Federalism and Ethnic Conflict Regulation in India and Pakistan

Katharine Adeney

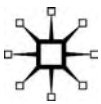
Federalism and Ethnic Conflict Regulation in India and Pakistan

This page intentionally left blank

Federalism and Ethnic Conflict Regulation in India and Pakistan

Katharine Adeney

palgrave
macmillan



FEDERALISM AND ETHNIC CONFLICT REGULATION IN INDIA AND PAKISTAN
Copyright © Katharine Adeney, 2007.
All rights reserved. No part of this book may be used or reproduced in any manner whatsoever without written permission except in the case of brief quotations embodied in critical articles or reviews.

First published in 2007 by
PALGRAVE MACMILLAN™
175 Fifth Avenue, New York, N.Y. 10010 and
Houndmills, Basingstoke, Hampshire, England RG21 6XS.
Companies and representatives throughout the world.

PALGRAVE MACMILLAN is the global academic imprint of the Palgrave Macmillan division of St. Martin's Press, LLC and of Palgrave Macmillan Ltd. Macmillan® is a registered trademark in the United States, United Kingdom and other countries. Palgrave is a registered trademark in the European Union and other countries.

ISBN-13: 978-1-4039-7186-9
ISBN-10: 1-4039-7186–2

Library of Congress Cataloging-in-Publication Data

Adeney, Katharine, 1973-
Federalism and ethnic conflict regulation in India and Pakistan / by Katharine Adeney.
p. cm.
Includes bibliographical references and index.
ISBN 1–4039–7186–2 (alk. paper)
1. Federal government—India. 2. Federal government—Pakistan. 3. Ethnic conflict—India. 4. Ethnic conflict—Pakistan. 5. India—Politics and government—1977– 6. Pakistan—Politics and government—1988- I. Title.
JQ220.S8A34 2007
320.454'049—dc22
2006049849

A catalogue record of the book is available from the British Library.

Design by Scribe Inc.

First edition: January 2007

10 9 8 7 6 5 4 3 2 1

Printed in the United States of America.

For my mother

This page intentionally left blank

Table of Contents

List of Tables, Charts, Maps		ix
Acknowledgments		xiii
Permissions		xv
Abbreviations		xvii
Chapter 1:	Comparative Federalism and Ethnic Conflict: A Theoretical Examination	1
Chapter 2:	Federal Plans in Pre-Independence India	23
Chapter 3:	The Federal "Problem" in South Asia: Institutional Design before Partition	43
Chapter 4:	Partition: Differences in Federal Design	61
Chapter 5:	Federal Segregation or Multiculturalism?	83
Chapter 6:	Federal (In)Stability in India	107
Chapter 7:	Federal (In)Stability in Pakistan	137
Chapter 8:	Future Prospects for India and Pakistan and Lessons for Ethnically Divided Societies	163
Appendix 1:	Democratic Status of the World's Federations since 1900	183
Appendix 2:	The Dates of President's Rule for the States and Union Territories of India 1951–2005	185
Appendix 3:	The Number of Units in the World's Federations and Their Success Rate	191
Notes		193
Bibliography		209
Index		227
List of Previous Publications		237

This page intentionally left blank

List of Charts

Chart 1.1	Federations since 1900	12
Chart 1.2	Federations in 2006	14
Chart 4.1	Religious groups in India after partition	66
Chart 4.2	Religious groups in Pakistan after partition	67
Chart 6.1	The number of days that President's Rule was imposed on the states and Union Territories of India by decade	117
Chart 6.2	Variance in the effective number of legislative parties (*nenseats*) in Indian general elections, 1952–2004	133
Chart 6.3	Sample of all incidents of ethnic mobilization in India, 1950–1995	135

List of Tables

Table 3.1	The effective number of religious groups (*enrel*) in British India in 1941	48
Table 3.2	The effective number of linguistic groups (*enling*) in British India in 1941	52
Table 4.1	The effective number of linguistic groups (*enling*) in India in 1961	68

Table 4.2	The effective number of linguistic groups (*enling*) in Pakistan in 1951	69
Table 4.3	The effective number of linguistic and religious groups of the states of India after independence but before linguistic reorganization	70
Table 4.4	The effective number of linguistic groups of the provinces of Pakistan before the One Unit Plan of 1955	71
Table 4.5	The effective number of linguistic groups in East and West Pakistan after the creation of the One Unit Plan of 1955	80
Table 5.1	State strategies to regulate ethnic diversity	86
Table 5.2	Urdu speakers and literates in Pakistan's provinces in 1951	101
Table 6.1	Religious demographics of India's states in 1951	111
Table 6.2	Religious demographics of India's states in 2006	114
Table 6.3	The number of days under President's Rule for the states and Union Territories of India, 1951–2005	116
Table 6.4	The causes of army intervention in India, 1973–1984	118
Table 6.5	Deaths from violent conflicts in India, 1994–2005	118
Table 6.6	Army interventions organized according to border status, 1973–1984	119
Table 6.7	Number of recognized parties in Indian general elections, 1952–2004	127
Table 6.8	Indian general elections, 1952–2004. Correlation between *enling* and *nenseats*, sorted according to the majority language spoken in the state	130
Table 7.1	The effective number of legislative parties in Pakistan in general elections	146
Table 7.2	The central political elite in Pakistan, 1947–1958	153
Table 7.3	East–West representation in the civil service of Pakistan, 1950–1968	154
Table 7.4	East–West representation in the military office class of Pakistan, 1955–1956	155

Table 7.5 Ethnic origins of top bureaucratic elite (Class 1 officers) in 1983 159
Table 8.1 Federal failures and the number of units, 1900–2006 172

List of Maps

Map 1 India and Pakistan, 1947 62
Map 2 The provinces of Pakistan 148
Map 3 The states of India, 2006 174

This page intentionally left blank

Acknowledgments

This book has undergone many permutations, but has emerged all the better. I owe my thanks and gratitude to Professor Brendan O'Leary, who nurtured my interest in ethnic conflict regulation and encouraged me to be a thorough, logical, and dedicated student of South Asia. I also owe an enormous debt to Lord Professor Meghnad Desai who provided historical and theoretical structure and depth to my studies. Finally, special thanks are due to Subrata Mitra who developed my interest in South Asia at the University of Hull.

I have been a member of three institutions while writing this book—the Government Department, LSE, Balliol College, Oxford, and the Department of Politics at the University of Sheffield. All three institutions provided me with opportunities for writing and support, for which I am truly grateful. I would also like to thank all the members of the PSA South Asia Group, BASAS, and NETSAPPE, as well as my PhD examiners, Professors James Manor and Francis Robinson, whose pertinent and challenging questions forced me to improve my work. In particular I would like to thank Shelley Deane, Marie Lall, Elisa Roller, Lawrence Sáez, Gita Subrahmanyam, Ian Talbot, Mohammad Waseem, Stefan Wolff, Andrew Wyatt, John Zavos, and Adam Ziegfield for their advice on how to improve specific chapters. I would also like to thank the two anonymous referees and the production team at Palgrave Macmillan, especially my editor, Toby Wahl, as well as Dale Rohrbaugh at Scribe. The usual caveats apply—the responsibility for errors of interpretation and facts, are of course, mine alone.

In undertaking fieldwork in India and Pakistan in 1998 and 2005, I incurred far too many debts to thank everyone individually. I collectively thank all those academics, politicians, civil servants, and researchers who gave up their time to speak with me and also for their wonderful hospitality. In this regard I would especially like to thank Krish and Vijaya Krishnamurthi for accommodating me during my stay in Delhi. I owe special thanks to Ian

Talbot, David Page, and Mohammad Waseem for their advice on undertaking fieldwork in Pakistan, and I would especially like to thank the director and staff of the National Documentation Centre in Islamabad who were incredibly helpful and forbearing. The SDPI in Islamabad were also very gracious in providing me with facilities in 1998. I received financial help to attend conferences from the ESRC, Government Department (LSE), and the Postgraduate Research Fund (LSE). The ESRC (research grant number R00429634131) funded the first three years of my doctoral studies and a fieldwork trip to both India and Pakistan. The University of Sheffield financed my final research trip in 2005.

Finally, I owe all of my family members, but especially my dad, a huge debt of gratitude for supporting me throughout, reading drafts, and making invaluable suggestions. My mother, a college lecturer of politics, encouraged me to study the subject at A Level, which is where all of this started; this book is dedicated to her memory. My biggest thanks go to my husband, Steve Vaccarini, who has lived with this project far longer than either of us anticipated and provided constant academic support, asked lots of awkward questions, but above all, put everything in perspective.

Permissions

I thank Hurst Publishers for permission to reproduce sections of my 2004 chapter, "Between Federalism and Separatism: India and Pakistan." In *Managing and Settling Ethnic Conflicts: Comparative Perspectives from Africa, Asia, and Europe*, edited by U. Schneckener and S. Wolff, 161–75. London: Hurst, 2004.

I thank Taylor and Francis (http://www.tandf.co.uk) for permission to reproduce sections of my 2002 article, "Constitutional Centring: Nation Formation and Consociational Federalism in India and Pakistan." *Commonwealth and Comparative Politics* 40 (3): 8–33.

I also thank Taylor and Francis for permission to produce pages 1–10 of my co-authored article, "Institutional Attempts to Build a 'National' Identity in India: Internal and External Dimensions." *India Review* 4 (3–4): 258–86. Copyright (2005) from *India Review* by Katharine Adeney and Marie Lall. Reproduced by permission of Taylor and Francis Group, LLC. http://www.taylorandfrancis.com.

This page intentionally left blank

Abbreviations

AIADMK—All India Anna Dravida Munnetra Kazagham
AICC—All India Congress Committee
AIML—All India Muslim League
AL—Awami League
ANOVA—Analysis of Variance between groups
ANP—Awami National Party
BSP—Bahujan Samaj Party
BJP—Bharatiya Janata Party
CAD—Constituent Assembly Debates
CII—Council of Islamic Ideology
CMP—Cabinet Mission Plan
CWC—Congress Working Committee
DMK—Dravida Munnetra Kazagham
ECI—Election Commission of India
EIC—East India Company
FATA—Federally Administered Tribal Areas
IAS—Indian Administrative Service
IJI—Islami Jamhoori Ittehad
INC—Indian National Congress
JKLF—Jammu and Kashmir Liberation Front
JKNC—Jammu and Kashmir National Conference
JUI—Jamiat-Ul-Ulema-I-Islam
JSM—Jiyae Sindh Mahaz
MQM—Mohajir Qaumi Movement and then Muttahida Qaumi Movement
MSS—Maharashtra Samyuka Samiti

NDA—National Democratic Alliance
Eneth—number of effective ethnic groups in a state/province
Enling—number of effective linguistic groups in a state/province
Enrel—number of effective religious groups in a state/province
MMA—Muttahida Majlis-e-Amal
MUF—Muslim United Front
NA—National Assembly
NAP—National Awami Party
NRB—National Reconstruction Bureau
NFC—National Finance Commission
Nenseats—Effective number of legislative parties
NWFP—North West Frontier Province
PCC—Provincial Congress Committee
PDP—Peoples Democratic Party
PML—Pakistan Muslim League
PML-N—Pakistan Muslim League (Nawaz)
PML-Q—Pakistan Muslim League (Quaid-i-Azam)
PNA—Pakistan National Alliance
PPP—Pakistan People's Party
RTC—Round Table Conference
SAD—Shiromani Akali Dal
SATPO—South Asia Terrorism Portal
SCs—Scheduled Castes
SCs—Scheduled Tribes
SDPI—Sustainable Development Policy Institute
SP—Samajwadi Party
SRC—States Reorganisation Commission
STV—Single Transferable Vote
UP—Uttar Pradesh
UPA—United Progressive Alliance

CHAPTER 1

Comparative Federalism and Ethnic Conflict: A Theoretical Examination

> The combination of territorially distinctive segments and federalism's grant of partial autonomy sometimes provides additional impetus to demands for greater autonomy. … [F]ederalism 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)*

The twenty-first century looks likely to be as beset with conflict between religious and linguistic communities as was the twentieth. The new millennium

opened with the World Trade Center attacks—for some, confirming Samuel Huntington's "Clash of Civilizations" (1996). Yet any notion of inevitable conflict between different communities is superficial. Such an approach denies that identities are malleable and situational, and that individuals have more than just one. Identities therefore cannot be homogeneous, and positing the inevitability of conflict either at the international or domestic level conceals more than is revealed.

At the domestic level, many institutional arrangements have been identified to manage diverse states or to seek to eliminate diversity (McGarry and O'Leary 1993). This study analyzes the likely *effectiveness* of one type of institutional design: a federation. Federal structures have often received bad press from academics, statesmen, and constitutional practitioners. Eric Nordlinger contests the effectiveness of federalism as an ethnic conflict regulation device. In the quotation at the head of the chapter he contends that federalism is likely to increase pressures for secession. Current debates over the reconstruction of Iraq and Afghanistan reiterate these concerns. These debates focus on dangers of territorial disintegration, lack of effective central control, and the problems of minorities seeking to secede (O'Leary, McGarry, and Salih 2005; Rubin 2004).

Yet several successful multiethnic federations exist. Switzerland, Canada, and India are all good examples of this fact. Although there are many countries where federations have significantly failed to regulate ethnic conflict—Nigeria in 1966 and Pakistan in 1971—failure was not inevitable. Multiethnic states, per se, are not doomed to failure; there are always additional factors affecting their success. This study concentrates upon the institutional factors affecting that success and the main differences between federations, which include, but are not limited to, the degree of centralization, the number and composition of provincial units, the degrees of consociationalism within the federal design, and the composition of the bicameral legislature.

Comparative Federal Problems and South Asia

This study compares the experiences of India and Pakistan in order to draw wider theoretical conclusions. India and Pakistan have similar, if not identical, colonial backgrounds and adopted very similar federal structures after independence. This "controlled comparison" (Van Evera 1997, 56–58) facilitates concentration upon one important variable in which they differed: the design of provincial units. Their different approaches to provincial design account for many of the tensions within both countries and the relative success of India compared with that of Pakistan.

Provincial design is obviously not the only factor explaining the differences between the two countries. The lack of a stable democratic transition in Pakistan, the tensions posed by ethnic diversity, as well as the differing legacies inherited from the process of partition are vitally important. In addition, the decisions made concerning provincial design are themselves indicative of the macro-ethnic conflict-regulation strategy adopted by state elites. A relationship exists between the articulation of the national identity of India and Pakistan after independence and the federal plans resulting from these conceptions.

Many excellent contemporary case studies of either India or Pakistan exist (Vanaik 1990; Vanhanen 1992; Brass 1994; Brown 1994; Waseem 1994a; Samad 1995a; Jaffrelot 1996; Khilnani 1997; Jenkins 1999; Corbridge and Harriss 2000; Zavos 2000; Varshney 2002; Wilkinson 2004). But fewer texts focus on South Asia as a whole (Mitra and Lewis 1996; Baxter et al. 1998; Ahmed 1996; Bose and Jalal 1998; Harrison, Kreisberg, and Kux 1999; Phadnis and Ganguly 2001). Although many of these works are invaluable resources, they rarely provide macro-level analysis. If they do, as in the introductory chapter to Subrata Mitra and Alison Lewis, they do not concentrate upon federal institutions and design. Few studies explicitly compare India or Pakistan's federal systems with those of states outside of South Asia. Ursula Hicks (1978), Donald Horowitz (1985), M. Nazrul Islam (1990), Richard Crook and James Manor (1998), Balveer Arora and Douglas Verney (1995), Verney (1995), and Ian Copland and John Rickard (1999) are the exceptions. One reason for this is that India's federation has been described as "quasi federal" (Wheare 1963, 28), "unitarism with a high degree of decentralization of powers" (Gangal 1962, 248), or "prefectorial federalism" (Rajashekara 1997, 246).

Surprisingly, there are few direct comparisons of India and Pakistan. This lack is startling given the huge differences between the two countries, but we can partially attribute it to the difficulties encountered by citizens of Pakistan attempting to do research in India, and vice versa. To conduct a rigorous investigation of the two countries, it is essential for the analysis to start with the period before independence. This automatically poses the question: what explains the subsequent differences? It is significant that two excellent comparative studies of India and Pakistan in recent years have come from historians. Any comparative study inevitably confronts Ayesha Jalal's book, *Democracy and Authoritarianism in South Asia* (1995), and more recently the introductory chapter to Ian Talbot's study, *Pakistan: A Modern History* (1998), as well as his *India and Pakistan* (2000). Both authors justify their comparisons from different perspectives. Jalal argues that India and Pakistan can be compared because of the shared colonial viceregal tradition. She discerns elements of

authoritarianism in both regimes, as well as in the rest of South Asia, despite the outwardly very different democratic trajectories (1995, 4–8, 249–57).

Talbot does not entirely reject this view, but he argues that the differential colonial penetration of the areas that came to comprise Pakistan in Northwest 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 summarized here, but both proceed from an essentially historical perspective. They do not explicitly concentrate upon federal design, although any comparative analysis of the two states inevitably touches on the issue.

Only Jai Prakesh Sharma (1987) and Swarna Rajagopalan (2001) have produced post-independence analyses of the two federations. Sharma's work, *Federal Systems of India and Pakistan: A Comparative Perspective*, was published in 1987 and is dated enough now to warrant a follow up. More substantively, the book is not historical. An appreciation of history is essential to a careful examination of the nature of the provincial units that were created within the newly independent states. Although Sharma discusses the linguistic question, he does not concentrate upon the identity politics behind the creation of linguistic provinces; he is more concerned with the relationship between centralization and democracy. He argues that because Pakistan's federation is not democratic it is rendered virtually meaningless (1987, x). As will become evident, this study disputes Sharma's argument.

Rajagopalan's treatise, *State and Nation in South Asia*, is closer to this study in scope and aim. Rajagopalan compares India, Pakistan, and Sri Lanka, and argues that the design of provincial units is indicative of the identity of the state (2001, 56–57). This study is in accord with her approach. However, Rajagopalan does not address pre-independence federal forms and therefore cannot relate the post-independence federal form to the changed ethnic composition of the two countries. Finally, although she analyzes three particular conflicts, she is not concerned with federal stability per se.

In contrast, this study proceeds from a historical standpoint. How and why did India and Pakistan, products of and partitioned by the same colonial regime, pursue such radically different paths in designing their provincial units? Although there is more than adequate material to treat both countries separately, this does not, and should not, preclude comparative work. In the literature on political science, South Asia has generally been seen as a "place apart." The existence of caste as an ordering principle of society is one of the most obvious ways that India stands apart from the rest of the world. A comparison of India and Pakistan requires a comprehensive framework in order that simplistic explanations relating to the nature of Hinduism and Islam are not given unwarranted emphasis.

This study argues for a historical approach akin to Jalal and Talbot's, but unlike their studies it concentrates upon one specific element of comparison: federal development and structures. Since independence, India and Pakistan 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, which had profound implications for federalism as a mechanism of ethnic conflict regulation—specifically the ethnic composition of the units of the federations.

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 (Horowitz 1985, 613–19; Vile 1982, 222–23; Watts 1970, 32–34). 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.

FEDERALISM AND LINGUISTIC AND RELIGIOUS DIFFERENCES

This study both contributes to comparative politics and South Asian studies, and develops the literature on comparative federalism. Many authors analyze federations as the institutional configuration of a process of previously independent states coming together. The citation from William Riker at the beginning of this chapter is an example of this, as is Maurice Vile's legalistic definition of federations as a merger of sovereignty (1982, 218). But to appreciate properly the process of federal design in the twentieth century, decolonization cannot be ignored. Many decolonizing states adopted federal structures in an attempt to manage their diverse populations or to maintain institutional continuity with their colonial past.[1] Therefore, we can identify many motivations behind the creation of a federation:

- 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.

This study concentrates on the last motivation—an attempt to reconcile diversity within the structure of a single country. 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 have 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).[2] Federalism often coincides with other strategies for managing diversity—such as consociationalism.

Federalism as a concept and federation as a structure of government rest on the division of sovereignty between two levels of government: the level of territorially defined units of the federation (of which there must be at least two) and the central level. The division of power 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). Federations, therefore, differ from unitary states in which sovereignty resides with the center, regardless of how decentralized that state is. As Kenneth Wheare argues, "federations must desire to be united but not to be unitary" (1963, 36). Federations should also be distinguished from confederations where the constituent units retain their sovereignty, and form a union for limited purposes.

This division of sovereignty entails federations having a written constitution and an independent Supreme Court to adjudicate disputes that arise between the two levels of government. Federations should also be distinguished from the consociational form of government advanced by Arend 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 Lijphart has demonstrated, notable differences exist (1979, 509–12).

1. Not all federations are democratic, while consociational democracy—as defined by Lijphart—is.[3]
2. Unlike consociational democracies, federations are not necessarily designed to accommodate ethnic diversity. Some explicitly reject ethnic territorial organization, such as the United States' "refusal to accommodate the self-government rights of national minorities" (Kymlicka 1995, 28; see also 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).

3. 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.
4. Consociational democracy not only provides segmental autonomy for groups, but it also permits a veto for groups over decisions of consequence for the group. While federations guarantee a division of power, the ability to permit a veto is dependent upon the type of power devolved. Lijphart, (at least in 1979) is strident 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.[4]

Confederations, in contrast, are very different institutional arrangements. Rather than sharing sovereignty, confederal arrangements delegate powers for very limited and defined purposes. Thus, sovereignty is retained in the constituent units. The division of sovereignty distinguishes federal systems from decentralized unitary states, such as Britain—despite Scottish and Welsh devolution, de facto sovereignty resides with Westminster.

While a basic definition of federations has been advanced, 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 analyzed as such? Are all federations the result of historical accident and circumstances specific to their own country? If so, how legitimate is it to seek meaningful comparisons among 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 analyzed effectively, coherently, and comparatively, basic parameters have to be established.

While the division of sovereignty and territorially defined levels of government are necessary features of a federation, multiple variations still exist. The comparative literature on federations is as diverse as the phenomenon it seeks to analyze or explain. Two different approaches to comparative federal analysis are institutional and normative.

INSTITUTIONAL DEFINITIONS

Wheare's Americentric definition proceeded from the assumption that certain levels of power have to be devolved for a government to operate in a federal

fashion. In his opinion, only the United States, Canada, Switzerland, and Australia could be classified as federations (1963, 33). This definition, and others like it, has resulted in many federations being termed "imperfect" or "flawed" federations, at least partially, because they do not conform to the American institutional configuration. John McGarry and Brendan O'Leary provide an institutional definition of federations, but one with broader applicability (1993, 32). They identify four features common to federations:

1. **A codified and written constitution which demarcates the distribution of power and functions**. A codified constitution, in its turn, requires an independent Supreme Court to adjudicate disputes between the different levels of government.
2. **A guaranteed division of power.**[5] 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 decentralized, but also whether it encourages multicultural practices.
3. **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 disproportionally represented.[6]
4. **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 the formula is usually that a two-thirds majority in both houses of parliament (and ideally the provincial legislatures) should have to vote in favor before the changes are ratified.

While the above definition is a useful one and is less restrictive than others in the literature, federations vary between cases and an institutional definition runs the risk of excluding systems that may not conform to all institutional criteria but have federal aspects. For example, the federations of Micronesia, St. Kitts and Nevis, and Venezuela 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 a federal government.[7] To accept this is to acknowledge that a federation is a specific political system that permits variety.

NORMATIVE DEFINITIONS

In contrast, a normative analysis assesses federal systems according to the effects that they achieve and specifies what those effects should be—for

example, the extent to which it has promoted other values, such as democracy or multiculturalism. Daniel Elazar provides an example of this when he argues that "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). This method of comparing federations artificially limits the range of cases through introducing the analyst's normative values.

This study adopts an institutionalist approach, analyzing the likely effectiveness of a specific type of federal design within linguistically and religiously diverse states. It proceeds from the supposition that political institutions are autonomously important in the regulation of ethnic conflict, and that ethnic identities are situational. The question of what constitutes a nation or an ethnic group is hotly contested (Hobsbawm 1990, 14–45; Smith 1989, 340–63; Gellner 1983, 2–7; Van den Berghe 1978, 402–7). Particular definitions influence which approach to adopt to manage diverse states. Must "Basic Human Needs" be satisfied (Burton 1990, 36–48), or do political entrepreneurs need to be bought off (Brass 1991)? Suffice it to say, individuals have more than one identity that can be defined by caste, class, religion, tribe, language, gender, or race. These identities can combine, cross-cut, or oppose one another. While ethnic identities are undoubtedly open to manipulation by political entrepreneurs, these identities must have resonance with the relevant population. Ethnic tensions have multiple causes, as situational as the identities which they seek to mobilize and too numerous to catalogue extensively here. Common causes derive from denial of recognition, reduced security and conflict over resources. Institutional design can address these issues.[8]

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 can only be answered historically. However, it is the presupposition of political sociology, political science, and "new" institutionalism (Hall and Taylor 1996) that political creativity in institutional design is not reducible to previous constellations of interests, even if the latter explains the receptivity of agents to new institutional designs. This reasoning shapes this study's approach to federal institutions.

Ivo Duchacek argues that institutions can structure incentives and behavior even if federal structures are just there for show (1991, 23). The breathing of life into the Soviet Union's federal institutions before their sudden deflation was a recent and profoundly important demonstration of this argument. As John Meisel argues, federalism is a "technique," which frequently creates loyalties and states of minds (1995, 341). Donald Horowitz, while arguing the same, reminds us that institutions "have a more powerful influence on

some incentives than on others" (1985, 601). The institutionalization of a territorial division of political power creates conditions for a new level of political debate to occur, both between the center and the provincial unit, but also *within* the provincial unit. This is why the design of 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 its likelihood of success in managing potential or actual ethnic conflict.

Federal structures can be viewed in two ways. First, they can be viewed as having an independent effect on political behavior through the implementation of rules that structure incentives for cooperative behavior. In certain configurations, federations create political compartments for groups to govern themselves. By so doing, they secure their recognition, enabling the existence of identities in a manner that need not conflict with the identity of the center. A federation permits dualism: loyalty to the unit will not automatically detract from loyalty to the central government. Juan Linz and Alfred Stepan demonstrate this in the case of Spain (1996, 102–3) and Elazar stresses the importance of "dual citizenship" for the success of a federation (1994, 67). In a similar vein, Wheare stresses "[t]hat 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" (1963, 49).

Second, federal structures can be understood as the outcome of political behavior. Federal structures can be designed as a set of institutional repertoires specifically intended to structure political behavior. For example, elites sometimes self-consciously create federations with the intent to regulate ethnic conflict. The unification of previously independent units (Canada), rearranging 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 both affect and be affected by political behavior 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. In addition, 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 often contested themselves (1999, 1).

Two debates in the literature of federations have profoundly affected the design of this study. First, can a nondemocratic state's federal structures (such as Pakistan) be compared with those of a democratic federation (such as

India)? Second, why is unit design contested between comparative federal analysts, and why has it proved so controversial in practice?

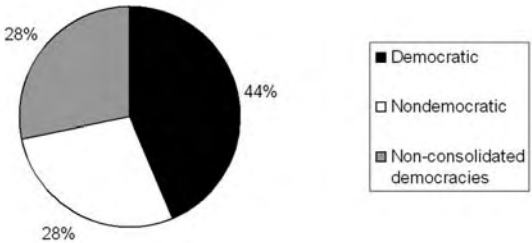
Democratic and Nondemocratic Federations

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 (Burgess 1993, 5–6; Chryssochoou 1998, 1–20; Duchacek 1987, 332–33, 354–55). Many authors argue that federalism is inherently democratic (Hicks 1978, 4), or they promote federalism specifically for its democratic credentials; Elazar presents a normative appraisal of federations in *Federalism and Political Integration* (1979, 47–52). Duchacek states 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 nondemocratic and coercive—the old Yugoslavia and the Soviet Union.

Can these nondemocratic federations be analyzed as "genuine" federations? Riker thought not; he denied that Pakistan was a real federation (1964, 30). But many different ways of comparing federations exist. Although most federations have historically been linked to democracy, they do not have to be. Since 1900 there have been 46 federations, only 20 of which have been consolidated democracies as shown in Chart 1.1. A contention of this study is that federalism, as a mechanism of ethnic conflict regulation, can affect the potential for state consolidation and accommodate different ethnic groups in the absence of democracy. This is a different matter than whether such a federation would remain stable over time.

Dimitris Chryssochoou argues that "democratic representation of all participating communities is an essential feature common to all federal entities" (1998, 5). However, he ignores 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 nondemocratic federations are not "genuine" (McGarry and O'Leary 1993, 35). This position can be justified from three viewpoints. The first is a normative position: Federalism exists to promote other goals such as democracy. Therefore, a nondemocratic federation, by definition, cannot be a federation. The second is a more practical one: since nondemocratic federations do not represent the

Chart 1.1 Federations since 1900[1]



Democratic	n = 20
Nondemocratic	n = 13
Nonconsolidated democracies	n = 13
Total	n = 46

Source: Britannica Book of the Year (1958–1999) and U.S. Central Intelligence Agency (2006).

Notes: Because of the long time period under consideration—1955–2006—Pakistan is defined as a "nonconsolidated" democracy.[2] Many "democratic federations" have had checkered democratic histories during the twentieth century and have also been defined as nonconsolidated democracies.

1. Appendix 1 lists the federations included.
2. A non-consolidated democracy exists when democracy is not the "only game in town" (Linz and Stepan 1996, 5).

people, they cannot bring government closer to the people. As Duchacek argues "federal noncentralisation of political power cannot be conceived or practised without democracy … [a]uthoritarian arrangements of territorial agendas federalism doeth not make" (1987, xi). But this perspective assumes that all power resides at the center of a nondemocratic state, which is rarely the case.

The third justification is the strongest: The key problem with nondemocratic federations is that if there is a supreme ruler, sovereignty cannot be divided. Thus, the head of government can unilaterally change the division of power or abolish federal structures. While this is true, it is important to remember that even nondemocratic federations possess alternative sources of power to that of the central leader. Secondly, even though a nondemocratic leader might be able to amend the constitution unilaterally, federal effects still operate. It is indeed hard to imagine nondemocratic 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 center is technically all-powerful. However, many of these nondemocratic federations have based their structures of administration and rule around the units that comprise

the federation. In the Soviet Union, Yugoslavia, and Czechoslovakia, at the time of democratization, pressures for dissolution appeared. The composition of these federations—either the number of constituent units, as in the case of Czechoslovakia, or the creation of titular nationalities in the Soviet Union and Yugoslavia—hastened the break up of these federations (Roeder 1992, 148; Linz and Stepan 1996, 367). 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 Soviet Union, McGarry and Dominic Leiven argue that "the republics, admittedly to somewhat varying degrees, became focuses for local patriotism and loyalty" (1993, 65).[9] In the old Yugoslavia, George 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 of these nondemocratic 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,

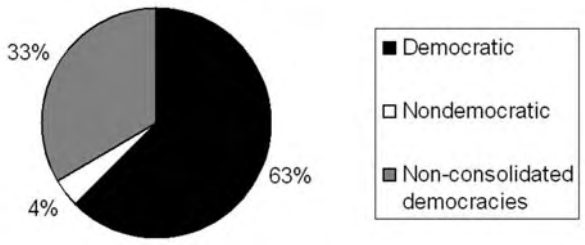
> while such federations as measured by liberal democratic criteria may be rightly judged to be imperfect … [t]o ignore this diversity is to limit our understanding of federations and to impoverish comparative analysis (1995, 8).

Although the vast majority of federations in the world today are consolidated democracies (as shown in Chart 1.2) many others are nominally democratic. But they are either too recently democratized to be classified as consolidated democracies, such as Nigeria, or they have experienced tensions, such as Ethiopia and Russia. The only nondemocratic federation in the world today is the United Arab Emirates (UAE).

Classification of federations as democratic, nondemocratic, or nonconsolidated democracies is, of course, problematic. Both concepts have meant different things to different people over time and between countries, and they have had volumes of literature written about them. Democracy has been defined minimally as the existence of free and fair elections (Huntington 1991, 6) or maximally as the existence of human development and economic equality as well as democratic institutions (Sen 1999, 9–12). Once it is recognized that it is problematic to classify definitively a state as democratic or nondemocratic, the rejection of certain states as unworthy of classification as federations becomes suspect.

Stepan argues that federations can be placed along a continuum according to whether they are demos-enabling or demos-constraining (1999, 21).

Chart 1.2 Federations in 2006



Democratic	n = 15
Nondemocratic	n = 1
Nonconsolidated democracies	n = 8
Total	n = 24

Source: U.S. Central Intelligence Agency (2006).

Notes: The *n* in Chart 1.2 has decreased substantially. In Chart 1.1 some countries were included more than once. This is because of changes in territory or radical changes in federal organization. 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. Additionally, in the post–Cold War world, several federations have split—notably Czechoslovakia, the Soviet Union, Yugoslavia, and Ethiopia. As Chart 1.2 shows only the federations that existed in 2006, the sample size is necessarily smaller. This chart includes the Union of Serbia and Montenegro which was in existence until June 2006 (Montenegro voted to dissolve the Union in May 2006).

Federations are demos-constraining if the smaller units of the federation are overrepresented in the upper chamber, if this chamber has a large policy scope, and if extensive powers are allocated to the units of the federation (1999, 24–28). Federations are demos-enabling if the most populous states receive seats in proportion, or nearly, to their population, if the upper chamber is weak, and if the center retains most of the policy-making responsibility. Both types of federations are equally democratic, but Stepan argues that demos-constraining federalism, as epitomized by the United States, is not necessarily suitable for all federal regimes. What is important for this analysis is that prioritizing different aspects of democracy—liberty (demos-constraining) or equality (demos-enabling)—creates different types of federations, which are not necessarily "less federal" or "less democratic."

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 are an institutional mechanism compatible with national self-determination if power is devolved to territorially concentrated ethnic groups. Federalism brings government closer to the people affected by it through the devolution of power. However,

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

Chris Woltermann's argument that "mass democracy is incompatible with federalism in principle" and that "[d]emocracies create unitary states" is too strong a case, even for those federations that 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 the people are—a question especially pertinent to federations seeking to manage diversity. Democracy has also been redefined by its interaction with liberalism. As Bhikhu 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. 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 system operates solely on the principle of direct democracy—there are always elements of delegation, a form of representative democracy.

