Majorities, Minorities and Separatist Movements in India

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Once a paper with this title could have started with a summary of India’s linguistic and religious diversity backed up by a table or two of official population statistics showing various majority-minority configurations. Today many readers would find that unsatisfactory. Most contemporary students of the subject subscribe to some kind of a constructivist position vis-à-vis identities: that they are ‘ultimately fluid, chosen, instrumentalizable, responsive to change in relevant incentive structures, and susceptible to manipulation by cultural or political entrepreneurs’ (Lustick et al. 2004: 213).

Accounts that do not ask how particular ethnic or national categories come into being and, why and how at certain times and places, people from being indifferent to nationality or ethnicity are suddenly ‘overcome by nationhood’ (Slavenka Drakulic cited in Brubaker, 1996: 20) or by some form of identity-centric politics are no longer convincing.

Since Bernard Cohn’s influential work (Cohn 1987), historians of India have come to see the importance of the census in shaping understandings of caste, tribe, language and religion at a time when the modern politics of numbers began in the subcontinent. Thus when the census of 1881 revealed that Muslims constituted a majority in Bengal, it came as a surprise to British colonial officials as well as to the inhabitants of Bengal. This had momentous consequences for the future politics of Bengal: East Bengal eventually became East Pakistan and subsequently, the independent country of Bangladesh. This new understanding of Bengal consisting of majority and minority communities was the product of what Benedict Anderson calls the ‘the fiction of the census’ that ‘everyone is in it, and that everyone has one—and only one—extremely clear place. No fractions’ (Anderson 1991) Some scholars now see the notion of a majority not as an objective ground reality, but as the invention of a majoritarian discourse that might involve stigmatizing those that are constructed as minorities (Gladney, 1998).

Keeping these theoretical caveats in mind, it is fair to say that India has many politically salient majority-minority configurations – that is groups divided along lines of language, religion, caste and ‘tribe,’ pitted against each other as majorities and minorities. Many of these configurations are region-specific. It would be impossible to include them all within the scope of a single paper. Let me therefore take a cue from the latter part of the title assigned to me – separatist movements – and try to limit the focus of the paper. Perhaps independentist would be a more neutral term than separatist, given the latter’s explicit bias in favor of official state nationalism.¹ Such movements are part of a general category
of movements that are best described as ethnonational: they may be independentist or separatist in some cases, and not in others. The major cases of India’s ethnonational movements are well-known – Kashmir, Punjab, those in Northeast India and the Tamil/Dravidian case of an earlier era. Since non-dominant status is part of the standard meaning associated with the term minority, there is perhaps a connection between that and the political urge for separatism. But it is hard to neatly label all ‘separatist’ movements as confrontations between a minority and a majority. In the context of contemporary India, a focus on ‘separatist’ movements creates another serious difficulty: it would leave out the most important case of majority-minority relations, that between India’s Hindu majority and the largest religious minority – the Muslims. There has not been a ‘separatist’ movement among Muslims in India since the blood-soaked separation of 1947 – i.e., the Partition of the subcontinent. But Hindu-Muslim relations remain the most potent majority-minority issue in the politics of postcolonial India, as it was in the undivided India of colonial times. Indeed when the words majority and minority are used in India without any qualifier, they invariably refer to these ascribed religious solidarities.

An important aspect of the politics of majorities and minorities in South Asia is that religion and language compete with each other for primacy as the principal cleavage making claims on the hearts and minds of people. In that sense the Indian material suggests that language is ‘not necessarily the primary form of ethnic affiliation or . . . is not necessarily the central affiliation, symbol, or basis for the expression of political demands’ (Brass, 2004: 354). This challenges the ‘glotto-centric’ (Conversi 2002: 7) view of nations and nationalism associated in particular with the work of Ernest Gellner (1983). Nationalism that appeals to religion-based solidarities has played a powerful role in the modern history of the subcontinent. Rather than theories that privilege the connection between language and nationalism, the South Asian experience illustrates that the politics of nationalism is

the struggle – impossible to achieve completely – of establishing multi-symbol congruence within a constructed community. The nation-constructing process . . . begins with a single central symbol, which may be either language or religion or colour or any other cultural or ethnic marker, whichever serves simultaneously to separate one group from another and is at the same time politically convenient (Brass, 2004: 354).

