesh	1705	10
6	Kerala	1694	9
7	<i>Nagaland</i>	1475	3
8	Assam	1397	4
9	Gujarat	1239	5
10	Tamil Nadu	1137	4
11	West Bengal	1064	4
12	Orissa	752	7
13	Bihar	746	8
14	<i>Mizoram</i>	703	3
15	Karnataka	648	4
16	Rajasthan	561	4
17	Madhya Pradesh	524	3
18	Andhra Pradesh	459	2
19	Goa (incl Daman and Diu)	445	4
20	Himachel Pradesh	406	2
21	Sikkim	347	2
22	Haryana	313	3
23	Tripura	149	3
24	<i>Meghalaya</i>	117	1
25	Maharashtra	113	1
26	<i>Arunachal Pradesh</i>	76	1
	Total	26551	114

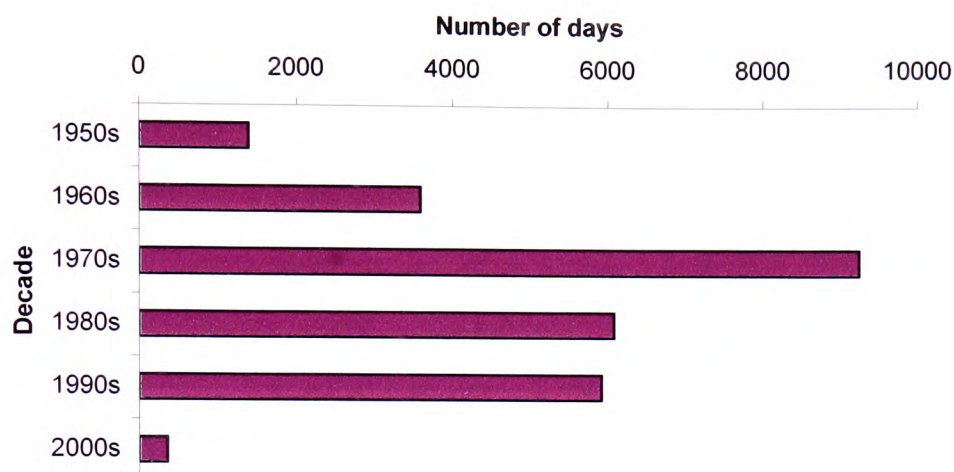
Source: Data adapted from Lok Sabha Secretariat (1996), Rajashekara (1987: 638-640), <http://rajasabha.nic.in> (1996; 1997; 1999a; 1999b; 2002), <http://www.dawn.com> (2002). See Appendix Three.

Notes: Non Hindu majority states in red type. Most lists of President's Rule do not include the Union Territories. I have done so because many of the incidents of President's Rule occurred in Arunachal Pradesh, Manipur and Mizoram when they were Union Territories. No explanation is given in the Lok Sabha report on why President's Rule has been applied so many times to the Union Territory of Pondicherry (Lok Sabha Secretariat 1996: x).

The second reason is that as can be seen in Chart 7.5 below, the imposition of President's Rule has varied dramatically between the decades. The 1970s were the decade in which the provision was used most extensively 'especially since 1972' (Manor 1995: 108). If President's Rule had been imposed disproportionately onto non-Hindu states, the occurrence of its use should have been greater in *all* the states in

existence in 1972. It is no coincidence that Indira Gandhi was Prime Minister for most of the decade²⁸².

Chart 7.5. The number of days that President’s Rule has been imposed on the states and union territories by decade



Source: As Table 7.9

- There is also no statistically significant relationship between the border status of a state and the length of time spent under President’s Rule²⁸³. Although the Indian state is paranoid about its territorial integrity, crushing all secessionist demands, it has not exclusively intervened or suspended democratic functioning in those states that have a land border with another country. The centre has been concerned to secure its control in *all* areas of India.

The fact that there is no relationship challenges the ethnic democracy argument of Singh. One possible explanation would be that the number of days spent under President’s Rule is not a useful device to establish inequitable treatment. However, under Article 356 the Centre assumes the functions of the government of that state and can declare that the powers of the state legislature be exercised by the central parliament. The lack of a correlation between either of these variables with the number

²⁸² The 1970s are easily the decade with a disproportionate number of uses of President’s Rule, even when the Janata Government’s dissolutions of the state assemblies whose terms of office had expired during the Emergency are removed from the figures.

²⁸³ I analysed this relationship using a Kruskal-Wallis test, which is used to assess relationships between one categorical independent variable with three levels or more, e.g. no international border, sea border, land border, and one continuous dependent variable – e.g. prdays. The relationship remained insignificant even when border status and the majority religion of the state (Hindu-Non Hindu) were analysed using a two way between groups ANOVA test.

of days spent under President's Rule is therefore significant. These were the indicators I would have most expected to produce a significant correlation between if the ethnic democracy argument is sustainable.

Yet the number of days a state spent under President's Rule is not sufficient on its own as a test of federal stabilisation. To proceed – one must concentrate on a final variable: the number of army interventions and types of violence within the state. 'The Indian Army has had more experience in counter-insurgency than almost any army in the world' (Rajagopalan 2000: 44).

Armed intervention

Cohen has analysed the number of occasions when the army intervened within Indian states between the years of 1973-1984²⁸⁴. His data, presented in Table 7.11 below, demonstrate that the majority of such interventions occurred in states that had a Hindu majority. 60% of army interventions have occurred in the states not in the Northeast, Punjab or Jammu and Kashmir²⁸⁵. However, in 1977 only 23% of States and Union Territories had a non-Hindu majority. Therefore, the fact that they have experienced 40% of the army interventions during this period supports the argument that religion *has* been important in determining the Indian state's response to challenges, and that challenges leading to military intervention have been higher in these states than others. These interventions inevitably produced further alienation from the centre. 'By the early 1980s the effective government for millions of Indians was the local area or sub areas commander'(Cohen 1990: 203).

²⁸⁴ In a chapter written *before* the Kashmir insurgency, Stephen Cohen, an expert on the Indian army detailed the number of its deployments in aid to the civilian power. He covered the period 1973-1984, the period in which Wilkinson, (2002: 14) Varshney, (2002: 95), Rajgopal (1987: 16-17) and Kohli (1991: 6-7) note a rise in violence within India. Cohen notes that the 'increase in such interventions has been dramatic'. In a nineteen year period, from 1951-1970 'the army was called in to suppress domestic violence on approximately 476 occasions' (1988: 124). In a quarter of that time, between June 1979 and December 1984, they were called in 453 times (Mathur 1992: 344-345). Armed police battalions doubled in the period covering 1963-1983. There were 66 such battalions in 1963 compared to 144 in 1983. Paramilitary forces used in the border regions have also increased substantially (Mathur 1992: 344). Wilkinson finds that since the 1980s, not only have injuries and the numbers of deaths increased but that 'ethnic identities have been invoked much more than economic' ones in mobilisation of protests' (2002: 14).

²⁸⁵ Although this data was collected *before* the current insurgency in Jammu and Kashmir, the date range covers most of Indira Gandhi's populist reign in which she exploited religion for populist purposes and alienated many of the 'peripheral' regions.

Table 7.11. The causes of army intervention in India in the period between 1973-1984

Causes of intervention	Northeast, Punjab, J & K	Other States
Communal unrest		12
Tribal	5	
Anti foreigner	4	
Election violence	2	1
Riots (un-categorised)	1	1
Insurgency	2	
Language riots	1	
Food riots		1
Student riots		1
Rural		1
Caste		1
Other		3
Unknown	1	3
Total	16	24

Source: Data adapted from Cohen (1988: 125-127).

It is interesting to note that there is a definite relationship between the likelihood of army intervention and the state having an international land border. 77.5% of army interventions in the period 1973-1984 were within states with an international land border as can be seen in Table 7.12. This is significantly more than their representation within the Indian Union. This confirms the assessment that the Indian state is concerned to maintain control especially in these regions, *as well as* its concern to intervene in states without a Hindu majority.

Table 7.12. the number of army interventions organised according to border status 1973-1984

Border status	No. of Army interventions	% of army interventions	% of states in Indian federation
No Border	3	7.5	14
Sea Border	6	15	25
International Border	31	77.5	61
Total	40	100	100

Source: Adapted from Cohen (1988: 125-127).

The above data demonstrate that Singh's argument is simplistic. However, they do not mean that it is wrong. It is undeniable that the secessionist movements that India is most associated with – Punjab and Kashmir - have occurred in states that have not had a Hindu majority. However they are also on a land border, an important qualification.

These states have also seen a very high number of deaths. 'In Punjab the official death-toll is around 30,000, whereas human rights groups believe that the actual fatalities are nearer 45,000' (Singh 2001: 139). In Kashmir, the figures for fatalities also vary widely. In 1996 Ganguly estimated that '20,000 insurgents, police, paramilitary personnel and civilians have lost their lives since the onset of the conflict' (1996: 76). In the same year Farooq Abdullah, then chief minister of Jammu and Kashmir put the figure closer to 50,000 (Bose 1997: 167)²⁸⁶. The Northeast has also seen very high levels of conflict related to secessionist and inter-ethnic conflicts. Between 1980 and 1986, 5000 people were killed in Assam (Hardgrave 1993: 61; Brown 1996: 5). In 1990 L P Singh, the former Governor of Assam calculated that half of the deaths in India in the 1980s occurred in the north east of the country despite it possessing only 'one third of one percent of the country's total population' (1990: 14). The 'official figures put the death toll at around 10,000' (Singh 2001: 139). While definitive data are impossible to acquire, the numbers of deaths are *much* higher in these states, even when compared to other infamous incidents of violence. Official figures put the number of dead in communal riots relating to the demolition of the Babri Mosque at Ayodhya in between 6th and 13th December 1992 at 1200. Unofficial estimates at least double these figures (Jaffrelot 1996: 463). The recent pogrom in Gujarat killed 2000 people. In both cases the majority of victims were Muslims. Yet even the figures at the upper range of the scale are *much* lower than the deaths in the states of the Northeast and Punjab and Kashmir. The disparity is even greater when the differences in population sizes are taken into account.

Why have these regions seen such high levels of violence? It appears that the Indian elite's response to demands for autonomy has been conditioned by two factors; the religion of the state but also whether the state is situated next to a land border. In addition, central policies towards these regions have played a large role in their exclusion from mainstream political discourse and have engendered insecurity. The army may well have intervened more in the regions of the core than the periphery, but this says nothing about the behaviour of the army, nor the threats they face. Both of these are likely to be more extreme when secessionist movements are involved. The military is 'especially sensitive to, and scornful of, political parochialism' (Cohen 1990: 197). However the differences in central policies in these regions are more than simply,

²⁸⁶ In a personal conversation in 2000, Bose puts the figure close to 60,000.

dismissing state governments that oppose the will of the centre...and when all else fails, sending in the army and paramilitary forces. Through their intransigence, successive government have therefore driven many Sikhs and Kashmiris to join armed militant organisation (Wilkinson 2002: 24).

This is because, as demonstrated above, dismissing state governments and sending in the army and paramilitary forces have been used more often in the core than in the periphery. The difference lies more in the fact that 'the Indian state exercise(s) more caution in repressing identities that it feels are mainstream' than those which are not (Wilkinson 2002: 23). In addition, the perception of discrimination identified by people in these regions causes a different reaction to that in the core. Ethnic difference does not cause conflict, contrary to Vanhanen's contention (1992: 14). It is the denial of recognition and accommodation on the basis of this identity that provides the conditions for conflict to flourish. Central government policies, dictated by their perception of the effective number of ethnic groups (e.g. which identities were they forced to accommodate) and their notion of an Indian national identity led to a certain type of accommodation (linguistic) through the federal system, but systematically excluded others (religious). Therefore, linguistically homogeneous units have *not* caused ethnic conflict in India. Ethnic conflict has been caused by the denial of legitimate demands for autonomy which have been seen as challenging the national identity and hence the security of the Indian state. The limitations of Indian secularism have always been that the ideology has ostensibly treated all groups as equal, yet with regard to accommodation in the institutions of the state, Hindus have a built in majority. 'No territorial solution to ethnic problems, however, can by itself satisfy the claims of all minority groups' (Brass 1994: 192). Secessionist demands are not specifically related to the composition of the federal units, although demands for territorial adjustment have been present in Punjab, Nagaland and Assam. These secessionist demands have to be related to the *perception* of these states that they are treated differently from the rest of the Union²⁸⁷.

Secessionist demands gained currency in the Punjab only after the Akali Dal's secular demands in the Anandpur Sahib Resolution of 1973, partially prompted by the

²⁸⁷ The conflict is more of a political rather than an economic one. As Dasgupta analyses – the north-eastern states are not backward. Mizoram has the highest literacy rate in India and Nagaland, Tripura and Manipur are above the national average. Their per capita incomes are very high by Indian standards (1998: 187-8). The smaller states in the northeast 'have a considerably higher per capita plan outlay allocation than the national average for all states' (Das Gupta 1998: 211). In terms of budget transfers 'those that have done best are the delicate border states' (Jeffrey 1994: 188).

incompleteness of the linguistic reorganisation of the state, were repeatedly ignored and Indira Gandhi supported a Sikh militant to undermine the Akali Dal's support. He succeeded too well, leading to a violent secessionist movement in the 1980s. Kashmir has also been treated differently from the rest of the Union. Bose quotes Nehru saying that Kashmiri politics revolved around personalities and that 'there was no room for democracy there' (1997: 38). Despite the denial of democracy within the state²⁸⁸ and its exclusion from mainstream political discourse, the state had been relatively quiescent over the years. It took the massive rigging and 'strong army tactics' adopted by the Indian state during the 1987 state election to violently escalate the conflict (Bose 1997: 45-9). This election saw Farooq Abdullah make an alliance with the centre – hence losing many Kashmiri's support. A Muslim United Front (MUF) arose to challenge the National Conference (JKNC) but was defeated by the wide scale rigging.