The fact that some federations are democratic, while others are not, is not surprising. Rarely does a complete association among institutions within a state and regime type exist (many nondemocratic regimes still hold elections). Therefore, federations do not have to be democratic to qualify for scrutiny. Despite this, all the nondemocratic federations that have been used as examples in this analysis—Yugoslavia, the Soviet Union, Czechoslovakia, and Pakistan before 1970—have experienced the most severe tension in their federations at the moment of democratization. Conceding this point does not, however, mean that federal system design is irrelevant. Other nondemocratic federations have democratized without similar secessions—Nigeria being a prime example, although it frequently experiences severe ethnic conflict. Pakistan also democratized after the death of General Zia-ul Huq in 1988 without producing a secessionist movement.

Therefore, the key question is: *will federalism have an effect on ethnic relations*—or more simply—*do federal structures matter, and if so, how*? The nature of the nondemocratic federation, the locus of power, and the ethnic composition of the constituent units are relevant. Tensions may only explode in a nondemocratic federation at the time of democratization because the opportunities for expression were previously absent. Conversely, they can explode in a nondemocratic federation because no mechanism for their expression exists (Duchacek, 1979, 67–68), such as Kosovo. But the question remains: 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 federations have failed to stay intact in countries that are beginning to democratize—as seen in the Soviet Union and Yugoslavia—as well as those with a history of democratic governance—such as the Malayan Federation in 1965.[10] In addition, countries such as Canada and India have experienced secessionist movements despite being consolidated democracies. But the question remains unanswered; would the nondemocratic federations of the "Eastern Bloc" have failed if they had remained nondemocratic? The evidence is inconclusive but points in the direction that newly democratizing federations face dangers in so doing, especially 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" (Stepan 1999, 19).[11] This does not mean that nondemocratic federations cannot remain federal in the absence of elections, and it does not mean that some federations may be able to democratize successfully (even if democracy is not yet consolidated), such as Nigeria.

PROVINCIAL UNIT DESIGN AND ETHNIC CONFLICT REGULATION

Why is unit design contested and why has it proved so controversial in practice? Many authors (Nordlinger, 1972; Vile, 1982) have alleged that federalism is likely to increase pressure for secession rather than regulating and accommodating ethnic differences. Within constituent units mobilization around ethnic criteria can manifest itself against the center if a different ethnic group dominates the center. 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). This study focuses on the ethnic composition of these units as a major factor in determining their "character."

Unit design is a contested variable, described differently by various authors. Charles Tarlton uses the terminology of symmetrical and asymmetrical federations to distinguish between units that are a microcosm of the ethnic make-up of the entire state—symmetrical federations—and those with units corresponding to the boundaries of a particular ethnic group within the state—asymmetrical federations (1965, 868–69). This terminology is easily confused with the distinction between federations permitting an asymmetrical division of power. Therefore, to distinguish federations by their provincial composition, this study uses 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 recognized that complete homogeneity, especially in deeply divided societies, is unlikely.[12] The Indian States Reorganisation Commission (SRC) defines homogeneity as comprising over 70 percent of a particular linguistic group (1955, Paragraph 783). Total homogeneity is unlikely, especially in border regions where communities overlap, and also because of migration. In addition, units can be homogeneous upon one criterion, such as language, but be crosscut by religion (as in the case of Switzerland). This will affect the salience of particular identities in a negative or positive fashion. This study examines how federal recognition or nonrecognition has affected identities in India and Pakistan.

There are many ways to draw the boundaries of 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 unit, as advocated by Ronald 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).[13] The Soviet Union adopted a version of this, with one dominant group in each unit, but ensured that a section of the titular nationality remained within a neighboring province. This was a device of control. Finally, in a federation created on nonethnic criteria, ethnic composition is irrelevant or nonexistent.

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 or segregationists—who recognize identities in the political sphere.[14] These categories are discussed in more detail in Chapter 5. This study does not argue that one strategy is normatively better than another, merely that if groups are territorially concentrated, homogeneous units are better suited to accommodating ethnic diversity than heterogeneous ones. If groups are not territorially concentrated, then consociational power-sharing devices are likely to provide a more effective multicultural option, such as Malaysia, where power sharing

between different ethnic groups is played out through the party system (Mauzy 1993, 106; Lijphart 1977, 153). The following debate sets out the main arguments advanced against homogeneous units. It then attempts to rebut or qualify their concerns and accusations.

THE DANGER OF MINORITIES WITHIN THE HOMOGENEOUS UNITS BEING VICTIMIZED

The first argument against homogeneous provinces is that there will inevitably be minorities in the new units, and there is a danger of these minorities being victimized, either intentionally or unintentionally.[15] Elites trying to maintain their power base may seek to do so at the expense of the other groups within the unit by mobilizing one ascriptively defined group against another. This applies to minorities in a unit who are also minorities in the country as a whole, as well as those who are a minority in a unit, but a majority in the rest of the country. It is almost impossible without genocide and forced population transfers to avoid the presence of 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, Chapter 3). However, this "problem" can be circumvented if Harry 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 exist in many federal constitutions, as they do in India.[16]

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, which is said to enhance the identity of the group and make them more likely to secede. Vile argues that

> [i]t 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, 222–23).

Nordlinger rejects federalism on similar grounds (1972, 32). The foundations of this argument lie in the claim that a) a less homogeneous unit would be inhibited if a substantial number of its ethnic group would be left behind after secession and b) homogeneous units enhance separate loyalties.

Through imbuing territorially concentrated ethnic groups with resources, legitimacy, and a power base

To argue that the coincidence of ethnic and 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. The creation 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. 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 actively seek to create a dual identity for fear of exacerbating violence and repression (1972, 37). His rationale is that it is problematic for an uncontested national identity to be created from a common past, because history is contested. This ignores the possibility that federal structures themselves can create a dual, possibly civic, identity, which encompasses both central and regional loyalties. Alan Cairns argues that the central government should transmit messages of a heterogeneous nationhood and identity (1995, 35), which should explicitly include those not part of the "natural" ethnic majority. 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 toward the institutions.

Federalism may be successful for another reason: if there are positive reasons for staying within the federation. Horowitz notes that, "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" (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 are promoted through federal structures. Economic interests in unity are fostered through economic interdependence between the center and the unit, as well as by financial redistributive mechanisms. Cultural autonomy can increase the separateness of a group while simultaneously reducing conflict with the center. Cultural autonomy to promote a group's language increases interaction with the center if the identity is politically recognized and utilized as a method of power acquisition at the center (civil service exams, for example). 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 of 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.

Through the creation of separate loyalties

Addressing the point that homogeneous units 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. The rationale of bringing government closer to "the people" affected by it cannot be achieved if "the people" do not posess their own state. If the premises of nationalism are accepted, then "any old" provincial government will not achieve the same identification or promote the same degree of responsiveness to individual citizens and give expression to primary group attachments as a government of "their people." 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 situation will be discussed later in the examples of India and Pakistan. Additionally, if boundaries *deliberately* do not coincide with ethnic ones, the division of power 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, Hamida 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" (Harrison 1991, 313). Ethnically homogeneous units also provide cultural institutions with institutional protection 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*, Punjabis, comprised only 29 percent of the population.[17]

HOMOGENEOUS UNITS DO NOT PROVIDE OPPORTUNITIES FOR INTERETHNIC ELITE COOPERATION

Although interethnic 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 favorably affecting federal

processes on the "national" level through small and manageable cooperation (Duchacek 1991, 3). Interethnic relationships can soften ethnic hostility among politicians. Personal relationships cannot be built from a distance.

However, homogeneous units can *also* promote competition and cooperation favorable to the success of federalism, albeit of a different kind: "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 within which to contest power. In a homogeneous unit this increases *intra*ethnic competition. This may reduce conflict with the center, but only if security of culture is assured through mechanisms to ensure minority protection within the federation as a whole. In the absence of such security, conflict with the center is likely to remain. The creation of ethnically homogeneous units in order to achieve national self-determination and increase security of culture is therefore important, but not sufficient.

Conclusion

An understanding of the differing rationales behind the creation of the federal systems of India and Pakistan must start before partition in 1947. This study concentrates primarily on the decisions that were made by the national leaders of the struggle for independence, as well as those made by the British government. To do so is not intended to minimize the importance of other actors, especially regional politicians. Where regional politics have impacted upon the decisions made at the national level, they are taken into account. However, analyzing the formation and stabilization of the federations of India and Pakistan necessarily entails a top-down macro approach. Although regional articulations of national identity are discussed, it has not been possible to conduct a detailed case study of ethnic movements, secessionist or otherwise, within either country. As Theda Skocpol advises, macro analysis is possible (and desirable) as long as excellent case 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, thorough and informative case studies of the many ethnic movements exist (Marwah 1979; Ganguly 1996; Mitra and Lewis 1996; Bose 1997; Singh 2000; Phadnis and Ganguly 2001).

This study, therefore, undertakes a qualitative analysis of the documents surrounding the struggle for independence, focusing on the policies proposed by the Congress and the League, especially those concerning the position of

minorities and nondominant groups as well as institutional structures of managing diversity. This study is interested in the extent and nature of the recognition of linguistic and religious identities; indicative of the state strategy that was adopted to manage these identities. Focusing on these factors facilitates an assessment of the relationship between the identities articulated before and after independence and the changing nature of the federal plans that were proposed.

The structure proceeds in a broadly chronological fashion. Chapter 2 briefly discusses the institutional precursors of federalism in South Asia—the Mughals as well as the East India Company (EIC) and the British *Raj*. Its main concern is with the Congress Party's and the Muslim League's conflicting understandings of federalism. Chapter 3 elucidates the specific elements of federal design that the Congress and the League disagreed on, specifically those concerning consociationalism versus majoritarianism. Chapter 4 focuses on the post-independence constitutions of India and Pakistan and their similarities and dissimilarities with the British constitutions. It assesses to what extent the differences are explainable by the changed linguistic and religious demographics of India and Pakistan.

Chapter 5 continues the analysis of the post-independence constitutions, but relates the decisions taken in constitutional design to the nature of the state-sponsored articulation of national identity. It contends that the decisions taken at the time of constitution formation are a proxy for understanding the attitudes toward the management of linguistic and religious diversity. Chapters 6 and 7 separately discuss the history of federal (in)stability in India and Pakistan—focusing on the challenges posed to the center in both federations and relating these challenges to the nature of the identity that was expressed in the constitutional design. Finally, Chapter 8 concludes with an analysis of future federal prospects for India and Pakistan in the light of the regionalization of party politics and the coming to power of the Bharatiya Janata Party (BJP) in India, as well as the war on terror and the presidency of Pervez Musharraf in Pakistan. It also asks the question: to what extent are the "lessons" learned from India and Pakistan applicable to the constitutional reconstruction of countries, such as Iraq and Afghanistan, which face many similar challenges.

CHAPTER 2

FEDERAL PLANS IN PRE-INDEPENDENCE INDIA

The British rule … disrupted the natural evolution of India into an authentic federal polity.

(Khan 1992, 37)

The British could not have organised India as they did if the people had not already been … 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)

We divide and you rule.

(Mulana Muhammad Ali to the British Government in 1930)[1]

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)

FEDERAL ANTECEDENTS IN SOUTH ASIA

Did federalism have historical antecedents in South Asia? Was it the only possible institutional configuration to rule such a diverse and large territory? 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 central ruler 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. Even the historian Reginald Coupland, a fellow of All Souls' College, Oxford, who wrongly argued that "there was … no division of authority, no trace of the federal idea in the constitution of British India before 1919" conceded that in practice "superintendence and control" by the center were limited by distance and the sheer volume of work involved (1942, 10). These restrictions on "superintendence and control" have been a constant in organizing the governance of the subcontinent, ensuring that territorial autonomy remained a necessary feature of successful government in the subcontinent. But the extent to which they were a form of ethnic conflict regulation is more contestable, as many provincial boundaries did not coincide with particular ethnic groups.

Much continuity exists between the effective period of Mughal rule (1526–1707)[2] and the British Raj. One of the best recent discussions of the links between the Mughal and the British period has been undertaken by Judith Brown (1994, 33–40), although she focuses on explaining Indian democracy. The concession of provincial autonomy was an essential part of the British strategy to maintain "real" power at the center. In pursuing this strategy, the British were influenced by the regimes that preceded them.

An appreciation of the nature of both empires is essential to understand the continuities between the two regimes.[3] Yet interpretations of the nature of both regimes are contested (Kulke 1995, 1–47), as are historiographical interpretations of the nature of Indian society.[4] These understandings have affected the formation of constitutional structures and ideologies of governance.

The imperialist or neo-imperialist school emphasizes divisions within the subcontinent to justify the need for British rule to unite the peoples and prevent bloodshed. India is seen as a "geographical expression," with the Hindu and Muslim divide being fundamental and irreversible (Spear 1965, 111). In contrast, the nationalist school—primarily writing around the time of the

independence struggle, but not confined to this period—is concerned with emphasizing the unity of the subcontinent, despite its divisions of race, region, ethnicity, caste, and religion. Jawaharlal Nehru's[5] "Discovery of India" typifies these writings, stressing the solidarity Congress was able to achieve despite the heterogeneity of Indian society and asserting that the whole was greater than the sum of its parts (1946, 391). In contrast to those *secular* nationalists who claim that social differences are not an obstacle to unity, and indeed, have strengthened the Indian nation, *Hindu* nationalists seek to justify the primacy of the ancient Hindu civilization over the usurping Mughal and glorify the past as "a compensation for the humiliating present." They "stress the political unity of the country from earliest times" (Thapar 1968, 326–27). The third school is that of the "contemporary ethnic nationalists" (Chadda 1997, 27). These authors typify the subcontinent as comprising several distinctive historical, 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 independence for these entities. The similarity to the imperialist understanding of Indian history is significant. Those who advocated the partition of the Indian subcontinent fit into this category.

Interpretations of Indian history enable us to understand the politics behind constitutional design and political action. The perception of a divided country needing a firm hand not only justified British imperial rule but also "justified" policies designed to separate Hindus and Muslims. The perception of a united India, as epitomized by Nehru in "Discovery" (1946, 219), similarly influenced the type of federal system designed after independence—one that initially sought to relegate "ethnic" identities to the personal sphere. Mohammad Ali Jinnah's conception of India as comprised of two religiously defined nations similarly affected the form of the Pakistani federation.

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). This makes it problematic to speak of a "state" in the modern sense of the word, with a ruler exercising sovereignty and wielding legitimate force over a defined territory. Before the Mughals 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. As Samuel 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]…. [I]n the Indian subcontinent, empire was very much the exception and transience the norm" (1997b, 1211).

Similar to other conquerors of India the Mughals built upon existing structures, but they were also innovative (Ali 1995, 266). Joseph 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 Mughals had not managed to unify India, but they controlled the core of what is now known as India, as well as most of the territory that now comprises Pakistan and Bangladesh.[6] 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 has had an undeniable influence on the ability to forge a united "nation" within the territory.

Emperor Akbar is widely credited for evolving the "Mughal system" of administration.[7] This system provided institutional continuity to a regionally, linguistically, and religiously diverse society. The problem of how to govern effectively without leading to disunity was not a new one.[8] However, Akbar was the first ruler of India to base his entire administration around the provinces, and they assumed far greater importance than under Sher Shah. Akbar systematically reorganized the areas under his control (Ali 1995, 266). This system was extended to areas conquered by his successors. The Mughal system differed from most of the previous dynasties in its extent of territorial penetration and provincial organization. The four central departments—finance, war, judiciary, and supply—were replicated at the provincial level, thus the provinces were an *integral* part of the Mughal system of administration (Ali 1995, 267; Finer 1997b, 1242). They were designed to be efficient tax revenue collection institutions.[9] Even though the Mughal Empire was authoritarian, the significance of this system of provincial organization should not be underestimated.

Provincial organization was organized around provincial governors, or *subedars*,[10] who received instructions from their emperor. This complex chain of command was an administrative solution to the geographical size of India and the ultimate basis of Mughal power. Although more centralization may have been desirable from the perspective of the regime, it was impossible to achieve.

The *subedar* was responsible for the protection of the province against external and internal rebellion, as well as for the maintenance and discipline of the military forces in that state. Max Weber argues 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 identified in this system is similar to the powerful critique of the dangers of federal structures of government: the danger of secession. The Mughals countered this danger through transferring leaders and forces between *Subahs*, approximately every four to five years. Finer observes that "[t]he Emperors succeeded only too well as the nobles, rather than being the pillars of the state, sought to acquire their own power" (1997b, 1258). In addition, Akbar instituted a system in which the *subedars* were directly responsible to him. To prevent the development of powerful families (with control over the land revenue of that *Subah*), Akbar and his successors did not permit heirs of nobles to succeed directly to their father's posts.[11] Therefore the system was not a feudal one. It was a necessary mechanism to consolidate territory and promote efficiency, similar to the motivations behind the formation of federations in the nineteenth and twentieth centuries. This study accepts that the Mughal Empire was "a complex, nuanced and loose form of hegemony over a diverse, differentiated and dynamic economy and society" (Bose and Jalal 1998, 36), but it is important to recognize that the Mughal Empire and its systems of rule were primarily based around the emperor himself.

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 city" (Abul Fazl, a contemporary and chronicler of Akbar's life cited in Khan 1992, 102). This reorganization is confirmed by other authors (Schwartzberg 1978, 205; Smith 1923, 24–25; Srivastava 1997, 113), but Rasheeduddin Khan's claim that "[a]n obvious concern was shown for linguistic and socio-cultural homogeneity in the delimitation of provinces" must be treated with caution (1992, 37–38).[12] No scholars of the Mughal Empire mention this rationale behind the organization[13] and neither do political geographers (Spate and Learmouth 1967, 187–88; Day 1949, 118). Indeed, Winifred Day argues that "the Suba or Provincial boundaries were not deliberately defined to coincide with 'natural' regions, for Subas were created as conquest was extended" (1949, 118). By the time Aurangzeb's conquests were completed, they numbered twenty-one.[14]

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. But the ancient Hindu states, especially the Rajputs, retained autonomy, although they had to swear fealty to the emperor. 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 southward but

also promoted stability for the empire (Griffiths 1952, 130–31). Although the emperor was ultimately supreme, this provincial system permitted certain aspects of indirect rule and cultural, religious, and linguistic 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.

The reorganization of the *Subahs* was prompted by Akbar's desire to systematize the administrative framework. Whether or not they were organized according to cultural boundaries, the fact that many provinces were permitted to keep their own kings was significant, given that 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). Oskar Spate and Andrew Learmouth identify "nuclear regions, … which are perennially significant in Indian historical geography" (1967, 187–88).[15] It is therefore not surprising that some congruence existed between territorial and cultural boundaries under the Mughals. Interestingly, 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).

In contrast to the Mughals, because of its uncoordinated territorial expansion, the East India Company's (EIC) administration was haphazard. The EIC was set up in 1600 and established three trading posts on the coast during the seventeenth century. These three trading posts became known as presidencies, "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 expanse.[16] 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 communication, although they were quick to aid the others if needed. Before 1773, the presidencies were completely independent entities, subordinate only to the EIC's governing body in London.

As the Mughal Empire declined, the EIC gradually inserted itself at the top of the structures of rule formed around the processes of taxation and defense vacated by the previous regime. In common with the Mughals, the EIC used *zamindars* as intermediaries to help control the areas under its direct territorial control. It also systematically established treaties and alliances with the princes. These treaties were created for economic, political, and military reasons, and differed according to the power of the prince. Even in princely states where nominal sovereignty existed, the British official resident exerted influence and provided "advice."[17]

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 had dramatic implications. 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 as a whole, was concentrated in the EIC, funding an expansionist drive in a similar way to the Mughals. Between 1757 and 1857 Westminster acquired more control from the EIC. In 1773, after allegations of high-level corruption, the EIC was deprived of sole control.[18] A more unified system of administration was created. The governor of the Bengal Presidency was given the title of governor general, with the authority "of superintending and controlling" the governments of Madras and Bombay in certain matters (Government of India 1948b, Article 9). This confirmed their dependent status.

In 1833, under the influence of the utilitarians, Westminster continued the centralization process. The governor general of Bengal expanded his discretionary powers and was given the power to abolish the councils of Madras and Bombay. In the event, the number of councilors in these provinces was reduced from four to two. More importantly, all legislative powers were taken away from the provinces,[19] which became financially dependent upon the center—a trend which was subsequently never fully reversed.

However, the utilitarian centralizing trend did not survive the death of its founders, and was overturned soon after the death of Jeremy Bentham and James Mill.[20] The Act of 1853 created a lieutenant governor to administer Bengal (Government of India 1948a, 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 center were also laid down. The governor general's council's legislative element now included "[o]ne member for each Presidency and Lieutenant Governorship" (Government of India 1948a, Article 22). This was designed to rectify the problem "of there being no member of the Legislative Council at Calcutta who knew anything of the manners and customs of other parts of India."[21] While this appeared to be a significant victory for proponents of provincial administration, at the same time the center obtained the power to alter the boundaries of the provinces of India and acquired all residual powers (Government of India 1948a, 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 center.

In 1858 an Act of Parliament relieved the EIC of its role in the governance of India after the uprising of 1857, for which London held the EIC responsible. Westminster then assumed direct control. As under the Mughals, central control was based on conceding greater executive power to the provinces. The Indian Councils Act of 1861 reinstated and expanded the legislative element in the Madras and Bombay councils and the number of provincial legislative councils was increased. Despite this, their powers were limited. Contrary to their sister organizations in other parts of the British Empire, they were not permitted to discuss taxation and they were not sovereign legislative bodies (Coupland 1942, 13).

In practice the restrictions imposed by the sheer territorial size of India ensured that central powers "were exercised in matters of policy rather than of current administration" (Coupland 1942, 11). 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). Every reform conceded 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 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 democratization was introduced at the provincial level as a "safety valve" mechanism.

The Mughal provincial boundaries were redrawn by the EIC's random administrative expansion. When Westminster took direct control in 1858 the presidencies were broken up.[22] Swiftly, however, the new provinces also developed identities of their own (Coupland 1942, 12). At the same time, as Brown reminds us, democratization increased pressures to determine the issue of *which* Indians would be represented (1985, 127). This issue was made more prominent through the introduction of the census in 1872, which categorized Indians according to their religious identity for the first time (Corbridge and Harriss 2000, 8). These trends coincided with other processes, such as Muslim and Hindu revivalism in the late-nineteenth century (Robinson 1993, 66–83). The creation of separate electorates at the national level in 1909, therefore, cannot simply be seen as a concession to a legitimate fear. 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).

The structures of federalism adopted in colonial India were partially mechanisms used to perpetuate British rule—first, through democratizing at

a "safe" level[23] 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, as the discussion of the Mughal institutions of government has demonstrated.

Understandings of Federalism in British India

Territorial autonomy was therefore a historically established ruling strategy for the Indian subcontinent; even if it was not the rigid codified constitutional federal form analyzed by constitutionalists, such as Kenneth Wheare (1963, 33). To argue that India and Pakistan were influenced by the state structures that preceded them is not a revelation. A stronger claim is that federation was the *only* possible institutional structure through which the successor states 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. Nehru's statement in the Rajya Sabha in December 1955 that a one-unit federation "would be ideal" is a strong indication of his dispositions (Bondurant 1958, 56).[24] Both the Muslim League and the Congress Party, despite their many internal divisions—indeed *because of* them—signed up to plans that were federal. Differences within these movements were often more significant than those between them.

To understand post-independence constitutional formation, and its contribution to federal stability (or otherwise) in India and Pakistan, it is necessary to discuss the attitudes toward federal design of the League and the Congress. The British government structured the debate on federal forms of government, and the degrees of what would now be called consociationalism within it. Different elements of the British constitutional plans appealed to different organizations. The British "winner-takes-all" system of federation appealed to the Congress, while the segmentation of the communities through separate electorates and legislative weightages appealed to the League.[25]

Of course, the League and the Congress were not the only organizations affecting constitution formation after independence, but they did play a uniquely important role. There were many other regional political parties and actors who possessed substantial power in pre-partition India, notably the Unionist Party, which reached across religious communities for its support, the National Liberals, the Hindu Mahasabha, as well as the more powerful princes. Ian Talbot argues that

> [a]n 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 the importance of these actors and movements should not be marginalized, but it is problematic to include their preferences in the following macro analysis. 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 (SCs) were often more contentious. Despite this, all the constitutional plans proposed within these dates were drafted under the assumption that there would be 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 center. This colonial legacy has proved to be a definitive one.

Federations, as we have seen, can take many forms and serve many different purposes. To provide a more meaningful analysis than the statement that "the plans proposed a definitively federal form of government," it is necessary to look at the proposed form of these federations. This more nuanced analysis permits a focus upon the impact of the federal form on ethnic conflict regulation; first, by examining the effect of institutional form upon political behavior; second, by revealing the preferences of the elites who advocated the federal form, which in turn affected the operation of the institutions.

While all of 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. This study focuses on those elements relevant to the success of a federation as a mechanism of ethnic conflict regulation. It concentrates on the extent to which a federation is majoritarian or consociational. As discussed in Chapter 1, consociationalism was expounded by Arend Lijphart in the 1960s to explain why multiethnic societies could remain democratic (Lijphart 1969). Consociational federal structures facilitate the accommodation of territorially dispersed ethnic groups—something that federal structures cannot easily do.[26] They also address the concerns of territorially concentrated groups who are a minority

in the state as a whole and for whom federal structures give no guarantees of minority veto or protection outside of their province, especially at the center. Although consociational elements are distinct from those specifically associated with federalism, there can be overlaps as discussed in Chapter 1. The demand for the inclusion of these consociational elements, specifically by Muslims who were in a provincial minority, were an integral part of the acceptance of the federal system of government in British India, and cannot be dissociated from the plans proposed and accepted.

An analysis that takes into account consociational elements posits the distinction between attitudes toward minority accommodation proposed by the Congress and the League better 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 are often majoritarian systems of government; assessing the extent of consociational elements of government within the plans proposed before independence provides a strong comparative element with which to examine the post-independence constitutions and to understand how they operated.

Lijphart has distinguished between four features of consociationalism. The first of these was a grand coalition, vitally important because of its inclusion of all of the political leaders of a significant segment of a society (1977, 25). This feature was expressed in the constitutional designs of pre-independence India by giving a community executive-weightage out of proportion to their part of the greater population. The second feature was that of proportionality, both in terms of "allocating civil service appointments and scarce resources," but also in "decision making organs" (1977, 39 & 51). This was expressed through separate electorates, overrepresenting a community in a legislature, and reserved seats. The third feature was that of segmental autonomy, given federal expression through the creation of 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. Therefore, linguistic or religious reorganization of units were vitally important, as well as which powers were allocated to the units and where residual powers were located. Lijphart's final feature was the mutual veto. A community will not have its vital interests outvoted at the center, damaging the condition vital to making consociational democracy work: intersegmental elite cooperation.[27] This study contends that a state may possess certain consociational elements identified by Lijphart, while lacking others, and these elements remain significant.

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 stipulate a particular constitutional structure. However, other plans, such as the Lucknow Formula of 1916, the (Motilal) Nehru Report of 1928, and Jinnah's 14 points of 1929, as well as the Cripps Plan of 1942 and the Cabinet Mission Plan (CMP) of 1946, were more detailed. The Government of India Acts of 1919 and 1935 were, of course, fully fledged constitutions.

ATTITUDES OF THE CONGRESS AND THE LEAGUE TOWARD THE CONCEPT OF FEDERALISM

In Chapter 1, federalism was defined as a commitment to the self-government of a people through the division of sovereignty between territorially defined levels of government. In contrast, the term federation defines a specific political system within the genus of federal political systems, which may or may not be democratic. In evaluating the Congress and the League's attitude toward federalism, the distinction between a unitary and federal form of government (as opposed to centralized and decentralized forms of government) is vital. Within the history of the period it is common to read that 1935 was the first federation of India (Barua 1984, 56; Wheare 1963, 32; Sharma 1976, 60). This, however, is false.[28] Federations are diverse forms of government; they are not necessarily the most decentralized forms, but what is important in defining a federation is the division of sovereignty, rather than the extent of powers devolved.

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 power of the federal government, neither party officially advocated a unitary form of government in the plans discussed—although some individuals within the Congress did.[29] The perception that the Congress was in favor of a unitary state and the League was in favor of a federation is false. Both parties' commitment to a federal system of government can be partially accounted for by the fact that they worked within a British institutional framework.

But they differed on federal design. The specific element of federal design that is important to this study is the composition of the units within the federation. The composition of provinces has been an important element of federal design in South Asia. The attitude of the Congress to linguistic reorganization is well-documented (King 1997, 52–73; Roy 1965, 217–20). Not as commonly appreciated, especially given the anathema to the subject

after independence, was Congress's acceptance of the creation of the religiously defined Sindh in the 1928 Nehru Report. With the exception of Ayesha Jalal, the Muslim League's position with regard to federal design has not been explicitly commented on in the federalism literature. This omission is surprising because whether Jinnah sought an independent Pakistan, as orthodox historians believe, or security within a united India, as revisionist historians assert, a degree of religious organization of units was required. 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 reorganization and power sharing for religiously defined provinces, as he accepted in 1929 and Mohammad Iqbal demanded in 1930.

THE CONGRESS PARTY

The Congress was a centralized and disciplined organization but had several major internal disputes.[30] While the issue of federalism was not one of them, it serves to illustrate the difficulties in assessing organizational coherence. The Congress did not favor a unitary government, but it was initially suspicious of federal structures of government—especially under the 1919 Act—concerned that federation was a mechanism to thwart self-government in the absence of real power at the center. Therefore, the Congress did not reject the 1919 Act because of its concession of provincial autonomy.[31] 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). Congress did not oppose the federal provisions. This is illustrated by the fact that in 1924, Motilal Nehru, a prominent Swarajist,[32] advocated the extension of provincial powers and revenues (Sharma 1976, 122).

The Congress's acceptance of the need for federation was a practical one, the size and diversity of India required it, and the Congress was influenced by the experience of the colonies. Annie Besant, as the Congress president in 1917, called for "[a] Bill … establishing self-government in India on lines resembling those of the Commonwealth" (Sitaramayya 1935, 247). The Congress's internal party organization after 1908 was structured around Provincial Congress Committees (PCC), and after 1920, linguistically defined them. Even though the All India Congress Committee (AICC) and the Congress Working Committee (CWC) tightly controlled the PCCs, this organizational structure encouraged the development of political linguistic

loyalties. This ensured that internal pressure in favor of linguistic federation as a structure of government persisted. However, the Congress was divided over whether to adopt "minority friendly" policies. Many members of the "secular" Congress were also members of the Hindu Mahasabha, opposing Muslim demands on the grounds that India was a "Hindu nation." Others were concerned that "minority protection" would be detrimental to Muslims as a community.

The Congress's acceptance of federalism was codified when Motilal Nehru chaired the committee commissioned by the All Parties Conference in 1928 to produce a constitution to rival the deliberations of the Simon Commission. This "Constitution" subsequently became known as the Nehru Report. The Nehru Report *technically* advocated a unitary state, as Article 87 allowed the parliament to amend the Constitution without an explicit mechanism to secure the consent of the provinces. However, any amendment would come into force only after four-fifths of both houses of parliament consented. Since the second chamber was comprised of indirectly elected provincial representatives, this provision secured provincial consent for changes. This was in addition to the Report's constitutional division of power, upper chamber, and Supreme Court to adjudicate disputes between the levels of government. The form of federation proposed was centrist, with residual powers at the center, although it argued for both linguistic and religious reorganization of certain provinces. Additionally, the Report accepted a federal set up for India, not grudgingly, as is sometimes portrayed, but rather as "the only solid foundation for responsible government" (Nehru 1928, 85). Therefore, those authors who uncritically categorize the Nehru Report as unitary have only selectively read the report (Ahmad 1960, 25; Kaushik 1964, 308; Sayeed 1968, 69). The Congress concurred with the British over the centralization of federal structures while disagreeing over the extent of Indian control of them. Brij Sharma, a contemporary source, wrote that "it may safely be presumed that all prominent Congressmen subscribe to the view of a federated India" (1932, 210). This was because a federation was compatible with a majoritarian form of government.[33]

The Congress accepted the federal form of government again in 1931 within the Gandhi-Irwin Pact. The Delhi Pact states that "of the scheme there outlined, Federation is an essential part" (Sitaramayya 1935, 736). Contemporary actors often assumed that the Congress was in favor of a unitary form of government, partially because of conceptual conflation of unitary government with centralized government. Nehru, among others, contributed to the confusion. In his 1936 presidential address to the Congress, he stated that "[w]e are not against the conception of a federation. It is likely that a free India may be a federal India, although in any event

there must be a great deal of unitary control" (reproduced in Zaidi and Zaidi 1980c, 191).

While the Congress opposed the 1935 Act, it did not oppose federation as a structure of government. It concurred with the British over the centrist nature of the federation while disagreeing over the extent of Indian control of these structures. The CWC Resolution of 4 February 1938 made this clear.

> The Congress is not opposed to the idea of federation, but a real federation must, even apart from the question of responsibility, consist of free units enjoying more or less the same measure of freedom and civil liberty and representation by democratic process of election. Indian States participating in the Federation should approximate to the Provinces in the establishment of representative institutions. … Otherwise Federation as it is now contemplated will, instead of building Indian unity, encourage separatist tendencies and involve the State in internal and external conflict (reproduced in Zaidi and Zaidi 1980c, 42–43).

Though the Congress was not antifederal, it *was* more concerned with the organization of power at the center than those Muslims in Muslim-majority provinces who sought to benefit from the provincial autonomy opportunities afforded by the 1935 federal structure.

THE MUSLIM LEAGUE

For most of the period under discussion, the League was an undisciplined organization. Difficulties exist in portraying the Muslim League as a unified organization, even though its leadership was more stable than the Congress. Jinnah became, in Jalal's terminology, "the sole spokesman," contrasting sharply with the Congress's many prominent all-India leaders. Yet the League was polarized between the priorities of the Muslim-majority and the Muslim-minority provinces. Different institutional solutions recommended themselves to accommodate the *same* community—one a minority at the center but with the security of being a local majority (Muslims in Sindh), and one who was "twice cursed," being a minority both at the provincial and the all-India level (Muslims in the United Provinces). Many League members were also members of regional political parties with very different priorities.

Federal structures of government were generally welcomed, and the League did not boycott the 1919 institutions. In accepting federation as a structure of government within British India, the League was subject to the same compulsions as the British and the Congress. The provinces were of

varying sizes and many were a substantial distance from the center. Unlike the Congress, who viewed the concession of power at the provincial level as a negative mechanism of maintaining the *Raj*, many members of the Muslim community whom the League sought to represent were content with provincial autonomy within a British-controlled federation precisely because of the dangers of a Hindu *Raj*. The League's attitude toward federalism was therefore more complex than that of the Congress.