Whether language or religion is salient has also varied across regions: in north India ‘religio-political identification overrode language identification’ and a multiplicity of language/dialects/mother tongues were absorbed by either Hindi or Urdu as the two languages began to iconicize two different constructions of the nation. (Brass, 2004: 366). When religion has been the primary line of cleavage, political elites while seeking to ‘advance the interests of their religious communities,’ have made language into a ‘symbolic barrier’ even when it was not really a barrier to communication (Brass 1974: 22, 27). In south India on the other hand, the Tamil movement absorbed Hindus, Muslims and Christians, as long as Tamil was acknowledged as mother tongue (Brass, 2004: 366).

In the rest of this paper I shall first deal with the question of religious minorities in post-partition India. I shall then move on to an analysis of the Indian record of dealing with
ethnonational movements. I discuss the constitutional tools available to deal with them, and the model of de facto linguistic states—the major element in India’s institutional response to ethnonational movements. I then offer a critique of the argument that India’s particular form of federalism has been good for managing the challenge of separatism, and that India should be seen as a success story. In the conclusion I discuss the relevance of post-sovereignist ideas to the challenges of separatism.

II. After Partition: Religion-based Majority and Minorities

Recent historians of South Asia have struggled with the remarkable fact that ‘the single most important event in the history of the twentieth century’ – the Partition -- gets marginalized in a historiography where either ‘the story of the British Empire in India’ or ‘the career of the Indian nation-state’ dominates (Gyan Pandey, cited in Jalal, 1996). One of its consequences is that ‘explanations of why the subcontinent came to be partitioned had long remained trapped within the rival paradigms of the “two-nation” theory lauded on the Pakistani side of the divide and the “secular/composite nationalist” world view hailed in India.’ And historians continue to present ‘the political differences between the Congress and the Muslim League as a simple battle between the noble ideal of “secularism” and the nefarious construct of “communalism”’ (Jalal, 1996). That in the everyday politics of postcolonial India the word ‘communalism’ – with its highly negative connotations – has such resonance is hardly accidental. It refers to any overt attempt at political mobilization along religious lines. Yet the religion-politics mix is the daily fare of Indian politics, and hardly the exclusive domain of ‘communal’ political forces. That along with the ‘communal’ riots that flare up from time to time is probably the most important majority-minority story of postcolonial India.

Two of postcolonial India’s major ethnonational challenges – Kashmir and Punjab – bear the burden of the Partition. Pakistan’s support for the Kashmiri rebellion flows from its foundational national ideology of Hindus and Muslims of the subcontinent constituting separate nations. Just as powerful is the ideological imperative for India to hold on to Kashmir. Given its historical roots on the partition of 1947, the future of India’s only Muslim-majority state is the ultimate test of the success of India’s secular nationalist project (Varshney 1992).

The Partition is implicated in the Punjab crisis as well because of the way linguistic self-identifications changed in the region as religion-based solidarities became more important. Of the three religions communities of pre-partition Punjab, Muslims, Hindus and Sikhs, more than half the total population were Muslims. But in postcolonial South Asia they rarely represent themselves as Punjabis. Instead they identify themselves as Pakistanis and as speakers of Urdu -- Pakistan’s national language. Punjabi Hindus too deserted the cause of Punjabiyyat (Jodhka 2006: 13) and today they mostly identify as Hindi speakers and are on the forefront of Indian nationalism -- both in its secular and Hindu variants. Thus in a diminished post-Partition Punjab, it was left to the Sikhs to carry the mantle of Punjabiyyat. Like Kashmir, Indian attitudes toward this conflation between Punjabi and Sikh ethnonationalism cannot be separated from the history of the Partition and the historically constituted identity of the postcolonial Indian state.
Following the Partition, the Indian Constitution adopted universal suffrage and rejected the colonial-era ‘communal’ electorates, making the constitution fundamentally majoritarian (Adeney 2003). The debates in the Indian Constituent Assembly on the question of religious minorities were ‘filled with anxieties’ (Mohapatra 2002: 189). To independent India’s pre-eminent leader Jawaharlal Nehru, India ‘was an historic unity, based on traditions of toleration, incorporation and assimilation.’ While this view is consistent with some mechanisms for protecting minority rights, it does not accommodate institutional mechanisms of power sharing (Adeney 2003). The primary means by which the Indian Constitution protects the rights of religious minorities therefore are the principles of non-discrimination and the equal treatment of all citizens. Article 15 (1) says that, ‘the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.’ Another article specifies that the principle of non-discrimination applies to employment or office under state. ‘All minorities’ – i.e. including those based on religion – also have the right to establish and run educational institutions of their choice (Mohapatra 2002: 173-75).