It is thus not surprising that an Indian correspondent discovered after the eruption of insurgency in 1990 that 'nearly all the young men on the wanted list today were guarding ballot boxes for MUF' (as campaign volunteers) in 1987 (Bose 1997: 46).

This reading of the situation prescribes normalisation of relations within these regions and a downscaling of the military presence. Despite the fact that 'more than 800' people lost their lives during the recent elections in Kashmir, the polls themselves were deemed fair, and led to a change of government (BBC 2002a). This is an encouraging sign. It is significant that these occurred under a Hindu nationalist coalition government, able to entertain the notion of political parties mobilising around religious identities.

Pakistan

In absolute terms, measured by the number of violent secessionist or autonomist movements it has experienced, Pakistan's federation has been more stable than India's. However, between one and three million Bengalis were killed, and ten million refugees were created in the attempted suppression of the East Pakistani secession. In the 1970s

²⁸⁸ Bose argues that the only elections that 'have approximated conventional democratic norms' were those of 1977 and 1983 and that (in 1997), 'Jammu and Kashmir has had something resembling representative government for just twelve of its forty-nine years (1948-53, 1977-84) as an 'integral part of India' (1997: 43). The state elections held in September 2002 have been classified as fair by outside observers, although they were not classified as 'free' because of the intimidation not to vote by independence movements. These elections resulted in a change of government, and reflected the will of the people.

an autonomist movement occurred in Baluchistan (Hewitt 1996). The army was sent in to repress it – in which at least 9000 people were killed (Talbot 1998: 226). In the 1980s a movement for an independent city-state of Karachi has emerged – claiming 2000 lives in 1996 alone (Vali Nasr 2001: 169). Neither Baluchi nor Muhajir movements have demanded secession. But when they have taken a violent form then they are indicative of federal destabilisation.

The secession of East Pakistan is the most serious challenge to my previous argument that provincial homogeneity will lead to a factionalisation of the party system. However, this hypothesis came with a caveat: a homogeneous province was likely to lead to fractionalisation in the party system because the group was secure. If that group does not feel secure then there is no reason why the party system should fractionalise. This security is engendered by national policies of inclusion and exclusion. This is the same phenomenon as discussed in India, but unlike these examples, East Pakistan was extremely homogeneous – it had an effective number of linguistic groups of only 1.04. East Pakistan goes a long way to demonstrating why homogeneous provinces are not a sufficient condition for federal stability. The policies of the centre and the strategy to manage ethnic diversity are also important.

In the provincial elections of 1954 in East Pakistan my alternate hypothesis that the effective number of linguistic groups and the effective number of legislative parties were negatively correlated could not be accepted, as the effective number of legislative parties was 1.74 – a homogeneous party system in a homogeneous province. However, this score concealed a pre-election coalition. The primary components of the United Front were Suhrawardy's Awami League and Fazul Huq's Krishak Sramik Party. The rationale behind its creation was of an anti-Muslim League coalition. The Muslim League remained in control of the East Pakistan provincial government as well as the national government until 1954. The Muslim League balanced major government posts between the western and eastern politicians. However this distribution concealed differences in influence (Aziz 1976: 186). When Nazimuddin, a Bengali, was Governor General, the Muhajir Liaquat Ali Khan was the Prime Minister. Real power resided in the hands of Liaquat. When Nazimuddin became Prime Minister in the wake of Liaquat's assassination in 1951, real power passed to the hands of a Pushtun bureaucrat – Ghulam Mohammed. Power remained in his hands in 1953 after he appointed the

Bengali, Mohammed Ali Bogra to be Prime Minister (Samad 1995a: 167)²⁸⁹. In practice therefore, Bengalis were marginalised at the centre. Additionally, the Bengalis that controlled the Muslim League in the province were an Urdu speaking *ashraf*²⁹⁰ who had close ties with the central government and ‘shared its attachment to a one nation, one culture policy’ (Talbot 1998: 133). Nazimuddin, as both Governor General and then Prime Minister fitted this category. He was a Muslim League loyalist and it was his ‘cavalier handling of the sensitive language issue during a visit to Dacca in January 1952 (that) provoked a province-wide strike in which a number of demonstrators were killed’ (Talbot 1998: 141)²⁹¹. The killing of these demonstrators created a condition where ‘no political party desiring a base there could speak up for Urdu’ (Afzal 1976: 112).

The United Front can therefore be understood as an anti-Muslim League and pro-Bengali coalition formed from a position of insecurity. During the provincial election campaign of 1954, the new Bengali Prime Minister, Bogra, conceded that Bengali would be a joint state language in order to forestall the decimation of the Muslim League. It failed. The Muslim League won only 10 out of 309 seats in the province.

While the Bengali example does not initially enable me to accept the alternate hypothesis of a negative relationship between the effective number of linguistic groups and the effective number of legislative parties, this is because when a credible threat existed, the parties unified. After the election when Bengali had been recognised as a joint state language, the coalition swiftly fell apart. The number of effective legislative parties became 5.75, which confirms the alternate hypothesis. Although there were many more Bengali grievances around which the coalition could have retained its unity, it is important to remember that in mid-1954 the Mohammad Ali Bogra formula had been accepted as the basis for a constitution. As discussed in Chapter Five, this was an innovative formula, which gave Bengalis a majority in the lower house. Although it denied them a majority in the upper house as all the provinces were to be equally represented, important issues had to be decided by 30% of the members of each wing, a provision ensuring a mutual veto. This constitution would have provided East Pakistan

²⁸⁹ A former Ambassador to America with no political base – he was dependent on the Governor General.

²⁹⁰ Talbot translates this to mean gentry.

²⁹¹ Nazimuddin had initially accepted Bengali as a joint state language in 1948 although he backed down when Jinnah immediately repudiated him. Bengali was only introduced as a medium of instruction in schools (Samad 1995a: 154). In 1952 as Prime Minister, Nazimuddin categorically stated that Urdu would be the state language as provided for in the Basic Principles Report.

with security. Therefore attention shifted to power sharing at the centre. Although Talbot argues that after the dismissal of Nazimuddin in 1953 'the façade of a parliamentary system was to survive for five more years, but its heart had already been cut out' (1998: 142), this is easier to say with the benefit of hindsight. At the time the democratic elites perceived that the constitution was still up for grabs. The dissolution of the Constituent Assembly²⁹², often viewed as the death knell for democracy, was supported and urged by Suhrawardy among others on the grounds that the Constituent Assembly was unrepresentative – elected at the time of partition – and had a Muslim League majority. After the Assembly was re-convened, Fazul Huq blocked Suhrawardy's bid for the premiership of Pakistan, promising to support the Muslim League at the centre²⁹³ to prevent Suhrawardy from acquiring the power to dominate Bengali politics (Samad 1995a: 175).

As Ayub Khan proclaimed martial law in 1958, these contests over power within a democratic system disappeared. By the time of the 1970 national elections all the fractionalism within the East Pakistani party system had disappeared. The effective number of legislative parties was only 1.03. It was the denial of the Awami League's demands for a more equitable federal relationship between East Pakistan and the rest of the Pakistani federation that prompted the demand for a confederation rather than the homogeneity of the province. In addition of course, the fact was that minority rule was unacceptable to a linguistic group comprising a majority of the population. Although Bengalis had been represented at the centre, they did not hold the positions of power and had been relegated to the status of 'mass subjects'. It was the denial of the democratic mandate of the elections of 1970 that radicalised the Awami League. The Awami League won a majority of seats at the centre in the December 1970 election but it was not given a chance to exercise this power. Under pressure from elites in the Western Wing, the Assembly was never convened. Mujibur Rahman did not advocate secession at a rally held on 6th March 1971, although the Awami League were now openly talking of a confederation of Pakistan (Talbot 1998: 206-7). It took the brutality of the 25th March 1971 to crystallise the demand for the secession of East Pakistan. Therefore, the secession of East Pakistan which is the most obvious counter example to my argument that homogeneous provinces have contributed to federal stability in India

²⁹² The Constituent Assembly was dismissed by Governor General Ghulam Mohammed as a reaction to the attempts by the Constituent Assembly to strip the Governor General of his powers to dismiss the cabinet (Talbot 1998: 142).

²⁹³ After Bogra reinstated the East Pakistani provincial assembly.

and Pakistan, was not inevitable, even after decades of perceived ‘internal colonialism’ in which large disparities in governmental development outlays as well as ‘the transfer of resources from east to west through the diversion of foreign exchange earnings’ existed (Talbot 1998: 138).

This confirms that for issues of federal stabilisation it is important to also look to wider issues of security *and consociational accommodation*. As Callard wrote;

For many Bengalis the real issue was not to secure provincial autonomy, important though that might be, but to obtain fair recognition, in theory and practice, of the claim of the east wing to equality with the west. There was always a desire for Bengali autonomy, but this was greatly enhanced, and made more bitter, by the feeling that the national government was fundamentally hostile to all things Bengali (1957: 172).

The cases of Baluchistan and Karachi can also be explained by recourse to issues of security. Neither the province of Baluchistan nor the city of Karachi are homogeneous. In addition to its heterogeneity, Baluchistan is the most marginal and least developed province in Pakistan, and demands for autonomy have been ignored. Bhutto’s repression of the province in 1973 only served to alienate Baluchis further. As Hewitt argues, it was ‘not a war aimed to create a separatist Baluchi state, it was merely an attempt to hold the centre to a commitment on federalism’ (1996: 60). Baluchis have not been able to unify against the centre because of divisions among the tribes. The main political parties within the state include Baluch nationalist, Pathan nationalist and Islamic parties²⁹⁴. National parties have also gained seats from contesting within the province, although never a majority.

The demands of the MQM in Karachi have fluctuated over time, but they are also related to the politics of recognition and security in a heterogeneous area. Muhajirs were historically the elite of Pakistan – and were the mainstay of the Muslim League, comprising 40% of the membership of the Muslim League at its formation. ‘Aligarh Muslims not only got the type of political organisation they could stomach but they also controlled it’ (Robinson 1993: 149-150). They lost some of their prominence as Jinnah moved towards a more federal strategy in the 1930s and 1940s, but were still powerful in the first decade of Pakistan’s independence, especially after Urdu was recognised as the language of Pakistan. The decline in their power as Punjabis and Pathans took over

²⁹⁴ The latter did extremely well in the province in the 2002 elections.

the institutions of state that mattered – especially the bureaucracy – and their small percentage as a proportion of the population created a feeling of insecurity. The quota system for positions in the federal bureaucracy compounded this insecurity and ‘provides bitter evidence that Muhajirs are losing influence in Pakistan’s national elites’ (Kennedy 1993: 137)²⁹⁵. This insecurity was given a strong linguistic tint when Zulfikar Bhutto the PPP came to power. The PPP’s abolition of Urdu as a provincial language in Sind provoked language riots (Rahman 1996: 120-127). A compromise was finally reached which effectively retained both languages for provincial use but ‘the most ominous consequence of the conflict is its legacy of bitterness’ (Rahman 1996: 126). The heterogeneity of Karachi has also provoked insecurity among the community, who demand to be recognised as Pakistan’s fifth nationality. The centre has often encouraged the movement, partially to undermine the Sindhi political parties, especially the PPP.

7.4. Conclusion

Linguistic reorganisation and homogeneity of states do not *necessarily* lead to benign relations with the centre and other states as the case of East Pakistan testifies to. Inclusion at the centre is also vital. Other factors such as the security of the linguistic group within the homogeneous unit are important. While reorganisation of units is one way of achieving this, many other factors have to be taken into account. This is why state strategies for managing heterogeneous societies have a wider impact on the stabilisation of the federation. In the case of India and Pakistan, state strategies of inclusion and exclusion dictated which identities would be recognised through the federal structures, enhancing the security of linguistic groups in India in a way they did not in Pakistan. These strategies were in their turn influenced by legacies of governance as well as the effective number of ethnic groups within both states.

In India, the strength and direction of the relationship between the effective number of legislative parties and the effective number of linguistic groups was undeniable. Linguistic homogeneity and the effective number of legislative parties were *inversely correlated*. I have not concentrated my analysis on the *types* of parties within these localised party systems. Whether or not a party has an explicitly regional agenda is

²⁹⁵ Although as Kennedy documents, the Muhajir community is still over-represented according to their population strength in civil bureaucratic posts (1993: 137).

irrelevant to my hypothesis. Linguistic reorganisation provided the conditions for alternative identities than language to come to the fore, although these identities may be regionally delimited. This is partially the result of the extreme heterogeneity of India – so much so that national parties such as the INC have ‘substantially autonomous regional units’ (Manor 1995: 111). This heterogeneity has not prevented secessionist movements from emerging, but after linguistic reorganisation they have been confined to those states in which an alternative religious majority is present and are on the border regions. The fact that these two factors coincided increased centre-state conflict. These exceptions are important. They demonstrate the practical limitations of the Indian state’s strategy for managing ethnic diversity through the federal system. The state-sponsored national identity under the guise of secularism has provoked conflict with these units.

The fact that Sikh parties from Punjab are in alliance with the Hindu Nationalist BJP, demonstrates that the Congress version of secularism has not ‘worked’. As Singh argues, the Akali Dal sees the BJP as its best hope ‘for maintaining a distinct Sikh identity and achieving maximum political autonomy within the Indian Union’ (2000: 192). The current BJP coalition at the centre is comprised of more than 16 parties, three of them regional parties from Tamil Nadu. In addition the coalition comprises regional parties from the non-Hindi majority states of Manipur and West Bengal as well as the above mentioned SAD and JKNC. The rise of the BJP has confirmed the political power of Hindu nationalism but has simultaneously revealed its limitations – it has not managed to gain enough support to form a government on its own, nor does it look likely to in the near future.