The "community" around which the League mobilized can be split at its core into those living in provinces primarily populated by Muslims—North West Frontier Province (NWFP), Punjab, Sindh, and Bengal[34]—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 support base. Until the late 1930s it could only claim to represent those Muslims in Hindu-majority provinces. Its leaders were Hamza Alavi's *salariat*, "the educated mainly lower middle classes whose main avenue for livelihood and upward mobility was to secure salaried jobs in the colonial … state apparatus" (1990, 27–28). This *salariat* was threatened by Hindu "encroachment" into government employment in provinces in which Muslims were a minority (Robinson 1993, 142). 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 the leaders of the League. Therefore, Jinnah and others in the Muslim minority provinces initially sought a centralized federation with minority protection at the center and within the provinces (Jalal 1985, 10). This reflected Jinnah's desire to consolidate the League's position at the center. The leaders of the League subscribed to a more decentralized federation only later as a strategy to co-opt the Muslim-majority provinces into the League (Jalal 1985, 54). Elites within Muslim-majority provinces viewed federalism primarily as a mechanism of minority protection at the all-India level, therefore favoring a more decentralized federation.

The difference in political aims between the majority- and minority-Muslim provinces was not immediately apparent. Demands for representation at the center, a consociational mechanism, initially 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 at the center. Similarly, demands for the creation of separate electorates and reserved seats (priorities for Muslim minorities in provinces) promoted Punjabi and Bengali Muslim's interests, a majority in their respective provinces, but only minimally. For the Muslim-majority provinces there was no necessary incompatibility between federal and consociational elements within the League's proposed plans, although

those in Punjab and Bengal sought reserved seats to maintain their majority status.[35] However, although there was no necessary incompatibility between the elements, many Muslims living in Muslim-majority provinces perceived one. As Khalid Bin Sayeed reminds us,

> It had always been the contention of Muhammad Shafi[36] 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 (1968, 65).

Yet, 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 the creation of more Muslim provinces did not serve the Muslim minorities' interests. In this, CWC member Pattabhi Sitaramayya was incorrect (1935, 811). He implausibly argued that Muslims wanted residual powers in the provinces to "deal effectively with Provinces having a majority of Hindus which might ill treat the Muslims." He was standing the logic on its head—residual powers in the provinces potentially meant greater powers to use *against* Muslim minorities.

These tensions between the consociational and federal variables were revealed in the position of Jinnah toward a federation. Hailing from a Muslim-minority province, from which most of the League's support came,[37] he was more oriented toward securing power at the center 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). This changed in 1929 when Jinnah's 14 points demanded that no change in the Constitution could be made without the concurrence of the provinces—a federal provision. This was a major change in strategy, but Jinnah retained a very different conception of federation than Shafi's. Within a weak federation, favored by the Muslim-majority provinces, strong Muslim provinces would ensure that the League would be the servant not the master. In Jinnah's opinion, Muslim minorities needed a strong center to achieve power and patronage (Jalal 1985, 51).

The change in the fortunes of the League came after the 1937 elections when the Congress gained majority control of five provinces and the League suffered an electoral debacle. Following the Congress's success, the Muslim-majority provinces accepted that they needed security at the center, and rejected territorial segmental autonomy as their sole strategy. As Jalal notes, "[n]o juggling of the political arithmetic could prevent safe provincial Muslim

majorities from being turned into an ineffectual minority at the centre" (1985, 52). It is at this point that Jinnah's consociational and the majority provinces' federal strategies coalesced strongly, and the League became a more effective mobilizing force, centralizing control of its organization in a manner similar to the Congress.

Although Jinnah vociferously rejected the 1935 Act—first for its inclusion of the princes[38] and then for its benefiting the Congress "agenda" (despite the 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 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 (AIML) in 1937, Resolution II stated that

> [t]he 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 Constitution (reproduced in Pirzada 1970, 274).

It is therefore incorrect to attribute the League's diminishing commitment to an all-India federation to the Congress's failure to form coalition ministries after their success in the 1937 elections. Before the elections, the Congress had promised a coalition with the League in the United Provinces, but was so successful that it reneged on the deal. This was not merely a partisan communal decision or one confirming the Congress's belief in the Westminster system of government. Muslims in the Congress also opposed the coalition in order to preserve their own positions (Hasan 1993, 13). Rather than the Congress's refusal to form a coalition, it was the actions of the Congress once in power that 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 Muslims in appointments, which, "[w]hether or not they were justified, they were believed" (Talbot 1990, xvii). At the 26th Session in Patna in 1938, Jinnah argued that

> [i]f 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 at an emergency meeting of its Working Committee, the Muslim League declared that it was now "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" (reproduced in Pirzada 1970, 310). The Lahore Declaration of 1940 demanded independent sovereign states in the Northeast and Northwest of India. This 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 1939.[39]

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 to be "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, because "[a]s long as Pakistan remained unachieved, all Muslims were supposed to subordinate their personal and ideological differences to the national goal" (Sayeed 1968, 180).

Conclusion

Forms of government-dividing power between the center and the provinces have a long history in the subcontinent. The challenges of effectively ruling a diverse territory were recognized by the Mughals and the British. In their turn, neither the Congress nor the Muslim League felt able to reject the federal idea. Both recognized the necessities that drove the British to adopt the framework. But federal forms differ and as the League and the Congress both advocated democratic and federal forms of government, it is necessary to unpack the conflict between the two organizations' preferences further. As noted in Chapter 1, federalism and democracy can both be majoritarian or consociational. An understanding of the conflicts between the two parties can be understood best by employing this consociational-majoritarian dimension and focusing on specific elements of constitutional design. This dimension will facilitate a comparison with the constitutions that were adopted after independence.

The Congress had federalized its party organization to mobilize against the British, and recognized that India could not be governed as a unitary state, but it was concerned with increasing the control of the center. The League also had an eminently practical purpose in subscribing to the federal idea. It became committed to it as a mechanism of minority protection for provincial Muslim majorities, in conjunction with consociational mechanisms at the

center. The actions of the Congress ministries after 1937 convinced many within the movement of the limitations of such a strategy, given the large Hindu 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 center as well as more autonomy for the provinces. This idea is supported by the League's acceptance of the CMP, which is discussed in the next chapter.

CHAPTER 3

The Federal "Problem" in South Asia: Institutional Design before Partition

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.

(Mahatma Gandhi in 1942)[1]

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)

DIFFERENCES CONCERNING TERRITORIAL AUTONOMY

Deploying a consociational-majoritarian dimension facilitates comparison of the differing demands of the League and the Congress. Unpacking the specific institutional differences provides us with a more concrete understanding of the ways in which these two movements viewed federal structures and consociational forms as promoting their agenda. With regard to formal federal provisions, the Congress and the League were remarkably similar, differing only on the issue of the location of residual powers. "[A] very important question and the crux of the whole problem" (Sharma 1932, 210) was: should these powers be with the center or in the provinces? The differences over this issue go to the heart of the debate between the League and the Congress, but also between different sections of the League. Both the League and the Congress agreed over the issue of reorganization 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 the Congress only addressed it in the Nehru Report—at that time supporting a majoritarian set up.

The Congress generally opposed the allocation of residual powers to the provincial units. While it did not dispute the right of these provinces to be effective units of government, it did not accord them pride of place in the governance of the state as a whole. The Congress was far more concerned with power at the center; therefore the Nehru Report rejected the allocation of residual powers to provinces. Although the Congress Working Committee (CWC) compromised in a 1931 resolution (reproduced in Zaidi and Zaidi 1980b, 193), in which it argued 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 particularly significant (Sitaramayya 1935, 808). At the Second Round Table Conference (RTC), convened to determine the future Constitution of India under British rule, the Congress was implacably opposed to the provincial allocation of residual powers. 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 "nonelucidated" (residual) powers at the discretion of the governor general; effectively in the hands of the center. In 1942, after the Congress rejected the Cripps Mission, the All India Congress Committee (AICC) adopted the "Quit India" resolution, which included the statement:

> [t]he 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*[2] (reproduced in Zaidi and Zaidi 1981a, 392).

This resolution did not include the Gandhian caveat of "the best interests of India" noted above. It marked a departure from the previous cautious position—the explanation being that the Cripps Mission had changed the parameters within which the "communal problem" would be "solved" by allowing provinces to secede. Although Sir Stafford 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 recognized that an independent India might not be a united one. The Congress thus accepted the provincial location of residual powers as an attempt to "solve" the communal problem without separation. This was because it was concerned with building as broad a support base for immediate British withdrawal as possible. Other concerns became paramount once British withdrawal became imminent.

In 1946 the Congress reluctantly accepted the Cabinet Mission Plan (CMP), which created a three-tier federation, and left the center with only three powers: foreign affairs, currency, and defense. Extensive residual powers resided with the provinces. The Congress strongly argued that the center should have the power to raise taxes to fund these three subjects—an argument resisted by the League. The Congress's acceptance of the CMP ran contrary to its established constitutional preferences and ultimately Jawaharlal Nehru undermined the CMP, in order, at the very least, to give the Congress freedom to maneuver in future constitutional formation.[3] The small number of powers at the center posed a significant problem for the Congress. The issue of residual powers was an important element undermining the acceptance of the CMP, possibly as important as the issue of executive formation. While some of the Congress elite were prepared to concede a confederal formula to keep India intact, others such as Nehru were not. 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 before 1946) and the Muslim-majority provinces (where the League hoped to expand its support), had very different concerns. Although their priorities were not necessarily antithetical, they had the potential to be. The location of residual powers was one of these issues.

The demand for the provincial allocation of residual powers was a demand suited to the needs of the Muslim-majority provinces that would gain more autonomy from the center with which to enhance their security. For those Muslims in minority in a province, residual powers did not enhance their security and potentially even undermined it.[4] This was of course, dependent on which powers were allocated to the province, and the

power of the judiciary to regulate their use. As discussed in Chapter 1, the danger of minorities being targeted by unfriendly state governments is an expressed concern against the adoption of federalism as an ethnic conflict regulation device. As will be discussed in Chapter 6, after independence in India, the rights of some religious minorities were undermined by state governments. Mohammad Ali Jinnah's initial strategy of concentrating on the security of the Muslim community in an all-India setting, and control of the center, meant that he was not concerned with the location of residual powers until after the publication of the Nehru Report in 1928. His strategy changed at this point, as the deliberations that culminated in the Nehru Report had rejected his 1927 concession to abolish separate electorates. In return, Jinnah had demanded representation according to population in the Bengal and Punjab provincial legislatures—so that the Muslims would receive a slight majority of seats in each case—a mutual veto at the center, and at least one third Muslim representation in the central legislature.[5]

Because the Congress refused to accommodate Jinnah's demands

> [b]y 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 should be allocated to provinces coincided with the demand for the separation of Sindh from Bombay and the recognition of Baluchistan and North West Frontier Province (NWFP) as Governors' Provinces. The demand for residual powers must therefore be understood as promoting 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 for territorially dispersed communities and consociational executive power-sharing in a strong center, to seeking territorially defined segmental autonomy and a weaker center, while not abandoning power sharing.

Significantly, Muhammad Iqbal backed up the demand for territorial autonomy in 1930, calling for independent Muslim states (as part of India). Following on from Jinnah's 14 points, at the All India Muslim League's (AIML) 21st session in 1930, Iqbal demanded that

> [t]he Muslims of India can have no objection to purely territorial electorates[6] if provinces are demarcated so as to secure comparatively homogeneous communities possessing linguistic, racial, cultural and religious unity (reproduced in Pirzada 1970, 161–62).

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." At the RTC, the Muslim League refused to budge on this issue.

DIFFERENCES OVER POWER SHARING

While there was only one, albeit significant, difference concerning formal federal provisions, the primary disagreement between the Congress and the League concerned the degree of consociationalism. This is why Brij Sharma concentrates his analysis on 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 in the central executive, were sacrosanct for the League, and all three elements appear in all the plans that the League signed up for or advocated. 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 that is a minority in the country as a whole is not guaranteed sufficient representation, let alone an effective voice in decision making at the center. The link between the insecurity of provincial minorities and local majorities, who were minorities at the all-India level, explains why the needs of the Muslim-majority and Muslim-minority provinces were not antithetical in all respects, and why, when Jinnah moved toward a federal strategy to accommodate the Muslim-majority provinces, consociational elements remained important.

Since much of the next chapter concentrates on the relationship between the religious and linguistic demographics and the constitutional plans that were proposed, it is necessary to deploy shorthand. This shorthand is the effective number of ethnic groups (*eneth*). The formula to calculate *eneth* was originally developed by Albert Hirschman as an index to assess the concentration of economic power (1945, 159). Rein Taagepera and Matthew Shugart applied the formula to measure the effective number of parties in a political system (1989, 77–91). The "real" number of political parties tells us little of political interest as parties have varying degrees of influence and a party may possess minimal support. Taagepera and Shugart were concerned to discover the influence that these "effective" parties had.[7] Their formula is a useful one because it does not exaggerate the influence of the tiny parties. Brendan O'Leary has applied the formula to the study of the relationship between the number of effective ethnic groups—whether defined along linguistic, religious, racial, or cultural lines—and the stability of democratic federations (2001a, 288–89).

The formula is $1/\sum p^2_i$

"Where p_i is the fractional share of the i-th ethnonational group and $\sum$ stands for summation over all components" (O'Leary 2002, 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 intuitive sense" (2001a, 289). It creates a score that corresponds to the effective number of ethnic groups in a state. The range starts at 1 if there is complete homogeneity of a population, 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 British India, the effective number of religious groups (*enrel*) is calculated in Table 3.1.

Table 3.1 The effective number of religious groups (*enrel*) in British India in 1941

Religious group	**Percentage of population**	**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	*enrel*
Total	100	0.497	2.01

Source: Adapted from Government of India (1943).

Notes: Weighted values produced by multiplying the fractional share by itself—for example, .659 x .659 = 0.4343.

"Others" includes tribal groups, classified separately under the 1941 British census as comprising 6.6 percent of the population. *enrel* remains the same whether they are classified as "others" or separately. For comparison with the post-independence data they are classified as "others."

While some scholars of South Asia would no doubt raise their eyebrows at the notion that there were two effective religious groups within British 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 British India supports the claim of the Muslim community's "effectiveness." As will be discussed in Chapter 4, after independence when the Muslim population of India was reduced, the Congress was able to introduce a much more majoritarian federation than would have been possible if India had remained united.[8]

Both separate electorates and reserved seats would have guaranteed a certain level of representation at the center (and in the provinces), although they

would not guarantee an effective voice in decision making. This was 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 for religious minorities, 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

> for various reasons of expediency, such reservation was recommended for a time to serve as a transitional stage. … [T]he 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).

In contrast to the Congress's pragmatic but grudging concession of reserved seats, reserved seats were *indispensable* to the League; a precondition for legislative weightage and vital for separate electorates, they were featured in all of the League's plans. The issue of reserved seats was central to Jinnah's strategy of reinforcing the Muslim position at the center. 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, the demand for the reservation of one third of the seats in the central legislature was not a trivial demand, but rather one that was central to Jinnah's strategy—especially if parties split along religious lines.[9]

The Congress, in the Nehru Report, 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 (1928, 54).

The Report also rejected the reservation of seats for the Muslims in Punjab and Bengal based on population, which would have given them a slim majority. It did so on the ground that "reservation for a majority is indefensible" (1928, 39), despite the Congress's acceptance of the demand only a year previously at its Madras conference.

Separate electorates were the second element on which the League was adamant it would not compromise, at least in the absence of the safeguards laid down in 1927. The Congress was opposed to their use, as seen in the

intractable language used in the Nehru Report, but other issues took precedence at certain times. As discussed, the Congress did not accept Jinnah's offer to scrap separate electorates in return for one-third representation at the center and the allocation of residual powers to the provinces in 1927. It also signed up to plans that accepted separate electorates in 1916 and 1946—separate electorates being one of the least contentious issues in the CMP. The fact that the Congress was willing to compromise does not mean that separate electorates were not important; separate electorates undermined the basis of the Congress's ideology: India as a united nation. But the Congress's belief in united nationhood was subservient to other matters, namely its own level of representation and control of the center. This supports the argument that Nehru's questioning of the permanence of the CMP's provisions was consistent with the preferences of the Congress.

The third element on which the Muslim League would not compromise was that of the mutual veto. This was a firmly 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 the provision was adopted in the Congress's Constitution in 1908 (Sitaramayya 1935, 87). The provision was designed to encourage Muslims to join the organization; it largely failed. Why then was a mutual veto excluded from the Nehru Report despite Jinnah's insistence that it be included? The adoption of such a veto had been confirmed by the Congress at its Madras Session only one year previously.

Two complementary explanations can be advanced. The first is the Hindu Mahasabha's influence at the 1928 All Parties Conference. The Mahasabha sought to prevent a Hindu–Muslim rapprochement. A prominent member of the Mahasabha, M. R. Jayakar, argued that even if the concessions Jinnah wanted were granted, Jinnah would not be able to bring his followers along with him. The Mahasabha was a small organization, but Motilal Nehru and others in the Congress 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 some argued that this would not serve the interests of the minorities. In addition, many members of the Hindu Mahasabha were also members of the Congress, and the former was a faction within Congress until 1937. Even after 1937 "the pillars of the former [Mahasabha] preferred to remain in the latter [Congress]" (Jaffrelot 1996, 33). But the Mahasabha had also been involved in the negotiations in 1927.

The second, and more convincing, explanation for the change in position from the 1927 Madras Session 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. In so doing it sought a more majoritarian framework. Nicholas Mansergh has argued that to compromise on the mutual veto (although he does not use this terminology) would have undermined the Congress's position (1999, 10). Others have argued that Jinnah would have been unable to deliver on his promises and therefore the Congress had little to gain from making concessions. A more convincing explanation is that the Congress was primarily concerned with maintaining its prospective control over the center as a means to promote national unity. This is consistent with the argument put forward so far.

The Nehru Report's refusal to accept Jinnah's amendments led to the rapprochement of the Mian Muhammad Shafi and Mohammad Ali Jinnah wings of the Muslim 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 with the Simon Commission—and were less willing to compromise with the Congress than Jinnah. But the renewed closeness did not mean that partition was inevitable. B P Barua has argued that it was the rejection of the Muslim demands in the Nehru Report that led to the League's separatism (1984, 65). In contrast, constitutional lawyer A G Noorani stresses that the Nehru Report did not make the parting of ways between the two parties inevitable, or otherwise the 1937 elections would not have been fought under a Congress–League alliance in certain provinces (2001, 84). This study concurs with Noorani. As discussed in Chapter 2, it took the actions of the Congress's provincial governments, which were elected in 1937, to convince the League of the dangers of a majoritarian federation, and the statement of Nehru in 1946 to remove the possibility of a united India.

PROVINCIAL REORGANIZATION

If provinces are ethnically homogeneous then they can be a mechanism of segmental autonomy. Yet federal units are not always homogeneous along ethnic lines. In addition, federal units may be homogeneous but not contain the majority of the population of a particular ethnic group in that country. In many federations this would be practically impossible. In India in 2001, if only one unit enclosed all Hindi speakers, such a unit would encompass 443 million people, or 45 percent of the Indian population (Government of India 2001). In many other cases homogeneity of units is impossible because of a lack of territorial contiguity. Complete segmentation along community

lines (one ethnic group = one unit) may not be conducive to national integration if huge disparities in population, and consequently representation, exist.[10] However, if an ethnic group is subdivided between more than one unit and party fragmentation results, it may diminish the elite's ability to speak for, and control, their ethnic group, which is said to be vital for a successful consociational settlement.

Homogeneous units permit an ethnic group to control 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 discussed in Chapter 1, there are two reasons why the ethnic composition of the units of a federation is important for the stability of the federation. First, the recognition of the legitimacy of a group's identity through institutional expression indicates an inclusive state strategy.[11] As Swarna Rajagopalan observes, "[t]he negotiation of the basis of unit demarcation and the politics of that demarcation are thus also negotiations about the identity of the state" (2001, 14). The ethnic composition of provinces can be a proxy indicator of the national identity articulated by the state elites. Second, homogeneous provinces create opportunities for intra-ethnic competition as groups compete internally over access to power. This intra-ethnic competition can be reflected in the party system in a democratic federation, which will be discussed in more detail in Chapters 6 and 7.

Before we discuss attitudes toward the reorganization of provinces, it is important to contextualize the structure of ethnicity within which these debates were taking place. The effective number of linguistic groups before independence in India was an incredibly high 8.52. In all the federations of the twentieth century, both democratic and nondemocratic, at 15.08, only Uganda has a higher effective number of ethnic groups (data adapted from United Nations 1963). Table 3.2 demonstrates this diversity:

Table 3.2 The effective number of linguistic groups (*enling*) in British India in 1941

Language	Percentage of population
Hindi	23.58
Bengali	15.81
Bihari	8.31
Telugu	7.80
Punjabi	7.26
Marathi	6.22
Tamil	6.02
Rajasthani	4.14
Kannada	3.34
Oriya	3.31

Gujarati	3.23
Malayalam	2.72
Austric Family	1.45
Sindhi	1.19
Other Dravidian	1.15
Pahari	0.81
Tibeto-Chinese Family	0.74
Pashtu	0.49
Kashmiri	0.43
Others	1.82
Total	**100**
enling	8.52

Source: Data adapted from Government of India (1947d).

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

THE CONGRESS AND REORGANIZATION

The Congress was favorably disposed toward the reorganization of provinces before independence. The creation of homogeneous provinces provides a form of segmental autonomy, but by itself it is not sufficient to maintain security. Before independence, the Congress was not implacably opposed to the religious reorganization of provinces as seen in the 1928 Nehru Report. This historical misperception arose because of the Congress's opposition to the 1905 partition of Bengal along religious lines, and the refusal of Nehru to concede the reorganization of the Punjab after independence.

The first partition of Bengal in 1905 was critical. Bengal was divided by the British into two religiously defined provinces: one comprising eastern Bengal and Assam and another consisting of western Bengal, Bihar, and Orissa. The reasons behind the 1905 partition are disputed. The Indian elite, including Krishna Menon, a future defense minister, asserted that it was an attempt to divide and rule the Hindu and Muslim communities: "the dividing line was so crudely drawn that it meant the splitting of the province into two communal blocs" (1957, 6). John 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 partition to a case of divide and rule, and "[Viceroy] Curzon … was not unimpressed by the view that Bengal's highly vocal critics would also thereby be partitioned," it must be stressed that the British (and the Mughals before them) had previously pursued reorganization within this presidency.[12] But the primarily Hindu agitation against the partition forced the British to reverse their decision in 1911. The reorganization

of Bengal in 1911 created the provinces of Bihar, Bengal, and Assam, and increased the congruence of provincial boundaries with homogeneous linguistic populations.

The Congress's opposition to the Bengal partition was multifaceted. The Congress's secular, one-nation theory rejected the perception of India as divided between different religious communities. It ostensibly rejected the partition along religious lines on these grounds. Educated Bengali-speaking Hindus feared the creation of a Muslim-majority province in which they would be marginalized along religious lines. The Congress also believed that the motivation for the partition of the province was a mechanism to divide and weaken the politically active Hindu population in Bengal. Finally, 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). Bengali Hindus were also concerned about their status as a linguistic minority in a state merged with Oriya-speaking Orissa and Hindi-speaking Bihar.

The Muslim League was formed in 1906, partly in reaction to this vocal Hindu sentiment that they interpreted as being anti-Muslim. But it was also a reaction of the Aligarh Muslims of the United Provinces 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" (Robinson 1993, 142). The Muslim League was encouraged by the British who either initiated (Banerjee 1949, 205) or at least supported the demand for separate electorates (Robinson 1993, 143–44). But the Congress's opposition to the division of Bengal was not merely motivated by the fact that a Muslim-majority province would be created. The Congress accepted, indeed supported, the creation of the Muslim-majority province of Sindh.

Although the creation of Sindh is often cited as a linguistically motivated reorganization, the 1928 Nehru Report specifically mentioned communal criteria. It included separately a discussion of Sindh in an annex at the back of the report rather than in the section on the creation of a linguistically homogeneous Oriya-speaking province, which it also advocated. It justified the creation of Sindh, 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 advocated changing the status of the NWFP and Baluchistan to "the same as that of other provinces. We cannot in justice or in logic deny the right of any part of India to participate in responsible government" (1928, 31).

As discussed, the Congress's acceptance of some of the details of the CMP was half hearted at best—residual powers allocated to the provinces, but also the compulsory religious grouping of provinces into the second tier of government—and downright hostile to others—the formula for deciding Muslim representation in the executive. Although it disliked the grouping of provinces into three groups, "with executives and legislatures [who could] … determine the provincial subjects to be taken in common" (Cabinet Mission 1946, 4), it did not implacably oppose this section. Though it did oppose Jinnah's original demand of a bipolar federation. 1946 was not the first time the 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.

In contrast to the reluctant acceptance of the creation of new Muslim-majority provinces, the Congress was deeply committed to linguistic reorganization. There were long-standing demands within the Congress for linguistic reorganization, as seen in 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, in 1908 the Congress created Bihar as a separate Provincial Congress Committee (PCC), the same year it restructured the AICC to reflect provincial populations in its composition. In 1917 the Congress units of Sindh and Andhra were created, despite the opposition of Tamil delegates and Annie Besant, the Congress president. In 1920, at Nagpur, the Congress reorganized its PCCs along linguistic lines, creating twenty-one PCCs with prespecified provincial headquarters and languages. This significantly contrasted with the nine British Indian provinces in existence at this time (All India Congress Committee 1956, 1). As Pattabhi Sitaramayya observes, "wide 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" (1935, 250).

In "Nehru and the Language Politics of India" Robert King claims that Gandhi accepted linguistic reorganization only tactically to ease Muslim reservations about Swaraj in provinces such as Sindh and that "Congress support for linguistic boundaries was almost always a consequence of other considerations, usually communal in nature" (1997, 61). But this is misleading. The Congress's acceptance of linguistic reorganization of its own organization had everything to do with its mobilizing 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 the Congress's organization and a commitment to linguistic reorganization coincided with Gandhi's rise to prominence

in the Congress. Although he initially opposed linguistic reorganization, in 1920 he cited it as one of the four principles that he held dear. Linguistic reorganization of its internal structure coincided with the Congress becoming a more democratic and active organization (Kaushik 1964, 34). Instead of a three-day annual wonder, it became an organization "humming with activity" throughout the year. The link between linguistic reorganization and the Congress's mobilizing success was a dynamic one. As James Manor argues, the fact that the Congress was such a broad church had as its corollary the need for internal representation, and linguistic reorganization strengthened the Congress in many regions (1990, 29). D. A. Low supports this, noting that when "the Congress provinces were redrawn they … helped pave the way for the recruitment of new categories of supporters" (1991, 75). The 1920 reorganization 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. The Congress's success sprang from its ability to mobilize the masses, for which local organization was required, and the newly formed linguistic PCCs facilitated this.

The Nehru Report provides the best example of Congress thinking on the matter of linguistic reorganization. Khalid Bin Sayeed's contention that the Congress conceded linguistic reorganization only to counter the concessions made to the Muslims over the creation of Sindh in 1936 is incorrect (1968, 69). The Congress had been committed to linguistic reorganization since 1920. Proceeding from the May 1927 AICC Resolution stating that the time had come for the redistribution of provinces on a linguistic basis and urging the creation of Andhra, Sindh, and Karnataka (reproduced in Zaidi and Zaidi 1980a, 261), 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" (1928, 62–63).

As will be discussed in more detail in Chapter 5, the manner in which elites articulate the identity of a state is revealed by the extent of political institutional recognition of the different ethnicities within its borders. This can be for ideological and/or practical reasons. The Congress's attitude toward linguistic reorganization was extremely practical.

The high number of effective linguistic groups shown in Table 3.2 explains the practical importance that the Congress placed on the linguistic reorganization of its PCCs and its commitment to a reorganization of states along linguistic lines. It was an excellent means of mobilization and a way of securing the effective use of identity politics in the nationalist movement (Manor 1990, 29). However, in an ominous warning of the disputes that were to come, in 1938 the CWC argued that

> [t]his 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* (Sitaramayya 1969, 94).[13]

THE MUSLIM LEAGUE AND REORGANIZATION

Unlike the Congress who claimed to be a religiously inclusive and all-India party, the League's mobilization strategy was premised upon gaining the support of Muslims. But its initial base was even narrower: in the provinces of India in which they were a minority. Initially, Jinnah had been concerned with pursuing a consociational strategy of gaining power at the center. From 1929 onward he moved toward a territorial autonomy strategy, *in addition to* the consociational power-sharing strategy, seeking to encourage a religious reorganization of provinces as a strategy to create as many Muslim-majority provinces as possible. Hamza Alavi claims that it was after the 1937 elections that Jinnah sought to win over the "Muslim landlord leadership of Muslim majority provinces" (1990, 28), but as demonstrated in Chapter 2, Jinnah had changed strategy before this.

> 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).

Resolution 1, adopted at the AIML's 1940 Lahore Session after Jinnah's rousing address, also mentioned the possibility of territorial readjustment, foreshadowing the partition of Bengal and Punjab either within a 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 sovereign (reproduced in Pirzada 1970, 341).[14]

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 as territorial *expansion* would have endangered the slim Muslim majority in these provinces. Although the CMP did not recommend religious reorganization, the basis of the 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 League did not have a definite policy on linguistic reorganization of the units of the federation. Linguistic reorganization was not seen as contrary to its interests and was only important to the Muslim bargaining position in all-India discussions as it might "affect the Muslim majority in the Punjab, Bengal and the North West Frontier Province." Allowing for this, the statement in 1924 provided for "[a]ny territorial redistribution that might at any time be necessary" (Jinnah 1969). While not an explicit call for linguistic provinces, this statement took into account the Congress demands for linguistic reorganization, while seeking to ensure that religious groupings would not be undermined. Similarly, in 1930, Iqbal argued in his presidential address to the AIML 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 India (reproduced in Pirzada 1970, 160).[15]

The large effective number of linguistic groups shown in Table 3.2 provides a practical explanation as to why Jinnah and the Muslim League could not oppose linguistic reorganization as a general principle. However, while the League was not opposed to linguistic reorganization, the call of Husain Shaheed Suhrawardy, 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" (Pirzada 1970, xxxiii), exposed the tensions which would come to plague Pakistan.[16] Jinnah's strategy was predicated on Muslim unity; anything which undermined this threatened the consociational elite autonomy he strove so hard to achieve. Linguistic reorganizations that threatened Muslim unity were therefore rejected, a policy continued after independence.

It is significant that the League and Congress were both committed to the reorganization of units, but along very different lines. With the exception of

Bengal, the Congress did not oppose the creation of religious provinces. After independence it changed its position, with destabilizing consequences. In contrast, the League's post-independence position was more predictable. What is interesting about the above discussion on reorganization of units is how important it was, not only to the federal constitutions that they sought to create, but also to the mobilizing strategies of the two organizations.

CONCLUSION

So far, the 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 another, whether this was the issue of residual powers for the Congress Party or the issue of separate electorates for 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.

Both parties espoused federal forms of government. The federal legacy was absolutely entrenched, partially because 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 Congress as a whole was more post-independence orientated than the League was, 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 organization, reserved seats, and linguistic reorganization. Ironically, it shied away from legislative weightage for Muslims, notwithstanding 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," despite its rejection of the two-nation theory. It also has to be related to its conception of the best strategy to manage diversity, as will be discussed in Chapter 5. The fact that the 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 power being ceded to, Muslim provinces.[17] The major exception to this was, of course, the partition of Bengal. 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 that it would permit. Congress's federal form was a centrist one.

The League's reticence in expounding its position on post-independence arrangements is addressed 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. Mansergh epitomizes this view: "[i]f Pakistan did not come into existence, all their wider plans were by that very failure rendered meaningless" (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 because he needed to avoid clarity to maintain a wide base of support. For Jinnah, elite autonomy was vital. This federal consociational strategy sought to secure Muslim representation both at the central and provincial levels. While Jinnah focused on this aim, he actively sought to move toward a territorial autonomy strategy under pressure from the Muslim majority provinces in an attempt to speak for the Muslim "community." As already outlined, this was generally compatible with his consociational strategy.

The third observation is that the reorganization of units that both the Congress and the League advocated were, in most part, designed to support the parties' organizational strengths and to accommodate different factions. The Congress's claim to be a national organization was predicated more on its ability to accommodate different linguistic groups and their elites than on its ability to accommodate Muslims. In contrast, Jinnah tried to be a national force based on the solely religious criteria of 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 organization and mobilization—were to have ramifications for the post-independence constitutional settlement in the following ways: First, the differences between the Congress and the League concerning the reorganization of units, although not as great as often portrayed, can be traced before independence. Second, the Congress and the 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 4. If there was no change between the pre- and post-independence preferences, then this indicates either 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 question is simple: what changed and why?

CHAPTER 4

PARTITION: DIFFERENCES IN FEDERAL DESIGN

> [The constitution could be] both unitary as well as federal according to the requirements of time and circumstances.
>
> *(Dr. B. R. Ambedkar[1])*

> 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)*

The previous chapter revealed the conflicts between the Congress and the League over the appropriate constitution for a united India, ultimately failing to agree on an acceptable form. The history of the partition of India has

been extensively covered in a variety of different ways (Khosla 1949; Ali 1967; Inder Singh 1990; Moon 1961; Butalia 2000; Hasan 1993) and need not detain us here. Suffice it to say that hundreds of thousands of people were killed traveling between the two countries that were created in August 1947, and up to ten million people crossed the newly created border in both directions. The legacy of the partition was extensive. Pakistan was cast as the seceding state and was dependent on India for the transfer of resources. Pakistan literally had to build the institutions of state from scratch and possessed a high degree of insecurity, which had extensive ramifications for the operation of those state structures (Jalal 1995, 49). Partition also demonstrated the violence that could occur through the mobilization of religious identity, but the partition along religious lines ensured that different identities became prominent within the two states. In particular, linguistic and regional identities would pose challenges to the stability of the federations, compounded by the geographical separation of the two wings of Pakistan, as can be seen in the map below.