The Indian Constitution’s ethos is unmistakably secular, though rather than being premised on the separation of religion from public life, Indian secularism emphasizes equal distance from, and equal respect to, all religions. However, the word secular was formally inserted into the preamble of the Constitution through a Constitutional amendment only in 1976. India’s equal-respect, equal-distance form of secularism, far from being anything like a civic religion, is an embattled idea in Indian politics, as illustrated by the Hindu right charge that the Congress party and its left-liberal allies are ‘pseudo-secularists’ – a reference to their alleged ‘appeasement’ of religious minorities in order to secure electoral advantage.

Whatever the promise of the Constitution, Indians can hardly take pride in the actual condition of religion minorities in postcolonial India. ‘Even the track record of the Indian State’s responsibility for protecting the lives of the minorities,’ writes Bishnu Mohapatra, ‘is, to put it mildly, not satisfactory. The increasing amount of communal violence in the last decades in India in which minority groups suffer the most cannot be explained away in terms of the rise of general violence in the country.’ For religious minorities in India, security concerns, he writes, have ‘remained and continues to be at the top of the agenda’ (Mohapatra 2002: 188-89).

One does not need to go beyond some of the major recent episodes of ‘communal’ violence to understand the sources of insecurity of Indian Muslims. In 1992, right-wing Hindu extremists demolished the sixteenth-century Babri Mosque; thousands died in the Hindu–Muslim riots that followed. More recently in 2002 Hindu mobs killed over two thousand Muslims and left nearly two hundred thousand people homeless in Gujarat. The ‘genocidal violence’ of Gujarat in 2002 is at the core of philosopher Martha Nussbaum’s recent book on Indian democracy. Contrary to the standard beliefs about the sources of religious extremism in the world today, attributable largely to the influence of Samuel Huntington’s clash of civilization thesis, what the Gujarat story brings home, she warns, is that the real clash is ‘within virtually all modern nations —between people who are prepared to live with others who are different, on terms of equal respect, and those who
seek the... domination of a single religious and ethnic tradition’ (Nussbaum 2007). In my conclusion I shall return to Nussbaum’s reflections on the violence in Gujarat and on the health of Indian democracy.

Muslims are not the only religious minority to suffer insecurity. The violence against Sikhs following the assassination of Indira Gandhi in 1984, and the failure of the legal-political system to bring the perpetrators to justice till now speak volumes about the failures of the Indian political system on this front. This despite Indian secularism’s other notable successes as reflected in having a Sikh as prime minister and Muslims in various important positions, including currently as the country’s Vice President.

III. Dealing with ethnonational movements: The Indian Record

India is often praised for accommodating through its democratic institutions, the political challenge of separatism. However, ethnonational movements in India have from time to time turned into violent confrontations between militants and the state for extended periods, which has led, in turn to giving Indian democracy certain authoritarian trappings, albeit localized, and resulting in major blots on India’s human rights record.

Ethnonational movements in India, says Atul Kohli, have followed an inverse ‘U’ curve. Heightened mobilization of group identities are followed by negotiations, and eventually such movements decline ‘as exhaustion sets in, some leaders are repressed, others are co-opted, and a modicum of genuine power sharing and mutual accommodation between the movement and the central state authorities is reached.’ Whether particular movements have gone through this inverse ‘U’ curve, according to him, has been a function of the level of institutionalization of the authority of the state and whether leaders have been secure enough to seek accommodation and compromise. The different trajectories of the Tamil, Sikh and Kashmiri movements -- the first one being accommodated, and the latter two turning into violent confrontations -- says Kohli, is the result of changes in the level of institutionalization of the Indian state, and the sense of security that leaders at the helm have felt (Kohli 1997: 326-29).

The accommodation of the potentially independentist Tamil or rather the Dravidian movement -- Kohli’s first case – continues to inspire writings that portray India as a success story in managing the challenge of separatism. Indeed its achievement becomes particularly striking today when contrasted with the fate of Tamil separatism in neighboring Sri Lanka. As Alfred Stepan and his colleagues remind us, Tamil separatism was a non-issue in Sri Lanka in the 1940s, yet today it is one of the world’s most violent and intractable conflicts. In India, by contrast, while Tamil aspiration for independence was a serious challenge in 1960s, it became a non-issue by the 1970s. They explain the difference as follows:

Virtually all the strategic decisions facing multinational India, the rejection of a unitary state, the acceptance of multiple but complementary political identities, the upgrading of regional languages and the maintenance of English as a link language, the maintenance of polity-wide careers, the constitutional espousal of ‘equal distance and respect’ for all religions, and
the creation of mutually beneficial alliances between polity-wide and regional parties, India, unlike Sri Lanka, made choices and alliances, especially in South India, that . . . increased the chances of peaceful democracy in a potentially conflictual setting (Stepan et al, 2007: 93-94).