Pakistan’s non-recognition of linguistic groups and lack of democracy undermined the basis for security in those states that were not represented in the powerful non-democratic institutions such as the army and bureaucracy. Coincidentally, in the Western Wing, these states were the ones that were the least homogeneous along linguistic lines – Sind and Baluchistan. In Pakistan it is not possible to conclude that there has been as strong a relationship between the homogeneity of a province and its party system. To a large extent this is attributable to the fact that the party system in Pakistan is not institutionalised and non-democratic institutions of state have been preponderant. As Pakistan ‘had come to be dominated by the army, representation in that service was critical to participation in important national decisions’ (Cohen 1990:

209). Yet to ignore the effects of federal design is not sustainable. Federations can manage ethnic conflict even if they are not democratic. The absence of a relationship must also be related to the fact that many provinces of Pakistan have not been as homogeneous as those of India. There was no call for linguistic reorganisation at the time of partition as the provinces of Pakistan were *relatively* homogeneous. Yet the One Unit Plan subsumed linguistic groups under the political domination of the Punjab. The exclusion of Sind and Baluchistan from positions of power explains why these linguistic groups have not been secure within the Pakistani federation. The heterogeneity within their provincial borders has ensured that a multiplicity of parties exist within these provinces. These parties articulate the interests of the different groups within the province against each other *as well as* against the centre as the violence in Karachi demonstrates. This heterogeneity has enabled the centre to divide and rule, but to claim that the heterogeneity has contributed to federal stability would be a misreading of the situation. The analysis points to the importance of extraneous factors such as language policy on the numbers of parties, as well as proportionality in government bodies, especially those in which real power resides. The case of East Pakistan confirms this.

Chapter Eight: conclusion and future research agendas

'The history of federations is at least as much a history of success as of dissolution... many non-federal states rigidly opposing any entrenchment of regional autonomy... have been broken' (King 1993: 97).

8.1. Introduction

Federalism in the Indian subcontinent has had a bad press from many quarters. This is despite the fact that methods of government organised around some kind of territorial autonomy have managed the heterogeneity and vast size of India at least since the Mughal period. This is not to say that the form that territorial autonomy took did not change over time. Authors such as Wheare excluded federalism in the subcontinent from his analysis on the grounds that it diverged too far from the American model (1963: 33). Authors from the subcontinent have understandably criticised the centrist and 'quasi-federal' nature of the federations that were created (Banerjee 1989: 287; Arora 2002: 507). The above complaints have a rigid view of federalism. Federal structures of government differ on many criteria e.g. the division of financial powers, powers allocated between the levels of government, and the extent of consociationalism inherent within the federal structures. Such mechanisms change the form, but not the fact that federalism existed. Other authors have derided the form that the federation took, such as the concession of linguistic reorganisation (Harrison, 1960: 135, 307), and the adoption of the One Unit Plan. The One Unit Plan has been understandably criticised for creating bipolar provincial competition and creating grievances against the Punjabis in the Western Wing (Callard 1957: 189). Linguistic reorganisation in India is derided for leading to the proliferation of regional political parties, supposed to have undermined federal stability (India Today 1998).

8.2. Hypothesis testing

This thesis has concentrated on the differences in federal design between India and Pakistan. It was concerned to understand the reasons why Indian federalism has been more stable than that of Pakistan given that both operated within similar colonial frameworks. This thesis has found that:

- Modes of governance that were premised upon territorial autonomy had a long history in the subcontinent. These systems have always been centralised, either under the Mughals, the British or independent India and Pakistan. Despite this they have relied on territorial co-option, often based around religious or linguistic criteria. The constitutional plans of the Congress and League since 1916 accepted and often promoted federal structures. Where they differed was according to the degrees of consociationalism within these structures.
- The degrees of consociationalism within the federal plans were much higher before independence than they were in the constitutions of the independent states. I have demonstrated that this change was related to the changed number of effective religious groups. Indeed, I have argued that it was *in order to* secure a reduced number of 'effective' religious groups that the Congress was willing to partition the county.
- Although the effective number of religious groups declined, the effective number of linguistic groups remained high in both states. This made it particularly dangerous for the Congress to retreat from its pre-independence commitment to the linguistic reorganisation of states – a consociational mechanism of segmental autonomy. Its subsequent concession of linguistic reorganisation, with additional linguistic consociational mechanisms, stabilised the federation along linguistic lines. Pakistan's elites had not been committed to linguistic reorganisation before independence. Their lack of linguistic consociational accommodation created tensions that were avoided in India.
- The success of the Indian accommodation of linguistic identities is demonstrated by the fractionalisation of the party system in the most linguistically homogeneous states. The argument that linguistic reorganisation facilitated such accommodation is given more credence by the fact that this fractionalisation occurred in the states of India which were not part of the Hindi speaking core.
- In the case of Pakistan the argument is less clearly borne out. As the party system has not developed, the conflict between the units has not been managed through democratic structures. Yet the information gleaned from the correlation between the effective number of legislative parties and the effective number of linguistic groups was

interesting. Those provinces that have been associated with the most conflictual relations with the centre have been a) not particularly homogeneous (Sind and Baluchistan) or b) not secure and un-represented at the centre (East Pakistan). The most homogeneous province, East Pakistan, initially had a low number of effective legislative parties. However, this was the result of a coalition that fractionalised as soon as the demands against the centre had been conceded. They united against the centre again in 1970, under conditions of extreme provocation. East Pakistan thus reinforces the argument. However it points to the fact that homogeneous provinces by themselves are not *sufficient* conditions of federal stabilisation. Homogeneous provinces also require recognition and security. The exclusion of the Bengalis from position of power played an important part in undermining this recognition and security.

- The need for security has been demonstrated in India. India has not accommodated identities that have coincided with religion through the federal system. India has managed its non-Hindu majority areas in a different manner than it has its Hindu ones. This was initially seen in Nehru's reluctance to concede a Punjabi-speaking state or to create new states in the North East. Subsequently it has been seen in the Indian state's disproportionate use of force in the non-Hindu majority states. Differences in the type of accommodation were to be expected because of the state-sponsored national identity that rejected the consociational accommodation of religious identities. Despite this, the state's reaction has also been dictated by the border status of these non-Hindu regions.

In both India and Pakistan, consociational accommodation has been essential to understanding federal stabilisation. This accommodation has included the creation of linguistically homogeneous units, but also the recognition of the language of the units in central government examinations. Proportionality in government appointments, another consociational element, has also been vital. The inequitable representation of Bengalis, Sindhis and Baluchis in the institutional echelons of power in Pakistan – the bureaucracy and the army - has undermined ethnic conflict regulation.

8.3. The number of units and the distribution of the *staatsvolk*

In conclusion I wish to suggest that the number of units of a federation, and as importantly, the distribution of the ethnic groups between and within them is vitally important to the stabilisation of a federation.

The number of units

In Chapter One I did not argue that homogeneous provinces were a sufficient cause of federal stabilisation, nor a necessary one. Malaysia is an example of a stable federation with purposively designed multiethnic units (Horowitz 1985: 617-619) even though Singapore was expelled from the federation in 1965 and its consociational and democratic practices have been undermined subsequently (Mauzy 1993: 110). My concern was to establish that homogeneous provinces were not necessarily a dangerous feature of federal systems, and that in India and Pakistan, homogeneous units have not been the cause of secessionist pressures. When homogeneous units such as East Pakistan have been the focus of federal instability, and indeed dissolution, lack of security, recognition and inequitable treatment have been the proximate cause. In Chapter One I argued that the optimal number of units within a federation should be more than three.

India and Pakistan have had very different types of federations not only in relation to the *types* of units which they have structured their federal systems around, but also in relation to the *number* of units within the federation. India currently has twenty-eight states, while Pakistan only has four. Although relative to population this is proportionate²⁹⁶, it is my contention that the lower number of states within Pakistan has contributed to federal instability. Small numbers of units contribute to federal instability for the following reasons. A small number of units are likely to lead to shifting coalitions (in the case of three units) and zero-sum conflict (in the case of two units). 'If you want to avoid political crisis, then you are better off with more than two contending social forces and sets of identities than you are with two' (Manor 1995: 121). Bipolar antagonisms create obvious problems for achieving stability (Vile 1982: 213 & 222). Large numbers of federal units do not necessarily prevent conflict as a

²⁹⁶ India, with a population of approx. 1,100,000,000 and 28 states equates to 39.3 million people in each state. Pakistan, with a population of approx. 145,000,000 and 4 states equates to 36.3 million people per state.

powerful central government might abuse its power. India's government has abused the emergency provisions of Article 356, as the occasions of its use demonstrate in Appendix Three. In general however, the greater the number of units in a federation, the lower the potential for a unit to be excluded from a coalition or feel the lesser partner in a bipolar federation.

The hypothesis that the number of units in a federation should be more than three is supported by a comparative analysis of all federations since 1900. Although there are a similar number of federations with the lower range of states (two to three) as there are with thirteen or above, there is a marked difference between the two groups. 69% of federations with three states or under have failed, compared with only 13% of those with thirteen states or over.

Table 8.1. Federal failures and the number of states within the federation in the twentieth century

Units	States	Failures	Percentage of failures
2-3	16	11	69
4-7	10	5	50
8-12	5	1	20
> 13	15	2	13
Totals	46	19	41

Source: Encyclopaedia Britannica (1958-1999), Elazar (1987: 45-46), Central Intelligence Agency (2002) and (BBC 2003).

Spearman's rho correlation coefficient between the number of units within a federation (ungrouped) and whether the federation was a failure or not is + .512. This is significant at the 1% level. It is not possible to conclude that these smaller numbers of states *caused* the failure of these federations, as a correlation cannot prove causation. As can be seen in Table 8.2 many of the failed federations were formed in the wake of the decolonisation process in Africa, e.g. the Federal Kingdom of Libya, the Mali Federation and the Central African Federation. These federations were formed in a situation of extreme flux and many only survived for a year or two, indicating little about the structures of government within these federations.

However, although it is not possible to assert a causal relationship between the number of states in a federation and the likelihood of its success, a definite trend is present.

Table: 8.2. The number of units in the world's federations.

Name of State	Number of units	Failure
Bosnia-Herzegovina	2	No
Cameroon 1961-72	2	Yes
Central African Federation 1956-63	2	Yes
Czechoslovakia 1992	2	Yes
Ethiopia 1952-62	2	Yes
Federation of Iraq and Jordan. 1958	2	Yes
Mali 1959-60	2	Yes
Pakistan 1955-71	2	Yes
<i>Serbia and Montenegro (FRY) 1992-2003</i>	2	No
St Kitts and Nevis	2	No
Union of Serbia and Montenegro 2003 +	2	No
United Arab Republic 1958-61 (Egypt and Syria)	2	Yes
Comoros	3	No
Libya (Federal Kingdom of) 1951-63	3	Yes
Malayan federation 1963-65	3	Yes
Nigeria 1963-66	3	Yes
Micronesia	4	No
Pakistan > 1971	4	No
Uganda 1962-67	4	Yes
Belgium	5	No
Australia	6	No
Burma 1948-62	6	Yes
Congo 1960-69	6	Yes
Yugoslavia	6	Yes
Indonesia 1947-50	7	Yes
U.A.E	7	No
Austria	9	No
Canada	10	No
<i>Germany 1945-90</i>	11	No
<i>Malaya 1947-1963</i>	11	No
British West Indies 1958-62	12	Yes
Malaysia	15	No
USSR	15	Yes
Germany 1990 –	16	No
Nigeria 1979-83	19	Yes
Russia	19	No
Spain	20	No
Venezuela	22	No
Argentina	23	No
Ethiopia 1991-	25	No
Brazil	26	No
Switzerland	26	No
India	28	No
Mexico	31	No
Nigeria >1999	36	No
United States	50	No

Source: Same as Table 8.1

Notes: Only the first level of decentralisation is included. Those that were superseded by another federation e.g. Germany in 1990 are italicised.

Pakistan before 1971, Nigeria in 1966 and Czechoslovakia all broke down because of highly conflictual relations between small numbers of units. Nigeria managed to prevent Biafra from seceding but only through waging a military campaign which resulted in 100,000 military deaths and many more civilian casualties from starvation.

Similarly, many of the federations in the lower range are currently under threat. Since 1997 Comoros has experienced a secessionist attempt from its islands of Anjouan and Moheli. The Federation of Serbia and Montenegro was dissolved in February 2003, but a Union of Serbia and Montenegro has superseded it. 'It is to have a federal presidency and federal defence and foreign ministries but the two republics are to be semi-independent states in charge of their own economies' (BBC 2003). Whether this is a prelude to a dissolution of the association between the two remains to be seen – either Republic can revisit the status of the Union in three years time. In 1998 Nevis held a referendum on whether to separate from St Kitts although it fell short of the two-thirds majority required for success. Finally, the federation of Bosnia-Herzegovina is currently held together by the presence of the international community. I do not argue that the number of units *inevitably causes* the break down of a federation, only that a lower number, and especially three units or below, is likely to increase instability.

The case of Pakistan before 1971 is a prime example of the dangers of a bipolar federation. The One Unit Plan of 1955 accentuated the conflict between the Eastern and Western Wing of the country. As I have argued earlier in this thesis, this was not the proximate cause of the secessionist demand, but it accentuated the tensions into a 'them and us' relationship. Not only were tensions exacerbated between the two wings, but also within the Western Wing. This was because the Western Wing was dominated by the Punjab. Since 1971 Pakistan has survived as a federation with four provinces. It is my contention that this low number of provinces has contributed to tensions within the federation.