India and Pakistan, 1947

FEDERALISM AND PARTITION

After independence, constitutional design 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. Constitutions also say something about the nature of a state—the way it projects itself internally and externally (Dittmer 1993, 17). As will be discussed in more detail in Chapter 5, the constitutional structures adopted in India and Pakistan must be seen as an affirmation of a particular nationalist ideology but also a reaction to the changed realities after partition. Other laws and the actual operation of the constitution are also vital, so too are the state-sponsored national identity and the actions, or nonactions, of the officers of the state.[2] However, this study concurs with Swarna Rajagopalan, who argues that "[c]onstitutions express the vision of the state in its most idealised form" (2001, 30). Constitutional analysis therefore provides a useful starting point; it provides an understanding of the way the state's founders purposively sought to define its membership.

Institutional legacies are important. When a state writes a new constitution, it does not have perfect freedom to maneuver. 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 institutional legacies does not preclude outside influences.[3] However, although the Constituent Assembly Debates (CAD) of India and Pakistan were replete with references to other constitutions, as examples to emulate or avoid,[4] they were constrained by the institutional legacies of the colonial power.

Although they were not the only actors, the Congress and the League played major roles in constitution formation in their respective states. In India, the Congress was predominant both before and after independence. As Granville Austin discusses, with the exception of Dr. B. R. Ambedkar, the Congress "oligarchy" of Jawaharlal Nehru, Maulana Abdul Kalam Azad, Vallabbhai Patel, and Rajendra Prasad held the chairmanship of the major constitutional committees (1966, 18). The Congress also dominated the Constituent Assembly with 74 percent of the seats (Butler et al. 1995, 72–73). However, the Congress was not a monolithic organization and tensions did exist, especially between Nehru and Patel. After the 1937 elections many more conservative and business elements had joined the Congress in pursuit of the rewards of office (Manor 1990, 31). These new members had

strengthened the hand of Patel. Despite these qualifications, Nehru still wielded enormous influence.

In Pakistan, Mohammad Ali Jinnah's death in 1948 removed one element of continuity, compounded by the assassination of Prime Minister Liaquat Ali Khan in 1951 and the fractionalization of the Muslim League (Waseem 1994a, 114–17). However, the League controlled the Pakistani Constituent Assembly until its dissolution in 1954. Keith Callard observes 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). Although the process of constitution formation had to accommodate regional politicians and their demands, these same demands were present before independence (Talbot 1990, 108–12).

ETHNIC DISTRIBUTIONS AND FEDERAL STRUCTURES

The partition of the subcontinent created two states, both with a majority of one religious group, but with multiple linguistic cleavages as well as other divisions including caste, tribe, region, and sect. Ethnic groups can be categorized according to multiple criteria, and as discussed, identities are always situational and multiple. This chapter focuses on two identities: religion and language. The manner in which India and Pakistan have sought to manage these identities is vital to understanding federal stability in the two countries and beyond. Mobilization around both identities has posed challenges to the stability of the two federations. Focusing on language and religion does not mean other identities such as caste, sect, or tribe were insignificant or unimportant.

However, though tribal violence has posed serious challenges to federal stability in India (Manor 1995, 120), in the majority of cases, individual tribes are not large enough to form federal units around. The state of Nagaland is comprised of at least six tribes and sixteen clans, although an overarching Naga identity exists (Ali 1993, 25). Tribal identities have more relevance to Pakistan's federal structure as the Federally Administered Tribal Areas (FATA), created by the British and maintained by Pakistan, are ruled in a different manner than the rest of the federation. But, as in India's Northeast, the tribes are not unified and cannot be accommodated in separate provinces. In India, caste politics affect federal stability, but at the level of party politics. Castes are not large or territorially concentrated enough to form individual federal units around and differ according to their geographical location.

This chapter addresses the link between the changed effective number of ethnic groups after partition and the constitutional forms, particularly the

degrees of consociationalism within the federal constitutions of the new states. Although it was not inevitable that the Congress and the League would change their policies relating to degrees of consociationalism within a changed religious demographic, if they had not done so, this would indicate that the institutional antecedents were very restrictive, or that the elite sponsored national identity was inflexible and unrelated to the numbers of groups within the state.

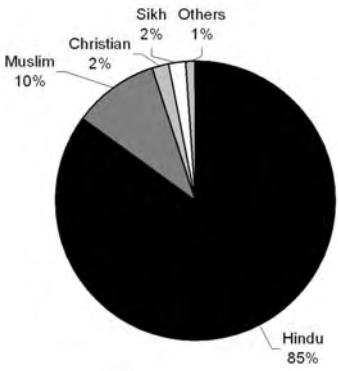
THE EFFECTIVE NUMBER OF RELIGIOUS GROUPS

As the Muslim community's proportion of the population in independent India declined, so did their "effectiveness." The pre-independence constitutional preferences of the League and the Congress were partially determined by the fact that there were at least two "effective" religious groups in British India. Mohammad Ali Jinnah's statement in 1940 that Muslims "are not a minority [they] … are a nation by any definition" (reproduced in Pirzada 1970, 335) was affirmation of this. The Congress ostensibly did not form its constitutional plans on this basis, being inclusive of all groups within its conception of the Indian nation, but its desire for a centralized federation had as its corollary the dilution of the demands of the Muslim-majority provinces.[5] While most of the constitutional preferences of the Congress remained remarkably consistent after independence, not all did. This study accepts that the horrors of partition partially determined the increased majoritarian nature of the Indian Constitution. It also contends that the reduced effective number of religious groups in India after independence—as shown in Chart 4.1—from 2.01 to 1.36, accounts for the majority of changes that occurred. Austin notes that "[Viceroy] Mountbatten announced Partition on 3rd of June 1947. Within four days the Assembly had embarked on a centralised federal union" (1966, 193).

Brendan O'Leary's "law," briefly touched on in Chapter 3, argues that if a democratic federation lacks a dominant group, it will require additional consociational mechanisms to be stable (2001a, 288). He argues that a dominant group exists if the effective number of ethnic groups is less than two. Nehru and the Congress were unhappy about the provisions of the Cabinet Mission Plan (CMP) precisely because it included so many consociational provisions. They perceived that a more majoritarian constitution was possible after the creation of Pakistan, in particular because the effective number of religious groups would decline.

The main differences between the pre- and post-independence constitutional preferences of the Congress with reference to consociational features concerned religious reorganization, reserved seats, and linguistic reorganization.

Chart 4.1 Religious groups in India after partition



e*nrel* = 1.36

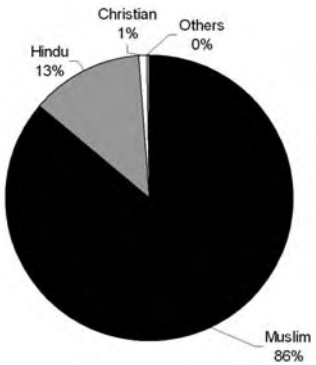
Source: Data adapted from Government of India (1953).

The reduced effective number of religious groups changed two out of the three. The demand for religious reorganization was undermined by the fact that the main areas with non-Hindu concentrated minorities had become part of Pakistan. However, the Sikh majority regions within the Punjab and Pepsu were candidates for religious reorganization, as were regions within the Northeast. (These issues are discussed in Chapter 6.) Reserved seats for Muslims were omitted from the Indian Constitution because the diminished proportion of Muslims within the state decreased their bargaining power.

As will become apparent, and as O'Leary acknowledges, the existence of a dominant group does not mean that consociational provisions can be dispensed with. The Muslims of partitioned India comprised only ten percent of the population, but possessed 36 million members, a population larger than many independent countries, and one of the largest Muslim populations in the world. They remain a substantial community. 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 when they feel secure.

As can be seen in Chart 4.2, the effective number of religious groups declined from 2.01 in British India to 1.32 in Pakistan. Interestingly for a state created because of religion, Pakistan possessed a similar number of religious minorities as India, which proclaimed itself to be a secular state. Muslims were 86 percent of the population compared to the 85 percent of Hindus in India.[6]

Chart 4.2 Religious groups in Pakistan after partition



enrel = 1.32

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

Notes: "Hindu" includes members of the Scheduled Castes, classified separately in the Pakistani census.

In British India, the League had concentrated upon securing accommodation within the structures of the constitution. After partition, the dominance of the Muslim community was assured within Pakistan. This inevitably affected the constitutional framework. Rather than seeking security, the Muslim community was now concerned with the business of governance. Muslims were a majority of the population in an independent state for the first time in the subcontinent. The reduced effective number of religious groups in the case of Pakistan therefore had a more dramatic impact than it did in India.

The changes in the consociational federal provisions advocated by the League concerned executive weightage and the removal of the mutual veto. The dominance of Muslims ensured that the protection in decision-making institutions for that community was no longer required. However, as was the case in India, the effective number of groups cannot tell the whole story; it conceals the fact that within East Bengal, Hindus comprised 22 percent of the population.[7] This point is important because, for the population of East Bengal, the Bengali identity was as important as their religion. This is why there was less movement across the border than in the Punjab at the time of partition. As Ali Masood notes, "[c]ompared to West Pakistan, it is estimated, a lesser number of non-Muslims left East Pakistan and even fewer Muslims from India entered that wing" (1970, 39).[8] Simply calculating the effective number of religious groups cannot reveal that the elite of the Muslim League transported themselves to Pakistan, becoming the Mohajirs.[9] Their lack of a

regional power base and their identification with a pan-Muslim identity, created a "fearful state" in which "pluralism was seen as a source of weakness not of strength" (Talbot 1998, 7). This had implications for federal stability.

THE EFFECTIVE NUMBER OF LINGUISTIC GROUPS

The effective number of linguistic groups in British India was a very high 8.52. After independence in India, as Table 4.1 shows, the effective number of linguistic groups was 7.67, still extremely high despite partition. There was, and is, no linguistic *staatsvolk*. The largest linguistic community, Hindi speakers, comprised only 30.4 percent of the population after partition.[10]

Table 4.1 The effective number of linguistic groups (*enling*) in India in 1961

Language	**Percentage of population**
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
enling	7.67

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

Notes: The 1961 data are more reliable than the 1951 data, as they separately categorize Hindi, Punjabi, Urdu, and Pahari speakers in 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 counted themselves as Hindi speaking to deflect calls for the creation of a separate Punjabi-speaking state (Wilkinson 2002, 4).

Based on O'Leary's criteria, if the linguistic cleavage were salient, consociational mechanisms would be required to stabilize the Indian federation along

democratic lines. Arend Lijphart argued in 1996 that India after independence was an example of a consociational democracy and therefore a confirming, rather than a deviant, case for his theory. As will be discussed, after independence, India's Constitution was incredibly majoritarian (Adeney 2002, 23).

In the case of Pakistan, as can be seen in Table 4.2, the effective number of linguistic groups diminished substantially to 2.62 after partition, but was still above O'Leary's threshold of 1.9 for a stable democratic majoritarian federation.

Table 4.2 The effective number of linguistic groups (*enling*) in Pakistan in 1951

Language	**Percentage of Population**
Bengali	54.42
Punjabi	27.55
Pashtu	6.61
Sindhi	5.28
Urdu	3.24
Baluchi	1.24
Others	1.66
Total	100
enling	2.62

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

According to O'Leary's "law," both federations faced challenges from linguistic groups. What O'Leary's "law" does not take into account is the territorial concentration or the border status of minorities, to which we now turn.

PROVINCIAL DISTRIBUTIONS

The effective number of linguistic and religious groups at the provincial level is vitally important in explaining federal stability. Provincial reorganization has been, and still remains, a contested phenomenon in both countries. India initially rejected linguistic reorganization despite the Congress's long-standing commitment to the project before independence. The units of independent India were amenable to linguistic reorganization, as can be seen in Table 4.3.

Out of the 29 states, only 11 (38 percent) were below O'Leary's level for majoritarian federal stability when analyzed according to linguistic criteria. This means that there was great potential for reorganization. In contrast, only 17 percent of the Indian states before reorganization 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. Pepsu and the Andaman Islands both lacked a Hindu majority. Although Hindus were the dominant group in Punjab in 1951, this was by the barest of margins (1.88). When Punjab and Pepsu merged in 1956, the new state scored 1.92, slightly *above* O'Leary's prediction for federal instability in the

Table 4.3 The effective number of linguistic and religious groups of the states of India after independence but before linguistic reorganization

	STATE	*enrel*	*enling*
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 (1961; 1951). Religious data adapted from Government of India (1953).

Notes:

1. These data for Delhi, Punjab, Pepsu, Himachel Pradesh, and Bilaspur were adapted from the 1961 census because the 1951 census did not differentiate between Hindi, Punjabi, Urdu, and Pahari in these states. These data for Jammu and Kashmir were adapted from the 1961 census as no census was taken in 1951.

2. The states without a dominant group, according to O'Leary's criteria, are highlighted in bold.

absence of consociational mechanisms.[11] But O'Leary's analysis concerns consociational mechanisms at the center rather than state level. In India, provisions exist for the protection of religious and linguistic rights within states (as will be discussed later in this chapter), but these are guaranteed by the center. Many of these states came to pose problems for federal stability—at least partially because of majoritarian and exclusionary policies of the center, but also because of the tensions within these heterogeneous states, which precluded an easy accommodation.

Pakistan had a much smaller number of units than India, 66 percent of which had a dominant group. East Bengal in particular was remarkably homogeneous along linguistic lines. Yet, as can be seen in Table 4.4, Baluchistan, the Baluchi States Union, and the capital city of Karachi were linguistically heterogeneous.[12]

Table 4.4 The effective number of linguistic and religious groups of the provinces of Pakistan before the One Unit Plan of 1955

Name of State	*enrel*	*enling*
Baluchistan and States Union	1.03	4.27
East Bengal	1.56	1.04
Federal Capital Area—Karachi	1.08	3.15
NWFP incl. Frontier Regions	1.00	1.53
Punjab and Bahawalpur State	1.04	1.12
Sindh and Khairpur State	1.21	1.77
PAKISTAN	1.33	2.62

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

Although only two out of the six provinces lacked a dominant group in Pakistan, in percentage terms, this was higher than in India. Linguistic tensions posed different but significant challenges to the stability of both federations. Partition changed the structure of the debate, although linguistic tensions existed before independence.

INSTITUTIONAL LEGACIES

In both states, the strongest institutional legacy was the acceptance of federalism as a structure of governance. Neither constituent assembly seriously considered any other structure; although, a few individual members in both India and Pakistan called for a unitary state (Waseem 1994a, 125). The specific *form* of the federations was vital; especially concerning the degrees of consociationalism and the creation of ethnically homogeneous units within the federations. As discussed, the Congress and the League had differed over this issue before independence.

The British constitutional plans varied according to the degrees of minority protection included within their (increasingly federal) constitutional plans. In assessing colonial legacies, the 1935 Government of India Act is a benchmark. It was the British Raj's most extensive constitution, produced after consultation with the Indian political parties, including the princely states.[13] It was also a governing document through which the British intended to rule for some time. (They did not include a commitment to Dominion status within it.) The constitutions that the League and the Congress developed and signed to before independence were, in varying degrees, bargaining chips.[14] 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 appropriate to compare these two constitutions with a real constitution. As David Washbrook has observed, the Indian Constitution took 250 (68 percent) of its clauses directly from the Act (1997, 37). In addition, the interim constitutions of both India and Pakistan after independence were the 1935 Act under another name.[15] It is therefore legitimate to analyze the two constitutions for differences to the 1935 Act to assess the constitutional changes from the British legacy.

After independence India retained the executive and judicial provisions of the 1935 Act but completely rewrote the legislative provisions (Austin 1966, 144). Unlike the 1935 Act, the Congress rejected all legislative proportionality for religious or linguistic groups. While the British preferences before independence were generally closer to those of the Congress (Adeney 2002, 19–20), after independence, it was the Pakistani Constitution that closely mirrored the consociational legislative provisions of the 1935 Act. But although the Pakistani Constitution included separate electorates, reserved seas, and legislative weightage, these were for a different community—Hindus—or were designed for provincial rather than ethnic protection—legislative weightage for the heterogeneous Western Wing. Disputes over these changes were one reason for the protracted constitution-making process in Pakistan. The other immediately noticeable difference between the constitutions of India and Pakistan and the 1935 Act concerned the consociational provisions for segmental autonomy, especially the design of the provincial units of a federation. This is something that needs to be examined further. Both constitutions were more majoritarian than the constitutional proposals espoused by the League and the Congress before independence.

INDIA

The Constitution of India differed markedly in several respects from the constitutional proposals that the Congress had made before independence.

The final draft also differed substantially from the first draft that was published in 1948, as Rochana Bajpai reminds us, especially with regard to protections for religious minorities (2000, 1837). While the Congress had ultimately acquiesced to consociational demands relating to all four of Lijphart's variables—grand coalition, proportionality, segmental autonomy, and a mutual veto—at some time during the period of 1916–1946, many of these demands were conceded grudgingly. After independence Austin notes that Nehru "flatly rejected" a power-sharing cabinet, even though

> 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 (1966, 118, 123).

The Constitution therefore lacks a formal grand coalition and does not permit a mutual veto or proportionality in representation for linguistic and religious groups in administrative or legislative positions. It does possess some elements of segmental autonomy: the rejection of a uniform civil code permits religious communities to maintain their personal laws, and there is educational autonomy and state funding for linguistic and religious schools. But, in general, it is an extremely majoritarian constitution for such an ethnically heterogeneous society, and as such was a partial exception to Lijphart's theory of democratic stabilization. But even in 1977 Lijphart was arguing that India had consociational features (1977, 180–81).

In 1996 Lijphart went one step further and argued that India was a consociational democracy. He argued that a grand coalition existed within the cabinet by the Congress's proportional inclusion of members of minorities, according to religious and linguistic criteria.[16] But what he did not acknowledge was 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, this grand coalition at no time managed to secure a majority of votes (Lustick 1997, 115). Thirdly, "no Muslim was appointed to the key central cabinet portfolios of Home Affairs, Foreign Affairs, or Defense" during Nehru's tenure (Wilkinson 2004, 122).

Rajni Kothari has described the "Congress System" as a system where the Congress, as the predominant party after independence, accommodated other groups within it; "[i]t consists of a party of consensus and parties of pressure" (1964, 1162). However, as Steven Wilkinson discusses, the Congress Working Committee's (CWC) "recommendations on minority proportionality were being flaunted at every level of government from district

boards right up to the national parliament" (2000, 778–79). 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 area of segmental autonomy.

Linguistic autonomy initially permitted the use of languages recognized in the Eighth Schedule of the Constitution for interprovincial and center-state communications. Subsequently redrawing federal units to reflect linguistic concentrations increased this autonomy, as did the amended language Act of 1967, which permitted the use of Eighth Schedule languages for civil service entrance examinations. The Constitution also offered linguistic autonomy for linguistic minorities, as 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.[17] Whilst these decisions are in the hands of the states, and linguistic minorities are 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 central government. This segmental autonomy was essential for federal stability, but the overall degree of consociational democracy remained low. The move to majoritarianism after independence therefore requires elaboration.

While the Congress rejected separate electorates in the Nehru Report of 1928 and was generally opposed to them, the Report had reluctantly accepted reserved seats on the grounds that they were necessary to secure minority protection. Although India became more religiously homogeneous after partition, the absolute number of religious minorities remained substantial. Muslims accounted for ten percent of the total population of India, and other religious minorities such as Sikhs, Christians, Buddhists, and Jains comprised another five percent. It could be argued that because the Muslim community's numbers had diminished they were in need of more, rather than less, protection. The changed religious balance made the Muslims more dependent on the will of the Congress.

Patel headed the Sub-Committee on Minorities. Its initial report on August 27, 1947 rejected separate electorates but recommended "as a general rule that seats for the different recognized minorities shall be reserved in the various legislatures on the basis of their population … initially for a period of ten years" (Government of India 1947c, 267). The report was accepted. However, on May 25, 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 (Government of India 1949). While this statement was resented by Muslim members of the Constituent Assembly,[18] 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). James 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 that the Indian elite sought to create did not extend to inclusion within the decision-making process.[19] 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 (SC) and Scheduled Tribes (ST) (2004, 109; Bose 1990, 70). As argued, the removal of reserved seats for religious groups fitted with the Congress's general preferences. Although there were many prominent Muslims within the Congress, such as Azad, these individuals had specifically opposed separate representation, "seeing the Moslems' place as inevitably within the larger complex" (Gupta 1962, 363). Prominent Muslim League activists, who would have argued for their retention, had moved to Pakistan during partition. The importance of a powerful spokesman for maintaining minority rights was demonstrated by the fact that the Indian Constitution included reserved seats for the SCs and STs, which were forcefully argued for by Ambedkar.[20]

The issue of the reorganization of provinces along religious lines was a contentious one before independence. The partition of Bengal in 1905 inflamed nationalist Hindus, who perceived it as a mechanism of divide and rule. The 1919 Government of India Act ignored calls for religious reorganization. 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 Sindh and Orissa provinces. While both of these provinces were linguistically defined, there was also a religious rationale behind their creation. Sindh was a Muslim area and the Muslim League had agitated for its creation for this reason. While Orissa was a culmination of the long-standing demand for an Oriya-speaking province, its creation at the same time as the creation of Sindh ensured that the issue of religious reorganization 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, 443–44).[21]

The Indian Constitution made no concessions to linguistic or religious territorial demands. The absence of religious reorganization 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 (2000; 2004). The Indian conception of secularism, defined as neutrality between religions, rather than separation of state and religion,[22] did not preclude religious reorganization, although it made it more unlikely. As noted, the Nehru Report of 1928 argued for the creation of Sindh on religious grounds. The Nehru Report did *not* specifically limit the application of the religious principle. As Table 4.3 reveals, there *were* areas of India that could have been reorganized.

The rejection of linguistic reorganization in the original Constitution was a major departure from the Congress preferences before independence. Austin argues that Article 3 of the Indian Constitution provided for the center to amend unilaterally provincial boundaries precisely in order to facilitate a later process of linguistic reorganization and provide a safety value (1966, 238). Austin's interpretation is too generous. Even Lijphart concedes: "that Nehru was not a fully convinced consociational thinker is shown by his initial opposition to the principle of linguistic federalism" (1996, 262). Rather, as Ian Talbot points out, the reorganization 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 Report[23] (Dar 1948; Linguistic Provinces Commission 1949) rejected linguistic reorganization as a general principle, and both recommended that consideration of the issue be postponed in the wider interests of national unity.[24]

The initial rejection of linguistic reorganization was a major difference compared to the pre-independence constitutional preferences of the Congress. The change can be explained by two factors: First, the violence that accompanied partition reinforced, although it did not create, a 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, the Congress had already quali-

fied its commitment to linguistic reorganization as a primary goal *before* independence (CWC Resolution of 1938, reproduced in Zaidi and Zaidi 1980c, 42–43). Second, and arguably more important, linguistic reorganization was rejected precisely because of the unwillingness to bring these identities into the decision-making process at the center and politicize them—as representatives from these homogeneous states would be represented in parliament. The rejection of linguistic reorganization was therefore a *specific* extension of the majoritarian nature of the Indian federation.

Although Nehru ultimately reversed his position, he did so reluctantly and only after overwhelming pressure from within the Congress. Sarvepalli 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).

Nehru tried to prevent the Provincial Congress Committees (PCC) from joining the agitation for linguistic provinces, as his statement to the presidents of the Congress PCCs makes clear on July 7, 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 Congress belatedly succumbed to internal and external pressure, and after conceding the legitimacy of Andhra Pradesh in 1953, appointed the States Reorganisation Commission (SRC). The SRC first reported in 1955 and recommended a radical reorganization of the map of India.

It is however, too much to claim that Nehru was returning to the consociational fold, as Lijphart does (1996, 262). The belated acceptance of linguistic reorganization was an outcome produced by the danger of internal party dissent as well as external protest. As Meghnad Desai notes, language politics produced more street violence in the 20 years after the partition riots than did religious violence (2000, 93; Wilkinson 2002a, 15–16). Even after linguistic reorganization had occurred, 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).[25] While Lijphart has analyzed the deviation from proportionality in federal chambers in other works (1984, 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 consociational. Despite the concerns articulated by Selig Harrison (1960, 135, 307) and Michael Brecher (1959, 21), linguistic reorganization accommodated conflicts and stabilized the federation, despite the unease articulated by the weekly news magazine, *India Today*:

> 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).[26]

PAKISTAN

The Constitution of Pakistan bore similarities to the proposals put forward by the League before independence on some elements of Lijphart's categorization, but overall was much more majoritarian than that articulated by the League before independence. Before partition, Muslims sought security within a constitution dominated by Hindus. After independence, they were the majority, and the elite's strategy naturally changed to controlling the institutions. Consociational elements such as separate electorates and reserved seats were included in Pakistan's Constitution, but these consociational provisions were for the Hindu community and must be viewed as mechanisms of divide and rule rather than minority accommodation.[27] Legislative weightage was also included, but for a wing of Pakistan, rather than a community.[28]

The omission of linguistic reorganization from the Constitution of Pakistan was not surprising given that it was not a priority for Jinnah or the League before independence, and indeed they had rejected any plans that sought to divide Muslim-majority areas on linguistic lines. However, the creation of a Muslim-majority polity provided the conditions for linguistic identity to become pivotal. In such a situation, the move to create an amalgamated and heterogeneous province in the Western Wing proved to be detrimental to the stability of the Pakistan federation. O'Leary's "law" would support the contention that they were shortsighted in not accommodating these linguistic groups using consociational formula. The extent to which this decision destabilized the federation is the subject of Chapter 7. The lack of a *staatsvolk* was compounded by the fact that partition created one demographically

dominant group with over 50 percent of the population—the Bengalis—who were excluded from resources of state power.[29] The second largest linguistic group, Punjabis, was jointly dominant with the Mohajirs, and their dominance was coupled with a centralization of the Pakistani state.[30] This centralization thus acquired an ethnic bias.

While community veto rights and executive weightage for Muslims were vital for the League before independence, they did not feature in the Constitution of Pakistan. Their omission was a major difference from the pre-independence preferences of the League. Executive weightage was a critical issue at the time of partition, and disagreement between the Congress and the League over the exact form of the weightage in the government envisaged by the CMP contributed to its failure.[31] Executive weightage was a vital part of Jinnah's centralizing consociational strategy in British India, accommodating both the demands of the Muslim-minority and Muslim-majority provinces. While the Muslim majority provinces were concerned with securing provincial autonomy, in a federal system this did not guarantee their interests would be protected at the center. Executive weightage for their community was a natural corollary of their demands. But in a Muslim-majority state, the parameters of the debate changed. While the elite 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, these identities were not represented within the executive. More significantly, executive weightage or representation was not permitted for linguistic representatives; although, as we shall see in Chapter 7, limited attempts were made to co-opt Bengalis. However, executive (and legislative) weightage were the least of Bengali demands, as real power resided elsewhere—a point to which we shall return.

Similar motivations accounted for the exclusion of community veto rights. The Pakistani elite accepted the legitimacy of different *religious* identities in a way that their Indian counterparts did not. But this acceptance did not extend to recognition in the decision-making organs of the state for either religious or, significantly, linguistic communities.[32] Prime Minister Mohammad Ali Bogra's constitutional formula of 1953[33] included a mutual veto for both wings of Pakistan, through a complex formula involving the upper and lower house.[34] But the Western Wing was an amalgamation of heterogeneous provinces. In the 1956 Constitution, the second chamber had disappeared, and with it, the mutual veto—although as a quid pro quo the provinces were allocated residual powers.

In common with India, the Constitution adopted consociational provisions relating to segmental autonomy with regard to religious communities—for example, the protection of separate personal laws (Adeney 2002, 28).

Linguistic communities were not accommodated at the provincial level or at the center under the 1956 Constitution with the belated exception of the recognition of Bengali as a state language on par with Urdu. Pakistan did not recognize the legitimacy of provincial languages. This contrasted with India, which, even before it conceded linguistic reorganization, recognised the right of the states to use their own languages. Despite the "relative" homogeneity of its units, noted in Table 4.4, Pakistan pursued a strategy that made the units *less* homogeneous, merging the provinces of its Western Wing into one unit in 1955. Not only did this undermine regional linguistic identities, it increased linguistic diversity within the federal structures, as seen in Table 4.5.

Table 4.5 The effective number of linguistic groups in East and West Pakistan after the creation of the One Unit Plan of 1955

Name of State	***enling***
West Pakistan	2.36
East Pakistan	1.04
Pakistan	2.62

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

According to O'Leary's criteria, the large 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 all-Pakistan level and the reduced effective number of religious groups ensured that language became the most significant identity marker for Sindhis and Bengalis after independence.[35] The absence of constitutional recognition and the amalgamation of units into a Punjabi dominated Western Wing were folly in this regard.

CONCLUSION

In both India and Pakistan the federal legacy was vitally important. Austin claims that there was no dogma in accepting federalism for India and Pakistan (1966, 186). As 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 with these institutional antecedents taken into account, there is a missing element. In India where substantial continuity existed between the elites of the pre- and post-partition era, the constitutional framework changed.

The changed effective number of ethnic groups, specifically the changed effective number of religious groups, affected the constitutional formation of

both states by changing the art of the possible. But while important, the changed demographics are not sufficient to explain the differences. India and Pakistan both had a similar effective number of religious groups but adopted different constitutional provisions. In both cases the lower number of effective religious groups promoted the emergence of alternative identities, specifically providing the impetus for *linguistic* demands to emerge. This required a constitutional response that was eventually forthcoming in India. Although this could have been predicted based on pre-independence constitutional preferences, as argued, India conceded linguistic reorganization only with reluctance. The accommodationist response was not forthcoming in Pakistan.

The rest of this study focuses on understanding why this response was not forthcoming and what impact this decision had upon federal stability. The first point is addressed in Chapter 5, the second in Chapters 6 and 7. 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 reorganization. For this we must examine the national identity of the state as articulated by the elites. The relationship between the plans that were proposed before independence and the version of the national identity that the elites articulated has only been briefly touched upon. This national identity explains the rationale behind the strategies that were chosen and some of the apparent inconsistencies. This is the subject of Chapter 5.

This page intentionally left blank

CHAPTER 5

FEDERAL SEGREGATION OR MULTICULTURALISM?

> 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)*[1]

> 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)*

The final important element to take into account in explaining the adoption of the particular constitutional structures that contributed to federal stability, or lack thereof, in India and Pakistan is that of state-sponsored national

identity. Understanding the state's articulation of a national identity is vital to explain attitudes toward constitution formation. As should be clear from the previous chapters, it cannot stand alone. State-sponsored national identities in India and Pakistan were inevitably influenced by British constitutional structures. And without an appreciation of the changes that occurred between the plans that were proposed by the Congress and the League, and the constitutions that were adopted by India and Pakistan, it is not possible to explain the reasons behind the changes.

A state can respond to diversity within its borders in many ways. It can seek to eliminate or to manage this diversity (McGarry and O'Leary 1993, 1–40). The existence of diversity does not dictate a specific response, although appreciating the ethnic demographics facilitates understanding of decisions that were made. The concept of national identity needs to be comprehended to understand the particular constitutions that were adopted. The articulation of the national identity by the elite of India and Pakistan must therefore be defined and its relationship to the effective number of ethnic groups understood.

STRATEGIES OF MANAGING DIVERSITY

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 decolonization.[2] States promote differing conceptions of national identity: "National identity relates to the process whereby 'the nation' is reconstructed over time [it is therefore a] … public project rather than a fixed state of mind" (Zimmer 2003, 173–74). Understood in this sense, it is a top–down process—a project rather than a definitive existing identity. Whether or not nations are viewed as being the product of modernity, identities are situational and fluctuate accordingly. To ignore the role that government can have in articulating and giving legal expression to this "nation" would be misguided. Many states, including former colonies, have sought to construct nations as a means of legitimizing their rule within often very ethnically diverse territories. Should they adopt a territorially delimited notion of identity, based on the different communities' shared residence within a particular territorial space? Or, should they adopt a version of national identity defined around the dominant group within that state? National identity cannot be directly equated with patriotism (loyalty to the state) as it defines the legitimacy, or illegitimacy, of claims for recognition of ethnic groups within that state. Groups may be loyal to a state but also be unrecognised by it and excluded from its identity.[3]

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 claim 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 categorization 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 important. Finally, the ideological discourse of the inhabitants of the state, especially the prominent members of the elite, influences the ability of different sections of the state's inhabitants to identify with the state. It is difficult to categorize definitively a national identity, since identities are situational and a person excluded because of one identity may be included by another. Despite this, it is important to attempt such a categorization.

There are many ways to understand the type of national identity promoted by a government. The best known is the civic-ethnic distinction. Many authors, such as Anthony Smith (1971) and Rogers Brubaker (1992), have adapted these categories. At its most basic, a civic form of national identity is a territorial identity: membership of the civic nation defined by residence within the state borders. These versions of national identity are often viewed as voluntarily rather than organically determined. Conversely, an ethnic form of national identity is centered on cultural communities and their histories. Yet, this distinction is limited. Civic identities are all too often equated with inclusive, liberal states, while ethnic identities are seen as "nasty," illiberal, and undemocratic. This is misleading since civic conceptions of national identity can reinforce historical ethnic domination (McGarry and O'Leary 1993, 18; Kenny 2004, 24). In contrast, states organized around ethnic categories often permit greater recognition for nondominant groups than their civic counterparts, although this can either reinforce domination, as in the case of Apartheid South Africa, or promote equal rights, as in the case of Switzerland. 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 Alan Carling (1992, 302–6).

If the distinction between civic and ethnic conceptions of national identity poses difficulties, where do we turn? One way to proceed is to differentiate

between the types of strategies adopted by a state to give effect to these identities. State strategies to regulate diversity can be categorized into four ideal types: assimilation, integration, multiculturalism, and segregation. These ideal types broadly conform to some of the categories set out by John McGarry and Brendan O'Leary, although their typology also includes specific institutional arrangements (1993, 1–40). These four strategies can be categorized according to whether they recognize ethnic identities in the public realm, confine them to the private realm, or seek to eliminate ethnic difference altogether. To facilitate the categorization, the costs of being regulated by one of these strategies for a nondominant group must be included, as Table 5.1 demonstrates.

Table 5.1 State strategies to regulate ethnic diversity

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

Notes: The table is the author's own. However, the public/private distinction has been made by John McGarry and Brendan O'Leary (1993, 16–22) and also by Brendan O'Leary (2001, 34).

It is problematic to define a nondominant group. In most cases a nondominant group comprises a minority of the population, such as Native Americans. Immigrants can also be defined as nondominant groups. 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. Nondominant groups are not necessarily in a minority. Examples of nondominant *majorities* 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, such as the white community in South Africa. To determine whether a majority group is dominant, additional criteria are required. These include whether a clear hierarchy of ethnic groups exists, 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.