This particular reading that a number of strategic decisions that India made has enabled it to manage its ‘multinational’ polity relatively well, rests on a selective reading of the record. Is Indian federalism really able to accommodate ‘multiple and complementary political identities”? I have already referred to the troubles of Indian secularism, and the insecurities of religious minorities. That the casual outside observer would be impressed by India’s numerous official languages is not surprising, especially since in large parts of the globe the nation-state with a single official language is still the norm. However, the critical question is whether these policies meet the actual challenges that India faces. These are all highly contested issues not just among academics -- these differences are played out in the political realm in India almost every day. Scholars do not all agree on how the accommodation of the Dravidian movement was achieved. For Narendra Subramanian the reasons have less to do with the system-wide properties of the Indian polity than to factors specific to the movement (Subramanian 1999) – a persuasive alternative explanation of how Dravidian ethnonationalism ceased to be separatist.

The best one can say about India’s record of dealing with ethnonational movements, as with the protection of the rights of religious minorities, is that it is highly uneven. A particularly damning assessment is made by Gurharpal Singh in his study of Sikh separatism. ‘India’s accomplishments, he writes, are often ‘articulated in metaphors and clichés such as ‘unity-in-diversity,’ ‘nation-in the making’; sometimes it is even elevated to the level of civilizational uniqueness.’ This picture, he says, is a-historical. For, to start with, it ignores the foundational event of the modern Indian state: the partition of the subcontinent in 1947 that created ‘an overwhelmingly Hindu India.’ Post-partition India, argues Singh, is best described as an ‘ethnic democracy’—a concept originally used to describe Israel–where Hinduism functions as a ‘meta-ethnicity’ and a ‘civic religion.’ While there are political and civil rights for individual citizens and collective rights for minority groups, there is at the same time ‘institutionalized dominance over the state’ by one group. The persistence of ethnonational movements in certain ‘peripheral states’ and the fact that efforts to manage them ‘have cost tens of thousands of lives and have tied down almost half of India’s security forces,’ writes Singh, bears testimony to the ‘hegemonic control over ethnic minorities’ (Singh, 2000, 2003).

Some parts of Singh’s argument, notably his concept of peripheral states, are open to criticism (Chadda 2003). On the other hand, that a study focused on Sikh ethnonationalism would produce such a negative assessment of the Indian experience is not surprising. The movement for an independent Khalistan ended not with a political settlement, but a successful counter-insurgency campaign that killed thousands of Sikh rebels—actual and suspected—and their sympathizers. Between 35,000 and 70,000 people were victims of the troubles in Punjab. Human Rights groups have documented political killings, enforced disappearances, torture, arbitrary arrests, unlawful detentions and secret cremations of victims (Kumar 2003). An Indian activist describes the
condition in post-Sikh militancy Punjab not as peace, but as the silence of the graveyard
(T. Bose 2003).

Nor is the Sikh movement alone among ethnonational movements in India to suffer state
violence on such a scale. In Kashmir an independentist insurgency has been raging on
for seventeen years and it has claimed more than 40,000 lives. Earlier this year the
government owned up to some cases of ‘fake encounters’— the execution of alleged
militants by security forces and then passing them off as deaths as the result of an armed
encounter. While ‘the government's acquisition of a conscience’ about such abuses, as the
Economist reported in February 2007, is ‘progress of a sort,’ yet ‘justice has yet to be
done, and a culture of impunity among the 600,000 Indian soldiers and police in Kashmir
lingers’ (Economist 2007). Human rights groups accuse Indian security forces of such
behavior in India’s other ethnonational trouble-spots as well.

Arguably, in terms of citizen’s rights, conditions in those areas are often worse than what
India as a whole experienced for eighteen months during the Emergency imposed by
Indira Gandhi in the 1970s, which receives much attention among political scientists
studying India. In Northeast India, for instance, the Armed Forces Special Powers Act
(AFSPA) that provides the legal framework for counter-insurgency operations against
independentist rebels include provisions such as: the power of the security forces to make
preventive arrests and search premises without warrant, to shoot and kill civilians; and
effective legal immunity of soldiers implicated in such actions --court proceedings being
made contingent on the central government’s prior approval (Government of India,
1958). The Human Rights Committee established under the International Covenant of
Civil and Political Rights [ICCPR] of which India is a signatory, is critical of AFSPA for
India does not submit its use of emergency powers, to the international monitoring
procedures spelt out by the ICCPR (United Nations 1997). India rejects this
interpretation of the AFSPA regime: the Indian Supreme Court takes the position that
AFSPA “does not displace the civil power of the state by armed forces” and does not
make use of the Emergency powers of the Indian Constitution (cited in Amnesty
International 2005). India has steadfastly resisted any international attempt at monitoring
the AFSPA regime. It is about to enter its sixth decade – making it almost as old as
Indian democracy.