In contrast to Pakistan, India has a large number of units, ensuring that a fluctuating coalition of interests exists. This large number of units has not prevented conflict, e.g. in Punjab, Jammu and Kashmir and the North-Eastern states. Yet these conflicts have been caused by policies of the centre, primarily dominated by concerns over their non-Hindu majorities and land border status. As already argued, secessionist movements in

these provinces are prompted by the lack of security. This has been reinforced by the attitude adopted by the centre concerning claims for autonomy when the identity is associated with a religious minority.

The large number of units has also ensured that the Hindi speaking states are split. In 2000 three new states were created, Uttaranchal (from Uttar Pradesh), Jharkhand (from Bihar), and Chatisgarh (from Madhya Pradesh). These were formed primarily on tribal rather than linguistic lines, but their creation has further subdivided the *staatsvolk*. With Hindi speakers constituting 40% of the Indian population, a state comprising all of them, as was the case in Pakistan before and after the secession of East Pakistan, would be unthinkable, but more importantly, inherently destabilising. This has been a long-standing concern. In the States Reorganisation Commission Report, one of the authors, K M Panikkar expressed concern about the large size of Uttar Pradesh and recommended its division (1955: 244-252).

The distribution of the *staatsvolk*

As argued, homogeneous provinces do not always minimise tensions. Conflict against the centre can increase, especially when a dominant group exists or is perceived to exist. One way to safeguard against the perception of an over-bearing dominant group is to subdivide the dominant group or groups, while maintaining homogeneity within the units. This sub-division alleviates the danger of the potential tyranny of the majority as with the Germans in Switzerland (Duchacek, 1991: 31) but retains the national self-determination of the unit. The first and the second federations of Nigeria illustrate the advantages of a division. The first federation of Nigeria had three provinces, organised around the three main ethnic groups within the state. Competition between these ethnically defined provinces resulted in Biafra attempted to secede. The second federation was organised to avoid this danger; it had 19 provinces. While there was a military coup in 1983 which destroyed the federal form, this was unrelated to the federal compact (Horowitz 1985: 613). The most recent Nigerian federation has continued to follow the lesson learnt by its first failed experiment; it has 36 provinces. If a dominant ethnic group is divided, then it still achieves national self-determination in a homogeneous unit, despite the fact that the group is split between different units. The group remains within the same national state, in which, as the dominant group, it cannot feel threatened. Division has two rationales. Firstly, if dominant groups are divided

then federalism can increase the salience of alternative identities between these units. Secondly, division diminishes the real or perceived dominance of a particular community. The division of a dominant group between a number of units makes it more likely that disparities between units will be diminished.

a) the splitting of the dominant group

This splitting of the dominant group provides conditions in which such a group is less likely to threaten the stability of a federation. Splitting the dominant group diminishes the perception that it is a *staatsvolk* in control of the central government. This is because splitting of a dominant group increases intra-ethnic competition and diminishes the unity of the dominant group.

India's Hindi speakers, the only possible *staatsvolk*, are already divided along lines of caste and region, but they are also divided into many different states. Of its 28 states, only nine have a Hindi majority²⁹⁷. All other major linguistic communities have their own state (and are not sub-divided). While the arguments in favour of subdivision primarily concern the dominant community, authors such as Khan, Kothari and Vanhanen have advocated increasing the number of states in the Indian Union by subdividing other states as well (Kothari 1970: 115; Vanhanen 1992: 169). The states are certainly large enough to be sub-divided. Khan advocated creating 58 states (1992: 45). While this brute instrument would not be possible as many of the North-Eastern states are too small to be viable if subdivided, most other states are large enough to divide more than once. Although many states would fiercely resist this move, there are calls for subdivision of many of the states. There have been calls for the trifurcation of Jammu and Kashmir and the creation of Ghorkaland (West Bengal), Bodoland (Assam), Telangana (Andhra Pradesh) and Vidarbha (Maharashtra). This would also address the problem of over-representation of the larger states in the Rajya Sabha. This large number of states subdivided the dominant community and has provided the conditions for a fluctuating coalition of interests to exist between the states.

The case of Pakistan is a striking example of the danger of a dominant group having one and only state. In 1955 the One Unit Plan created a federation with two units; an

²⁹⁷ 31% of the States and Union Territories of the Indian federation had a majority population of Hindi speakers. However, 45% of the population of India lives within these eleven units (Government of India 2001).

Eastern and a Western Wing. The Bengalis were the majority of the population, and were contained within only one unit. This contrasted with India where the Hindi speakers were split between units. In retrospect, a division of both the Punjab and Bengal into smaller units could have increased the stability of the federation in the long term. In advancing this argument, I am aware that both had already been partitioned. It would have been hard to create provinces along cultural or ethnic lines despite the existence of the non-Muslim Chittagong Hill Tracts, but it would have been possible along administrative lines. In the case of the Punjab, obvious linguistic markers existed. This division could have provided an amelioration of the conflict between the East and the West by providing a new basis for coalition formation. The division of Bengal could also have removed the need to create the One Unit.

The actual *staatsvolk* in Pakistan were the Punjabis. Punjabis comprised over half of the population of the Western Wing. Under the One Unit Plan they dominated the Western Wing. Under the Legal Framework Order of 1970, the One Unit Plan was dissolved and the provinces were reconstituted. Baluchistan became a fully-fledged province for the first time and the princely states were incorporated into the four provinces²⁹⁸. As had previously been the case in Pakistan, the *staatsvolk* were contained within their own state.

While some Indian states might fret over their inadequate representation in the non-elected institutions, no single region exercises complete dominance over them. By contrast, the institutional dominance of a predominantly Punjabi military and federal bureaucracy has at each step heightened the sense of alienation on the part of the non-Punjabi provinces and significant linguistic minorities within them. (Jalal 1995: 184).

The calls for the division of the Punjab would ameliorate the perception of Punjabi domination. It could re-structure power relations and help to quell many of the inequities in revenue apportioning between the provinces. It would also restructure the locus of power in the legislature. In 1988 Zia considered re-designing the Pakistan federation into eight units, but he died before he could implement it. This division would have created two Punjabi speaking provinces and one Siraiki speaking province (from Punjab), one Sindhi, and one Muhajir province (from Sind), one Baluch and one

²⁹⁸ Federally Administered Tribal Areas (FATA) remained outside central control but were separately represented in the National Assembly as was the National Capital of Islamabad. *Azad* Kashmir was not represented in the National Assembly because of its unique status.

Pathan province from Baluchistan and minor territorial revisions to NWFP (Kennedy 1993: 141). The above plan demonstrates why Sind has not been as vociferous in calling for such a reorganisation - because of demands to create a city-state of Karachi²⁹⁹. Yet such a reorganisation would be welcomed by the non-Punjabi states, and would also have the benefit of fulfilling all three conditions – increasing the number of units, splitting the dominant group and reducing disparities between the units.

b) removing disparity

In addition to increasing the number of provinces within a federation, a division of the dominant group reduces disparities between units. By increasing the numbers of units, larger units are subdivided, as happened in the Second Nigerian federation. A great population disparity between federal units affects representation in the legislature. Representation in the lower house of a legislature in a federation is usually weighted according to population strength³⁰⁰. Representation in the upper house of a federation was classically designed to reflect the equal worth of the units of the federation. As already discussed, many federations did not follow this path – India being one of them. Although the smaller units have higher representation than their population strength allows them, the representation is not nearly proportionate. The deviation from proportionality is nearly the same in both the Lok and the Rajya Sabhas. The Lok Sabha has a deviation from proportionality of 15.33, while the Rajya Sabha has one of 17.95³⁰¹. In both cases there has been a slight concession in the favour of the North-East territories, many of which have much smaller populations. Sikkim is the smallest state with a population of 540,493, or 0.05% of the population of the 28 states. Uttar Pradesh remains the largest, despite the creation of Uttaranchal. It has a population of 166,052,859, 16.43% of the population of the states of India³⁰². Federation as a mechanism of ethnic conflict regulation only provides autonomy; it does not provide security at the national level within decision-making institutions. This is why degrees of consociationalism and representation in decision-making institutions become vital.

²⁹⁹ Karachi was separated from Sind once before, when Karachi was the national capital from 1947-1961.

³⁰⁰ Although as discussed in chapter five, the National Assembly of Pakistan between 1956-1973 was a unicameral legislature in which the East and West had equal representation

³⁰¹ The formula used for calculating deviation from proportionality is that set out in (Taagepera and Shugart 1989: Ch 10), $D = (1/2) \sum (s^i - p^i)$, where s is the percentage of seats allocated, and p is the percentage of the population of the province. The Rajya Sabha totals include the three new states while the Lok Sabha ones do not as they have not yet been calculated.

³⁰² Excluding Union Territories (Government of India 2001).

In the case of Pakistan, the demographic majority of Bengalis (55%) contained within East Pakistan caused tensions within the federation, and was the proximate cause of the prolonged constitutional wrangling. However, the attempt to address the imbalance – the One Unit Plan – caused more problems than it solved because it reduced rather than enlarged the small number of provinces. Within West Pakistan Punjab comprised 56% of the population. After the secession of Bangladesh Punjab has dominated the National Assembly with 148 seats in a house of 332³⁰³ (Election Commission of Pakistan 2002). Unlike the Indian upper house however, all the provinces have had equal representation under the 1973 constitution. This has acted as a check – Nawaz Sharif was not able to bring in Sharia Law as the law of Pakistan in 1998-1999 because of opposition within the Senate where his PML, a Punjabi dominated political party, did not have a majority. This law was widely perceived to be a device to enhance his powers.

Therefore, the number of units is important to promote good federal relations. This is because the alternative identities within a unit only become salient when the identity around which the unit has been created has been given security. This is a subject that requires further research. Should all units be subdivided to prevent secession, or just that of the dominant group?

Neither India nor Pakistan have been stable federations for the whole of their existence. Yet the homogeneity of units in parts of Pakistan and linguistic reorganisation in India, have not been the cause of instability that opponents of homogeneous provinces would have us believe. In the case of Pakistan, it is arguable that it was the denial of the Awami League's demands for a more equitable federal relationship that prompted the demand for a confederation. Although it was a homogeneous province, as seen in the 1950s, divisions existed within its borders around which political parties formed and formed coalitions with parties represented in the Western Wing. Therefore the homogeneity of the province did not preclude cooperation with the Western Wing. Mujibur Rahman's six point demand was confederalist rather than secessionist; seeking power and representation at the centre. It was the brutal invasion of East Pakistan after the elections of 1970-1 that led to the secessionist demand. The denial of the democratic mandate in which the Awami League won the majority of the seats in the

³⁰³ This total includes the 35 seats reserved for women.

National Assembly of Pakistan also contributed to this. It is a moot point whether Pakistan would have maintained territorial integrity in the long term – it is of course, possible that a confederal structure would have been the beginning of territorial disintegration. However it is equally possible that the threat of India's hegemony (which manifests itself in the party system of Bangladesh to this day) would have been a sufficient external threat to sustain the federation³⁰⁴.

The cases of India and Pakistan demonstrate that it is the denial of claims for recognition, and legitimate claims for resources that are likely to increase conflict with the centre rather than the creation of homogeneous provinces. The recognition of alternative identities through federal structures brings government closer to the ethnically defined people, and increases the likelihood of intra-group competition for power and resources. The perception of a normative, or practical, commitment to recognising diversity is essential to a group's security. Federal institutions have played a large role in the creation of this security. In India there is no incompatibility between being a Gujarati and an Indian or a Tamil and an Indian (Mitra and Singh 1999: 161-2). In the 1990s this has been expressed through the regional political parties who are members of the governing coalition at the centre. A plethora of Tamil political parties exist. The AIADMK's defection from the BJP coalition in 1999 brought down the Vajpayee government. In the following elections, their rival, the DMK, took their place in the governing coalition. The Akali Dal is also part of the governing coalition, despite the BJP being Hindu Nationalists. The proliferation of parties is a force for stability. Coalition politics is now the norm – including more groups within the democratic process.

Dual identities and security of culture have been sadly lacking in Pakistan, both before and after the secession of East Pakistan. The ethnic domination of the Pakistani state by Punjabis has reduced all other group's identification with the institutions of the state. As Talbot notes, the hostility to the nuclear tests advanced by Baluchi and Sindhi nationalists is evidence of the limitation to the appeal of the Pakistani 'nation' (2000: 214). Punjabi domination is cultural, economic and political – which Samad terms Punjabisation (1995b: 23-42). For most Punjabis there is no conflict between a Punjabi

³⁰⁴ This would fit with Riker's analysis (1964: 30).

and a Pakistani identity, although Punjabis are not a homogeneous group (Samad 1995b: 32; Talbot 1998: 127). This is not the case for the other groups.

8.4. Future research agendas

There are many potential future research agendas emerging from this thesis. The most obvious one is to concentrate on the extent to which consociational features have helped stabilise federal systems outside South Asia. Federations in ethnically divided societies can help to promote autonomy and security, but not if they are majoritarian forms of government. Territorial autonomy for a territorially concentrated ethnic group does promote security – and the creation of homogeneous units can be vital to provide this security – but without representation at the centre, it is likely to be tenuous at best. Federations such as Switzerland and Belgium have created explicitly consociational federal structures. Others such as Canada have accommodated difference within their political parties – this is why Canada has had both French and English Prime Ministers, even though the French speakers have a majority in only one province (Quebec). Malaysia has also experimented with a consociational political party – although the diminishing quality of its democracy has undermined this experiment. What is important to note is that consociationalism can be present in degrees, and may be an informal structure. In a similar manner to federal structures of government, there is no one set institutional configuration that will lead to accommodation.

O’Leary has argued that in a state without a *staatsvolk*, consociational mechanisms are necessary to stabilise the federation. This does not mean that a federation with a *staatsvolk* will *necessarily* be stable (2001a: 291). Those states with a *staatsvolk* may still benefit from consociational measures, especially when their minority groups are territorially concentrated, and even more so if they are concentrated on a border. Such a concentration does not automatically lead to conflict, still less to secession. But it does make it easier for a perception of discrimination to emerge.