ASSIMILATION

A state pursuing an assimilationist strategy articulates a national identity that can either be civic or ethnic.[4] Assimilationist strategies are inclusive and assimilationist states, such as France, have few barriers to citizenship. However, the cost of assimilation for nondominant groups 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[5] 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 do so. Although the United States is often cited as a case of assimilationist fusion, this has not been an accurate description of state strategy for over 150 years.[6] The Yugoslav case is a better example of a state that adopted a strategy of fusion, however unsuccessfully. As George Schopflin notes, "[e]thnicity was not so much dealt with as declared non-existent" and the system was managed "through the political monopoly of the party" (1993, 180–81).

Acculturation

Although assimilationist fusion results in the abolition of the original identity, assimilationist acculturation has higher costs. 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 nondominant identity. Schematically[7] 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, as Donald Horowitz discusses: "There was a French nation, defined largely by blood and later by conceptions of 'our ancestors, the Gauls'" (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 legitimizing 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). 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—for example, the historical Australian attitude concerning its Aboriginal population. In addition, integrationist strategies are rarely ethnically neutral—for example, 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 of being subject to this strategy to a nondominant group. As McGarry and O'Leary point out, integrationist strategies may also consolidate 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, Chapter 3). However, it has become more multicultural in recent years, such as in relation to non-Christian faith schools.

MULTICULTURALISM

This strategy protects personal identities and institutionalizes them within the public sphere. Therefore, the identity that the state promotes will be multifaceted. As Will Kymlicka discusses, there are three primary institutional manifestations of multiculturalism. These are self-governing rights, polyethnic rights, and special representation rights (Kymlicka 1995, Chapter 2). Self-governing rights are generally equated with federal systems when the boundaries of the sovereign federal units coincide with those of the different communities within the state. Special representation rights are those that give a certain level of representation to communities within political organizations, either within a political party (Canada) or within legislative institutions (Switzerland). Polyethnic rights are those that seek protection in the public sphere for group practices. The right of Sikhs to wear their turbans

rather than a motorcycle helmet in the United Kingdom is an example of a polyethnic right (U.K. Department for Transport n.d.). Kymlicka argues that polyethnic rights are the "weakest" of the rights that can be multicultural, and that self-governing rights pose a potentially dangerous challenge to the political community (1995, Chapter 2). Multicultural strategies are also inclusivist, especially for those identities protected in the public sphere. Arend Lijphart's consociationalism is a multicultural strategy.

Segregation

A strategy of segregation is similar to a multicultural one because it recognizes different identities in the public sphere. It may even seek to protect these identities by deliberately emphasizing divisions. 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 nondominant 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 nondominant group into members of the dominant one. Ethnic difference is recognized 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 African Apartheid was an excellent example of a segregationist control strategy. Individuals were, often forcibly, categorized into different racial groups by the state. Separate homelands were enforced and the black community was denied the right to vote. Yet control can co-exist with formal democracy. Sammy Smooha characterizes 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. It denies the rights of citizenship to a nondominant group and maintains the distinction between

itself and the nondominant group. The United Arab Emirates (UAE) defines citizenship according to the ethnicity of the parent, normally that of the father. While nondominant 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 nondominant group, as in Apartheid South Africa. But they do not necessarily do so, as with the case of Palestinians living in Israel.[8] Before the naturalization reforms of 1999, Germany was an example of these criteria. Citizenship was granted to "ethnic" Germans migrating from other countries such as Russia, while it was not granted to third-generation German-born Turks.[9] State policies were geared toward the notion that third-generation immigrants might "return to their ancestral home countries" (Horowitz 1992, 11). Many of the states that were previously in the Soviet bloc have now adopted differential rights depending on membership of a particular ethnic group (Hayden 1992; Verdery 1998).

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 groups 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 (in)stability in India and Pakistan.

The Congress and the 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 also by the League. The Congress was 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 analysis.[10] The Muslim League faced challenges to its claim of speaking on behalf of the whole Muslim community within India, notably from the multireligious Unionist Party in the Punjab and the Red Shirts in North West Frontier Province (NWFP). Unlike the Congress, which committed to linguistic provinces in 1920 and reorganized to reflect this commitment, the League sought to marginalize the importance of linguistic and regional diversity. Mohammad Ali Jinnah's reference to "independent states" in 1940 was 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 the Congress and the League, both before and after independence, to articulate the idea of the "nation" profoundly influenced the type of institutions that were created to give expression to this "nation." Territorial demarcation of the units of their federations was 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).

The demarcation of units not only permits political recognition of certain identities, but gives them a place within decision-making organs.[11] While it is one thing to permit a cultural identity to express itself in the personal sphere—integrationist strategy—it is quite another to institutionalize an identity in the public sphere through polyethnic policies. It is an even stronger commitment to allow that identity to be reflected in decision-making institutions, either through conceding special representation rights, or through granting self-governing rights. When a federation is organized 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 at the center, they are part of a wider consociational segmental autonomy framework.

In defining the nature of state-sponsored national identities of India and Pakistan this study concentrates primarily on the ideas articulated by Jawaharlal 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. Ian Talbot has written an excellent analysis of the regional dimensions of the "invention" of the Indian and Pakistan "nations" (2002). These regional dimensions are incorporated into Chapter 6 and 7 in assessing the success of the strategies. The pronouncements of these 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 to 1964 and shaped the making of the Constitution. As Partha Chatterjee reminds us, "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 argues that "we need to move beyond personalities" in understanding the history of the subcontinent concedes that after the death of Vallabbhai Patel, Nehru stamped his ideas on the nation-building program (2000, 116). It is harder to assess Jinnah's legacy, since he died shortly after the creation of Pakistan. During

his time however, he set the parameters of the debate in his statements on language and provincial autonomy.

INDIAN IDENTITY

Several different conceptions of what constituted "national" identity in India have been advanced, both before and after independence. E. Sridharan and Ashutosh Varshney describe three competing themes: geography, culture, and religion. There are two "principal attitudes about India's national identity—the secular nationalist and the Hindu nationalist. The former combines geography and culture; the latter geography and religion" (2001, 225–26).

At independence the challenge for the new leaders of India was to redefine India's "identity" in line with the goal of creating a modern state. There was no consensus on this issue. Nehru approached the issue of nation building with what Judith Brown describes as "a sense of heroic destiny." However, many of his colleagues disagreed over the issue of secularism and felt that "community [was] … an essential part of national identity" (Brown 2003, 185, 189). In particular, differences existed between Nehru and Patel. However, as Brown points out, while many of Patel's policies were majoritarian, he supported Nehru over the Minorities' Pact with Liaquat Ali Khan, the prime minister of Pakistan during 1947–1951 (2003, 194). In addition, many of the concessions to minorities rejected by Patel were also rejected by Nehru (Wilkinson 2004).

Nehru's philosophical grounding lay in western thought, especially Fabianism (Damodaran 1997, 6). He firmly believed that the only thing which could be the basis of a new Indian identity was its shared historical past. Although history is contested in South Asia, and one community's heroes are another community's villains (Thapar 1968), Nehru's concept of Indian history focused on the tolerance of Ashoka (Gore 1991). Nehru portrayed Indian history as all-inclusive and accommodating (Nehru 1946, 112). In his words: "[t]hose who professed a religion of non-Indian origin or, coming to India, settled down there, became distinctively *Indian* in the course of a few generations" (Nehru 1946, 41).[12] Nehru therefore accepted that there was an "Indian identity" and rejected Jinnah's two-nation theory as well as the British perception of India as irrevocably divided between its religious communities (Metcalf 1994, 113–38). As will be discussed later, he did not seek the *institutionalization* of the differences that had led to the composite culture, although many measures leading to their institutionalization were eventually adopted. As has been well documented, Nehru's socialist beliefs

influenced his attitude toward national identity formation (Brown 2003, 189). Identities, whether based on language, religion, or caste, were assumed to fade away with the onset of modernization.[13]

LINGUISTIC ACCOMMODATION

The extreme linguistic diversity of India ensured that there was no one language around which a national identity could coalesce. After independence, linguistic identities were given a multicultural "nod" in Article 345 of the Constitution. It provided that

> [s]ubject 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, recognizing different languages as languages of government at the provincial level. This provision was included in the Constitution before linguistic reorganization and was a polyethnic right rather than a mechanism of consociational segmental autonomy. First, this provision accorded no special representation in decision-making organs. Second, and more importantly, the provincial units were very heterogeneous at independence. The provincial units therefore did not provide self-governance for linguistic communities. Before linguistic reorganization in 1956, over 60 percent of the states had an effective number of linguistic groups above two. Third, Article 346 diminished the inclusiveness of this provision, providing that "[t]he 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 unproblematic while English remained an official language (Article 243), however, Article 351 provided that "[i]t shall be the duty of the Union to promote the spread of the Hindi language." It is therefore not surprising that Article 346 was not seen to be inclusive by the states of the Union who did not have a majority of Hindi speakers. As Swarna 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).[14]

Linguistic autonomy in the form of polyethnic rights was a limited right. This was why the decision concerning the official language of India was such

a politically charged issue, both before and after linguistic reorganization. The Constitution had provided that English should be retained for a 15-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 reconsider 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 Jyotirindra Das Gupta (1975, 478–85) and Paul Brass (1994, 166–67). Violence erupted in the state of Tamil Nadu. In a contemporary observation, W. H. Morris-Jones mentions that the violence was predictable, and that "[w]hen it was all over … two policemen had been burnt by the mob, two fanatics self-immolated, sixty killed in police firings and perhaps another two hundred [also killed]" (1966, 70).

The conflict arose from a mixture of identity and economic considerations. Robert Hardgrave summarizes the position well:

> Since the most highly coveted jobs are in the central government services, the students saw the change from English to Hindi as the language of administration as 'a life and death matter.' Their mother tongue was Tamil. English was the medium of instruction in the colleges and universities. Would they now be confronted by government service examinations in what was for them a foreign language and in competition with those for whom it was a mother tongue? (1965, 399).

It was only in the amended Act of 1967 that the position of English was secured for use in Parliament and for center-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 stabilization of the federation because it meant that "[t]he [Union Public Service Commission] UPSC examinations would be conducted in English and in each of the regional languages, including Hindi" (Hardgrave 1965, 405). 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 Hindi speakers and Hindi-speaking states would not dominate government appointments.

Nehru and the Congress significantly retreated from their pre-independence commitment to linguistic reorganization even though the Congress organization had been structured around language since the 1920s. Partition

and the elite's fear of further disintegration gave Nehru and Patel the pretext required to ignore the demand, but it was not the cause of the U-turn. The absence of linguistic reorganization was the one element of constitutional form that could be directly related to Nehru's attempt to create a majoritarian state. But it was not successful and the Congress divided over the issue. The Congress president in 1948, Telugu-speaking Pattabhi Sitaramayya, called for linguistic reorganization. No matter how strong Nehru's modernizing 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. The States Reorganisation Commission (SRC) was created, its terms of reference being national unity and economic and administrative considerations (1955, 10). In his statement announcing its appointment, 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," traveled all over India, and interviewed approximately 9,000 people (States Reorganisation Commission 1955, ii–iii). The central Congress did not submit a memorandum to the SRC (although the Commission's remit had been defined by Nehru). However, the Provincial Congress Committees (PCC) were free to do so. The Congress Working Committee (CWC) passed a resolution in 1954 permitting the PCCs of Maharashtra and Karnataka to make joint representations with other parties in favor of the linguistic reorganization of their states (reproduced in Zaidi and Zaidi 1981b, 547–48).

The SRC eventually reorganized the majority of the federal states around linguistic groups. However, these units were conceded grudgingly and were 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 (States Reorganisation Commission 1955, 29).[15]

This was a *very* reluctant concession by Nehru, and a partial transformation of the nature of the Indian state.[16] It was only after the 1967 Official Languages (Amended) Act and linguistic reorganization were both in place that India possessed a partially consociational linguistic strategy with special representation as well as self-governing rights. Before this amendment, the provision to adopt Hindi as the sole *official* language challenged even the limited multiculturalism afforded by the concession of polyethnic rights.[17] These concessions were promoted by the electoral threat that linguistic mobilization posed to the Congress's cohesion, but, as will be discussed in Chapter 6, were vitally important in promoting federal stability.

RELIGIOUS ACCOMMODATION

When it came to the institutional recognition of religious demands, the Indian state reached a unique compromise (Chiriyankandath 2000, 12–13). Although many religious communities were divided according to region and were not homogeneous, religious minorities were numerous enough to demand accommodation. Nehru would have preferred that religion have no place in public life (Khilnani 1997, 177–78), a stance favoring an integrationist strategy, relegating all religious identities to the private sphere. Yet he appreciated that such a strategy would confirm the dominance of the majority-Hindu religion. As James Chiriyankandath argues, if minority rights "were left unprotected, there was the danger that the state might be secular in form but unrestrainedly majoritarian in practice" (2000, 12). After the horrors of partition, Nehru was aware of the need to allay the minorities' fears (Rudolph and Rudolph 2000, 31) and his desire to avoid a "Hindustan" required a level of protection for religious minorities. Nehru therefore articulated and promoted a multicultural strategy (although he did not use this terminology) in relation to religious identities, but of the weakest form identified by Kymlicka: polyethnic rights.[18]

These polyethnic rights were expressed through the policy of secularism defined as neutrality of the state to, rather than separation from, religion: "The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them" (Article 15[1]). Although the word secular did not appear in the Constitution until 1976, India's original Constitution embodied secular provisions.[19] The expression of religious identities was not prohibited in the public sphere. In striking contrast to the ongoing French debate concerning religious symbols in state schools, the Indian state has funded educational institutions of the main religious denominations. In a circular to the Pradesh Congress Committees in 1954,

Nehru noted that Indian secularism "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" (reproduced in Gopal 1983, 328).

These polyethnic rights included the recognition and protection of the personal laws of Muslim and Christian minorities. Yet the Constitution included in its "Directive Principles of State Policy" the statement that "[t]he State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India" (Article 44). These Directive Principles, unlike the Fundamental Rights, were nonjusticiable and many, especially Hindu nationalists, have called for a Uniform Civil Code— a move that has been backed by the Supreme Court in recent years. The recognition of personal laws has been controversial because 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 Hindu Code Bill, parts of which were eventually passed piecemeal, sought to secularize aspects of Hinduism.[20] This antagonized many leaders of the Hindu community, as this reform was not applied to Christian or Muslim institutions. Interestingly, the explanatory clause attached to Article 25 [1b] states that "the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion." The Constitution therefore adopted the Hindu Nationalist framework of viewing Sikhs, Jains, and Buddhists as "Indian" and part of the "Hindu" family. There was therefore no consistent strategy with regard to polyethnic religious rights; Sikhs, Jains, and Buddhists were subject to a strategy of acculturation.

This multiculturalism was not only inconsistent; it was the weakest form: polyethnic rights. The Congress was not so accommodating in relation to reserved seats for religious communities (special representation rights) and the creation of non-Hindu-majority states (self-governing rights). The Congress had accepted both reserved seats and the creation of non-Hindu provinces before independence, although Nehru's preference for a centralized, integrationist, majoritarian constitution had led to the ultimate rejection of the Cabinet Mission Plan (CMP). The reduced proportion of Muslims after partition accounts for the change. Religious minorities who were territorially dispersed as well as differentiated according to region, class, and outlook posed little electoral threat, and reserved seats could be safely disposed of. In relation to self-governing rights, the territorial nature of demands for the creation of states with non-Hindu majorities posed a greater threat to a territorial conception of nationhood than did accommodation of personal laws, given that the former was perceived to lead to physical disunity.[21] This is discussed in more detail in Chapter 6.

Therefore, although elements of what is today called multiculturalism existed, they were weak. Ironically, the Constitution "gave statutory recognition to minorities, thereby implicitly accepting the existence of a majority" (Chiriyankandath 2000, 20). 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 weak multicultural elements at an early stage even within the majoritarian structures of the Constitution. Segmental autonomy existed but there is a qualitative difference between the acceptance of personal laws and consociational recognition in political decision-making institutions in the form of special representation and self-governing rights. The desire to avoid conceding self-governing rights was the reason behind Nehru's reluctant concession of linguistic reorganization. Both language and religion were equally threatening to Nehru's integrationist strategy, but only linguistic groups had a large enough effective number of groups to warrant accommodation in decision-making institutions. The fact that linguistic identities were eventually given self-governing rights was, however, a major factor in explaining federal stability in India, contrary to Nehru's fears.

The recognition of personal laws *did* constitute a form of consociational recognition. It promoted polyethnic rights and was a form of Lijphartean segmental autonomy. Therefore, this study disagrees with Chiriyankandath who argues that the concession 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, but religious groups were not permitted more substantive recognition in the form of reserved seats.

India's concern to safeguard its territorial integrity and to promote an all-Indian identity has been reflected through the structure of other institutions of the state, including the bureaucracy and army. Unlike Pakistan, there are no regional quotas for appointments in the Indian Administrative Service (IAS). With the exception of reservations for the SCs and STs—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, since the amendment of 1967, candidates are permitted to use a language specified in the Eighth Schedule to the Constitution to take this examination.[22] Yet the states of the federation do not have a certain number of IAS positions reserved for their candidates. In practice, David Potter notes that there is little disparity overall, although regional differences have emerged at different points in India's history (1996, 215). The center does not possess its own civil service; it is comprised of IAS members deputed from the states. This was a deliberate policy as Beryl Radin notes, "[t]he 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 (1999, 85).

The one exception to the regionally neutral appointment process has been in 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 "non-martial race" states, historically not army recruiting zones (Khalidi 2001–2002, 540). In 1971 this policy was extended and was one of the contributing factors to the alienation of the Sikh community in the 1970s and 1980s.[23] The demand to reverse the policy was featured in the Anandpur Sahib Resolution, demonstrating that such policies can increase as well as ameliorate ethnic conflict.

Pakistani Identity

After the partition of the subcontinent, Jinnah viewed the coherence of the Muslim community as vital to its survival, arguing that

> Pakistan is the embodiment of the unity of the Muslim nation and so it must remain. … If we begin to think of ourselves as Bengalis, Punjabis, Sindhis etc., first and Muslims and Pakistanis only incidentally, then Pakistan is bound to disintegrate. Do not think that this is some abstruse proposition: our enemies are fully alive to its possibilities (Jinnah 1962, 104).

Religious Accommodation

Pakistan was not created as a theocracy. Indicative of this is the fact that the flag of Pakistan has a white stripe that symbolizes the existence of minorities

within the state, as does the Indian flag.[24] After independence, Pakistan boasted the same percentage of religious minorities as secular India. Therefore, Jinnah was speaking to a sizeable population when he declared at a press conference in Delhi in July 1947 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" (reproduced in Afzal 1966, 421). Religious-minority rights were enshrined in the Constitution and their personal laws were protected from being brought into conformity with Islam (Article 198 [1])—a polyethnic right similar to India.

However, the status of the religious minorities was not defined by equality. This was because Muslim and Pakistani identities were interchangeable in the new state, and Islam was constitutionalized as the dominant identity.[25] The 1956 Constitution was entitled "The Islamic Republic of Pakistan" and its preamble started with the statement that "sovereignty over the entire Universe belongs to Allah Almighty alone" (Government of Pakistan 1956).[26] In addition, the president of Pakistan had to be a Muslim. Hierarchy was therefore constitutionalized. In 1947 Husain Shaheed Suhrawardy tried to open membership of the League to Hindus, but was rebuffed, leading Talbot to comment that "[i]deology took precedence over nation building" (1998, 92). However, the ideology of Islamic unity was *directly* connected to the type of nation the Muslim League elite sought to build. In order to justify its claim of being the sole representative of the Indian Muslims, the League had adopted a strident approach in which its 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" (Talbot 1998, 93). This constitutional hierarchy limited the substantive identification with the state for religious minorities and therefore has to be seen as segregationist rather than multicultural.

LINGUISTIC ACCOMMODATION

In Pakistan, being a Muslim was a prerequisite for substantive identification with the state.[27] All other religions were excluded from substantive identification with the state without incurring a high cost: changing one's religion. Such a national identity would have been expected to be inclusive of all Muslims. In actuality, 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 unity:[28] "So what is the use of saying 'we are Bengalis, or Sindhis, or Pathans, or Punjabis?' No, we are Muslims" (Jinnah 1962, 84). Jinnah was consistent in his attitude to linguistic regionalism both before and after independence: it must not divide the Muslim community.

However, the large effective number of linguistic groups in the newly created Pakistan was indicative of the fact that linguistic conflicts were likely to cause federal instability in the absence of consociational measures (O'Leary 2001a, 291–92). Although denying the legitimacy of linguistic provincial claims for recognition would have been consistent with the segregationist strategy in favor of Islam, the disparity in the treatment of the regions (all with Muslim majorities) was not.[29] Jinnah's death in 1948 limits his responsibility for later discrimination, but he set the tone before partition by marginalizing the Bengali-speaking leaders of the Muslim League in favor 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 by promoting Urdu as the state language of Pakistan. Urdu was spoken as a mother tongue by only 3.24 percent of the population at the time and commonly spoken by 7.3 percent. But those able to use Urdu were not evenly distributed through Pakistan, as seen in Table 5.2.

Table 5.2 Urdu speakers and literates in Pakistan's provinces in 1951

Province	Percentage of speakers	Percentage of literates
Baluchistan and States Union	7.3	3.9
East Bengal	1.1	0.7
Federal Capital Area: Karachi	68	18.4
NWFP and Frontier Regions	4.9	4.3
Punjab and Bahawalpur State	16	7.3
Sindh and Khairpur State	14	2.2

Source: Adapted from Government of Pakistan (1951, Table 7A).

While there is a case to be made for categorizing the use of Urdu as a "neutral" language, similar to the adoption of Bahasa in Indonesia, rather than the dominant Javanese, Urdu was chosen as the state language because of its association with the Muslim nationalist movement in northern India. It thus took on exclusive connotations, as noted; integrationist strategies are not always ethnically neutral. Not only did it exclude the majority of the

population—Bengali speakers—but it imposed higher costs for some communities rather than others. This was because Punjabi and Pashtu were "not normally … written language[s]" (Government of Pakistan 1951, 75). Only 0.2 percent of Punjabis claimed literacy in Punjabi, 0.4 percent of the population of NWFP were literate in Pashtu, and the figures for literacy in Baluchi were so low that they were not reported (Government of Pakistan 1951, 73). In British Baluchistan and Punjab, the script was not standardized, making it impracticable for use in government. It is common to hear Pakistani Punjabis declare themselves "illiterate" in their mother tongue.[30]

In contrast, Bengali and Sindhi had proud literary traditions. In those provinces, the foremost languages of literacy were Bengali (14.2 percent) and Sindhi (6.1 percent). Publications and media proliferated in both languages, encouraged by the development of printing and the standardization of the Sindhi language and script by the British (Rahman 1996, 81, 105–9). In their respective territories Sindhi had been used as a language of government in the lower levels of administration since 1851 (Ahmed 1998, 41) and Bengali since 1837 (Rahman 1996, 81). In contrast, in Punjab, NWFP, and British Baluchistan, Urdu had been used as the language of administration at the lower levels (Rahman 1996, 136, 164, 194). Pashtu was only used as a language of government in the princely state of Swat. Nothing demonstrates more strikingly why the decision to impose Urdu as a state language had higher costs for the Bengali and Sindhi *salariat*.[31] Exclusion was compounded by the fact that the United Provinces (from where the Mohajirs had predominately migrated) had also operated in Urdu before independence.

The language policy therefore reinforced Punjabi and Mohajir domination of the state and its institutions, and movements emerged in East Bengal demanding Bengali's recognition as one of the state languages of Pakistan. Jinnah loyalist and chief minister of the province, Khwaja Nazimuddin, inflamed matters by declaring in February 1948 "that the people of his province wanted Urdu, not Bengali" (Rahman 1996, 86).[32] Supporting his chief minister, Jinnah declared "that the State Language of Pakistan is going to be Urdu and no other language … [w]ithout one State Language, no nation can remain tied up solidly together and function" (Jinnah 1962, 86). Although Nazimuddin brought forward proposals for Bengali as the means of instruction *within* East Bengal, the issue of the state language remained prominent. In 1952, Nazimuddin, now prime minister, proclaimed that Urdu would definitely be the state language of Pakistan. This statement provoked a violent response from the students of Dhaka University and the police crackdown created several martyrs for the language movement. Constitutional innovations, such as Mohammad Ali Bogra's constitutional formula, ignored the language question (Bogra 1953). It was only *after* the

decimation of the League in the 1954 East Bengal Assembly elections that the center conceded that "[t]he official languages of the Republic should be Urdu and Bengali" (Government of Pakistan 1954, Article 276[1]).

After this concession, linguistic policy technically became more multicultural. However, there were high costs for the 40 percent of the population not speaking either language as their mother tongue.[33] Having one (or two) state language(s) for Pakistan did not preclude the adoption of different languages for provincial use. Jinnah himself acknowledged that what "shall be the official language of this province is for the elected representatives of the people of this province to decide" (Jinnah 1962, 85). But although the Report of the Basic Principles Committee of 1954 provided that provincial languages would be permitted and that "[f]or examinations for the Central Service, all Provincial languages should be placed on an equal footing" (Government of Pakistan 1954, Article 276[1] and [4]), the Constituent Assembly was dissolved shortly after adopting it. The Constitution of 1956 omitted any mention of provincial languages; therefore, the Western Wing had to operate in Urdu or Bengali.

The strategy was nominally multicultural in terms of the recognition of linguistic polyethnic rights *between* the 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 perceived the One Unit Plan to be a rejection of their identity. Their leaders only accepted the plan when Bengali was recognized as the joint-state language of Pakistan. As subsequent events would reveal, the One Unit Plan was an institutionalization of an ethnic hierarchy and indicative of a strategy of segregation rather than multiculturalism. The One Unit Plan consolidated Punjabi dominance over the Western Wing; the capital of West Pakistan was Lahore.[34]

It is important to note that the Constitution did not *prohibit* the use of languages other than Urdu or Bengali, and even provided that "[a]ny section of citizens having a distinct language, script or culture shall have the right to preserve the same" (Government of Pakistan 1956, Article 19). This was significant, distinguishing the strategy of the Pakistani elite as an integrationist rather than an assimilationist one. Sindhi was retained as a medium of instruction in Sindh, although the number of Sindhi schools declined. In Baluchistan, Baluchi, and Brahvi Academies were established in 1961 and 1966 (Rahman 1996, 163). The Pakistani state did not seek to abolish non-Urdu languages in West Pakistan.[35]

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 Pakistan, limited resources *and* conflict with a much stronger neighboring power increased the power of the army, to maintain an effective defense but also to maintain internal order.[36] Pashtun and Punjabi domination of this institution exacerbated ethnic tensions. In this sense, Raymond Moore's contention that "the Pakistan Army stands out as one of the foremost stabilizing elements in the country … performing notable services in the nation's behalf" is misguided (1969, 447). While Punjabization can be detected in the formation and operation of the institutions in Pakistan and post-1973 in its demographic dominance of the lower chamber,[37] much of the ethnicization 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.

This was very important in Pakistan as the institutions in which power resides have been the army and the bureaucracy. Power sharing in a nondemocratic setting may not be as effective as democratic consociationalism, but the co-option of elites is possible. Punjabi domination of the two powerful institutions of the Pakistani state, discussed in more detail in Chapter 7, maintains their ethnic dominance. Pakistan's elite ostensibly tried to de-ethnicize the state through an integrationist policy toward all Muslims. This was a façade; in reality, they were consolidating a new ethnic core. The demographically dominant community—Bengalis—were, in effect, subject to a practice of segregation.

Conclusion: Federal Design as an Expression of National Identity

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 initially permitted provincial languages but only very reluctantly did he recognize linguistic self-governing rights through linguistic reorganization. However, his simultaneous commitment to forge all Indians into one nation had as its corollary, an urge to maintain India's territorial integrity.

As discussed in Chapter 6, his unwillingness to concede territorial institutional recognition to religious communities explains why conflicts intertwined with linguistic, or border, issues were not accorded legitimacy. The whittling away of Kashmiri autonomy and his refusal to grant a Punjabi-speaking state are examples of this.

Jinnah's conception of an Islamic state with protection for religious minorities was ostensibly a multicultural one but became segregationist in reality. Despite the constitutional hierarchy of religions within Pakistan, Muslims in different regions were not accommodated 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 Sindhi and Bengali identities were threatened. Therefore, the mobilization of Muslims, which had led to Pakistan's creation, was not translated into an overarching identity. Limited multiculturalism transformed into a mechanism of segregationist control with regard to the Bengalis and integration had an ethnic dimension within the Western Wing. After 1973 it accommodated languages more readily, but disparities remained in linguistic communities' representation in the institutions that mattered: the army and the bureaucracy.

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 the reduced effective number of religious groups made this identity less salient and made language more so. This challenged the strategies to accommodate diversity. While the League was consistent in its rejection of linguistic identities and the Congress 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 6.) In the case of Pakistan, the lack of accommodation of linguistic identities led to conflict and federal destabilization.

This page intentionally left blank

CHAPTER 6

FEDERAL (IN)STABILITY IN INDIA

> 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)*

> 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)*

Federal stability is difficult to quantify. In recent years India has witnessed a proliferation of regional parties which have led commentators to express concern over the stability of the state. But federal stability should not be equated with the stability of a governing coalition. The security of a government's tenure may, of course, have implications for federal stability, but by itself the

longevity and stability of the government is not indicative of, nor a good proxy for, federal stability. Coalition governments do not necessarily herald federal instability; indeed, as this chapter will argue, federalism in India has become more "real" and stable 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).

The success of a state in maintaining its territorial integrity is not a valid way of assessing whether a federation is stable because a state can be held together by force. In a democratic state, looking at the numbers of movements that express themselves violently and outside democratic politics is a better proxy for federal stability. Federal instability can also be measured by analyzing the number of times the center has had to deploy force to maintain "normality."

RELIGIOUS POLITICS AND FEDERAL STRUCTURES

Religious politics affected the operation of the federation before partition because the Muslim-majority provinces, and then the League, saw federal autonomy as a means of safeguarding their rights within a Hindu-dominated state. The demand for greater federal autonomy was rejected at the time of the Cabinet Mission Plan (CMP), leading to partition. The "logic" of partition was that Muslim-majority areas would be allocated to Pakistan and all other areas to India. The nominally sovereign princely states chose whether to join India or Pakistan. In practice the vast majority had no choice; their territory was surrounded by India or Pakistan. Hyderabad, Junagadh, and Kashmir were the exceptions where the ruler was a different religion than that of the majority of the population. Hyderabad and Kashmir attempted to remain independent; Junagadh acceded to Pakistan. Ultimately both Junagadh and Hyderabad were forcibly incorporated into India.

Kashmir was more complicated. By virtue of its territorial position it could have acceded to either India or Pakistan, but the "logic" of partition would have placed it with Pakistan. In addition, the "k" in Pakistan stands for Kashmir and its accession was a question of national identity for Pakistan. In actuality, the Hindu Maharaja attempted to maintain the independence of the state, ultimately provoking Pashtun tribesmen—allegedly supported by Pakistan—to invade. This prompted the Maharaja to request Indian military assistance, which was granted on the condition of Kashmir's accession to India. This accession was conditional on a referendum being

held. The accession to India was supported by the National Conference (JKNC), which had opposed the rule of the Maharaja.

Indian intervention led to the first war between India and Pakistan in 1948, which resulted in the division of Kashmir along the Line of Control. After the war, India refused to hold the promised referendum on the grounds that one third of the territory remained "occupied" by Pakistan. But India also had an ideological commitment to Kashmir. Despite pursuing policies that led to partition, the Congress had not accepted Pakistan's rationale for partition. For the Congress there was no "logic" that had to be fulfilled by the accession of Kashmir to Pakistan, which would have confirmed the Muslim League's contention that India was a Hindu *Raj*. Any concession permitting the breakaway of Kashmir would be tantamount to refuting the claim of India to be a secular state (Brass 1994, 192). Jawaharlal Nehru noted in 1948 that "[i]f Kashmir went, the positions of the Muslims in India would become more difficult. In fact there would be a tendency of people to accept a purely communal Hindu viewpoint" (Brown 2003, 213). On a personal level, Kashmir was the ancestral home of the Nehru family.[1]

At the time of independence Kashmir was the only non-Hindu-majority state in the Indian Union. Religious freedoms were guaranteed at the all-India level through the Constitution. Yet the situation was more complicated. As noted in Chapter 5, no self-governing rights had been granted to religious communities, but the terms of the accession to India meant that Kashmir possessed a constitutional status different from other states. Article 306A (which became Article 370), provided that the center could not legislate on any items pertaining to Kashmir other than defense, foreign affairs, and communications. This was a form of asymmetrical federalism[2] effectively guaranteeing self-governing rights to a non-Hindu state.

It was therefore not surprising that, after disagreements between Nehru and Sheikh Abdullah, the leader of the JKNC, over Kashmiri autonomy (which culminated in Abdullah's imprisonment) the Constitution was amended in 1954 to "empower … the Indian government to legislate on all matters on the union list, not just defence, foreign affairs and communication" (Bose 1997, 33). Subsequent legislation enacted between 1954 and 1958 stated that Kashmir was an "integral part of the Indian Union" and permitted civil servants from the center to work in the state (Bose 1997, 33). Although these changes were made with the concurrence of Kashmiri Prime Minister Bakshi Ghulam Mohammed, who took over after the arrest of Abdullah, he was an unpopular prime minister and many Kashmiris resented the changes. The center was charged with breaking promises and the changes had important practical implications, as non-Kashmiris became involved in the administration of the state. Sumantra Bose observes that

> while Kashmir's political arena was monopolized by corrupt despised puppets installed at Delhi's behest … its day to day administration too gradually became to be dominated by people with no roots among the population (1997, 34).

These changes have been the source of grievance ever since. The perceived security implications of a weaker relationship of a contested unit with the center were paramount in the decision to undermine the asymmetrical relationship. Similar moves have been made in the Northeast. The Constitutional Order of 1954 also "put drastic curbs on fundamental liberties: freedom of speech, assembly and association in the state could now be suspended at any time on 'grounds of security.' No judicial reviews of such suspensions would be allowed" (Bose 1997, 33). These decisions cannot be divorced from the Indian strategy of nation building, which perceived self-governing rights for religious communities to be problematic because of the perceived danger of secession: a legacy of partition. The undermining of self-governing rights for Kashmir did not make the insurgency of the late 1980s inevitable, but in combination with other actions of the center, it proved fatal.