IV. Engaging Separatism: The Constitutional Tools

The primary means in the hands of the Indian central government to respond to actually
and potentially independentist challenges are the features of Indian federalism that Alfred
Stepan calls ‘demos enabling’ rather than ‘demos constraining.’ The Indian Constitution
allows the parliament to create new states and to redraw state boundaries with a simple
majority barely consulting the relevant state. Such a provision is unthinkable in a ‘demos
constraining’ federation that seeks to protect state rights.

Those who believe that the demos-enabling features of Indian federalism have served
India’s nation-building project well, point out at the process of creating linguistic states in
the 1950s and latter waves of reorganization of states as effective institutional responses
to potentially independentist challenges. In a ‘relatively consensual manner,’ says Stepan, India’s political classes redrew most state boundaries between 1956 and 1966. On the successful accommodation of the Dravidian movement, he points out that the constitution of the three new states where Dravidian languages are spoken -- Andhra Pradesh, Karnataka, and Kerala – ‘effectively ended all chance of a united, separatist, Dravidian movement for a single country.’ At the same time Tamil nationalist political organizations could win control of Tamil Nadu with a cultural nationalist appeal. The historic compromise on India’s national language – the non-imposition of Hindi and retention of English -- kept the door open for polity-wide career opportunities to those from non-Hindi speaking backgrounds. Tamil ‘cultural nationalism might easily have begun to merge into territorial nationalism,’ speculates Stepan, ‘as it did in Sri Lanka’ (Stepan 2006).

India’s Constitution writes Maya Chadda, says little ‘about the kind of federal units the Indian union was to have or the basis on which they would be created, i.e., geography, demography, administrative convenience, language, or culture. That decision was left entirely to the wisdom of Parliament.’ Thanks to the flexibility given to the parliament Chadda writes, despite flaws, ‘India’s federalism had finally forged a nation state from a vast array of diverse and divided ethnic entities’ (Chadda 2002). For Stepan, the demos enabling features of Indian federalism explain ‘the survival of India as the world’s largest multi-cultural, multi-national democracy’ (Stepan 2001: 354). I doubt that demos-enabling federalism has served India as well as its votaries argue. However, before developing that argument, let me first draw out in more detail the process of the ‘linguistic’ reorganization of states.

V. De-facto linguistic states

During India’s anti-colonial resistance, the Congress party had committed itself to a post-colonial political order of linguistically defined states. As far back as 1922 it began organizing the branches of the Indian National Congress, not along the colonial structure of presidencies and provinces, but along language lines. In 1928 a committee headed by Motilal Nehru outlined a vision of a future polity organized into linguistic states. However, confronted with the responsibility of governing the country following the trauma of the Partition, the Congress leadership became more ambivalent. The Linguistic Provinces Commission constituted in 1948 recommended against the reorganization of provinces since most reorganized states would still have large populations speaking languages other than the language of the majority. It also feared that such reorganization would negatively affect the development of a sense of Indian nationhood.

The Commission’s recommendations against linguistic states however, did not silence those demands. A Telegu-speaking Andhra Pradesh – to be carved out of the state of Madras -- was conceded in 1953 following popular political mobilization in support of the demand. There were similar demands in various parts of the country backed by street mobilization and it was quite clear that how the ruling Congress party handles the issue had electoral implications. The Congress leadership therefore had to change its mind and a new States Reorganisation Commission was constituted to reconsider the issue. Though
commonly referred to as linguistic states, and many of them in effect were, the Commission shied away from any standardized formula for reorganizing states. As its Report puts it:

The problem of reorganisation varies from region to region. It has to be kept in mind that the inter-play for centuries of historical, linguistic, geographical, economic and other factors has produced peculiar patterns in different regions. Each case, therefore, has its own background. Besides, the problems of reorganisation are so complex that that it would be unrealistic to determine any case by a single test alone … We have, accordingly, examined each case on its own merits and its own context and arrived at conclusions after taking into consideration the totality of circumstances and on an overall assessment of the solutions proposed (cited in Schwartzberg 1985: 172).