Federalism is therefore not an all-encompassing panacea. It is a complex institutional arrangement, compatible with centralising and majoritarian governments, as it is with decentralised and consociational governments. This thesis has established that while it does not necessarily promote security and ethnic peace, it cannot be blamed for increasing conflict, especially when it is combined with consociational mechanisms.

Appendixes

Appendix One: formula to measure degrees of consociationalism in the constitutional plans proposed between 1916-1946

The plans have been scored according to a formula that weights Lijphart's four elements differently. I do not simply sum all the nine variables. Some of the elements have more variables within them than others. This would skew the final results. Similarly I do not sum all the elements equally as Lijphart prioritises segmental autonomy and grand coalition as the most important elements in consociational design. Therefore the elements of grand coalition and segmental autonomy are weighted by 1.5 and proportionality and mutual veto are weighted by 0.5.

e.g. 1928 Nehru Report:

The summed scores for the four elements were

Element	Description	Score
Grand Coalition	0 were scored consociationally	0
Proportionality	1 out of 4 were scored consociationally	0.25
Segmental Autonomy	2 out of 3 were scored consociationally	0.66
Mutual Veto	0 were scored consociationally	0

Therefore

Grand Coalition	1.5 x 0	= 0
Proportionality	0.5 x 0.25	= 0.125
Segmental Autonomy	1.5 x 0.66	= 0.99
Mutual Veto	0.5 x 0	= 0

The formula directs us to sum these scores, e.g.

$$0 + 0.125 + 0.99 + 0 = \mathbf{1.115}$$

The formula then directs us to divide these scores by 4 (the number of elements) e.g.

$$1.115 \div 4 = \mathbf{0.28}$$

This can be interpreted to mean that the degree of consociationalism in the Nehru Report was 0.28 out of 1.

Appendix Two: A breakdown of the constitutional plans proposed by the British, Congress and League between 1916-1946

The Congress-League Scheme, 1916 otherwise known as the Lucknow Pact of 1916.

Date: 1916

Prime Movers: Congress and Muslim League.

0	Executive weightage	No executive weightage. Although half of the Governor-General's council was to be Indian <i>Article IV (2)</i> , and also that of the Provincial Executive Councils <i>Article II (4)</i> , these were not split into different communities.
1	Separate electorates	<i>Article I (4)</i> included separate electorates. The quid pro quo was that Muslims were not allowed to vote in general constituencies in addition to the separate electorates.
1	Reserved seats	<i>Article I (4)</i> included reserved seats for Muslims at the provincial level.
1	Legislative Weightage	<i>Article I (4)</i> allocated legislative weightage when Muslims were a minority in a province.
Ø	Representation in second chamber	Not mentioned
Ø	Religious territorial reorganisation	Not mentioned
Ø	Linguistic territorial reorganisation	Not mentioned
0	Residual powers	<i>Article IV (6)</i> allocated residual powers to the centre.
1	Community veto rights	<i>Article I (4)</i> accepted the AICC $\frac{3}{4}$ rule for Provincial and Imperial Councils.

Source: Indian National Congress and Muslim League (1949).

Government of India Act

Date: 1919

Prime Movers: British Government.

0	Executive weightage	<i>Part 1 (4-1)</i> on the composition of Provincial Executive Councils does not mention community representation.
1	Separate electorates	<i>Paragraph 15</i> 'We have consequently provided for the preparation of separate Muhammadan and non-Muhammadan electoral rolls, and for separate Muhammadan constituencies' (East India Constitutional Reforms 1919). 'These representatives will be elected by the Muhammadan non-official members of the respective provincial legislative councils' (1919: Appendix IX & X).
1	Reserved seats	<i>Paragraph 15</i> ' In the interests of India as a whole, we have...felt ourselves amply justified in accepting the (Lucknow) compact as a guide in allocating the proportion of Muhammadan representation in the councils' (1919)
1	Legislative Weightage	As above. Weightage provided in Council of State, Legislative Assembly and the Provincial Assemblies. <i>Paragraphs 33 and 34</i> (1919)
0	Representation in second chamber	<i>Paragraph 40</i> (East India Constitutional Reforms 1919: 87-88). The deviation to proportionality is high. Bombay and Punjab are over-represented according to their population and Madras, Bengal and United Provinces are under-represented. However, the range of seats allocated to the provinces varies from 1 (Burma) to 3.5 (Bengal). Therefore I have scored this as majoritarian.
Ø	Religious territorial reorganisation	Not mentioned
0	Linguistic territorial reorganisation	Not mentioned in 1919. However, the Montagu-Chelmsford Report of 1918 upon which the 1919 Act was based argued that 'a strong argument in favour of linguistic or racial units of government (is) that, by making it possible to conduct the business of legislation in the vernacular, they would ... draw into the arena of public affairs men who were not acquainted with English' (1918: Article 246). As the 1919 Act ignored this recommendation – this variable is scored 0.
0	Residual powers	To the centre as allocated in <i>Schedule I, Part 1 Parag. 47</i> 'All other matters not included among provincial subjects under Part II of this schedule'. (1924).
0	Community veto rights	Not included.

Source: Montagu and Chelmsford (1918), East India Constitutional Reforms (1919), Government of India (1924; 1964a).

Nehru Report

Date: 1928

Prime Movers: Congress (with others).

0	Executive weightage	<i>Articles 23, 24, 44 & 45</i> do not provide for community representation in the Executive Council at the centre or in the provinces. (1928: 29) specifically rejected communal councils.
0	Separate electorates	<i>Article I</i> stipulated that 'there shall be joint mixed electorates throughout India'.
1	Reserved seats	<i>Article II</i> provided that 'There shall be... reservation of seats... for Muslims in provinces where they are in a minority and non-Muslims in the N.W.F. Province'.
0	Legislative Weightage	<i>Article 8 & 9</i> make no mention of legislative weightage.
0	Representation in second chamber	<i>Article 8</i> 'The Senate shall consist of 200 members... a specific number of seats being allotted to each province on the basis of population'.
1	Religious territorial reorganisation	<i>Article V</i> accepted Sind on the basis of a Muslim majority. Although there 'is no question of creating a communal province'(1928: 32).
1	Linguistic territorial reorganisation	<i>Article 72 vi</i> accepted the creation of the provinces of Karnataka, Andhra and Oriya. <i>Article 86</i> stipulated that 'The re-distribution of provinces should take place on a linguistic basis...'
0	Residual powers	Residual powers not specifically mentioned. However, <i>Article 13 A a</i> provides that 'In... matters of controversies between provinces or a province... the Central Government... have all the powers... to suspend or annul the acts, executive and legislative of a Provincial Government'.
0	Community veto rights	<i>Article 10 (5)</i> 'All questions... shall be determined by a majority of votes'.

Source: Nehru (1928).

Jinnah's Fourteen Points

Date: 1929

Prime Movers: Muslim League.

1	Executive weightage	<i>Point 13</i> 'No Cabinet, either Central or Provincial, should be formed without there being a proportion of Muslim Ministers of at least one-third'.
1	Separate electorates	<i>Point 5</i> 'Representation of communal groups should continue to be by means of separate electorates'.
1	Reserved seats	<i>Point 3</i> 'All legislatures... should be constituted (with) adequate and effective representation of minorities in every province, without reducing the majority in any province to a minority or even equality'.
1	Legislative Weightage	<i>Point 4</i> 'In the Central Legislature, Muslim representation should not be less than one-third'.
Ø	Representation in second chamber	Not mentioned
1	Religious territorial reorganisation	<i>Point 9</i> 'Sind should be separated from the Bombay Presidency'.
Ø	Linguistic territorial reorganisation	Did not oppose it because said that no changes should be made to Muslim majority provinces (<i>Point 6</i>). This reorganisation would be in addition to religious reorganisation. But he did not advocate it.
1	Residual powers	<i>Point 1</i> 'residuary powers vested in the province'.
1	Community veto rights	<i>Point 8</i> $\frac{3}{4}$ rule in either a central or a provincial legislature.

Source: Jinnah (1969).

Simon Commission

Date: 1930

Prime Movers: British Government.

0	Executive weightage	<i>Part IV Ch 2 (169)</i> did not mention communal considerations. Neither did <i>Part II Ch 2 (93)</i> & <i>Part II Ch 1 (48)</i> .
1	Separate electorates	<i>Part II, Ch 2 (72) (75)</i> 'In the absence of a new agreement ... we are unanimous in holding that communal representation for the Muhammadans of a province must be continued'. <i>(76)</i> also provided for their use for Sikhs.
1	Reserved seats	<i>Part II, Ch 2 (85)</i> accepted reserved seats.
1	Legislative Weightage	<i>Part II Ch 2 (85)</i> provides that 'in six out of the eight provinces, the present scale of weightage in favour of Muhammadans in those provinces might properly be retained'. At the national level, the Legislative Assembly is indirectly elected by provincial legislatures using PR. <i>Part IV Ch 1 (143)</i> does not retain weightage specifically except for the Anglo-Indian community. <i>Part XII (365)</i> provided that members 'will be elected by the Provincial Councils by the method of Proportional Representation, which will ensure that members belonging to minority communities will be included in sufficient numbers in the Federal Assembly'.
1	Representation in second chamber	<i>Part IV Ch 1 (150)</i> 'We recommend that each Governor's province should be represented in the Council of State by three members'.
Ø	Religious territorial reorganisation	<i>Part II Ch 1 (38)</i> Recommended look at Sind on racial grounds. But it did not mention religious criteria and they were not as sympathetic to the Sindhi demand as they were to the Oriyan one.
1	Linguistic territorial reorganisation	<i>Part II Ch 1 (38)</i> recommended look at Orissa on linguistic grounds. Although language not privileged as the basis of reorganisation. <i>Appendix VI (4)</i> 'was in favour of the creation of an Orissa province'.
0	Residual powers	Not specifically mentioned but powers <i>Part IV Ch 4 (182)</i> gives wide-ranging powers to the Governor-General so I have coded this variable 0.
1	Community veto rights	<i>Part II Ch 2 (68)</i> 'special safeguards would have to be provided, and will be suggested to protect minorities against the possibility of a majority making an unfair use of such powers of revisions' <i>Part II Ch 11 (95)</i> . Constitutional revision would have to be approved by 'two thirds of the members representing the community affected'.

Source: Indian Statutory Commission (1930a: 1930b).

Notes: All references from Vol. II of the Report. Numbers in brackets are paragraph numbers.

Government of India Act

Date: 1935

Prime Movers: British Government.

0	Executive weightage	<i>Articles 9 (1) & 10</i> do not mention any communal composition of the Council of Ministers. <i>Articles 50 and 51</i> do not mention communal composition in the Councils of the provinces.
1	Separate electorates	<i>First Schedule (6-1) & 19</i> 'No person shall be entitled to vote at an election to fill a Sikh seat or a Muhammadan seat ... unless he is a Sikh or a Muhammadan, as the case may be'.
1	Reserved seats	<i>First Schedule (4) & (18 ii)</i> reserved seats for the Sikhs, Muslims, Indian Christians, Anglo Indians and women.
1	Legislative Weightage	<i>First Schedule</i> . The reserved seats for Muslims gave this community approximately one third representation in both chambers.
0	Representation in second chamber	<i>First Schedule</i> . Seats were distributed among the provinces according to population although there was a minimum level of representation, so smaller provinces benefited.
1	Religious territorial reorganisation	<i>Article 289 (1 a)</i> Sind created.
1	Linguistic territorial reorganisation	<i>Article 289 (1 b)</i> Orissa created.
0	Residual powers	<i>Article 104</i> 'The Governor-General may... empower either the Federal Legislature or a Provincial Legislature to enact a law with respect to any matter not enumerated in any of the Lists. <i>Article 107 (1)</i> The centre prevails over the province on issues relating to the concurrent list.
0	Community veto rights	<i>Article 23 (1) & 66 (1)</i> 'all questions at any sitting ... shall be determined by a majority of votes of the members present and voting'.

Source: Government of India (1964b).

Cripps Mission

Date: 1942

Prime Movers: British Government.

0	Executive weightage	'if the scheme is generally accepted, the Viceroy will call into consultations some of the leaders as to the best way to form a new Government' (Cripps 1970: 548).
0	Separate electorates	'The entire membership of the Lower Houses of the Provincial Legislature shall as a single electoral college proceed to the election of the constitution-making body by the system of proportional representation' (British Government 1949: 154.)
0	Reserved seats	Not included
0	Legislative Weightage	Not included
Ø	Representation in second chamber	No second chamber
0	Religious territorial reorganisation	Muslim League rejected it because the rights of secession were given to provinces not communities.
Ø	Linguistic territorial reorganisation	Not relevant
Ø	Residual powers	Not mentioned.
0	Community veto rights	Provinces rather than communities have the right to opt out of the constitution making process. 'The right of any province of British India that is not prepared to accept the new constitution to retain its present constitutional position, provisions being made for its subsequent accession if it so desires' (British Government 1949: 153). These were not all homogeneous areas.

Source: British Government (1949) and Cripps (1949: 1970).

Cabinet Mission Plan

Date: 1946

Prime Movers: British Government.