Any discussion of the politics of religion and federal structures cannot be divorced from the unwillingness of Nehru to sanction the creation of non-Hindu-majority provinces, which would have been a de facto concession of religious self-governing rights. The most controversial of the cases under his premiership occurred in Punjab. The States Reorganisation Commission (SRC) considered the claim carefully for a Punjabi-speaking state. They concluded that "it lacks the general support of the people inhabiting the area [and] … will solve neither the language problem nor the communal problem and … might further exacerbate the existing feelings" (1955, 146). But Nehru's considerations were very clear. He rejected the linguistic reorganization of the Punjab because it "propagated communalism" (Singh 2000, 90; Dua 1990, 193); "[a]ny further demarcation of political boundaries within India on communal grounds was essentially non-negotiable" (Brown 2003, 284). The status quo was the existence of Hindu majority provinces. As Table 6.1 reveals, with the exception of Jammu and Kashmir, no non-Hindu-majority states existed at the time of independence.

Table 6.1 is a crude measure, as the existence of non-Hindu-majority states says little about the politics within the borders of these states. The creation of states along religious lines is also dependent on religious communities being territorially concentrated. Since India is a Hindu-majority state,[3] it should not surprise us that the majority of its units were Hindu. Yet, when linguistic and religious identities coincided, as in the Punjab, the center was reticent about conceding territorial recognition to non-Hindu-majority

areas. The religious identity became the relevant identity for the center, even if the demand was articulated around a different identity. There were other territorially concentrated areas where alternative religious groups were a majority, notably in the Christian enclaves of the Northeast. Their demands were complex, as Paul Brass acknowledges:

> Although the languages of the tribal peoples are entirely distinct from Assamese and although Christianity spread to many of them, language and religion were secondary issues. … The main argument for separation and secession was that tribal peoples were simply not Indians at all (1994, 202).

The Northeast was not reorganized in the 1950s because of this extreme diversity. As the SRC observed, "Assam and north-east India seem to have been intended by nature to be the meeting place of many tribes and races" (States Reorganisation Commission 1955, 183). Unlike Punjab and Kashmir, where the actions of the center were proximate in escalating the problem, the Northeast has been more complicated. This is partly because the Northeast is host to multiple claims and counter claims. As James Manor observes, "its heterogeneities tend to go so far that they also undermine the politics of bargaining and with it the prospect for political stability" (1998, 33; 2001, 81). However, although unique challenges existed, the conflicts have often been escalated by the actions of the center. The challenges that have been most prominent and long lasting are the demands of the predominantly Christian Nagas and Mizos.

Table 6.1 Religious demographics of India's states in 1951

Group (absolute majority of state's population)	% Pop.	Number of states	% of states	Difference
Hindu	85	26	90	5
Muslim[1]	10	1	3	-7
Christian	2	0	0	-2
Sikh	2	0	0	-2
Others	1	0	0	-1
No overall majority[2]	n/a	2	7	n/a
Total	100	29	100	

Source: Government of India (1953).

Notes:

1. Jammu and Kashmir
2. Andaman and Nicobar Islands (Christians, 31 percent; Hindus, 30 percent), and Pepsu (Sikhs, 49.3 percent; Hindus, 48.8 percent)

This section will not repeat the history of the conflict in the region; excellent summations can be found in Bhagwan Dua (1990) and B. G. Verghese (1996). The following points are pertinent: The Nagas demanded independence at the time of partition, a demand that was rejected in no uncertain terms. At the same time, the Assamese state government violated the agreement to recognize the "Naga National Council … as 'the principal political and administrative force in the Naga Hill district' and proceeded to extend 'its administration to the Naga area'" (Brass 1994, 202). The conflict escalated and in 1956 the Indian army was dispatched to suppress the secessionist rebellion, but "[w]ithin a few months … Nehru realised that the army in its zeal had alienated even those Nagas who were opposed to the insurgency" (Dua 1990, 200). He called for the Assamese Government to grant the Nagas more autonomy. In 1960 the demand was conceded; and in 1963 Nagaland became the 16th Indian state, the one case when Nehru sanctioned the creation of a non-Hindu-majority state.

Unlike the demand of a Punjabi-speaking state which Nehru distrusted on the grounds that it was a proxy for the creation of a Sikh state, in Nagaland the demands were predominantly tribal and linguistic rather than religious. In the Sixth Schedule of the Constitution, tribal communities were given polyethnic rights—the right to determine the language of education—and self-governing rights—autonomous councils. They were also given representation rights in the parliament through reserved seats, and guaranteed representation in government employment. The First Amendment to the Constitution in 1951 provided that "[n]othing … shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes" (Article 15).

In an interesting comparison with Punjab, Nehru concluded that *not* conceding the demand for a Naga state threatened the integrity of India. The contrast is striking given that there had been no secessionist movement in the Punjab, but a very real one in Nagaland. A plausible explanation for Nehru's acceptance of the demand is provided by P. K. Bose, who argues that Nehru relented, in part, because the demand for a Naga state *within* India had come from a section of Nagas who were not advocating secession (1990, 76). Yet, although Nehru stated to his chief ministers in 1960 that "[m]y conscience is at ease now," the center's hand had been forced. Nehru was not enamored with self-governing or representation rights for Scheduled Tribes (ST), opposing their retention of government employment quotas (Wilkinson 2004, 109).[4] It must be questioned whether the center would have adopted a similar attitude to a Sikh secessionist movement occurring in the 1950s. One suspects not.

In both the Naga and Mizo cases, although the challenges to the center were real, subsequent policies of the state government and the center undermined the identification with the Indian state, to say nothing of the Indian nation. The Nagas had demanded independence in 1947, but the actions of the army after the proclamation of an underground Federal Government of Nagaland (Dua 1990, 199) increased support for the demand among the wider population.[5] In the case of the Mizos, dissatisfaction existed but did not escalate into insurgency until "the failure of the Assam government to provide them with timely famine … relief" in 1959 (Dua 1990, 203). This led to the formation of the Mizo National Front. Encouraged by the announcement of a separate state of Nagaland in 1960, they contested the 1962 elections on a platform of self-determination. After losing the election, conflict escalated, culminating with a call for secession in 1966. As in Nagaland, the Indian army was dispatched to crush the rebellion, but shortly afterward in 1972, the Union Territory of Mizoram was created. This did not prevent further conflict, Robert Hardgrave notes that "[i]n the late 1970s, clashes between the Indian Army and insurgents of the Mizo National Army grew in intensity, and the Mizo National Front, supporting independence for Mizoram, was outlawed in 1979" (1983, 1174). Mizoram was finally granted statehood within the Indian Union in 1987.

Although it would be misleading to consider Nehru as unmoved by electoral considerations, under Indira Gandhi the center pursued policies designed to maximize its electoral interests in the region. In 1966 the elected Naga leadership was undermined by Indira's decision to conduct talks with the secessionists (Dua 1990, 202). Most violent conflicts cannot be solved without negotiating with those holding arms. However, Dua contends that

> the urgency and seriousness in resolving the separatist issue appeared on Mrs. Gandhi's agenda in direct proportion to her partisan interests in the state; she could not … let a non-Congress state government claim credit for bringing peace to Nagaland (1990, 202).

While the center has been more willing to compromise in the Northeast, partially because the overlapping nature of cleavage does not pose such a threat to the center's notion of nation building, the heterogeneity of the region has meant that these compromises have not been as successful in preventing conflict. This has meant that a "quasi-martial law" has been imposed in much of the Northeast "reflecting both the continuing danger of unrest and the strategically vulnerable nature of the region" (Hardgrave 1983, 1173–74). Even when tensions do not take a violent turn, as the Bharatiya Janata Party (BJP) recently discovered, attempts to appease the Nagas

through talk of a Greater Nagaland alienated its supporters in the neighboring state of Manipur (Adeney 2005, 107). Religion remains a problematic cleavage for the center to concede self-governing rights to, but as Table 6.2 demonstrates in 2006, five non-Hindu states exist, and one in which no religious group has a majority.

Table 6.2 Religious demographics of India's states in 2006

Group (absolute majority of state's population).	% Pop.	Number of states	% of states	Difference
Hindu	81.4	22	78.5	-2.9
Muslim[1]	12.4	1	3.5	-8.9
Christian[2]	2.3	3	11	8.7
Sikh[3]	1.9	1	3.5	-8.9
Others	2	0	0	-2
No overall control[4]	n/a	1	3.5	n/a
Total	100	28	100	

Source: Adapted from Government of India (1991; 1990).

1. Jammu and Kashmir

2. Meghalaya, Mizoram, Nagaland

3. Punjab

4. Arunachal Pradesh

It is important to note that *none* of these reorganizations were conceded on grounds of religious autonomy and cannot be viewed as conceding self-governing rights to religious minorities. Although a contemporaneous source (Kothari 1967, 87) argued that Indira Gandhi showed "a rare nerve and considerable policy initiative" in reorganizing the Punjab, the redrawing of boundaries was only undertaken when the demand was more strongly couched in linguistic terms (Dua 1990, 193). The uneven treatment of communities, perceived or actual, which happened to have a non-Hindu religious identity, was a demonstration of the tensions within the Indian strategy of weak religious multiculturalism. The refusal to accommodate certain groups' demands was perceived to be a strategy of control and to be perpetuating historical domination.

It is no accident that the majority of secessionist demands have occurred within the non-Hindu "periphery," the most notable being those in Kashmir, Punjab, Mizoram, Assam and Nagaland." But to attribute secessionist demands to the fact that these regions have a different dominant religion and cannot live within a "Hindu India" would be simplistic. These states are not particularly homogeneous along religious or linguistic lines and many of the movements in these regions have been in reaction to the central government's

inaction or manipulation (Brass 1994, 192–227). The response of the Indian state to the demands of non-Hindu religious groups has led Gurharpal 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, 47–48).

Can the non-Hindu majority of these states explain excessive central intervention? If so, we could expect the imposition of the emergency provisions of President's Rule, under Article 356 of the Constitution, to have occurred predominantly in states without a Hindu majority. The evidence is not conclusive; 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.[6] Table 6.3 demonstrates why. States, such as Punjab, Jammu and Kashmir, without a Hindu majority are at the top of the table. Significantly, however, Meghalaya and Arunachal Pradesh are at the bottom. Therefore the religious majority of the state in question does *not* determine the extent of the center's interference.[7]

As can be seen in Chart 6.1, 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. It is no coincidence that Indira Gandhi was prime minister for most of the decade.[8]

Interestingly, there is also no statistically significant relationship between the border status of a state, the length of time spent under President's Rule or even the number of times that President's Rule has been imposed.[9] Although the Indian state is obsessed with its territorial integrity, it has not exclusively intervened or suspended democratic functioning in those states that have a land border with another country. The center has been concerned with securing its control in *all* areas of India. This behavior has been mitigated by the Bommai Supreme Court judgment of 1994,[10] but also because India has entered an era of coalition politics, where regional parties are generally unwilling to support the use of Article 356 because future administrations may sanction its use to dismiss their own state government.

The fact that there is no relationship challenges the ethnic democracy argument of Singh. Under Article 356 the center 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 of days spent under

President's Rule is significant. These were the indicators that should have been expected to produce a significant correlation if the ethnic-democracy argument is sustainable. 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, Chapter 3, 45–48). As noted, it is divided along lines of region, language, and caste, which is why the BJP has been unable to secure a majority in parliament.

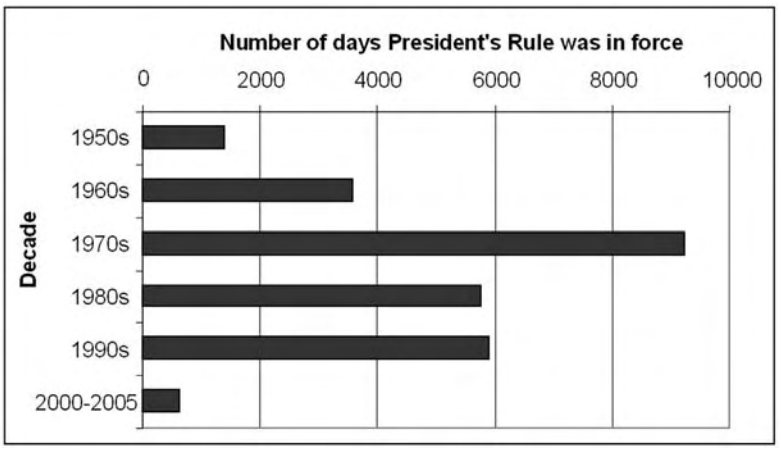
Table 6.3 The number of days under President's Rule for the states and Union Territories of India, 1951–2005

	Name of state	Days imposed	No. times imposed
1	**Punjab**	**3518**	**9**
2	Pondicherry	2699	6
3	**Jammu and Kashmir**	**2351**	**3**
4	Manipur	1930	10
5	Uttar Pradesh	1705	10
6	Kerala	1694	9
7	**Nagaland**	**1475**	**3**
8	Gujarat	1239	5
9	Tamil Nadu	1137	4
10	Assam	1097	4
11	West Bengal	1064	4
12	Bihar	1009	9
13	Orissa	752	7
14	**Mizoram**	**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	**Meghalaya**	**117**	**1**
25	Maharashtra	113	1
26	**Arunachal Pradesh**	**76**	**1**
	Total	26531	116

Source: Data adapted from Lok Sabha Secretariat (1996), H. M. Rajashekara (1987, 638–40), Rajya Sabha (1996; 1997; 1999a; 1999b; 2002), *Dawn* (2002), V. Venkatesan (2005), and Onkar Singh (2005). See Appendix 2.

Notes: Non-Hindu majority states are in bold. Most lists of President's Rule do not include the Union Territories. They are included here because many of the incidents of President's Rule occurred in Arunachal Pradesh, Manipur, and Mizoram when they were Union Territories.

Chart 6.1 The number of days that President's Rule was imposed on the states and Union Territories of India by decade



Source: As Table 6.3.

Yet the number of days a state spent under President's Rule is not a sufficient test of the attitude of the Indian state toward religious minorities. The number of army interventions and types of violence within a state are also important in assessing where and why the Indian state has repressed secessionist movements: "[t]he Indian Army has had more experience in counter-insurgency than almost any army in the world" (Rajagopalan 2000, 44). Stephen Cohen has analyzed the number of occasions when the army has been called to intervene within Indian states, as Table 6.4 shows.[11]

Although Cohen's data were collected before the insurgency in Jammu and Kashmir, they cover most of Indira Gandhi's tenure, during which she exploited religion for populist purposes and alienated many of the "peripheral" regions. These data demonstrate that 60 percent of interventions in this period occurred in Hindu-majority states. Although this challenges the argument that the Indian state has intervened militarily in its "periphery" more than its "core," this is misleading. In 1977 only 23 percent of states and Union Territories had a non-Hindu majority. The fact that they experienced 40 percent of the army interventions during this period supports the argument that religion has been important in determining the center's response to challenges. These interventions inevitably produced further alienation from the center, producing further challenges leading to military intervention.

Table 6.4 The causes of army intervention in India 1973–1984

Causes of intervention	Northeast, Punjab, J & K	Other states
Communal unrest		30%
Tribal	12.5%	
Antiforeigner	10%	
Election violence	5%	2.5%
Riots (uncategorized)	2.5%	2.5%
Insurgency	5%	
Language riots	2.5%	
Food riots		2.5%
Student riots		2.5%
Rural		2.5%
Caste		2.5%
Other		7.5%
Unknown	2.5%	7.5%
Total	40%	60%

Source: Data adapted from Stephen Cohen (1988, 125–27).

More recent data (shown in Table 6.5) indicates that the vast majority of deaths in major conflicts continue to occur in these regions. The left-wing violence that occurs in Hindu-majority states accounts for almost ten percent of the total, but is dwarfed by the numbers of deaths in Kashmir and the Northeast.

Table 6.5 Deaths from violent conflicts in India, 1994–2005

	Civilians	Security Force Personnel	Insurgents	Total	Percentage
Jammu & Kashmir	10211	4623	16948	31782	62.4
Northeast	7140	1958	4835	13933	27.4
Naxalite	2228	737	2076	5041	9.9
Punjab	82	2	91	175	0.3
Others	1	0	5	6	0
Total	19662	7320	23955	50937	100

Source: Adapted from South Asia Terrorism Portal (2005a).

Notes: Statistics collated until end of June 2005. This Web site reports death estimates at the lower end of the spectrum.

There has been a definite relationship between the likelihood of army intervention and the border status of a state. Seventy-seven and one half percent of army interventions in the period of 1973–1984 were within states with an international land border, as demonstrated in Table 6.6. This is significantly more than their proportion within India. This confirms the assessment that the Indian state is concerned with maintaining military control in these regions.

Table 6.6 Army interventions organized 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 Stephen Cohen (1988, 125–27).

The above data have demonstrated that Singh's argument is problematic. 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. These states have 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 Sumit 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).[12] The Northeast has also seen very high levels of conflict related to secessionist and interethnic conflicts. Between 1980 and 1986, 5,000 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 Northeast 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). The South Asia Terrorism Portal (SATPO) estimates that 14,000 people were killed in the Northeast between 1994 and 2005 (see Table 6.5).

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 between December 6 and 13, 1992 at 1,200. Unofficial estimates at least double these figures (Jaffrelot 1996, 463). The 2002 pogrom in Gujarat killed 2,000 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, 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 center'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. The latter is impossible to test as there are no non-Hindu-majority states without a land border. Central policies toward 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 behavior of the army, nor the threats they face. Both of these are likely to be more extreme when secessionist movements are involved because the military is "especially sensitive to, and scornful of, political parochialism" (Cohen 1990, 197). The difference also lies 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 2002a, 23). Hardgrave agrees:

> [t]o say that India's national integrity is fundamentally secure is not to minimize the serious problems posed by disturbances in the Northeast and in the Punjab. These are strategically sensitive border areas: and prolonged agitation involves basic interests of national security. The government of India will do whatever it takes to bring these areas under control (1983, 1173).

Ethnic difference does not cause conflict, contrary to Tatu Vanhanen's contention (1992, 14). It is the denial of recognition and accommodation that provides the conditions for conflict to flourish. The willingness of the center to intervene both politically and militarily in non-Hindu-majority areas has reduced their identification with the Indian state and Indian nation. The secessionist demands are not specifically related to the heterogeneous 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 fact that these states have been treated differently from the rest of the Union.[13]

This analysis is supported by the fact that secessionist demands gained currency in the Punjab only after the Shiromani Akali Dal's (SAD) secular demands in the Anandpur Sahib Resolution of 1973 were repeatedly ignored and Indira Gandhi, seeking to divide the Sikh community to further her own electoral ambitions, supported a Sikh militant, Jarnail Singh Bhindranwale, to undermine SAD's support. Sikhs were, and are, substantially overrepresented according to their population in the Indian army—a sign of integration. Bhindranwale succeeded too well, leading to a violent secessionist movement in the 1980s, which culminated in "Operation Bluestar," the storming of the Sikh Golden Temple in June 1984. Sikhs were

outraged and further alienated by this action, which ultimately led to the assassination of Indira Gandhi by her Sikh bodyguards in October 1984. Atul Kohli notes that even after the anti-Sikh riots in revenge for this assassination, the situation was dramatically calmed by Rajiv Gandhi, who "offered broad compromises to Akalis. … Elections were held in the state, Akalis came to power, and political violence came down sharply during 1985" (1997, 337). Once these concessions were withdrawn, violence again escalated—demonstrating that institutional accommodation was possible. Force ultimately kept the Punjab in the Indian Union, but it was the political accommodation of the early 1990s that increased stability.

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 state[14] and its exclusion from mainstream political discourse, the state had been relatively quiescent. As Ganguly observes, "we must ask not only why the insurgency occurred at all, but also why it did *not* occur at any earlier time, particularly during 1965" (1996, 80). Both Manor (1996, 472) and Ganguly (1996) argue that part of the explanation is related to the political awakening of the youth of the state, coupled with the decline in institutional capacity to accommodate their demands. But accommodation was still possible, as Bose argues, "clearly, Kashmiris simply wanted basic democratic rights, including representative, accountable government and a voice in determining the destiny of their homeland" (1997, 35). These "basic democratic rights" were undermined in the 1987 election. This election saw Farooq Abdullah make an alliance with the center and in the process lose many Kashmiri's support. A Muslim United Front (MUF) arose to challenge the JKNC but lost in an election widely believed to be rigged or unfair. This had a direct impact on the violent escalation of the conflict. As Bose notes,

> [i]t 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 (1997, 46).

This reading of the situation prescribes normalization 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 2002 elections in Kashmir, the polls themselves were deemed fair and led to a change of government (*BBC* 2002). This was an encouraging sign. It is significant that these occurred under a Hindu-nationalist coalition government, able to

entertain the notion of political parties mobilizing around religious identities. The elections removed the ruling JKNC from office, a party supportive of the BJP coalition at the center. This was a striking demonstration of the changed agenda relating to this state, where elections have previously been manipulated to suit the governing party in the center and the state.

The final linkage between religion and federal politics has been the rights of minorities within federal structures. One of the charges against federal structures in ethnically divided societies is that minorities within them are endangered (Nordlinger 1972, 31) because the state government is autonomous. But this argument is only valid if there are no effective consociational mechanisms at the state level or if the center is powerless to intervene to protect such minorities. If the center is merely *unwilling* to intervene, then federal systems of government cannot be criticized for bias against minorities; such discrimination could have occurred in any form of government.

Although there is nothing inherent within a federal system of government that requires minority protection, in most federations, protection for minority communities is codified in the constitution. India is no exception. However, as Brass (1982, 228) points out, the maintenance of minority rights depends on the cooperation of the state governments. Steven Wilkinson (2004) has stressed this point more recently, especially in relation to law and order: all states are constitutionally required to permit religious communities to set up their own educational institutions. The Constitution also prohibits discrimination in the allocation of public funds to religious-minority schools.

But, as Wilkinson eloquently discusses (2004, 102), these provisions have often been ignored. This was memorably seen during the anti-Sikh riots in Delhi following the assassination of Indira Gandhi in 1984, the destruction of the Babri Masjid Mosque in Ayodhya in 1992, and the pogrom against Muslims in Gujarat in early 2002.[15] In the latter case, Chief Minister Narendra Modi's BJP administration was widely condemned for, at best, failing to prevent the violence and, at worse, aiding and abetting it (Human Rights Watch 2002). During the violence, up to 2,000 people, mainly Muslims, died (Ali Engineer 2003).

Although the above examples are extreme ones, many other examples of discrimination against minority communities exist. Judith Brown notes that the fate of minorities "rested not on [Nehru] … as visionary, nor even on the provisions of the constitution, but on the attitudes and practices of state governments" (2003, 225–26) and observes his frustration with this situation. Wilkinson records that "[w]ithin three years of independence … most Indian states abolished rules that guaranteed Muslim, Sikh and Christian proportionality in politics and employment" (2004, 102, 109) and that

Uttar Pradesh (UP) refused to adopt Urdu as a state language despite the large community of Urdu speakers within the state. The Bihar government acted in a similar fashion.

The center also devolved controversial issues to the states—for example, policies relating to cow slaughter. Nehru contended that the 1955 Bill introduced in the Lok Sabha "fell under the jurisdiction of state legislatures" (Mitra 1991, 771). Although this was a strategy to head off an all-India law, it did nothing to remove the issue from political discourse and merely devolved power to the level of government more likely to ban the practice—as several state governments subsequently did (Wilkinson 2004, 117). The issue was an important one for the Muslim community; an all-India law would have "confirmed" that the Indian state was a Hindu *Raj*. But the actions of the state governments did little to dispel this fear.[16]

In this context, the behavior of the All India Anna Dravida Munnetra Kazagham (AIADMK) government, in Tamil Nadu in 2002, appears less of an aberration. Jayalalitha Jayaram's decision to introduce an anticonversion bill banning religious conversions by "allurements or force" in Tamil Nadu (Krishnakumar 2002)[17] was an attempt to attract the BJP back into an electoral alliance as well as capitalizing on the BJP's vote bank. But antiminority policies at the state level have a long history. In relation to this particular example, similar laws were passed in Orissa (1967), Madhya Pradesh (1968), and Arunachal Pradesh (1977). These laws were challenged for their constitutionality. Denying the right of propagation negates Article 25 of the Constitution. This provides that "all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion" subject to "public order, morality and health." But the Supreme Court in 1977 observed that "[w]e have no doubt that … what the Article grants is not the right to convert another person to one's own religion, but to transmit or spread one's religion by an exposition of its tenets" (Aruna 2002). The court thereby upheld the constitutionality of the laws by making a distinction between propagation of religion and conversion to that religion (Thampu 2002).[18]

The above discussion demonstrates that federal politics have not always accommodated religious minorities in the same manner as they have linguistic ones. Many state governments have acted against their religious minorities or refused to act to protect them. And the center has also failed to act. Wilkinson persuasively argues that the likelihood of violence is the result of police action or inaction, dictated by the commands of their political masters—the state governments. He argues that in situations where the state government requires the support of the minority community, they have an incentive to prevent violence from occurring and to take "minority cultural

rights more seriously." This was why Urdu was reestablished as a state language in Bihar and UP in the early 1980s (2004, 126).

Thus, policies at both the center and state level have been discriminatory or failed to act neutrally. Narendra Subramanian observes that the center has used more

> repression against Kashmiri nationalists ambivalent about being part of India than against Hindu revivalists, although the former (unlike the latter) rejected a politics of religious identity, built coalitions across religious lines, and did not incite systematic violence against outgroups until the late 1980s. This was because Hindu revivalists, unlike Kashmiri nationalists, were determined foes of secession (1999, 721).

Similar reasoning explained the policies toward Punjab. This contrasts drastically with the policies adopted to protect and institutionalize language.

LINGUISTIC POLITICS AND FEDERAL STRUCTURES

Nehru accepted minority languages as a means of provincial communication, but he sought to marginalize linguistic identities within decision-making institutions. He ultimately conceded linguistic reorganization, primarily for electoral reasons. Linguistic reorganization in India was a necessary concession to preserve the Congress's electoral hegemony. On another level, linguistic reorganization can be understood as the element of federal design that has increased India's federal stability. However, India has not been free from linguistic conflicts. The tensions relating to the choice of national language were ultimately resolved, but other conflicts persisted. The nonrecognition of Urdu in Bihar and UP has already been discussed. Wilkinson notes that "in autumn 1947 the provincial UP and Central Provinces governments … decided that Hindi in the Nagari script would henceforth be the only acceptable language for government business. Bihar followed suit" (2004, 116). States set their own languages and were encouraged to include as state languages those languages that were spoken by a substantial proportion of the states' population.[19] In the case noted above, the lack of recognition of Urdu was a religious slight.

The Constitution provides for linguistic protection for minorities under Articles 29 and 30. In 1949 the Provincial Education Ministers conference determined that

> the State Governments are required to provide … instruction of children in the primary stage in their mother tongue … provided that there are at least 40 pupils speaking that language in the whole school or 10 in one class. Facilities

> must also be provided in the secondary stage, if there is a sufficient number, usually one third of the total number of pupils (States Reorganisation Commission 1955, 143–44).

These provisions were approved. But although Jyotirindra Das Gupta has claimed that "language demands of these minorities are usually directed to securing facilities of instruction" in the mother tongue, and that "[s]ince they claim a small part of the respective state's resources, it has not been difficult to reach a negotiated settlement" (1975, 486), tensions have existed. Das Gupta argues that "federal intervention produced the desired result" in the case of Urdu in UP (1975, 486). However, a different reading of the situation reveals the failure of central intervention to persuade the state assemblies to adopt Urdu as a state language and the adoption of Urdu only when the votes of minorities became important to the state government (Wilkinson 2004, 126). As Brass notes, "the major linguistic and ethnic problems of India today concern the status of minority languages, religions, and ethnic groups within the linguistically reorganized states" (1982, 228). He argues that the central government has favored pluralism, but has been unable to impose its wishes on recalcitrant states.

In 1980, 16 percent of Bengali speakers, 11 percent of Kannada speakers, 24 percent of Punjabi speakers, and 17 percent of Telugu speakers lived outside of their linguistic state (Kamat 1980, 1054). These particular linguistic communities have been subject to discrimination ranging from the nonprovision of educational institutions and the refusal to provide government exam papers in their mother tongue, to not even printing the rights of linguistic minorities within a state in the language of that minority. Wilkinson notes that the Linguistic Minorities Commission in the mid 1960s uncovered "discrimination against Bengali, Urdu and Oriya speakers in Bihar, Telugu and Kannada speakers in Tamil Nadu, Punjabi speakers in Haryana, and Hindi speakers in Tamil Nadu" (2004, 116), and Brass noted a similar trend a decade later (1982, 228). The similarity to the groups listed by A. R. Kamat is striking, but smaller communities have also suffered.

The case of Assam deserves special note. In the 1951 census Assamese speakers comprised 59 percent of the population of the state, and Bengali speakers comprised 19 percent. The first conflict in the state was a linguistic one: a need to "define the state as Assamese" and to claim "preferential polices in jobs" (Baruah 1986, 1190–91), as "Bengalis have long dominated [the] Assam state administration" (Hardgrave 1983, 1175). Assamese was adopted as the official language of the state despite the concerns of the tribal population and the Bengali Hindus. Interestingly, given later developments "[t]he Bengali Muslim immigrants allied with the ethnic Assamese

on cultural policy issues, while Bengali Hindus were among the most vociferous opponents" (Baruah 1986, 1191).

The "Sons of the Soil" movement that occurred in 1979 was a reaction to the increased immigration into Assam, partially because of Bangladesh's secession from Pakistan. Many Assamese were concerned about becoming a minority in their own state. Assam's population rose by 505 percent between 1901 and 1981 compared to 187 percent in the whole of India (Singh 1987, 265); much of this increase was the result of immigration. The movement demanded the deportation of primarily Bengali-speaking "foreigners," defined as anyone who had entered the state after 1961. The issue had religious implications. To expel Hindu immigrants "would have alienated significant sections of Hindu opinion … [but] to explicitly distinguish between Hindu 'refugees' and Muslim 'illegal aliens' would have cut into the secular fabric of the state and would have alienated India's Muslim minority" (Baruah 1986, 1192). The conflict took on an increasingly communal character with the involvement of Hindu and Muslim organizations (Hardgrave 1983, 1174), and the issue remains essentially unresolved today, despite the 1985 accord (Sen 2003; Adeney and Lall 2005, 277).

Despite the tensions noted above, federal recognition of language promoted security for regionally dominant linguistic communities and restructured identity politics. As discussed in Chapter 1, the creation of homogeneous states within a federation accentuates other divisions: once a "self" is 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 mobilizing alternative identities. In these cases, the area of political competition primarily shifts within the state rather than between the state and the center.[20] This is shown markedly in the number and type of parties in the party system. Political parties are relatively easy to count, although measures to assess their relative weight are contested (Sáez 2002, 47–49). Party systems within federations have a regional and a national dimension. This study concentrates on the national dimension.[21]

Much of the political-science research on India has concentrated on political parties, including Myron Weiner (1957), Iqbal Narain (1967), Stanley Kochanek (1968), and Rajni Kothari (1970). Attention has only increased with the multiplication of parties, first at the state level and then at the center. 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 Kollman 1998; Rudolph and Rudolph 2001;

Wyatt 2001; Arora 2002; Sridharan 2002). It is not hard to fathom the reason for this. Twenty years ago, William Riker discussed India's nonconformity with Maurice Duverger's "Law,"[22] partly because of its one party system at the center, but also its multiple parties at state level, despite using the simple plurality electoral system (1982, 761). Simple plurality worked to the benefit of the Congress, the party with the widest and largest organizational capacity after independence. It magnified Congress votes into a majority of seats in the elections of 1952–1971 and 1980–1984, despite the fact that the Congress never won a majority of votes at the all-India level. In the 1990s the party was no longer the beneficiary of the system. This was demonstrated most dramatically in 1999 when the party gained 28.3 percent of the votes—4.6 percent *more* than the BJP—but secured 68 fewer seats.[23]

Table 6.7 Number of recognized parties in Indian general elections, 1952–2004

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
2004	6	51	230	6.35

Source: Data on the numbers of national parties adapted from Election Commission of India (ECI) (1952–2004). Data on the effective number of legislative parties adapted from David Butler (1995) and ECI (1952–2004).

As Table 6.7 illustrates, an extraordinary number of parties competed in the first election of 1952. Several authors have argued that the large number of parties who opposed the Congress did not have an incentive to merge because the Congress was in such a commanding position (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 the drop in parties is best explained by the fact that the majority of these parties overestimated their support in 1952 (Weiner 1957, 227).

The electoral system has undoubtedly played a large role in influencing the number of parties, initially reducing their success rate. In 1952 there were 53 parties, and in 1957, after the consolidation of the party system, only 15. After this initial drop, the number of parties competing in elections has dramatically increased over time. In 1999 there were 230 parties plus many independent candidates. In 2004 the number of parties has increased exponentially. The effective number of legislative parties has also risen dramatically from 1.78 in 1952 to 6.35 in 2004.

The creation of a multiparty system in a simple plurality electoral system is problematic for institutionalist theorists of party systems. The percentage of seats gained by state parties at the center increased from 16 percent in 1991 (Rudolph and Rudolph 2001, 1543) to 27 percent in 2004. Coalition governments now look to be the norm rather than the exception. The 2004 elections reinforced the continuing importance of pre-poll bargaining, "vote pooling" in Donald Horowitz's terminology (1985, 386), rather than post-poll "seat pooling," although this remains important.

As will be discussed in Chapter 7, the effective numbers of legislative parties have also increased over time in Pakistan. Both countries retained the simple plurality electoral system but changed their federal structures through linguistic reorganization and the One Unit Plan. The different types of provincial design affected federal stability; the effects of which can be seen through the development of the party system: the number and types of parties.

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 Seymour Martin Lipset and Stein Rokkan who concentrate on "conflicts and their translations into party systems" (1990, 93). India was historically an exception. There are many divisions within Indian society, yet the Congress attracted a large section of the electorate across many diverse groups (Chhibber and Petrocik 2002, 56). Sociological theories appear to be more relevant to India from the 1990s with caste and regional politics coming to the fore, yet there is no "primary cleavage" in Indian politics. Those who view federal structures as destabilizing if they give autonomy to homogeneous units often do so because they predict that the identity around which that unit was created will become the primary cleavage between that unit and the center, or between that unit and other units. This cleavage is said to enhance instability, at best, and encourage separatism or secessionism, at worst. But in India, strong linguistic parties have not emerged in the states reorganized along linguistic lines. Rather, various combinations of national,

ideological (most notably the Communists), regional, and caste-based parties exist in most states (Manor 1995, 115–19).