Official endorsement of the principle of linguistic states was qualified in other ways as well. For instance, India’s largest state, Hindi-speaking Uttar Pradesh (UP) was self-consciously conceived by India’s central political leadership as a counterpoint to the idea of linguistic states. UP was viewed as postcolonial India’s ‘heartland.’ Apparently Jawaharlal Nehru believed that there was less ‘provincialism’ in UP than in any other part of the country. There was an effort to use the Hindi-speaking states of northern India as ‘a buffer to contain the linguistic principle as the basis for statehood’ (Kudaisya 2006: 22, 381). Ironically, being seen as India’s heartland has not exactly been rewarding for UP. Gyanesh Kudaisya argues that it is because of this self-image, UP ‘has failed to develop a regional identity of its own; its public life has been marked by a lack of cohesiveness; and the state’s successive political leadership has failed to develop a regional agenda.’ Kudaisya believes that it is time for UP to rethink its status as India’s heartland. He favors the break-up of UP into regions. The separation of Uttarakhand from UP in 2000 is a step in the right direction (Kudaisya 2006: 411-14).

Despite the hesitation about explicitly endorsing the principle of linguistic states, in large parts of India the reorganization process brought into being political units where the dominant language and political boundaries were broadly congruent. In a paper published in 1985 geographer Joseph Schwartzberg wrote that the ‘process of reshaping India’s political map to accord with the linguistic distribution of its inhabitants has virtually run its course’ (Schwartzberg 1985: 155). Drawing on the 1971 census data, he found that,

only about one sixth of India’s population now belong to linguistic minorities within their respective states and union territories. But more striking, perhaps . . . is the fact that districts in which the numerically predominant language differs from that of the state or union territory in which the district is located account for only 9.6% of the total area of the republic and for mere 2.7% of its population (Schwartzberg 1985: 155).

It is perhaps not insignificant that some of the states where Schwartzberg found the proportion of linguistic minorities to be especially high -- more than 40 per cent --include
some of what became India’s ethnonational trouble-spots. Among them were: Jammu and Kashmir, Punjab and Assam – the latter two states have since been broken up into smaller states (Schwartzberg 1985: 165).

VI. Demos-enabling federalism: Some Problems

The argument for a holding together federation being demos-enabling is based on the idea of reconciling India’s diversity with policy-making efficacy (Stepan 2001: 338-39). However, efficacy can sometimes be in conflict with legitimacy. The idea of divided sovereignty and citizens having dual allegiance -- to the national and to sub-national political communities -- is central to the federal vision of a legitimate political order. Indeed it could be argued that federalism, as a political principle understood as an aggregate of politically organized territories (Piccone and Ulman 1994: 5), is the opposite of the nation-state. In that sense federation building, and not nation building, is the more appropriate project for India (See Baruah 1999: 200-213).

The other side of the relatively few constraints on India’s central government to make and break states is the political weakness of Indian states as political arenas: they do not have the requisite authority to deal with conflicts within the state since aggrieved parties can always rush to New Delhi to seek redress. After all, in the case of ethnonational demands, the central government can create a new state by changing the political boundaries of an existing state, and have to barely consult the elected legislature of the state concerned in the process. Nor is the Upper House of the Indian parliament designed to protect the interests of states. Faced with the prospects of a radical change in its borders, the state concerned has little influence, especially if its representation in New Delhi is weak. Unlike the United States Senate that over-represents states with small populations at the expense of states with larger populations, most Northeast Indian states – many of them came into being as a result of the break-up of what was Assam at the time of the States Reorganisation Commission -- are represented in the Upper House of the Indian parliament by only one member. The delegations of more populous states are many times larger. Uttar Pradesh, for instance – the so-called ‘heartland’ of India -- has 80 members in the Lower House and 31 in the Upper House. Maharashtra has 48 seats in the Lower House and 19 in the Upper House. Andhra Pradesh has 42 and 18 members in the Lower and Upper Houses of parliament respectively.

David D. Laitin has argued that India’s ‘liberal language policies’ are ‘the benign results of state weakness.’ Often ‘weak states are not fully able to exert domination over their own peripheries,’ and in the Indian case, he writes, ‘state weakness and the strength of linguistic groups outside the Hindi speaking core zone’ had led to ‘a cascade of linguistic concessions’ (Laitin 2004). Could that be extended to the process of making and breaking states as well? Thus what the votaries of India’s demos-enabling federalism admire for giving the state capacity to accommodate ethnonational aspirations and thereby manage potentially independentist conflicts, is also a sign of a state barely able to hold its own against ethnonational demands backed by enough show of political support including a capacity for violence.
Arguably, the decisions and non-decisions of India’s political classes, made under relatively few constitutional constraints thanks to India’s demos-enabling federalism, have also been responsible for making things worse in some cases of ethnonational politics, including the human rights disasters cited above.