1	Executive weightage	<i>Paragraph 3</i> 14 places – 6 Congress Party (incl. 1 SC), 5 Muslim League. 1 Christian, 1 Sikh and 1 Parsi (Cabinet Mission 1946a).
1	Separate electorates	<i>Paragraph 18 (c)</i> ‘To provide that the representatives allocated to each community in a province shall be elected by members of that community in its Legislative Assembly’.
1	Reserved seats	<i>Paragraph 18 (b)</i> ‘to divide this provincial allocation of seats between the main communities in each province in proportion to their population’
0	Legislative Weightage	<i>Paragraph 18 (b)</i> ‘to divide this provincial allocation of seats between the main communities in each province in proportion to their population’
Ø	Representation in second chamber	Not mentioned. The Constituent Assembly was proportionate to population though.
0	Religious territorial reorganisation	<i>Paragraph 7</i> The Mission rejected ‘any solution which involves a radical partition of the Punjab and Bengal’.
Ø	Linguistic territorial reorganisation	Not mentioned.
1	Residual powers	<i>Paragraph 15 (3)</i> ‘All subjects other than the Union subjects and all residuary powers should vest in the provinces’.
1	Community veto rights	<i>Paragraph 15 (2)</i> ‘Any question raising a major communal issue in the legislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting’.

Source: Cabinet Mission (1946a; 1946b).

Notes: All the citations are from Cabinet Mission (1946b) unless otherwise stated.

Appendix Three: The imposition of President's Rule in India 1951-2002

Name of State	Year imposed	Days lasted	Dates imposed between
Punjab	1951	302	20.06.51-17.04.52
Pepsu (later merged into Punjab)	1953	369	04.03.53-07.03.54
Andhra Pradesh	1954	133	15.11.54-28.03.55
Travancore-Cochin (Kerala)	1956	223	23.03.56-01.11.56
Kerala	1956	156	01.11.56-05.04.57
Kerala	1959	209	31.07.59-22.02.60
Orissa	1961	118	25.02.61-23.06.61
Kerala	1964	145	10.09.64-24.03.65
Kerala	1965	712	24.03.65-06.03.67
Punjab	1966	118	05.07.66-01.11.66
Goa, Daman and Diu	1966	123	03.12.66-05.04.67
Rajasthan	1967	44	13.03.67-26.04.67
Manipur	1967	118	25.10.67-19.02.68
Haryana	1967	181	21.11.67-21.05.68
West Bengal	1968	370	20.02.68-25.02.69
Uttar Pradesh	1968	368	25.02.68-26.02.69
Bihar	1968	248	29.06.68-26.02.69
Punjab	1968	178	23.08.68-17.02.69
Pondicherry	1968	181	18.09.68-17.03.69
Bihar	1969	227	04.07.69-16.02.70
Manipur	1969	452	16.10.69-21.01.72
West Bengal	1970	377	19.03.70-02.04.71
Kerala	1970	64	04.08.70-03.10.70
Uttar Pradesh	1970	18	01.10.70-18.10.70
Orissa	1971	71	11.01.71-22.03.71
Orissa	1971	11	23.03.71-03.04.71
Karnataka	1971	359	27.03.71-20.03.72
Gujarat	1971	313	13.05.71-17.03.72
Punjab	1971	280	15.06.71-17.03.72
West Bengal	1971	265	29.06.71-20.03.72
Bihar	1972	60	09.01.72-08.03.72
Manipur	1972	59	21.01.72-20.03.72
Tripura	1972	59	21.01.72-20.03.72
Bihar	1972	11	09.03.72-19.03.72
Andhra	1973	326	18.01.73-10.12.73
Orissa	1973	368	03.03.73-06.03.74
Manipur	1973	341	28.03.73-04.03.74
Uttar Pradesh	1973	148	13.06.73-08.11.73
Pondicherry	1974	62	03.01.74-06.03.74
Gujarat	1974	494	09.02.74-18.06.75
Pondicherry	1974	1222	28.03.74-02.07.77

Nagaland	1975	978	22.03.75-25.11.77
Uttar Pradesh	1975	52	30.11.75-21.01.76
Tamil Nadu	1976	516	31.01.76-30.06.77
Gujarat	1976	287	12.03.76-24.12.76
Orissa	1976	14	16.12.76-29.12.76
Uttar Pradesh	1977	54	30.04.77-23.06.77
Bihar	1977	55	30.04.77-24.06.77
Rajasthan	1977	53	30.04.77-22.06.77
Madhya Pradesh	1977	54	30.04.77-23.06.77
Punjab	1977	51	30.04.77-20.06.77
Himachel Pradesh	1977	53	30.04.77-22.06.77
Haryana	1977	52	30.04.77-21.06.77
Orissa	1977	57	30.04.77-29.06.77
West Bengal	1977	52	30.04.77-21.06.77
Mizoram	1977	388	11.05.77-02.06.78
Manipur	1977	45	16.05.77-29.06.77
Tripura	1977	60	05.11.77-04.01.78
Karnataka	1977	59	31.12.77-27.02.78
Mizoram	1978	178	11.11.78-08.05.79
Pondicherry	1978	430	12.11.78-16.01.80
Goa, Daman and Diu	1979	263	27.04.79-16.01.80
Sikkim	1979	60	18.08.79-17.10.79
Arunachal Pradesh	1979	76	03.11.79-18.01.80
Manipur	1979	60	14.11.79-13.01.80
Kerala	1979	51	05.12.79-25.01.80
Assam	1979	340	12.12.79-06.12.80
Tamil Nadu	1980	113	17.02.80-09.06.80
Bihar	1980	112	17.02.80-08.06.80
Maharashtra	1980	113	17.02.80-09.06.80
Uttar Pradesh	1980	113	17.02.80-09.06.80
Orissa	1980	113	17.02.80-09.06.80
Madhya Pradesh	1980	113	17.02.80-09.06.80
Rajasthan	1980	110	17.02.80-06.06.80
Punjab	1980	111	17.02.80-07.06.80
Gujarat	1980	111	17.02.80-07.06.80
Manipur	1981	110	28.02.81-19.06.81
Assam	1981	197	30.06.71-13.01.82
Kerala	1981	67	21.10.81-28.12.81
Kerala	1982	67	17.03.82-24.05.82
Assam	1982	645	19.03.82-27.02.83
Pondicherry	1983	631	24.06.83-16.03.85
Punjab	1983	723	06.10.83-29.09.85
Sikkim	1984	287	25.05.84-08.03.85
Jammu and Kashmir	1986	60	07.09.86-06.11.86
Punjab	1987	1386	11.05.87-25.02.92
Tamil Nadu	1988	363	30.01.88-27.01.89
Nagaland	1988	171	07.08.88-25.01.89

Mizoram	1988	137	07.09.88-24.01.89
Karnataka	1989	223	21.04.89-30.11.89
Jammu and Kashmir	1990	2274	18-07.90- 9.10.96
Karnataka	1990	7	10.10.90-17.10.90
Assam	1990	215	27.11.90-30.06.91
Goa	1990	42	14.12.90-25.01.91
Pondicherry	1991	173	12.01.91-04.07.91
Tamil Nadu	1991	145	30.01.91-24.06.91
Haryana	1991	80	06.04.91-23.06.91
Meghalaya	1991	117	11.10.91-05.02.92
Manipur	1992	122	07.01.92-08.04.92
Nagaland	1992	326	02.04.92-22.02.93
Uttar Pradesh	1992	363	06.12.92-04.12.93
Madhya Pradesh	1992	357	15.12.92-07.12.93
Himachel Pradesh	1992	353	15.12.92-03.12.93
Rajasthan	1992	354	15.12.92-04.12.93
Tripura	1993	30	11.03.93-10.04.93
Manipur	1993	347	31.12.93-13.12.94
Bihar	1995	7	28.03.95-04.04.95
Uttar Pradesh	1995	366	18-10.95-17.10.96
Gujarat	1996	34	19.09.96-23.10.96
Uttar Pradesh	1996	155	17.10.96-21.3.97
Goa	1999	17	10.02.99-27.10.99
Bihar	1999	26	12.02.99-10.3.99
Manipur	2001	276	2.6.01-5.3.02
Uttar Pradesh	2002	68	8.3.02-15.5.02
Jammu and Kashmir	2002	17	17.10.02-02.11.02

Source: Data collated from Rajashekara (1987: 638-640), Lok Sabha Secretariat (1996), <http://rajyasabha.nic.in> (1996; 1997; 1999a; 1999b; 2002) and <http://www.dawn.com> (2002).

Appendix Four: Methodological justifications

My data set was compiled from the election results for all States and Union Territories that returned more than one seat to the Lok Sabha. I have collated these data for the 13 Lok Sabha elections conducted between 1952-1999 for India. I have collated these data from the provincial elections held between 1951-1954 in Pakistan in addition to the electoral data for the National Assembly elections 1970-2002. This is to compensate for the absence of national elections between 1947-1970. These data for linguistic and religious distributions were compiled using census reports. Census reports will always be flawed in some measure – I have tried to compensate for obvious coding problems by using the next available census. Appendix Five gives details.

I have performed a basic correlation for the majority of tests between the two variables. Where necessary I have sorted these data between different groups of states e.g. in India between Hindi and non-Hindi speaking states. I have used the statistical package SPSS to perform the correlations. SPSS's ability to sort these data according to variables such as the majority language spoken means that I have been able to avoid more elaborate statistical tests.

The statistical formula used to assesses the direction and strength of the correlation is Pearson's correlation. This formula is used to calculate the strength of the correlation between two continuous variables. It is a parametric test – the stronger partner in the statistical family. I initially rejected Person's correlation in favour of the non-parametric Spearman's rho. This was because these data were not 'normally distributed'³⁰⁵, a usual requirement for using parametric statistical tests. It is easy to identify why *enseats* and *enling* do not produce normal distributions. Although India has a much larger *enling* than most other states in the world, this is at the national level; at the local state level the *enling* is much smaller. Additionally, my intervening variable is that of linguistic reorganisation – the creation of linguistically homogeneous states. This necessarily lowered *enling*. Similarly, simple plurality has mechanical and psychological effects, which operate against a large number of parties. Therefore *enseats* is lowered, again preventing a 'normal' distribution of data.

³⁰⁵ A normal distribution is a requirement for parametric statistical analyses. A normal distribution is a 'symmetrical bell-shaped frequency curve formed when the number of occurrences on a range of values is plotted on the vertical axis against a series of classes plotted on the horizontal axis. The bell shape indicates that extreme values (both large and small) occur infrequently, while the more frequent occurrences are clustered around the arithmetic mean' (Oxford University Press. 1996).

However, Spearman's rho is a weaker partner in the statistical family. I therefore restructured my data by taking the log of the *nen* score, whether *enseats*, *enling* or *enrel*. This does not change the correlations but it makes these data approximate a normal distribution more closely. This enabled me to use Pearson's correlation. Slightly different results were returned depending on whether Pearson's or Spearman's rho were used, although the direction of the relationship was the same. To avoid accusations of skewing the results of the relationship between *enseats* and *enling* I have consistently reported only the Pearson's results.

It is important to note that correlations only demonstrate that a relationship exists between two variables. They do not prove that one variable causes another, or which variable is the independent (causal) and which is the dependent (affected). The results are interpreted as follows:

A correlation coefficient indicates the strength of the relationship between two variables. It ranges between 0 - 1 and -1 - 0. As such it also indicates the direction of the relationship between two variables. Is an increase in one variable related to an increase in another (a positive relationship), or is a decrease in one variable related to an increase in another (a negative relationship)? Scores of +.10 to +.29 or below are small/weak relationships, +.30 to +.49 are medium relationships and +.50 are large/strong relationships (Pallant 2001: 120).

The correlations also yield the significance level of a result. Significance levels assess whether the relationship between two variables could have occurred by chance. SPSS automatically calculates significance levels. I have adopted the 5% significance level or below in determining the validity of my results. This is represented as 0.05 or below – e.g. there is a five-percentage chance that the relationship is a random one. N is important, because the higher the number of cases, the more validity the results have.

In Table 7.5 (Correlation of all Indian elections 1952-1999 between *enseats* (*log*) and *enling* (*log*) sorted according to majority language), the results demonstrate that there is a negative correlation between the variables of *enseats* (*log*) and *enling* (*log*), indicated by the negative sign. The negative relationship is a medium one in non-Hindi majority states, and a weak one in Hindi majority states. The relationship is significant at the 1%

confidence interval in the non-Hindi speaking states (defined as being *below* 0.01). It is not significant at the 5% confidence interval for the Hindi majority states because the significance level is *above* 0.05.

Language	Correlation Coefficient	Sig.	Sig. (1-tailed)	N
Non-Hindi majority	-0.340	**	0.00	171
Hindi majority	-0.167		0.06	92

For more information on the use of SPSS and the mechanics to perform statistical calculations, as well as the most appropriate test to use, by far the most user friendly, and detailed source I have found is Pallant (2001).