Recognition of the linguistic cleavage has not been destabilizing. Using Lipset and Rokkan's framework, this study contends that if the states of India had not been reorganized along linguistic lines, then the linguistic cleavage would have become the primary cleavage for the party system and for other political movements. Rather than destabilizing the federation, linguistic reorganization undermined the conditions for a single, primary cleavage of linguistic politics to arise. The creation of homogeneous states provided the conditions for other identities such as region, caste, and class to come to the fore (Horowitz 1985, 617).[24] One of the reasons the Indian state has been successful in accommodating its diversity and maintaining its democracy[25] is because of these cross cutting cleavages (Manor 1996, 464). From this perspective, the dangers of having one cleavage in Indian politics become all too apparent.

The promotion of multiple cleavages has 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), but stable government is not the same thing as a stable federation.[26] Multiplication of parties at the state level demonstrates that intra-elite competition exists. However, a proliferation of parties in a state will not contribute to 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 is likely to lead to conflict with the center. 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 center. This situation is likely to occur when the identity around which the unit is defined feels threatened. In India, in contrast, the multiplication of parties has generally been indicative of federal stability because political parties have tended to not base their platforms on mobilizing against the center.

Nehru and the Congress had to concede linguistic reorganization primarily for electoral reasons. The effective number of linguistic groups at the all-India level was too high to have done otherwise. The success of the reorganization, in terms of protecting Congress dominance, is illustrated by the fact that the numbers of parties dropped dramatically between the general elections of 1951 and 1957. The reduction in parties standing in the 1957 elections was partially a result of the perceived futility of standing against the Congress. It was also because the Congress temporarily reaped the benefits of reorganization and forestalled further factionalism. As Weiner noted at the time,

> [a]gitation 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 (1957, 283).

In actuality, the Congress suffered a major split a decade later. If linguistic reorganization had not been conceded, then electoral considerations would have caused many more defections before this date. The demand for linguistic reorganization 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, but 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). The primary cleavage was thus diffused.

Table 6.8 demonstrates that there is a correlation between the number of political parties in the state and whether it is a Hindi-speaking state.

Table 6.8 Indian general elections 1952–2004. Correlation between *enling* and *nenseats* sorted according to the majority language spoken in the state

Language	Correlation Coefficient	Sig.	Sig. (1-tailed)	N
Non-Hindi-majority state	-0.274	**	0.00	179
Hindi-majority state	-0.143		0.07	101

** Correlation is significant at the .01 level (1-tailed)

Source: Electoral data adapted from David Butler et al. (1995), Mahendra Rana (1998), and Election Commission of India (1996–2004). Linguistic data adapted from Government of India Census (1951, 1961, 1976, 1991).

Notes: These data exclude the units of the federation that return only one seat to the Lok Sabha. These units skew the relationship as *nenseats* cannot be greater than 1.00, regardless of the score for *enling*. I use the log of *enling* and *nenseats* to enable me to use Pearson's Correlation.

These data cannot prove that linguistic reorganization caused the increase in the effective number of legislative parties, but they are supportive of the argument. Multiple explanations for the post-1967 decline of the Congress have been advanced, all of which explain only part of a complex story. Kohli has discussed Indira Gandhi's role in undermining the organizational roots of the party (1991, 5–6); Brass has focused on the entrance of new social groups into the political system (1997, 204); and E. 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" (Sridharan 2002, 495).

The institutionalist explanation at the heart of this study is premised on the importance of the type of federal system created in India. Linguistically homogeneous units have contributed to the proliferation of parties. This was the opposite of what Eric Nordlinger's thesis would predict. The fact that differences emerged between the Hindi-majority and non-Hindi-majority speaking states was extremely significant. In a federal system those states *not* part of a heartland would be more likely to develop in opposition to the center. Instead, a multiplicity of parties emerged, and more significantly, multiple parties *not* seeking to ethnically outbid one another.

These non-Hindi-majority states were not part of the "core" and fought the attempt to introduce Hindi as the sole official language. During the era of Congress dominance "all [Congress] Prime Ministers … contested from constituencies … in Uttar Pradesh" at some time (Butler et al. 1995, 68).[27] Sonia Gandhi, the current president of the Congress was also elected from UP.[28] These non-Hindi-speaking states initially fought the attempt to introduce Hindi as the sole official language. The fact that it was the non-Hindi-speaking states that initially divided into competing factions illustrates that linguistic reorganization proved to be an excellent accommodative strategy. In Madras there were profound tensions before reorganization; the fasting to death of Potti Sriramulu in order to secure a Telugu-speaking state in 1953 was the catalyst for the wider reorganization of states. The tensions that would have been caused by not conceding linguistic reorganization can be illustrated through a discussion of the Bombay state, excluded from the initial reorganization.

In Bombay, after the denial of the claims for a bifurcation of the state, the Congress was challenged by two parties: the Maharashtra Samyuka Samiti (MSS)[29] and the Mahagujarat Janata Parishad. Michael Brecher notes that "[l]eading Congressmen joined the chorus of dissent" (1959, 484), despite the Congress Working Committee (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, but "[d]ay 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).[30] 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).

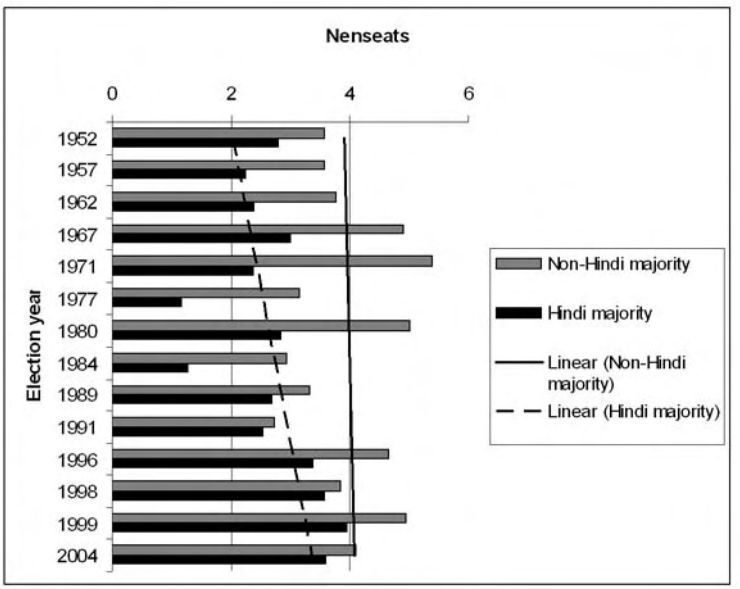
The MSS was very successful in the 1957 elections, demonstrating that "sentiment for the creation of a Maharashtrian state is still strong." It reduced "the Congress majority in the Bombay state legislature" (Weiner 1957, 267). The effective number of legislative parties in Bombay in 1957 was the second highest in the country. This must be compared to other states where the Congress had retrenched its position after linguistic reorganization. Although there were no calls for the secession of the state, the violence was widespread. The instability led to the bisection of the state. The Congress reaped the benefit of reorganization in the 1962 election "and won an easy victory over all the opposition parties" (Joshi 1968, 194). Linguistic reorganization thus produced a similar result in this state to what it did in the rest of India five years previously.

However, correlation cannot prove causation; federal design cannot account for the initial proliferation of parties in the non-Hindi-majority states. As Wilkinson discusses, 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 favor 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. As Wilkinson explains, this meant that the party systems in the southern states were initially more fractionalized than those in the north "[b]ecause the colonial state provided institutional incentives for backward-caste mobilization, substantial intra-Hindu party political competition emerged as early as the 1920s and 1930s" (2004,173–74).

Linguistic reorganization was therefore not the *sole* factor that caused the party system to fractionalize. The state of Madras would be an obvious counter example, as the Dravida Munnetra Kazagham (DMK) under C. N. Annadurai split from the Dravida Kazhagam in 1949. However, Tamil Nadu's (as it became) party system ultimately supports the hypothesis. Despite tensions with the center, 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. … [O]nly if there is a state … can we ask what we want of it," (Rajagopalan 2001, 156). While Manor questions the extent to which politicians and parties in Tamil Nadu were actually secessionist (2001, 87), the abandonment of the secessionist rhetoric and the split in the DMK in 1972 was significant. For a state with such an antipathy to Hindi speakers

and elements of Hinduism,[31] this was a definite sign of security within the federation. More importantly, in recent years Tamil parties have been prominent members of the coalition of parties at the center. If a Tamil state had not been created, and the debate over Hindi as a national language not reconciled to their satisfaction, a very different outcome would have been expected.

Chart 6.2 Variance in the effective number of legislative parties (*nenseats*) in Indian general elections, 1952–2004



Source: As Table 6.8.

Chart 6.2 demonstrates that in recent years the differences in the number of effective legislative parties in the Hindi-majority and non-Hindi-majority states have grown smaller. 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, such as the Bahujan Samaj Party (BSP). In 2004 UP was a battleground for 3.6 effective legislative parties, including the BSP, Samajwadi Party (SP), and the BJP. Linguistic reorganization was not the sole cause of fractionalization; it facilitated other cleavages' mobilization. As Ashutosh 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.* … [A]n egalitarian restructuring of the Hindu social order is the chief goal [his emphasis] (2002, 57).

The Hindi-speaking states were already relatively homogeneous along linguistic lines. They did not factionalize immediately, as Weiner observed, because the population identified with all-India parties more than those states that did not have a Hindi majority.

> 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).

As Hindi speakers are the largest linguistic group within India, these states can be understood as members of the *staatsvolk*.[32] The *staatsvolk* members of a state typically do not perceive any incompatibility between the identity of the region and the identity of the state—for example, the English in Britain and Punjabis in Pakistan. The rise of political parties such as the BSP and SP is indicative of the fact that they do not identify with the *staatsvolk* to the same extent, which explains why this process no longer operates.

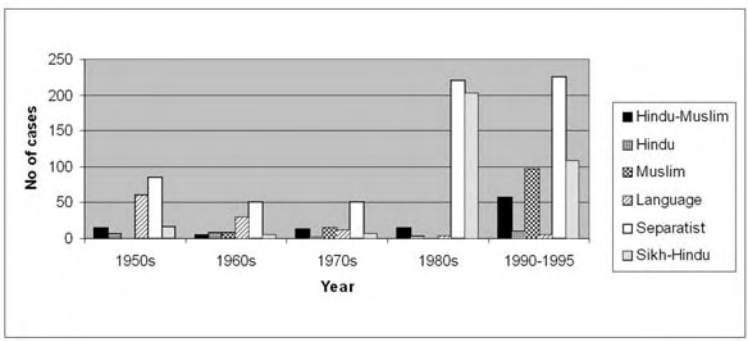
CONCLUSION

The argument above is necessarily incomplete. An analysis of the number and types of political parties as a proxy for federal stability cannot take into account the numbers of movements that articulate their demands outside constitutional structures, or that boycott specific elections because of their concerns about the legitimacy of the process (to say nothing of their concerns regarding the legitimacy of the state). Although India, unlike Pakistan, has not experienced a successful secession it has deployed extensive force to maintain its territorial integrity, questioning the reality of its "stability." India has been more conflict prone than Pakistan (Gurr 1993, 121–22). Yet India's population is much larger than that of Pakistan, and much more religiously and linguistically diverse. 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 at accommodating religious ones. This is demonstrated in Chart 6.3.

As Chart 6.3 reveals, incidents that were mobilized around linguistic issues have declined since the 1950s. Linguistically homogeneous units have

created conditions for alternative identities to thrive. That linguistic identities remain strong despite linguistic reorganization is not disputed; one only has to look at Tamil Web sites to see a vociferous campaign against insipid Hindi-ization.[33] Yet linguistic identities have generally become compatible with, rather than antithetical to, Indian identity. Federal structures were not sufficient to promote this security; linguistic accommodation at the center was also essential.

Chart 6.3 Sample of all incidents of ethnic mobilization in India, 1950–1995



Source: Wilkinson (2002, 15).

Notes: The cases 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.

These data are very different in relation to religious mobilization. Mobilization around a Muslim identity was nonexistent in the 1950s. Since its emergence in the 1960s, it has increased twelvefold and has "been especially important in the long-running insurgency in Kashmir" (Wilkinson 2002a, 15).[34] Incidents that were mobilized around Sikh identity increased twelvefold from the 1950s compared to the 1980s, dropping back slightly in the 1990–1995 period. Federal homogeneity cannot account for the conflict in the non-Hindu-majority states, as these states are not homogeneous along linguistic or religious lines. Indeed, that has been one of the factors promoting insecurity. The policies of the center have been vitally important in understanding the tensions that arose in the states of Punjab, Kashmir, and the Northeast—all of whose conflicts were escalated by central policies and interventions. As Subramanian notes,

> [t]he creation of a state for Punjabi speakers and the added autonomy given to Jammu and Kashmir failed to satisfy ethnic mobilizers, partly because the

> systematic rigging of elections in Kashmir made autonomy a farce and the government reneged on some promises in Punjab (1999, 720).

These states have not posed a danger to the Indian federation because they have an alternative religious majority, though, the Indian federation has perceived that this is so. This perception has created a self-fulfilling prophecy. The state-sponsored national identity, under the guise of secularism, has provoked conflict within these states and between the states and the center.

Inclusion at the center is vital to promote security, both for the center and for the unit; this is why state strategies for managing diversity have a wider impact on federal stability. After linguistic reorganization secessionist movements have been confined to those states that are on the border regions and in which an alternative religious majority is present. The coexistence of these two factors increases center-state conflict. The lack of self-governing or representation rights for non-Hindu religious communities would not have been problematic if this approach was not perceived as inequitable, leading to a rejection of legitimate demands. The fact that non-Hindu religious communities were concentrated in the border regions prompted insecurity for the center, which, in its turn, prompted greater intervention in these states than in those with a Hindu majority. Instability was the predictable result.

CHAPTER 7

FEDERAL (IN)STABILITY IN PAKISTAN

> It is a relic of the old administration when you clung to provincial autonomy and local liberty of action to avoid control—which meant—British control. But with your own Central Government and its power it is a folly to continue to think in the same terms.[1]
>
> *(Jinnah 1962, 150)*

> 'The secret of the continued existence of Pakistan is a strong centre' [Ayub Khan quoted in 1969]. The mounting evidence from his regime pointed to the opposite conclusion.
>
> *(Talbot 1998, 187)*

> 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)*

Unlike India, Pakistan failed to maintain its territorial integrity with the secession of Bangladesh in 1971. Dire predictions of further break up of Pakistan persist (U.S. Central Intelligence Agency 2000, 66) although this study contends that these predictions are inflated. However, the constitutional structures adopted after partition caused tensions between the different

communities. Institutions structure incentives for identity politics, but just as important were the actions of the central elite. Elite actions cannot be divorced from institutional design; ultimately the elite designed these institutions. The rationale for the adoption of particular institutions affects how they are likely to operate—for example, the nonrecognition of identities within institutions is likely to be reinforced by elite action.

RELIGIOUS POLITICS AND FEDERAL STRUCTURES

After independence, religious politics affected federal politics in a number of ways. The leaders of the Muslim League were not willing to compromise with any linguistic and regional identities that were seen as antithetical to the Pakistan "project." Primacy was accorded to the unifying force of Islam. The concentration of Hindus in the Eastern Wing was used as evidence that Bengalis were more loyal to their Hindu "brothers" in India than they were to their Muslim compatriots. Talk of a Hindu "fifth column" was aimed at Bengalis in general rather than Hindus in particular, and partially explains why calls for the use of Bengali—which more closely resembles the Hindi Devanagari script than the Persian Urdu—as a state language of Pakistan were treated with suspicion. As discussed in Chapter 5, the center sought to divide Bengali Hindus and Bengali Muslims through the use of separate electorates. This was a mechanism of segregation and control rather than multiculturalism, and would ultimately contribute to undermining Bengali loyalty to Pakistan.

After the 1971 secession of Bangladesh, religious minorities were reduced to only three percent of Pakistan's population and were dispersed throughout the federation. Religious conflict did not disappear, rather, different challenges emerged. The first of these was related to the violent conflict between Sunnis and Shias.[2] Approximately 77 percent of Pakistan's Muslim communities are Sunnis.[3] Shias are a majority only in the Northern Areas of Kashmir. The conflict between the two sects has been extremely violent, and it also has federal implications. Since the early 1970s, external powers such as Saudi Arabia and Iran have sponsored different sects of Islam, leading to the proliferation of Madrassahs in North West Frontier Province (NWFP) and Baluchistan (Vali Nasr 2000, 142). Islamic political parties have been successful in recent elections in both provinces. The success of Islamic political parties and the co-option of their leaders in Baluchistan by the center have posed a threat both to the tribal *sardars* and to the middle class in the province. The alienation of the traditional elite has increased conflict with the center, as discussed below. As in India, elite accommodation, or the lack of it, has been vitally important in Pakistan.

The election of the Muttahida Majlis-e-Amal (MMA) government in NWFP in 2002 posed a more direct religious challenge to federal politics. In Pakistan, religious political parties have traditionally performed badly. The MMA, an alliance of different religious parties, gained 59 seats in the National Assembly (NA), secured a majority in the NWFP Assembly, and came to power as part of a coalition in Baluchistan (Election Commission of Pakistan 2002). The reasons behind the success of the MMA are multiple. Firstly, the elections had "serious flaws in the electoral process" (European Union 2002). Anecdotal evidence and interviews with politicians and academics in Pakistan support claims of establishment collusion.[4] It is not for nothing that critics have coined the phrase "Mullah Military Alliance." Secondly, the MMA also performed well because they were able to pool their votes and benefited from the territorial concentration of their votes under simple plurality. Finally the American invasion of Afghanistan, and the imminent invasion of Iraq, benefited the MMA, although parties such as the Pakistan People's Party (PPP) that supported the American campaign in Afghanistan "won the largest number of votes countrywide" (International Crisis Group 2003, 17). Anti-American sentiments were more significant in NWFP than in the rest of Pakistan, either because Pashtuns actively supported the Taliban, or because they were concerned for Pashtuns living in Afghanistan during the American action. The success of the MMA was demonstrated by the fact that the nationalist parties representing Pashtuns in NWFP were all but wiped out in this election because they did not condemn the invasion of Afghanistan.[5]

Even though the MMA benefited from the anger of Pashtuns, Stephen Cohen's conclusion that "the rise of Islamic parties in the NWFP and Balochistan may be a sign that Islam is now the vehicle of Pashtun nationalism" is too strong (2003, 18). The various components of the MMA were not in favor of "ethnic nationalism;" they campaigned and secured seats in *all* the provinces of Pakistan. However, it is the case that many of the voters in NWFP believed that the MMA were Pashtun nationalists, which benefited the alliance.

The electoral success of the MMA has implications for center-province relations because regionalist parties such as the Awami National Party (ANP) have been undermined by the MMA. It is not yet clear whether their defeat will be permanent, although as the MMA performed badly in the 2005 local government elections (*BBC* 2005), it is too soon to write the regionalist parties out of the picture. Yet there is another, more direct challenge to the federation. The MMA's policies threaten the moderate face of Islam that Musharraf portrays to the West.[6] The MMA introduced Shariah Law in NWFP in June 2003. *The Economist* cataloged several policy changes:

> Advertising hoardings showing unveiled women have been demolished or defaced. Musicians have been harassed, and music banned from public buses. Schools have been told to stock up on Islamic texts and to replace western uniforms with *salwar kameez* (2003).

The MMA has advocated segregating education, although it has so far desisted from introducing legislation in this area. It is significant that many of the decisions taken by the provincial government have not been enforced.[7] The provincial government is acutely aware of the dangers of provoking the center, partially because of its dependence on the center for finances.[8] In this vein Chief Minister Akram Khan Durrani has argued for provincial autonomy and for a more equitable resource distribution (*PakTribune* 2005). However, this demand has not been made on ethnic lines.

The introduction of the *Hasba* Bill "seeks to empower the clergy to interpret and implement what it considers Islamic values by setting up a kind of vice and virtue department with a Hasba force at (sic) its enforcement agency" (Khan 2005a). Its introduction challenges the above interpretation of the MMA as constrained by the desire to stay in office. *The Economist* opined that if such legislation were passed it "could provoke a showdown with the opposition and the federal government" (2003). Indeed, the Council of Islamic Ideology in Pakistan initially "rejected" the Act because "it would [create] … a parallel judicial system that would cause administrative problems [and that] … after the enforcement of the act the tussle between the central and provincial governments could be exacerbated" (Imran 2004). In July 2005 the NWFP Assembly passed the Bill, but the Supreme Court[9] ruled that the creation of an ombudsman was contrary to the provisions of the Constitution. It "advised the NWFP governor not to assent to the law" (Iqbal 2005b). At the end of October 2005 an amended Bill was introduced, but was withdrawn shortly afterward to focus on earthquake "rehabilitation work" (Kamran 2006). Whether the watered-down version, which is almost certain to be passed by the Assembly if it is reintroduced, will lead to serious center-province conflict remains to be seen.[10]

Much has been written about the "danger" that the election of the MMA has posed for Pakistan (Cohen 2003), and for the region as a whole, but there is little about its impact on center-province relations. The above analysis supports the conclusion that access to power has moderated the MMA. Although the alliance performed badly in the local government elections in 2005, these elections were held before the October earthquake. Islamic relief organizations were extremely active in providing support for the victims, in sharp contrast with the initial tardiness of the government. The earthquake primarily affected *Azad* Kashmir and the Northern Areas which are not

directly integrated into the political system of Pakistan.[11] This could limit the electoral impact of the Islamic relief efforts to these areas, but in an era of mass communications, the MMA will be sure to capitalize on its role.

Kashmir is important to the role that religious politics plays in federal politics in a further way. The issue of Kashmir has increased in salience since the insurgency of the late 1980s. Although it is a "Pakistani" issue, featuring prominently on PTV, its salience differs between the provinces.[12] Many Punjabis see it as being vital to "Pakistan," and many in NWFP believe it is an important religious issue. In general, Sindhis and Baluchis do not feel the same degree of emotional attachment to this issue, and when they were part of Pakistan, neither did Bengalis. Mujibur Rahman articulated this point as early as 1956, "[w]henever the people of Pakistan want food, clothing and shelter, our leaders … say … Kashmir is in danger" (1970a, 263). The Punjabi-dominated army's budget has benefited from the conflict—another source of grievance articulated by Sindhis and Baluchis. The issue of Kashmir and the external threat from India does not pose a strong justification for the existence of a strong center and army for these two provinces.

LINGUISTIC POLITICS AND FEDERAL STRUCTURES

In India, federalism was the mechanism to accommodate great linguistic heterogeneity, creating multiple identities. But the elite of Pakistan viewed regional and linguistic identities as inherently dangerous and as undermining the "national project." The adoption of Urdu as the state language was a drastic indication of the integrationist identity projected by the center. The belated concession of Bengali as a dual state language in 1954 failed to undo the damage of this slight. This is a striking demonstration of how institutional explanations for ethnic conflict regulation must be contextualized. Bengalis' linguistic rights had been "saved" through a major modification in the position of the center, but ultimately, "the power of numbers were given up for a gain which would prove to be little more than symbolically significant" (Rahman 1996, 95). The 1956 Constitution removed Bengali dominance in the lower house and merged the provinces of West Pakistan into one unit.

In 1966 "there was a campaign to increase the use of Bengali and name plates, signboards, posters and street signs were changed to Bengali throughout Dhaka" (Rahman 1996, 100–101). That such a campaign could have occurred 11 years after the adoption of Bengali as a joint state/national language[13] confirms the symbolic nature of the change. Less than one percent of West Pakistanis spoke Bengali, and even fewer were literate in it (Government of Pakistan 1961, IV-22, IV-46, IV-49).[14] The above discussion demonstrates

that symbolism is important but not sufficient. The grievances of the Bengalis were not only concerned with linguistic recognition but also with the politics of power.

In West Pakistan linguistic conflicts during the period of One Unit were muted. Punjabi, Pashtu, Sindhi, or Baluchi were not serious contenders for an all-Pakistan language, for reasons noted in Chapter 5. Urdu was not seriously opposed at the provincial level in Baluchistan and NWFP because these provinces were not linguistically homogeneous. In NWFP, demanding Pashtu as a provincial language would have led to conflict with Hindko speakers, and indeed, tensions arose between the two linguistic communities in the 1970s. Baluchistan was even more heterogeneous; the two areas that now comprise Baluchistan are British Baluchistan, of which 41 percent was Pashtu speaking, and the Baluchistan States Union (Government of Pakistan 1951, 7–6/7). To call for Baluchi as the provincial language would have entailed recognizing Pashtu, to say nothing of Brahvi.

Nevertheless, resentment against Urdu existed in the Western Wing. Christopher Shackle reminds us that there were groups of intellectuals in Lahore who sought to encourage the use of Punjabi (1977, 384). In NWFP the National Awami Party (NAP) championed the cause of Pashtu, as did Abdul Ghaffar Khan. And in Baluchistan, political parties promoting Baluchi nationalism were formed. It was in Sindh, however, that the major opposition emerged. When the proposals for the One Unit were finalized, the Sindhi Adabi Sangat demanded Sindhi's recognition as a provincial language on the grounds that

> [i]f the intention is not to see 5 million Sindhi speaking people … put at a disadvantage in the field of education, trade and commerce, and public services … then it is absolutely essential that Sindhi is made to serve as an official language at least for Sind and its adjoining Sindhi speaking areas (Rahman 1996, 115).

Parallels can be made with the opposition to Hindi in the south of India. Sindhis were concerned about their access to positions of power, as well as being aggrieved that their linguistic identity had been marginalized. Yet opposition was surprisingly muted in this province, given its literary tradition and previous use of Sindhi as a language of administration. Opposition resurfaced when Ayub Khan attempted—and failed—to downgrade Sindhi as a language of instruction in schools in 1959 (Rahman 1996, 116).

After 1971 Urdu became the sole national language of truncated Pakistan, but with an important change: provincial languages were recognized for the first time (Government of Pakistan 1973, Article 251 [3]. The

PPP's manifesto had promised this change, but despite its symbolism, out of all the provinces, only Sindh's Assembly introduced provisions to change the provincial language from Urdu. This requires explanation.

The most basic and obvious explanation is that, as David Laitin discusses, language repertoires, the "set of languages that a citizen must know in order to take advantage of a wide range of mobility opportunities in his or her own country" (1992, 5), dictate opportunity costs. If government jobs are not available in the mother tongue, then there is little incentive for parents to encourage their children to learn it. State policies up to 1971 had successfully encouraged the provincial elite in Punjab, Baluchistan, and NWFP to operate in Urdu. This did not mean that Punjabi, Baluchi, or Pashtu were unimportant, but adopting these languages as provincial languages in 1971 would have changed the incentive structure, possibly disadvantaging members of their linguistic community in an all-Pakistan setting. As noted, the heterogeneity of the provinces of Baluchistan and NWFP also discouraged the adoption of provincial languages.

The provincial government of Sindh adopted a different policy from the other provinces. The commitment to introduce Sindhi as a provincial language in their manifesto enabled the PPP to electorally outflank Sindhi regionalists.[15] In a reversal of the status quo, the Bill that adopted Sindhi did not recognize Urdu as a provincial language. In a sharp demonstration of the problems that would have faced NWFP and Baluchistan if they had adopted Pashtu or Baluchi as provincial languages, the adoption of Sindhi provoked an intraprovincial conflict because of the concentration of Urdu speakers in urban Sindh.

After partition, although "only" 8.5 percent of refugees settled in Karachi, they constituted 55 percent of the population of the city (Government of Pakistan 1951, 31). The majority of these refugees migrated from the Northern and Western zones of India, areas with no cultural affinity with Sindh. Despite its literary heritage, Sindhi was viewed by the Mohajir community as a backward, rural language. Language therefore became an important identity marker between the two communities. The urban residence of the Mohajirs, and the primarily rural abode of Sindhi speakers, reinforced the divide. But this divide was not initially expressed through violence; "prior to 1971, Muhajir demands were conspicuous by their absence. Muhajirs constituted part of the core of the nation-state and Muhajir communal interests were indistinguishable from the interests of the national elite" (Kennedy 1984, 943–44).

This changed after the adoption of Sindhi as a provincial language. A strict interpretation of the law would have meant that Urdu speakers would be unable to secure jobs that required proficiency in Sindhi. The language

law was also a symbolic rejection of the Mohajir identity. Violent demonstrations broke out in which 55 people were killed and thousands injured. Sindhi nationalist G. M. Syed inflamed the situation by calling for the repatriation of Mohajirs to India (Kennedy 1984, 944). This forced prime minister Z. A. Bhutto to impose two compromises: The first was that "Sindhis too would have to learn Urdu at school and non-Sindhi government employees would have twelve years to learn Sindhi" (Wright 1991, 304). This agreement has never been fully implemented. The second compromise was Bhutto's reintroduction of regional quotas for the federal bureaucracy. Sindh's quota for positions in the Federal Secretariat was increased but was split between rural (11.4 percent) and urban (7.6 percent) areas. This quota was soon extended to appointments in "federal posts in 'attached departments,' provincial governments, educational institutions, and public sector corporations" (Kennedy 1984, 944–45). Mohajirs perceived that their previously privileged position was under threat.[16] This threat was one of the prime movers behind the creation of the Mohajir Qaumi Movement (MQM), discussed later in this chapter.

Urdu has become an effective link language and language repertoires have been changed successfully, but only in the provinces of Pakistan that did not have a practical disincentive to oppose Urdu. Where they did, as in Sindh and East Pakistan, language repertoires were *not* changed successfully. Language was contentious because of the symbolic sense of recognition, but recognition did not serve as a panacea. This was because language politics structure access to power. The exclusion of Bengalis from the institutions that mattered—the bureaucracy and the army—*even within their own province* limited Bengali identification with the state. Identity recognition must be more than symbolic; it must provide access to political and economic resources.

Politics and Federalism

The preceding discussion has demonstrated that there is more to federal ethnic-conflict regulation than constitutional recognition of identities. What is just as important is how a community is accommodated within the state. Recognition of identities could never be sufficient, as recognition can be a precursor to discriminatory measures. The party system within Pakistan is an important element in assessing how politics and federalism have intersected. To what extent have ethnic conflicts been expressed in the party system? Attention to the relationship between the party system and federal structures has not been as pronounced in Pakistan as in India, primarily because it has not functioned as a democracy for much of its existence. A state in which

people ask in times of "democracy" *when* rather than *if* the military will take over is not a consolidated democracy, nor is it likely to become one in the near future.[17] Political parties in Pakistan have not become as institutionalized as many parties are in India and they have not been able to perform the same integrative function.

Writing on the party system up to 1958, Khursheed Aziz concluded 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. Shortly after partition, the Muslim League was dependent on the landlords in the countryside who were not concerned with coherent political programs (Waseem 1994a, 115–16). Hamza Alavi argues that this remains the case: "landlords have dominated all effective political parties in the country, including the PPP, notwithstanding its populist rhetoric" (1990, 28). In addition, the constant interference of the military in political life undermines the credibility of the electoral process.[18]

There is no direct relationship between the form of federalism and the nature of the party system. This is because there will always be intervening factors such as the nature of societal cleavages and other institutions within the system. Nevertheless, federal forms of government affect political mobilization. In India, linguistic reorganization facilitated the conditions for multiple parties to emerge, mobilizing on nonlinguistic cleavages. But linguistic groups did not achieve the same levels of security in Pakistan as they did in India.

History of the Party System

After independence, unlike India, a dominant political party did not emerge. This phenomena has been extensively covered by several authors, including Keith Callard (1957), Rafique Afzal (1976), Mohammad Waseem (1994a), Ian Talbot (1998), and Katharine Adeney and Andrew Wyatt (2004). Before indpendence, the Muslim League had difficulties in securing the support of the Muslim-majority provinces. After partition, the leaders of the Muslim League had little support in the provinces of Pakistan.[19] The party began to disintegrate. This was partially because of the decline in effective leadership after the death of Jinnah and the assassination of Liaquat Ali Khan. But the party had begun to factionalize before Liaquat's assassination in 1951. In 1949 nine of the thirteen parties in Punjab had been founded by factions of the Muslim League (Afzal 1976, 81). In Pakistan, as in India, the effective number of legislative parties is larger than Duverger's "Law" would predict for a country with a simple plurality electoral system (Table 7.1).

Table 7.1 The effective number of legislative parties in Pakistan in general elections

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 Rafique Afzal (1976, 79), Khursheed Aziz (1976, 275–77), Election Commission of Pakistan (2002), John Kaniyalil and Savita Pande (1989, 79), South Asian Association for Regional Cooperation-Non Governmental Organization Observers (1995, 116–17), Ian Talbot (1998, 200, 314), Mohammad Waseem (1994b, 334; 1998, 11).

Notes: There were no general 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 in 1954 differed from the Constituent Assembly indirectly elected in 1947, when the number of effective parties was 1.46. This was because provincial elections were held between 1951 and 1954. As the Constituent Assembly was indirectly elected from the provincial assemblies, the number of parties in the newly constituted Constituent Assembly changed accordingly. The effective number of parties increased in 1955 because the United Front coalition of East Bengal disintegrated.

Coupled with its lack of effective organizational strength, the League's denial of the legitimacy of regional and linguistic identities ensured that it could never secure support in East Pakistan, and thus never be an effective all-Pakistan party. The Muslim League secured substantial support in the assembly elections of 1951–1953 in Punjab, Sindh, and NWFP, but it made extensive use of the government machinery to achieve these results. In addition, its opponents were new entrants to the system and lacked programmatic coherence (Afzal 1976, 63, 72).

Given the weakness of the Muslim League, other all-Pakistan political parties could have emerged, but none of the "successor" parties to the Muslim League managed to secure significant electoral or popular support. The Pakistani Awami Muslim League "was the only opposition party … that had the semblance of a country-wide base" (Afzal 1976, 95). It loosely affiliated with the East Pakistan Awami Muslim League in 1952. The Awami League (AL), as it became, was increasingly concentrated in East Pakistan and although it aspired to be an all-Pakistan party, all its seats in the NA and provincial assembly elections in 1970 were gained from East Pakistan. The NAP, which broke from the AL in 1957, possessed a presence in the Western Wing, especially in NWFP and Baluchistan, but won no seats in the East. Although both parties promoted regional autonomy, they did not have an alliance in 1970.