1. One of the discernable informal rules that emerged in the Indian central government’s approach to ethnonational demands was that groups making demands should be linguistically or culturally defined – and not defined by religion. This is the unmistakable legacy of the Partition and the way it shaped the mind-set of the first generation of India’s nation builders. Thus a Punjabi Punjab came to be acknowledged relatively late: only in 1966 when Haryana was separated from Punjab, on the grounds that the demand came from a religiously defined -- and not a language-based -- group. Would conceding the demand earlier have made a difference to the political alienation of the Sikhs thus avoiding the political developments that led to the bloodbath of the Khalistani movement?

2. Not all cases of reorganization of states was the result of the government in New Delhi legitimately seeking to accommodate ethnonational aspirations. The special regional dispensation of small and financially dependent states in Northeast India was the product of a national security driven policy process in a border region that, arguably, has had serious long-term negative consequences. In this region the ease with which states are made and broken has reinforced the idea that any demand for an exclusive ethnic homeland might be met if backed by sufficient evidence of political support, including capacity for violence, perpetuating a politics of violent displacement and ethnic cleansing (Baruah 2005: 183-208).

3. Because of the circumstances under which Jammu and Kashmir was integrated into India, there is a special clause in the Indian Constitution to recognize its special status making it conform to the accession instrument. Originally the Indian parliament’s powers were limited to defence, foreign affairs and communication and the residual powers were left to the state assembly. The state’s two top offices had special designations: Sadr-i-Riyasat, instead of governor, and prime minister, rather than chief minister. This gave Indian federalism an asymmetrical character. Unfortunately, Indian public opinion has been ambivalent about this special status, given the nationalist emotions that the Kashmir conflict evokes. Majoritarian attitudes had sealed the fate of Article 370 that gives Jammu and Kashmir its special status. Gradually all elements of Kashmir’s special autonomy disappeared, titles like Sadr-i-Riyasat were eliminated and Jammu and Kashmir became like any other state. Arguably, had this special autonomy been preserved, the insurgency in Kashmir that followed could have been avoided.

4. Had Jammu and Kashmir not lost its autonomy through legislation by the India parliament, alternative frameworks for autonomy could have been negotiated for resolving a number of other ethnonational conflicts. The perception that an
agreement made today with the Indian government might not last, that laws incorporating such an arrangement can be thrown out later by the parliament, has been a barrier in the ten-year old peace negotiations between the Indian government and the Naga independentists of Northeast India.

5. The ease with which new states can be created has left the process of states reorganization open-ended. This is a major factor in the persistence of ethnonational conflicts in Northeast India. In the case of Manipur in Northeast India, the fear that significant parts of its territory can be bargained away in closed-door negotiations between the central government and leaders of the Naga independentist movement is a major impetus to Manipuri separatism. The perceived open-endedness of the process has kept some other conflicts alive as well. In 2004 the government of Maharashtra approached the Indian Supreme Court about on Marathi-speaking Belgaum area from Karnataka to Maharashtra. In Andhra Pradesh, the demand for a separate Telegana has been recently revived.

VII. Conclusion

No matter how impressive India’s ability to accommodate potentially independentist ethnonational movements, success on this score must be weighed against India’s serious failures in protecting the rights of religions minorities, and the abysmal human rights record in some of its ‘separatist’ trouble spots. Celebratory accounts of the Indian experience tend to privilege nation-building as a value, and are willing to concede that violence in the pursuit of nation building is inevitable, and even justifiable. The sympathy for actions taken in the name of the national security imperatives in some of these accounts is remarkable. Consider an essay by Maya Chadda that was discussed earlier. She praises the constitutional provisions that enable India’s central government to consider a variety of contextual factors in deciding whether or not to concede a demand for statehood. Thus among the factors that facilitated the creation of Jharkhand, Chattisgarh, and Uttaranchal in 2000, according to her, was the fact that ‘ethnic communities in the three new states were unconnected with foreign enemies or cross border nationalities, unlike in Punjab, Kashmir, and Assam’ (Chadda 2002).