Appendix Five: SPSS Key

1. India

Election	
1952	Electoral data adapted from Butler and Roy (1995). The linguistic data are adapted from the individual state census's of 1951 Government of India (1951h; 1951e; 1951d; 1951f; 1951c; 1951n; 1951a; 1951g; 1951b; 1951j; 1951k; 1951i; 1951m; 1951l; 1961e; 1961a; 1961c; 1961d; 1961b). Exceptions are the states of Delhi, Punjab, Pepsu, Himachel Pradesh and Bilaspur. The 1951 census did not distinguish between Hindi, Punjabi, Urdu and Pahari. Therefore I have used the 1961 census even though this was not entirely accurate because of the politicisation of the Punjabi-Hindu issue. No census was taken in Jammu and Kashmir in 1951. Therefore the 1961 census has been used Government of India (1961e; 1961a; 1961c; 1961d; 1961b). The religious data are adapted from the 1951 census, Government of India (1953b). Sikkim was not part of Indian Union at the time but has been included in the table.
1957	Electoral data adapted from Butler and Roy (1995). Religious data adapted from the 1971 census linguistic reorganisation changed the borders after 1956. The 1971 census also lists 1961 distributions, Government of India (1976). Because Bombay was because reorganised in 1960, I have used 1951 data, Government of India (1953b). For the Andamans I have adapted data from the 1951 census for religion because it was not included in the 1971 census (Government of India 1953b). For Punjab I have adapted data from the 1951 individual state census because these data in the 1971 census did not give the distributions for the united state, instead breaking it down between Punjab and Haryana (Government of India 1953b). Linguistic data adapted from 1971 that includes ALL languages, Government of India (1976). But Hindi is broadened in this census to include more dialects. Therefore some states esp. Himachel Pradesh have substantially lower scores than using the 1951 data. Bombay linguistic data is also adapted from the 1951 census because it was reorganised in 1960, Government of India (1951j). This is slightly erroneous as its borders did change in 1956 to include some princely states, but less erroneous than using these data after reorganisation.
1962	Electoral data adapted from Butler and Roy (1995). Religious data all taken from the 1971 census except for Punjab when I have used data from the 1951 individual state census because these data in the 1971 census did not give the distributions for the united state, instead breaking it down between Punjab and Haryana. Linguistic data taken from the 1971 census which classifies ALL languages except for Punjab which was reorganised in 1966 and for which I have used 1961 data.
1967	Electoral data adapted from Butler and Roy (1995). 1971 data for both language and religion adapted from Government of India (1976).
1971	Electoral data adapted from Butler and Roy (1995). 1971 data for both language and religion adapted from Government of India (1976).
1977	Electoral data adapted from Butler and Roy (1995). 1971 data for both language and religion adapted from Government of India (1976).
1980	Electoral data adapted from Butler and Roy (1995). 1971 data for both

	language and religion adapted from Government of India (1976).
1984	Electoral data adapted from Butler and Roy (1995). 1971 data for both language and religion adapted from Government of India (1976).
1989	Electoral data adapted from Butler and Roy (1995). 1971 data for both language and religion adapted from Government of India (1976). I have adapted the 1991 data for language and religion for Goa and Daman and Diu as they were split in 1987 Government of India (1991a; 1991b).
1991	Electoral data adapted from Butler and Roy (1995). 1971 linguistic data adapted except for Goa and Daman and Diu for which I have adapted data from the 1991 census, Government of India (1976; 1991a). 1991 religious data Government of India (1991b). Because there was no census in the state of Jammu and Kashmir in 1991, I have adapted the 1981 census data, Government of India (1990).
1996	Electoral data adapted from MS Rana (1998). I have adapted the ECI data for the all India percentages (1998b). 1971 linguistic data adapted except for Goa and Daman and Diu for which I have adapted data from the 1991 census, Government of India (1976; 1991a). 1991 religious data Government of India (1991b). Because there was no census in the state of Jammu and Kashmir in 1991, I have adapted the 1981 census data, Government of India (1990).
1998	Electoral data adapted from MS Rana (1998). I have used the ECI data for the all India percentages (1998b). 1971 linguistic data adapted except for Goa and Daman and Diu for which I have adapted data from the 1991 census, Government of India (1976; 1991a). 1991 religious data Government of India (1991b). Because there was no census in the state of Jammu and Kashmir in 1991, I have adapted the 1981 census data, Government of India (1990).
1999	Electoral data adapted from ECI (2000). 1971 linguistic data adapted except for Goa and Daman and Diu for which I have adapted data from the 1991 census, Government of India (1976; 1991a). 1991 religious data Government of India (1991b). Because there was no census in the state of Jammu and Kashmir in 1991, I have adapted the 1981 census data, Government of India (1990).

2. Pakistan

Election	
1951-1954	Provincial election data adapted from Aziz (1976: 275-277). Sind's provincial election data adapted from Afzal (1976: 79). Religious and linguistic data adapted from Government of Pakistan (1951b).
1970	Election data adapted from (Talbot 1998: 200). Religious and linguistic data adapted from Government of Pakistan (1951b).
1977	Election data adapted from Waseem (1994b: 334). Religious and linguistic data adapted from Government of Pakistan (1984a; 1984b; 1984c; 1984d).
1988	Election data adapted from Kaniyalil and Pande (1989: 79). Religious and linguistic data adapted from Government of Pakistan (1984a; 1984b; 1984c; 1984d).
1990	Election data adapted from Talbot (1998: 314). Religious and linguistic data adapted from Government of Pakistan (1984a; 1984b; 1984c; 1984d).
1993	Election data adapted from SAARC-NGO Observers (1995: 116-117). Religious and linguistic data adapted from Government of Pakistan (1984a; 1984b; 1984c; 1984d).
1998	Election data adapted from Waseem (1998: 11). Religious and linguistic data adapted from Government of Pakistan (1984a; 1984b; 1984c; 1984d).
2002	Election data adapted from Election Commission of Pakistan (2002). Religious and linguistic data adapted from Government of Pakistan (1984a; 1984b; 1984c; 1984d).

Appendix Six: Data for correlations

1. Data for Chapter Seven. Section 3 'India'

Election Year	Name of State	Enseats	Logseats	Enling	Logling	Lang
1952	Ajmer	1	0	2.54	0.93	0
1952	Assam	1.18	0.17	2.92	1.07	0
1952	Bhopal	1	0	1.51	0.41	2
1952	Bihar	1.48	0.39	1.56	0.44	2
1952	Bombay	1.26	0.23	3.19	1.16	0
1952	Delhi	1.6	0.47	1.62	0.48	2
1952	Himachel Pradesh	1	0	5.87	1.77	0
1952	Hyderabad	2.51	0.92	3.19	1.16	0
1952	Jammu and Kashmir	.	.	2.83	1.04	0
1952	Kutch	1	0	1.03	0.03	0
1952	Madhya Bharat	1.42	0.35	1.74	0.55	2
1952	Madhya Pradesh	1.15	0.14	3.06	1.12	2
1952	Madras	3.56	1.27	2.94	1.08	0
1952	Manipur	2	0.69	2.3	0.83	0
1952	Mysore	1.2	0.18	2.13	0.76	0
1952	Orissa	2.63	0.97	1.47	0.39	0
1952	PEPSU	2.78	1.02	2.09	0.74	2
1952	Punjab	1.25	0.22	2.09	0.74	2
1952	Rajasthan	3.13	1.14	6.65	1.89	0
1952	Saurashtra	1	0	1.06	0.06	0
1952	Travancore	2.67	0.98	1.31	0.27	0
1952	Uttar Pradesh	1.13	0.12	1.53	0.43	2
1952	Vindhya Pradesh	2	0.69	1.01	0.01	2
1952	West Bengal	1.9	0.64	1.35	0.3	0
1957	Andhra Pradesh	1.34	0.29	1.36	0.31	0
1957	Assam	1.67	0.51	2.51	0.92	0
1957	Bihar	1.62	0.48	1.55	0.44	2
1957	Bombay	2.73	1	3.19	1.16	0
1957	Delhi	1	0	1.67	0.51	2
1957	Jammu and Kashmir	.	.	2.72	1	0
1957	Kerala	2.66	0.98	1.08	0.08	0
1957	Madhya Pradesh	1.06	0.06	1.43	0.36	2
1957	Madras	1.63	0.49	1.38	0.32	0
1957	Mysore	1.27	0.24	2.2	0.79	0
1957	Orissa	3.57	1.27	1.41	0.34	0
1957	Punjab	1.1	0.1	2.09	0.74	2
1957	Rajasthan	1.31	0.27	1.2	0.18	2
1957	Uttar Pradesh	1.48	0.39	1.26	0.23	2
1957	West Bengal	2.23	0.8	1.36	0.31	2
1962	Andhra Pradesh	1.53	0.43	1.36	0.31	0
1962	Assam	1.67	0.51	2.51	0.92	0
1962	Bihar	1.77	0.57	1.55	0.44	2
1962	Delhi	1	0	1.67	0.51	2
1962	Gujarat	1.77	0.57	1.25	0.22	0
1962	Jammu and Kashmir	.	.	2.72	1	0

1962	Kerala	3.77	1.33	1.08	0.08	0
1962	Madhya Pradesh	2	0.69	1.43	0.36	2
1962	Madras	1.66	0.51	1.38	0.32	0
1962	Maharashtra	1.15	0.14	1.68	0.52	0
1962	Mysore	1.08	0.08	2.2	0.79	0
1962	Orissa	1.87	0.63	1.41	0.34	0
1962	Punjab	2.24	0.81	2.09	0.74	2
1962	Rajasthan	2.24	0.81	1.2	0.18	2
1962	Uttar Pradesh	1.87	0.63	1.26	0.23	2
1962	West Bengal	2.39	0.87	1.36	0.31	2
1967	Andhra Pradesh	1.36	0.31	1.36	0.31	0
1967	Assam	1.85	0.62	2.51	0.92	0
1967	Bihar	2.25	0.81	1.55	0.44	2
1967	Delhi	1.32	0.28	1.67	0.51	2
1967	Gujarat	2.17	0.77	1.25	0.22	0
1967	Haryana	1.59	0.46	1.24	0.22	2
1967	Jammu and Kashmir	1.38	0.32	2.72	1	0
1967	Karnataka	2.05	0.72	2.2	0.79	0
1967	Kerala	3.44	1.24	1.08	0.08	0
1967	Madhya Pradesh	2.01	0.7	1.43	0.36	2
1967	Maharashtra	1.46	0.38	1.68	0.52	0
1967	Orissa	3.39	1.22	1.41	0.34	0
1967	Punjab	1.86	0.62	1.49	0.4	0
1967	Rajasthan	2.99	1.1	1.2	0.18	2
1967	Tamil Nadu	2.21	0.79	1.38	0.32	0
1967	Uttar Pradesh	2.88	1.06	1.26	0.23	2
1967	West Bengal	4.91	1.59	1.36	0.31	0
1971	Andhra Pradesh	1.9	0.64	1.36	0.31	0
1971	Assam	1.15	0.14	2.51	0.92	0
1971	Bihar	1.79	0.58	1.55	0.44	2
1971	Delhi	1	0	1.67	0.51	2
1971	Gujarat	2.34	0.85	1.25	0.22	0
1971	Haryana	1.59	0.46	1.24	0.22	2
1971	Himachel Pradesh	1	0	1.31	0.27	2
1971	Jammu and Kashmir	1.38	0.32	2.72	1	0
1971	Karnataka	1	0	2.2	0.79	0
1971	Kerala	5.39	1.68	1.08	0.08	0
1971	Madhya Pradesh	2.36	0.86	1.43	0.36	2
1971	Maharashtra	1.15	0.14	1.68	0.52	0
1971	Orissa	1.69	0.52	1.41	0.34	0
1971	Punjab	1.61	0.48	1.49	0.4	0
1971	Rajasthan	2.35	0.85	1.2	0.18	2
1971	Tamil Nadu	2.42	0.88	1.38	0.32	0
1971	Uttar Pradesh	1.35	0.3	1.26	0.23	2
1971	West Bengal	2.75	1.01	1.36	0.31	0
1977	Andhra Pradesh	1.05	0.05	1.36	0.31	0
1977	Assam	1.78	0.58	2.51	0.92	0
1977	Bihar	1.08	0.08	1.55	0.44	2
1977	Delhi	1	0	1.67	0.51	2
1977	Gujarat	1.9	0.64	1.25	0.22	0
1977	Haryana	1	0	1.24	0.22	2

1977	Himachel Pradesh	1	0	1.31	0.27	2
1977	Jammu and Kashmir	2.57	0.94	2.72	1	0
1977	Karnataka	1.15	0.14	2.2	0.79	0
1977	Kerala	2.74	1.01	1.08	0.08	0
1977	Madhya Pradesh	1.17	0.16	1.43	0.36	2
1977	Maharashtra	2.89	1.06	1.68	0.52	0
1977	Manipur	1	0	2.42	0.88	0
1977	Meghalaya	2	0.69	3.11	1.13	0
1977	Orissa	1.81	0.59	1.41	0.34	0
1977	Punjab	1.86	0.62	1.49	0.4	0
1977	Rajasthan	1.08	0.08	1.2	0.18	2
1977	Tamil Nadu	2.82	1.04	1.38	0.32	0
1977	Tripura	2	0.69	1.9	0.64	0
1977	Uttar Pradesh	1	0	1.26	0.23	2
1977	West Bengal	3.15	1.15	1.36	0.31	0
1980	Andhra Pradesh	1.05	0.05	1.36	0.31	0
1980	Assam	1	0	2.51	0.92	0
1980	Bihar	2.84	1.04	1.55	0.44	2
1980	Delhi	1.32	0.28	1.67	0.51	2
1980	Gujarat	1.08	0.08	1.25	0.22	0
1980	Haryana	2.38	0.87	1.24	0.22	2
1980	Himachel Pradesh	1	0	1.31	0.27	2
1980	Jammu and Kashmir	3	1.1	2.72	1	0
1980	Karnataka	1.07	0.07	2.2	0.79	0
1980	Kerala	5	1.61	1.08	0.08	0
1980	Madhya Pradesh	1.29	0.25	1.43	0.36	2
1980	Maharashtra	1.45	0.37	1.68	0.52	0
1980	Manipur	2	0.69	2.42	0.88	0
1980	Meghalaya	1	0	3.11	1.13	0
1980	Orissa	1.1	0.1	1.41	0.34	0
1980	Punjab	1.17	0.16	1.49	0.4	0
1980	Rajasthan	1.81	0.59	1.2	0.18	2
1980	Tamil Nadu	2.3	0.83	1.38	0.32	0
1980	Tripura	1	0	1.9	0.64	0
1980	Uttar Pradesh	2.09	0.74	1.26	0.23	2
1980	West Bengal	2.12	0.75	1.36	0.31	0
1984	Andhra Pradesh	1.87	0.63	1.36	0.31	0
1984	Assam	2.88	1.06	2.51	0.92	0
1984	Bihar	1.26	0.23	1.55	0.44	2
1984	Delhi	1	0	1.67	0.51	2
1984	Gujarat	1.17	0.16	1.25	0.22	0
1984	Haryana	1	0	1.24	0.22	2
1984	Himachel Pradesh	1	0	1.31	0.27	2
1984	Jammu and Kashmir	2	0.69	2.72	1	0
1984	Karnataka	1.32	0.28	2.2	0.79	0
1984	Kerala	2.22	0.8	1.08	0.08	0
1984	Madhya Pradesh	1	0	1.43	0.36	2
1984	Maharashtra	1.24	0.22	1.68	0.52	0
1984	Manipur	1	0	2.42	0.88	0
1984	Meghalaya	1	0	3.11	1.13	0
1984	Orissa	1.1	0.1	1.41	0.34	0