A contrast to this state-centric assessment of the Indian experience is Gurharpal Singh’s critique of the ‘conventional wisdom’ of India as a success story. He proposes an alternative reading of South Asian history focusing on constitutional designs that could have averted the partition of 1947. Such alternatives, he maintains, might have been ‘more attuned with the provincial realities of sub-continental India’ than what the post-colonial Indian state could offer in terms of regional autonomy (Singh 2003: 52). In a more recent essay, Singh acknowledges that undivided Punjab may now be a hopelessly romantic idea. Watching the changing-of-guards ceremony at the Wagah border that divides the Indian from the Pakistani side of Punjab left Singh with ‘unsettling thoughts’ about the transnational academic project of Punjab Studies with which he is associated. With ‘the symbolism, the aggression, and the choreographed Punjabi machismo,’ the daily ritual on the Wagah border, he writes, had all the hallmarks of the Balinese cockfight memorialized in an essay by Clifford Geertz (1973). Even considering the
ritual nature of this display of a ‘highly charged sense of nationhood,’ the ceremony at Wagah made apparent that ‘however much West Punjab resembles the East, it is also now part of a distinct cultural and religious tradition with a strong sense of difference’ (Singh 2006: 17).

Unrealistic though his vision may be, Singh’s suggestion puts the so-called national security imperative in historical perspective. In light of a few changes in the international institutional environment in recent years, it has become possible to think of solutions of independentist conflicts outside a rigid sovereigntist framework. The political space for regions in the European Union and paradiplomacy -- international activities on the part of regions and stateless nations -- has taken the wind out of some long-standing independentist demands in Europe. There are many regional ‘embassies’ in Brussels engaged in lobbying the European Commission and networking with each other. For regions such as the Basque Country, Catalonia, Scotland or the Tyrol, this form of international recognition compensates for the peripheral status within the nation-states where they are located. In other parts of the world too ideas like shared sovereignty or divided sovereignty have become part of the thinking that goes into efforts to resolve conflicts over territory. For example, Hong Kong’s two-systems-one-country model hardly fits into the standard conception of indivisible sovereignty, and its potential success might have implications for Tibet and Taiwan as well (Pei 2002: 332).

There has been some progress toward resolving the Kashmir crisis in recent years because of a growing acceptance of the idea that there is no strictly internalist solution. A number of analysts see the power-sharing regime of Northern Ireland as a model. The cross-border institutions on which it is premised such as North-South Ministerial Council and a forum chaired by the prime ministers of Britain and Ireland points to an Indo-Pakistani meeting of minds on Kashmir as a pre-requisite (S. Bose, 2003). A solution to the Kashmir crisis ultimately lies in being able to think outside the box of absolute and indivisible national sovereignty.

Postsovereignist ideas are relevant to independentist conflicts in Northeast India as well. A persistent theme in these conflicts, notably in the case of Assam, is the uncontrolled cross-border migration to the region from what is now Bangladesh. The border between India and Bangladesh in this region is extremely porous. British colonial officials once viewed the region as one of the subcontinent’s last frontiers to be settled. After partition, the flow of people from one of the subcontinent’s most densely populated areas, to a relatively sparsely populated region open to new settlements, could not suddenly be turned off. But while in India there is talk of millions of Bangladeshis living illegally in India, official Bangladesh flatly rejects the notion. There are no mutually agreed upon procedures between India and Bangladesh for identifying -- not to speak of deporting -- illegal immigrants. The only way to get a handle on the issue is for official Bangladesh and official India to find a way to talk about cross-border population movement rationally. An Indo-Bangladesh protocol on labor movement, for instance, could address at least a part of the contemporary cross-border movement of people. This could be the first step towards building a formal architecture of governance for what is fast becoming a de facto transnational space.
In her reflections on India democracy Martha Nussbaum emphasizes the importance of M.K. Gandhi in providing ‘a spiritual and philosophical basis to democracy in India.’ Her efforts to understand the roots of the violence against Muslims in Gujarat take her to the Hindu-right version of Indian history where humiliated masculinity is a persistent theme. According to this view, ‘Hindus have been subordinate for centuries, and their masculinity insulted, in part because they have not been aggressive and violent enough.’ India’s dominant political idiom that portrays the Hindu-Muslim question as a battle between good secularists and bad communalists cannot engage the ghosts of the partition. If like all democracies, India must learn ‘to cultivate the inner world of human beings, equipping each citizen to contend against the passion for domination and to accept the reality, and the equality, of others’ (Nussbaum 2007) there is no better place to start than to try to confront the ghosts of the partition. Imagining a postsovereignist future might render the journey less forbidding.

References cited


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1 The term ‘independentist’ is commonly used in Puerto Rico to refer to political groups that stand for Puerto Rican independence.