1984	Punjab	1.99	0.69	1.49	0.4	0
1984	Rajasthan	1	0	1.2	0.18	2
1984	Tamil Nadu	1.97	0.68	1.38	0.32	0
1984	Tripura	1	0	1.9	0.64	0
1984	Uttar Pradesh	1.05	0.05	1.26	0.23	2
1984	West Bengal	2.93	1.08	1.36	0.31	0
1989	Andhra Pradesh	1.16	0.15	1.36	0.31	0
1989	Arunachal Pradesh	1	0	7.67	2.04	0
1989	Assam	.	.	2.51	0.92	0
1989	Bihar	2.69	0.99	1.55	0.44	2
1989	Delhi	2.33	0.85	1.67	0.51	2
1989	Goa	2	0.69	2.62	0.96	0
1989	Gujarat	2.47	0.9	1.25	0.22	0
1989	Haryana	1.92	0.65	1.24	0.22	2
1989	Himachel Pradesh	1.6	0.47	1.31	0.27	2
1989	Jammu and Kashmir	2.57	0.94	2.72	1	0
1989	Karnataka	1.07	0.07	2.2	0.79	0
1989	Kerala	1.94	0.66	1.08	0.08	0
1989	Madhya Pradesh	1.98	0.68	1.43	0.36	2
1989	Maharashtra	2.5	0.92	1.68	0.52	0
1989	Manipur	1	0	2.42	0.88	0
1989	Meghalaya	1	0	3.11	1.13	0
1989	Orissa	1.65	0.5	1.41	0.34	0
1989	Punjab	3.31	1.2	1.49	0.4	0
1989	Rajasthan	2.15	0.77	1.2	0.18	2
1989	Tamil Nadu	1.79	0.58	1.38	0.32	0
1989	Tripura	1	0	1.9	0.64	0
1989	Uttar Pradesh	2.24	0.81	1.26	0.23	2
1989	West Bengal	2.26	0.82	1.36	0.31	0
1991	Andhra Pradesh	2.21	0.79	1.36	0.31	0
1991	Arunachal Pradesh	1	0	7.67	2.04	0
1991	Assam	2.72	1	2.51	0.92	0
1991	Bihar	2.53	0.93	1.55	0.44	2
1991	Delhi	1.69	0.52	1.67	0.51	2
1991	Goa	1	0	2.62	0.96	0
1991	Gujarat	1.59	0.46	1.25	0.22	0
1991	Haryana	1.22	0.2	1.24	0.22	2
1991	Himachel Pradesh	2	0.69	1.31	0.27	2
1991	Jammu and Kashmir	.	.	2.72	1	0
1991	Karnataka	1.44	0.36	2.2	0.79	0
1991	Kerala	2.17	0.77	1.08	0.08	0
1991	Madhya Pradesh	1.83	0.6	1.43	0.36	2
1991	Maharashtra	1.55	0.44	1.68	0.52	0
1991	Manipur	2	0.69	2.42	0.88	0
1991	Meghalaya	1	0	3.11	1.13	0
1991	Orissa	2.13	0.76	1.41	0.34	0
1991	Punjab	1.17	0.16	1.49	0.4	0
1991	Rajasthan	2	0.69	1.2	0.18	2
1991	Tamil Nadu	1.68	0.52	1.38	0.32	0
1991	Tripura	1	0	1.9	0.64	0
1991	Uttar Pradesh	2.24	0.81	1.26	0.23	2

1991	West Bengal	2.24	0.81	1.36	0.31	0
1996	Andhra Pradesh	2.36	0.86	1.36	0.31	0
1996	Arunachal Pradesh	1	0	7.67	2.04	0
1996	Assam	3.63	1.29	2.51	0.92	0
1996	Bihar	3.39	1.22	1.55	0.44	2
1996	Delhi	1.69	0.52	1.67	0.51	2
1996	Goa	2	0.69	2.62	0.96	0
1996	Gujarat	1.9	0.64	1.25	0.22	0
1996	Haryana	3.33	1.2	1.24	0.22	2
1996	Himachel	1	0	1.31	0.27	2
1996	Jammu and Kashmir	2	0.69	2.72	1	0
1996	Karnataka	2.47	0.9	2.2	0.79	0
1996	Kerala	4.65	1.54	1.08	0.08	0
1996	Madhya Pradesh	1.9	0.64	1.43	0.36	2
1996	Maharashtra	2.98	1.09	1.68	0.52	0
1996	Manipur	1	0	2.42	0.88	0
1996	Meghalaya	2	0.69	3.11	1.13	0
1996	Orissa	1.62	0.48	1.41	0.34	0
1996	Punjab	2.19	0.78	1.49	0.4	0
1996	Rajasthan	2.16	0.77	1.2	0.18	2
1996	Tamil Nadu	2.19	0.78	1.38	0.32	0
1996	Tripura	1	0	1.9	0.64	0
1996	Uttar Pradesh	2.38	0.87	1.26	0.23	2
1996	West Bengal	2.74	1.01	1.36	0.31	0
1998	Andhra Pradesh	2.71	1	1.36	0.31	0
1998	Arunachal Pradesh	1	0	7.67	2.04	0
1998	Assam	1.88	0.63	2.51	0.92	0
1998	Bihar	3.57	1.27	1.55	0.44	2
1998	Delhi	1.32	0.28	1.67	0.51	2
1998	Goa	1	0	2.62	0.96	0
1998	Gujarat	1.65	0.5	1.25	0.22	0
1998	Haryana	3.57	1.27	1.24	0.22	2
1998	Himachel Pradesh	1.6	0.47	1.31	0.27	2
1998	Jammu and Kashmir	2.57	0.94	2.72	1	0
1998	Karnataka	2.93	1.08	2.2	0.79	0
1998	Kerala	3.64	1.29	1.08	0.08	0
1998	Madhya Pradesh	1.6	0.47	1.43	0.36	2
1998	Maharashtra	1.99	0.69	1.68	0.52	0
1998	Manipur	2	0.69	2.42	0.88	0
1998	Meghalaya	1	0	3.11	1.13	0
1998	Orissa	2.85	1.05	1.41	0.34	0
1998	Punjab	2.25	0.81	1.49	0.4	0
1998	Rajasthan	1.78	0.58	1.2	0.18	2
1998	Tamil Nadu	3.85	1.35	1.38	0.32	0
1998	Tripura	1	0	1.9	0.64	0
1998	Uttar Pradesh	1.97	0.68	1.26	0.23	2
1998	West Bengal	2.69	0.99	1.36	0.31	0
1999	Andhra Pradesh	1.93	0.66	1.36	0.31	0
1999	Arunachal Pradesh	1	0	7.67	2.04	0
1999	Assam	1.85	0.62	2.51	0.92	0
1999	Bihar	3.17	1.15	1.55	0.44	2

1999	Delhi	1	0	1.67	0.51	2
1999	Goa	1	0	2.62	0.96	0
1999	Gujarat	1.55	0.44	1.25	0.22	0
1999	Haryana	2	0.69	1.24	0.22	2
1999	Himachel Pradesh	1.6	0.47	1.31	0.27	2
1999	Jammu and Kashmir	1.8	0.59	2.72	1	0
1999	Karnataka	2.05	0.72	2.2	0.79	0
1999	Kerala	2.99	1.1	1.08	0.08	0
1999	Madhya Pradesh	1.66	0.51	1.43	0.36	2
1999	Maharashtra	4.31	1.46	1.68	0.52	0
1999	Manipur	2	0.69	2.42	0.88	0
1999	Meghalaya	2	0.69	3.11	1.13	0
1999	Orissa	2.38	0.87	1.41	0.34	0
1999	Punjab	2.38	0.87	1.49	0.4	0
1999	Rajasthan	1.85	0.62	1.2	0.18	2
1999	Tamil Nadu	4.95	1.6	1.38	0.32	0
1999	Tripura	1	0	1.9	0.64	0
1999	Uttar Pradesh	3.96	1.38	1.26	0.23	2
1999	West Bengal	3.27	1.18	1.36	0.31	0

Enseats = the effective number of legislative parties in a state. Data adapted from Butler et al (1995), Rana (1998) and Election Commission of India (1996b; 1998b; 2000).

Logseats = the log of the effective number of legislative parties in a state. I have used logseats in all correlations.

Enling = the effective number of linguistic groups in a state. Data adapted from Government of India (1951h; 1951e; 1951d; 1951f; 1951c; 1951n; 1951a; 1951g; 1951b; 1951j; 1951k; 1951i; 1951m; 1951l; 1961e; 1961a; 1961c; 1961d; 1961b; 1976; 1991a).

Logling = the log of the effective number of linguistic groups a state. I have used logling in all correlations.

Lang = Majority language spoken in a state. 0 = not-Hindi. 2 = Hindi.

2. Data for Chapter Seven: Section Four. Alternative methods of measuring federal destabilisation

Name of State	Prdays	Rel	Border
Andhra Pradesh	459	0	1
Arunachal Pradesh	76	2	2
Assam	1397	0	2
Bihar	746	0	2
Delhi		0	0
Goa	445	0	1
Gujarat	1239	0	2
Haryana	313	0	0
Himachel Pradesh	406	0	2
Jammu & Kashmir	2334	2	2
Karnataka	648	0	1
Kerala	1694	0	1
Madhya Pradesh	524	0	0
Maharashtra	113	0	1
Manipur	1930	0	2
Meghalaya	117	2	2
Mizoram	703	2	2
Nagaland	1475	2	2
Orissa	752	0	1
Pondicherry	2699	0	1
Punjab	3518	2	2
Rajasthan	561	0	2
Sikkim	347	0	2
Tamil Nadu	1137	0	1
Tripura	149	0	2
Uttar Pradesh	1705	0	2
West Bengal	1064	0	2

Prdays = The number of days a state has been under President's Rule. Data collated from Rajashekara (1987: 638-640), Lok Sabha Secretariat (1996), <http://rajyasabha.nic.in> (1996; 1997; 1999a; 1999b; 2002) and <http://www.dawn.com> (2002).

Rel = The majority religion of the state. 0 = Hindu 2 = Non-Hindu.

Border = The border status of the state. 0 = no border. 1 = sea border. 2 = land border.

3. Data for Chapter Seven. Section 5 'Pakistan'

Election year	Name of State	Nenseat	Logseat	Enling	Logling
1951	North West Frontier Province	1.55	0.44	1.53	0.43
1951	Punjab	1.77	0.57	1.12	0.11
1953	Sind	1.88	0.63	1.77	0.57
1954	East Bengal	1.74	0.55	1.04	0.04
1955	East Pakistan	5.75	1.75	1.04	0.04
1955	West Pakistan	2.33	0.85	2.36	0.86
1970	Baluchistan	1.6	0.47	4.05	1.4
1970	East Pakistan	1.03	0.03	1.04	0.04
1970	North West Frontier Province	4.31	1.46	1.53	0.43
1970	Punjab	1.71	0.54	1.12	0.11
1970	Sind	2.1	0.74	1.77	0.57
1977	Baluchistan	1	0	4.05	1.4
1977	North West Frontier Province	2.77	1.02	1.97	0.68
1977	Punjab	1.45	0.37	1.63	0.49
1977	Sind	1.61	0.48	2.95	1.08
1988	Baluchistan	4.17	1.43	4.05	1.4
1988	North West Frontier Province	4.14	1.42	1.97	0.68
1988	Punjab	2.66	0.98	1.63	0.49
1988	Sind	1.87	0.63	2.95	1.08
1990	Baluchistan	3.27	1.18	4.05	1.4
1990	North West Frontier Province	4.51	1.51	1.97	0.68
1990	Punjab	1.52	0.42	1.63	0.49
1990	Sind	2.56	0.94	2.95	1.08
1993	Baluchistan	5.76	1.75	4.05	1.4
1993	North West Frontier Province	4.31	1.46	1.97	0.68
1993	Punjab	2.52	0.92	1.63	0.49
1993	Sind	1.78	0.58	2.95	1.08
1997	Baluchistan	4.48	1.5	4.05	1.4
1997	North West Frontier Province	2.22	0.8	1.97	0.68
1997	Punjab	1.11	0.1	1.63	0.49
1997	Sind	3.67	1.3	2.95	1.08
2002	Baluchistan	3.27	1.18	4.05	1.4
2002	North West Frontier Province	1.42	0.35	1.97	0.68
2002	Punjab	3.54	1.26	1.63	0.49
2002	Sind	3.5	1.25	2.95	1.08

Enseats = the effective number of legislative parties in a state. Data adapted from Afzal (1976: 79), Aziz (1976: 275-277), Election Commission of Pakistan (2002), Kaniyalil and Pande (1989: 79), SAARC-NGO Observers (1995: 116-117), Talbot (1998: 200 & 314), Waseem (1994a: 334; 1998: 11).

Logseats = the log of the effective number of legislative parties in a state. I have used logseats in all correlations.

Enling = the effective number of linguistic groups in a state. Data adapted from Government of Pakistan (1951b; 1984a: 10; 1984b: 10; 1984c: 10; 1984d: 9).

Logling = the log of the effective number of linguistic groups a state. I have used logling in all correlations.

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