The PPP was another all-Pakistan pretender. It was founded in 1967 by Zulfikhar Ali Bhutto. The party articulated a socialist, left-wing agenda and "filled a near vacuum in Sind politics" (Baxter 1971, 209). The initial bases of the PPP's support were professional urbanites, skilled workers, petty bourgeois, and middle peasants (Waseem 1994a, 289–90). The PPP performed "surprisingly" well in the 1970 elections (Baxter 1971, 212), securing 59 percent of the seats in the West, but it did not contest in the East. The PPP became truly "all-Pakistan" only after the secession of Bangladesh.

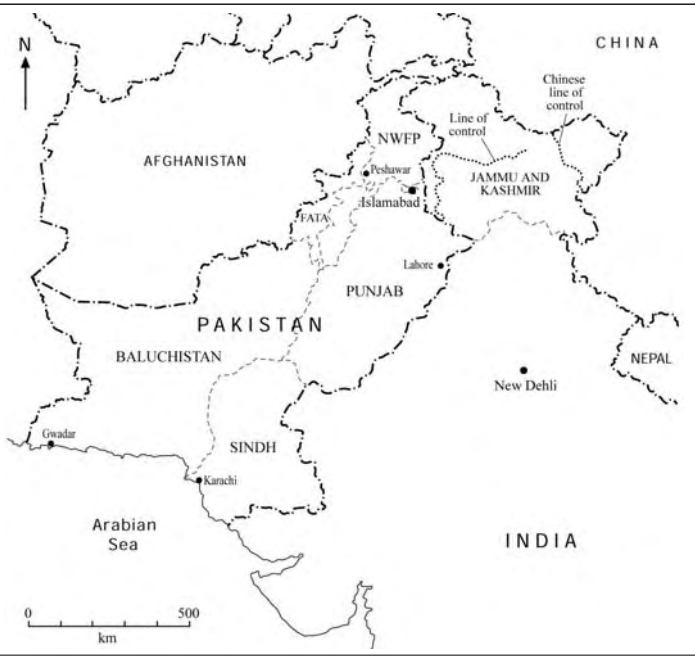
Religious parties were the final all-Pakistan contender. Yet they were divided among themselves, and individual parties were regionally concentrated. Truly "all-Pakistani" political parties were nonexistent before the secession of Bangladesh because of the bipolarity between the two wings. But parties with an explicit regional agenda were not that strong either. All of the previously discussed parties, including the AL, had all-Pakistani agendas. Those regional parties that existed before 1971 were generally confined to NWFP and Baluchistan. Regional parties failed to secure support in either Sindh or Punjab. The lack of support in the Punjab was not surprising because the regionalist agenda was primarily articulated against Punjabi dominance. However, the lack of electoral support for regionalist parties in Sindh deserves explanation given the linguistic tensions noted earlier.

Regional parties secured a small number of seats in the Sindh Assembly in 1953, but by the time of the 1970 election, the PPP secured the majority of Sindh's seats in the NA. In contrast, Sindhi regionalist parties failed to secure any seats, even G. M. Syed's (the "father" of Sindhi nationalism) party (Talbot 1998, 220). This is significant given Sindhi resentment of the downgrading of their language. On one level, their failure can be explained by the absence of a free and fair democratic competitive system of election. But this is not a sufficient explanation. Tahir Amin notes "the PPP's double role as a regional party in Sind and a national party in Punjab" (1988, 121). This will be discussed in more detail later in this chapter. Bhutto's manifesto commitment to adopt Sindhi as a provincial language undermined the support of Syed's Sindh United Front. Syed "never forgave Bhutto for not supporting the cause of Sindhu Desh" (Malik 2002, 50).

After the secession of Bangladesh, as can be seen on the following page in the map *The Provinces of Pakistan after 1971*, Pakistan was no longer separated by 1,000 miles of hostile Indian territory. The PPP possessed 59 percent of the seats in the NA. For the first time in its history, Pakistan had an all-Pakistan political party. Bhutto was well aware that the majority of the seats in the NA were elected from the Punjab, and he gradually moved to make alliances with landlords in this province (Waseem 1994a, 331). As Waseem carefully qualifies, this did not mean that the landlords controlled

the PPP. Their incorporation led to major tensions within the PPP (Talbot 1998, 240). Despite this, then as now, the PPP recognized the importance of articulating all-Pakistan issues and of retaining the support of the Punjab, often launching major initiatives in that province.[20]

The Pakistan National Alliance (PNA) in 1977, the Islami Jamhoori Ittehad (IJI)[21] in 1988, and the Pakistan Muslim League (Quaid-i-Azam) (PML-Q) in 2001 also have projected themselves as all-Pakistani, but they have been dependent on the support of the military regimes that spawned them. The IJI (the most notable component of which was the PML-N) performed well in the 1990 general elections but had disappeared by 1993. The PML-N remained the major challenger to the PPP at the all-Pakistan level, until Pervez Musharaff's coup in 1999. It lacks the same organizational capacity as the PPP, but it is the only national political party that has come close to challenging it. Despite PML-N's Punjab base, where it has striven against the PPP, it has an all-Pakistani base of support. But, being a Punjab-centered party, it has been more responsive to demands from that province—as seen by Nawaz Sharif's revival of the contentious Kalabagh Dam issue, which incensed the leaders of the smaller provinces.



The provinces of Pakistan after 1971

Many of the religious parties have supported the military alliances previously discussed, although some such as the Jamiat Ulema-i-Pakistan gained independent support, notably in Karachi. Religious parties have historically gained less representation than their street power would indicate. This is partially because their main support is concentrated in NWFP and Baluchistan, which return few representatives to the NA. The 2002 elections saw a marked increase in their electoral support, and contrary to predictions (International Crisis Group 2003, 6), the alliance of religious parties has managed to retain their unity.

Because regionalist parties have been primarily concentrated within NWFP and Baluchistan, they also cannot return sizeable numbers of representatives to the center; they have had more success in the provincial assemblies. The NAP formed coalition governments in NWFP and Baluchistan before their dismissal in 1973 and the banning of NAP by Bhutto in 1975. Its successor, the ANP, was formed in 1986; its support concentrated in the rural Pashtun areas of NWFP. In the elections of 1988–1997 it secured between 8–36 percent of the NA seats from the province and 8–38 percent of the seats in the NWFP Assembly. It was decimated in the 2002 elections by the MMA, failing to win *any* seats in the NA. Its demands include provincial autonomy and it famously split from an alliance with the PML-N over the issue of renaming NWFP as *Pakhtoonkhwa* (Rizvi 1999, 178). Significantly, the ANP has traditionally sought accommodation with the center, as shown by its membership of the PNA and the IJI.[22]

Regional parties have also been strong in Baluchistan, but factionalism is rife, between Bugti's Jamhoori Watan Party, Mengal's Baluch National Party (Mengal), and Baloch's Baluchistan National Movement. Collectively they have generally performed well in the post-Zia era—especially in the 1993 and 1997 elections, where they secured 36–45 percent of Baluchistan's seats in the NA and 48–50 percent of the seats in Baluchistan's Assembly. In the 2002 elections, "[d]ivided into many factions, they put on a poor show at the hustings" (Zulfiqar 2002). But they were not defeated by the MMA as comprehensively as was the ANP in NWFP. Baluchi regional parties secured 21 percent of the seats of Baluchistan in the NA and 27 percent in the Baluchistan Assembly. But their lack of a united front has been a perpetual problem for Baluchi attempts to assert their demands within Pakistan. Baluchis are divided internally and are in danger of becoming a minority within their own province; more Baluchis live outside of the province than live inside it.

Pashtun regionalism has also generally performed well in Baluchistan. In 1971, NAP-Wali gained 75 percent of the seats for the NA and 40 percent for the Provincial Assembly. The Pakhtunkhwa Milli Awami Party separated from NAP in the late 1960s, because of NAP's unwillingness to support the

division of Baluchistan (Shahid 2002, 79). Its leader, Samad Khan Achakzai was its only representative elected in the 1971 elections.[23] It seeks the merger of the Pashtun areas of NWFP and "British Baluchistan." Between 1988 and 2002 its highest gain was 27 percent of Baluchistan's NA seats, but generally, it is electorally weak in Baluchistan's politics and has never been part of a coalition governing that province (Shahid 2002, 84).[24]

Given the success of regionalist parties in NWFP and Baluchistan, support for regional parties after 1971 remains lower than might have been expected in Sindh, especially considering that disaffection against Punjabi domination remains high in that province. As noted, the PPP does not campaign as a Sindhi *regionalist* party. Although it has been careful not to alienate its Sindhi constituency, as seen by Bhutto's actions over the language bill in the early 1970s, it has generally articulated a centralist agenda. Talbot observes that "Bhutto, despite his often expressed sentiments in favour of federalism, was no more willing to shift power from the centre to the provinces than any of his predecessors" (1998, 229). Under Benazir Bhutto, the PPP signed the 1986 Movement for the Restoration of Democracy (MRD) Declaration, which demanded provincial autonomy and limited the center to four subjects, but this was an alliance of convenience (Rakisits 1988, 97). Benazir's new-found commitment was conveniently shelved as prime minister in 1988; the Baluchistan Assembly was dismissed in December 1988 (Rais 1989, 204) and the PML-N/ANP government was dismissed in NWFP in 1994 (Amin 1995, 142).

In addition to seeking power at, and promoting the power of, the centre, it is not in the PPP's electoral interests to encourage Sindhi regionalism, as they are "only too well aware that ethnic nationalism directed against the Punjab is a threat not only to the government but also to the PPP whose ultimate heartland of support is the Punjab" (Rakisits 1988, 94). In practical terms, as Alavi notes, Sindhi nationalists have voted for the PPP because it "had real prospects of getting into power at the centre" (1990, 40). It is the only political party with a chance of promoting Sindhis' interests, even if it does not espouse Sindhi regionalist demands.

The success of the PPP means that Sindhi regionalist parties post-1971 have not gained substantial support. Syed founded the Jiyae Sindh Mahaz (JSM) in 1972 in response to the language conflict in the province, but this party has not contested elections, as it does not believe in the "ideology of Pakistan" (Malik 2002, 46). In 1989 Syed led a thousands-strong demonstration for a separate Sindhi homeland (Ziring 1990, 130–31), but in general it has not been a significant force in the province. Interestingly, given the history of conflict, cooperation has developed between Mohajir and Sindhi regionalist forces since 1998 (Ziring 1991, 123; Malik 2002, 50) concerning

the "domination" of Pakistan by Punjabis and Pashtuns, the construction of the Kalabagh Dam, the existence of army cantonments in the province, and the abuse of the domicile system in reference to government jobs.

The one successful regional party in Sindh is the MQM, founded in 1984 "to secure for the Urdu-speaking migrants 'equal rights' and their recognition as the 'fifth nationality'" (Rahman 2002, 59). It articulated the grievances of Mohajir students concerning the quota system—that "outsiders" were entering the province and securing jobs from the "Mohajir" quota. Its formation was "very much the product of the socio-economic changes of the Zia era in Karachi. These saw an acceleration of Punjabi migration [and of] … Pushtuns increas[ing] their stranglehold on the city's transport" (Talbot 1998, 265). In 1997, under pressure from Nawaz Sharif,[25] it changed its name to the *Muttahida* Qaumi Movement to "welcome people from all ethnic groups" (Rahman 2002, 64). It has performed well, and secured between 21–38 percent of the NA seats in Sindh between 1988 and 2002.

As the *staatsvolk* of Pakistan, many Punjabis perceive no incompatibility between a Punjabi and a Pakistani identity, but, despite perceptions of Punjabi domination, Punjabis are not monolithic. There have been calls for the division of Punjab into three provinces along lines of dialect: a Punjabi center, a northern Hindko belt, and a Siraiki belt in the south.[26] The party system within the province has not factionalized along regionalist lines, and "Siraiki political organisations have generally been divided, short lived and less popular than national political parties even in their own areas" (Rahman 1996, 186). It is primarily a middle-class movement, and therefore electorally weak in a feudal dominated area.[27] The movement is partially a linguistic one, but is linked to the economic deprivation of the area. In May 1989 "[a] new body, the Seraiki Qaumi Movement … demanded a new province" from five divisions of Southern Punjab (Ziring 1990, 130). Many Siraikis support the PPP in hope of gaining their own province, but the PPP cannot concede the demand "for fear of alienating the sympathies of the Punjabi ruling elite and the army" (Rahman 1996, 187).

In interviews in May 2005, many respondents expressed the view that the electorate was aware that regionalist political parties were only one issue parties. But Pakistan suffers from the perception of Punjabi domination, in economic, political, and military terms. Such tensions would be expected to lead to demands for regional autonomy. Why are issues of regional autonomy not more pertinent? Why has this not become the primary cleavage of Pakistani electoral politics? Has the Pakistani federation been successful in accommodating regionalism? Given the formal and informal military rule, and the effective exclusion of many groups from access to the state apparatus for much of Pakistan's existence this would be surprising.

Other explanations concern the role of the establishment and state agencies in fixing the vote and the role of the feudal and Biraderi elite, already discussed (Talbot 1998, 295).[28] In Baluchistan, multiple parties have emerged, making it more difficult in a simple plurality electoral system to defeat established political parties. Islamic political parties have gained support in Pashtun areas in particular, but they do not articulate a regionalist agenda. Finally, as the center is so powerful, conversely, many voters are aware that this is the arena in which to seek representation. In Sindh, the PPP benefits from its position as the only "successful" Sindhi party, even if it does not articulate a regionalist agenda. This is why the ANP and MQM have propped up "national" political parties at the center, with the aim of securing benefits for their constituencies. Many regional parties adopted the same strategy in India.

POLITICAL MOVEMENTS

It is important to reiterate that the lack of regional-party support does not mean that regional discontent does not exist. The Jeay Sindh Quami Mahaz has not contested elections, confirming Walker Connor's caution against using election results as a means to establish levels of discontent (1981). The MRD boycotted NA elections in 1985, as did the MQM in 1993 and Baluchi regionalists in 1997. 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, one movement in particular had a more dramatic outcome: the secession of Bangladesh.

The Bengali-language movement was initially peaceful. It transformed into a movement for regional autonomy and then into a secessionist movement. The sequence is important (Mitra 1996, 27). The movement emerged because of the lack of democratic *and* nondemocratic opportunities. The inequitable representation of Bengalis in the bureaucracy and military increased conflict between the two wings. The future prime minister of Bangladesh, Mujibur Rahman, argued that "we had accepted parity with west Pakistan. … But, we had expected parity … my friends have not provided parity in the matter of services, defence and other matters" (1970b, 78). As noted, representation of communities is a vital element in consociational democracy, and it became even more paramount in Pakistan because the group that was underrepresented was the *majority* of the population.

Although elements of Bengali co-optation existed in the high echelons of power, most were figureheads (Khwaja Nazimuddin and Mohammad Ali Bogra). Yet, despite limitations, near parity in representation was achieved in

the political sphere, as demonstrated by Table 7.2. After the assassination of Liaquat Ali Khan, important portfolios such as Defense, Commerce, Education, Labor, and Interior were in Bengali hands (Samad 1995a, 133).

Table 7.2 The central political elite in Pakistan, 1947–1958

	East Pakistan	West Pakistan
Heads of state	2	2
Prime ministers	3	4
Ministers, deputy ministers, state ministers	27	27

Source: Rounaq Jahan (1972, 25).

Despite this, with the exception of Husain Shaheed Suhrawardy's tenure, Bengalis "had political posts without power … every important decision … was ultimately made by the ruling elite, composed of the West Pakistani civil and military bureaucrats" (Islam 1990, 139). Representation in the nondemocratic parts of the state apparatus was vitally important. The lack of effective representation in the bureaucracy and the military highlighted exclusion, especially because of the parallel cabinet of civil servants headed by the Secretary of the Civil Service (Alavi 1990, 41). This confirms that for issues of federal stabilization it is important to also look to wider issues of security and *consociational accommodation*. As Callard notes,

> [f]or 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 (1957, 172).

The elite were aware of this, and to rectify the underrepresentation of Bengalis in the bureaucracy, a quota system was established under which 40 percent of the Central Superior Services jobs were allocated to Bengalis (Kennedy 1984, 691–92).[29] Although this quota rectified the worst disparities, West Pakistanis were still overrepresented according to their population (260 members, compared to 190 from East Pakistan), as Table 7.3 demonstrates.

The reality was even less equitable than the data presented by Huma Naz, as the quota system had been introduced to rectify the *over*representation of certain groups within West Pakistan. That it was a window-dressing exercise is confirmed by Golam Choudhury, who notes that "[e]ven in [East Pakistan] … all the *key posts* in the administration were held by West Pakistanis who had direct access to the central ruling clique" (1972, 243).[30] These administrators were understandably resented, especially for their inability to speak Bengali. In a similar manner to India,

> [e]very officer was required to learn both Urdu and Bengali; his training was to be conducted in both. … National unity would thus be forged through administrative integration (Prime Minister Chaudhury Mohammad Ali).[31]

Atlaf Gauhar notes that these were "[a]ll unexceptionable ideas, [but] unfortunately without any relation to reality" (1983, 257). In addition, Bengalis were barely represented in the military—as Table 7.4 sharply demonstrates—constituting only 1.5 percent of the army.

Table 7.3 East–West representation in the civil service of Pakistan, 1950–1968

	No. of CSP officers	East Pakistan		West Pakistan	
		No.	%	No.	%
1950	11	4	36	7	64
1951	17	5	29	12	71
1952	13	3	23	10	77
1953	25	7	28	18	72
1954	17	5	29	12	71
1955	21	11	53	10	47
1956	20	7	35	13	65
1957	24	10	42	14	58
1958	25	12	48	13	53
1959	30	10	33	20	67
1960	28	11	39	17	61
1961	27	12	45	15	55
1962	28	13	47	15	53
1963	31	13	42	18	58
1964	33	14	42	19	58
1965	30	15	50	15	50
1966	30	14	47	16	53
1967	20	13	65	7	35
1968	20	11	55	9	45
Total	450	190	42	260	58

Source: Table adapted from Huma Naz (1990, 48).

The quota for bureaucratic appointments has "never been applied to recruitment to the military, the ethnic preserve of Punjabis" (Kennedy 1993, 140).[32] This underrepresentation can partially be attributed to colonial patterns of recruitment; Bengalis were not viewed as a "martial race." This negative stereotype was perpetuated by the Pakistan army after independence, and there was no serious attempt to introduce quotas to redress the balance.[33]

In 1968 the situation had not changed—Bengalis comprised only two percent of the top military elite (Amin 1988, 82). Economic grievances were also important in alienating Bengalis. These grievances included the refusal

to devalue the Pakistani rupee against the U.S. dollar. This refusal "ended the common market" between India and Pakistan but also severely affected the jute trade, which led to a recession in East Pakistan (Talbot 1998, 137). Economic problems continued in the East while the vast majority of infrastructural development occurred in the West. Even after Ayub Khan's development plans to address the inequity, in 1969–1970 East Pakistan received only 36 percent of the federal budget (Rashiduzzaman 1982, 118). In addition, the East was massively subsidizing the development of the West; "[i]t was not simply a profit making enterprise but an essential condition for the industrial development of the West Pakistan itself" (Ahmed 1998, 17). East Pakistan was also used as a "captive market" for West Pakistani products (Rashiduzzaman 1982, 118).

Table 7.4 East–West representation in the military office class of Pakistan, 1955–1956

Service	East Pakistan	%	West Pakistan	%	Total
Army	14	1.5	894	98.5	908
Navy	7	1.2	593	98.8	600
Air Force	60	8.6	640	91.4	700

Source: Adapted from M. Nazrul Islam (1990, 139).

East Pakistan was the most homogeneous province in Pakistan and demonstrates why creating homogeneous provinces in a federation will not be *sufficient* to promote stability. Other mechanisms to provide security for the units but also for the center are essential as well—notably representation in central institutions that matter and the center's attitude to, and strategy of, managing diversity. That there was nothing inevitable about the secession of Bangladesh can be illustrated by the fact that in the provincial elections of 1954 in East Pakistan an anticenter coalition of political parties, known as the United Front, decimated the Muslim League. Once Bengali had been recognised as a state language the United Front coalition factionalized, replaced by power struggles among its leaders over who should represent the province at the center. In mid-1954 the Mohammad Ali Bogra formula had been accepted as the basis for a Constitution, as discussed in Chapter 3. This Constitution gave East Bengal a majority in the lower house and provided a mutual veto. It was designed to provide East Pakistan with security, and attention duly shifted to power sharing at the center. Talbot persuasively 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). However, not all of the elite perceived that representation at the center was irrelevant. The dissolution of the Constituent

Assembly in 1954,[34] often viewed as the death knell for democracy, was supported, and indeed 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.

Contests over power within a democratic system became irrelevant after Ayub's coup in 1958, but Bengali demands continued. In 1966 Mujibur Rahman promoted the Six Points demand, which would have restricted the center to defense and foreign policy, and introduced separate currencies in the two wings (Rashiduzzaman 1970, 583–84). He was arrested shortly afterward on a charge of separatism. By the time of the 1970 elections, the AL monopolized support in the province. Although M. Rashiduzzaman argues that the AL's agenda was one of separatism (1970, 587) many contemporary observers did not hold this view. Recently released U.S. State Department documents "show that … Rahman wanted to have a 'form of confederation' with Pakistan rather than a separate country" (Iqbal 2005a). Mujibur Rahman did not advocate secession at a rally held on 6 March 1971. Writing before the secession, Craig Baxter noted that

> [i]t has been charged by West Pakistanis and by East Pakistani opponents of the AL that the Party's autonomist program implies separation. While the party does not advocate that course, individual Bengalis who might favor it would likely find a temporary political home in the AL (1971, 207).

It was the denial of the democratic mandate of the elections of 1970 that radicalized the AL. It won a majority of seats at the center in the December 1970 election, but under pressure from the military as well as the political elite in the Western Wing, the Assembly was never convened. It took the brutality of "Operation Searchlight" on March 25, 1971 to crystallize the demand for the secession of East Pakistan. Therefore, the secession of East Pakistan was not inevitable, *even* after decades of perceived internal colonialism. It was the denial of the AL's electoral mandate as well as demands for a more equitable federal relationship that prompted the demand for a confederation which then led to the demand for secession. Bengalis, despite their majority status, had been relegated to the status of "mass subjects."

The events of the secession of East Pakistan have been well covered (Zaheer 1994; Sisson and Rose 1990). In summary, the brutality of the army, dominated by West Pakistanis, led to the deaths of hundreds of thousands of Bengalis (Iqbal 2005a).[35] Up to ten million refugees crossed the border into India's sensitive border states, including Assam, the consequences of which were discussed in Chapter 6. It was ultimately India's military intervention that led to the defeat of Pakistan in December 1971, although, as Talbot

notes, "[a] morally bankrupt regime was [already] on the verge of economic bankruptcy" (1998, 210). The denial of the democratic mandate was the ultimate catalyst for the secession, but the lack of representation in the important organs of the state, such as the military and the bureaucracy as well as the economic disparities between the two wings, provided fertile ground for discontent. With such a history, it was astonishing that secessionist demands had not appeared earlier.[36] A strong case can be made that more equitable representation in the institutions that mattered such as the army and the bureaucracy (nondemocratic consociationalism) would have stabilized the federation. In actuality, the lack of defense of East Pakistan during the 1965 war with India, and the center's inadequate response to the cyclone in 1970, reinforced the lack of economic development and lack of representation over the previous two decades. The center's notion of a Pakistani "nation" did not include East Pakistan as an equal partner. Identity and interest politics therefore combined.

After the secession of Bangladesh, the locus of power shifted (albeit briefly) to the elected politicians. A new Constitution was drafted with the input of regional political parties such as NAP. A Council of Common Interests was created to adjudicate disputes between the provinces and the center and "[i]n the division of legislative powers among the centre and the provinces an important symbolic move toward 'maximum' provincial autonomy was made" (Baxter 1974, 1080). Even though the center remained extremely powerful, residual powers were vested in the provinces. Provincial autonomy remained symbolic rather than real, but it is important to note that the Constitution was passed almost unanimously, 125 out of 133 members voted for it—only NAP opposed it—and then began to clamor "for its immediate implementation" (Feldman 1974, 136). In addition, Z. A. Bhutto accepted "that governors should be appointed from the provincial majority party and designated NAP members to fill those posts in the Frontier and Baluchistan" (Baxter 1974, 1079).

Although the 1973 Constitution was less centralized than its predecessors, Bhutto soon "began honouring the 1973 constitution more in the breach than in the observance" (Jalal 1999, 317). Months before the Constitution was signed, American academic, Robert LaPorte predicted that Bhutto's goal was to replace the NAP Governments in NWFP and Baluchistan, and that he had employed "[p]olitical harassment by PPP officials [and] … accusations … of 'plotting' and 'disloyalty' to Pakistan on the part of the NAP and Wali Khan" (1973, 191). Amin supports the argument that Bhutto saw the NAP as an electoral threat (1988, 122). On February 16, 1973, before the new Constitution was signed, the governments of NWFP and Baluchistan were dismissed (Feldman 1974, 137).

There are varied explanations for the conflict in Baluchistan, which escalated after the dismissal of the NAP provincial governments. Vernon Hewitt points to the fact that "[t]he acceptance of provincial rights … had revealingly opened up divisions within the Baluch language movement" (1996, 59). Chief Minister Ataullah Khan Mengal was a moderate but was unable to prevent armed conflicts between rival tribes in the province and the left-wing forces seeking to implement social change. This, together with reports that Sher Mohammad Marri was training 20,000 Baluchi guerillas (Feldman 1974, 137), provided Bhutto with an excuse to tar Mengal with secessionism. Sameel Qureshi argues that "the Jamote tribesmen of the Lesbela district were allegedly incited by Bhutto's PPP to rise in revolt against the authority of the Mengal Government" (1979, 913). Talbot sagely observes that "if the latter is true, it represented a major miscalculation" (1998, 226). But this followed claims of the "London Plan," supposedly hatched while Wali Khan was in "London for medical treatment" (LaPorte 1973, 191). The discovery in February 1973 of an armed cache in the Iraqi Embassy in Islamabad, supposedly to support the secession of Baluchistan, sealed the fate of the NAP-Jamiat-Ul-Ulema-I-Islam (JUI) government (Feldman 1974, 137).

Bhutto's willingness to send in the Punjabi-dominated army led to the deaths of over 8,600 people (Harrison 1978, 138) and crystallized perceptions of Punjabi domination. Bhutto's repression only served to further alienate Baluchis. Hewitt argues that 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). Selig Harrison and Amin concur: "By the time the shooting had subsided in 1977 … separatist feeling had greatly increased" (Harrison 1980/81, 154). The conflict ended in 1977 after Bhutto was ousted by Zia-ul Huq, who released Baluchi political prisoners. Aided by a U.S. economic-assistance program, which allocated $45 million for development projects in NWFP and Baluchistan, Zia increased development funds to the province (Cohen and Weinbaum 1982, 144). In so doing he was attempting to co-opt the *sardars*. This was initially successful until Zia's policy of Islamicization alienated the *sardars*, and also undermined the position and support of the Baluchi middle class.

Tensions remained high during the Zia regime and escalated as a result of Pashtun immigration into the province from Afghanistan. The quota system for bureaucratic appointments, which provides that 4 percent of appointments should come from Baluchistan, has not resulted in more Baluchi appointments. As Table 7.5 demonstrates, Baluchis were less than 1 percent of Class One officers in the bureaucracy in 1983.

Table 7.5 Ethnic origins of top bureaucratic elite (Class 1 officers) in 1983

Group	%	% of population in 1998
Punjabis	47.9	44.15
Pashtuns	11.9	15.42
Mohajirs	17.3	7.57
Sindhis	4.4	14.1
Baluchis	0.7	3.57
Others	17.7	15.19

Source: Adapted from Tahir Amin (1988, 174) and Government of Pakistan (1998).

Note: Siraiki speakers are included in "others."

These bureaucratic quotas are based on residence within a province rather than ethnicity. Baluchistan has a large percentage of Pashtuns, and "[i]t is often alleged that … Muhajirs, Punjabis or Pathans, with the connivance of ethnic-co-conspirators, forge domicile certificates and stand for seats reserved for Sindhis and Baloch" (Kennedy 1993, 139). The small middle class of Baluchistan are therefore not represented in the central power structure.

Issues such as domicile fraud prompted Nawab Akbar Bugti in 1989 to call for "'Baluchistan for the Baluch' but … also … for outside investment in the province so long as the indigenous people shared equally in the profits" (Ziring 1990, 131). Violence has again resurfaced in Baluchi politics, premised on the same grievances relating to resource distribution and exclusion from the institutions that matter. More proximate causes include the development at Gwadar port, the influx of Punjabi laborers, the "alleged" rape of a female doctor at the Sui gas facility, as well as the results of the 2002 provincial elections, which brought the MMA to power in conjunction with the PML-Q. This has alienated both "the old non-religious tribal leadership as well as the new secular urban middle classes of Balochistan who see no economic or political space for themselves in the new military-mullah dispensation" (Najam Sethi).[37] This meant that issues over which the Baluchi elite had previously been quiescent made them raise their heads again—the issue of Sui gas notable among them.

The other major violent conflict that has been seen in Pakistan since the secession of Bangladesh has been in Karachi.[38] The Mohajir community was powerful in the first decade of Pakistan's independence and in

> 1973 Muhajirs held 33.5% of the gazetted positions in the civilian bureaucracy, although their share of the overall population was less than 8% …[and] in 1974, nearly half of the senior positions in Pakistan's public enterprises were held by Muhajirs…. [In addition] in 1968, Muhajirs held …23% [of the senior ranks of the Pakistani military] (Kennedy 1991, 943).

The decline in their power as Punjabis and Pashtuns took over the institutions of state that mattered—especially the bureaucracy—and their small percentage as a proportion of the population engendered a feeling of insecurity. As was seen in Table 7.5, their proportion in the senior levels of bureaucracy has declined since 1973. The change in language law and Z. A. Bhutto's reintroduction of the quota system compounded this insecurity. The quota acquired even greater significance when "Bhutto … nationalized much of Pakistan's private sector between 1972–76, making recruitment to the new public enterprises subject to terms of the federal quota" (Kennedy 1991, 945). In addition, the continued migration of Punjabis and Pashtuns into the city of Karachi provoked claims of domicile fraud and increased conflict.

Extraparliamentary actions preceded the MQM's electoral success in the nonparty municipal elections in Karachi and Hyderabad (Ahmed 1998, 90). Violence was precipitated when a Mohajir schoolgirl was run over by a Pashtun-driven minivan in May 1985 (Richter 1986, 213). Dozens died; bloody ethnic riots occurred in Karachi in November and December 1986, "mostly between the two most peripheral groups, Afghans and Bihari Muslims" (Wright 1991, 306). The army was deployed to restore order. In 1987 Atlaf Hussain, the leader of the MQM, issued a Charter of Resolutions, including domicile qualifications for voting, inclusion in the federal quota, property purchasing, and acquiring business licenses (Wright 1991, 305–6). He separately demanded that Mohajirs should be treated as a fifth nationality. With the exception of the final demand, the grievances articulated by the MQM had much in common with Sindhis. As Charles Kennedy notes, "[t]o both the Sindhis and Muhajirs, 'outsiders' were the common enemy and the primary villains were Punjabis and the Punjabi military" (1991, 949).

In the 1988 elections the PPP and MQM reached an accord but the alliance did not last. Benazir Bhutto appointed prominent anti-Mohajir politicians to her cabinet and backtracked on a promise to repatriate Biharis from Bangladesh. Significantly, she retracted her promise under pressure from the Sindh National Alliance and the JSM.[39] Although the PPP has undermined the electoral support of Sindhi regionalists the PPP is not immune from ethnic outflanking. The failure of the accord led to the first Sindhi–Mohajir violence in 1990, in which hundreds were killed, leading to the deployment of 15,000 troops in June. The army remained involved in Karachi throughout the 1990s, and in 1998 Nawaz Sharif introduced military courts with the power to enforce the death penalty in an attempt to impose order.[40] LaPorte contends that, "[t]he law and order situation cannot be resolved by the police supported by the army … the situation in Karachi is political and must be resolved politically" (1996, 183). In recent years the conflict has been less violent and

Karachi now makes headlines for its high levels of crime and alleged presence of *Al Qaeda* operatives. But tensions remain.

Tensions in Sindh have not been confined to Karachi. Kennedy observes that "[f]reed from the more salient issue of Bengali underrepresentation, the demands of the Sindhis came to the fore" (1991, 944). Sindhis demands have concentrated on their marginalization within the institutions that matter, Punjabi dominance of the state and influx into their province, and Mohajir dominance within the urban areas of Sindh. In the early 1970s, Sindhis constituted only "2.7% of gazetted employees … [and in] 1968 there were no Sindhi generals" (Kennedy 1991, 943). This dramatically contrasted with the rates of Mohajir employment in these key institutions of state. Z. A. Bhutto's quota policy led to "Sindhi representation roughly doubling in the civil and business elites of the state" (Kennedy 1991, 945). Zia's coup and subsequent execution of Bhutto alienated Sindhis. Violence erupted in 1978 and 1979 (Gustafson and Richter 1980, 189).

In 1983 the MRD "call[ed] to launch agitation [and to] … boycott the local elections." Zia's promise to hold national and provincial elections by 1985 was "too little too late" (Waseem 1994a, 393). The uprising was not confined to Sindh, but the major agitation and violence occurred there. Ultimately the uprising was suppressed by the army and thousands were arrested. Zia belatedly attempted a policy of co-option, set up a committee to look into the grievances of Sindhis (Sayeed 1984, 224) and after the non-party elections appointed Mohammad Khan Junejo, a Sindhi, as prime minister. But "such attempts at co-optation proved only partially successful" (Kennedy 1991, 947). Zia's death in 1988 enabled general elections to be held, in which Benazir Bhutto was elected as prime minister. Sindhi grievances at Punjabi domination of the federation have not disappeared, and after the abrogation of democracy by General Musharraf in 1999 tensions resurfaced. But these have not taken a violent turn and there is little sign of support switching from the PPP to Sindhi regionalist political parties.

Conclusion

The co-option and security of groups is vital for federalism to perform its function as a device of ethnic-conflict regulation. This co-option does not have to be democratic. Indeed, democracy can, especially in the short term, exacerbate tensions between communities. This is because democracy does not automatically recognize group rights. Moving toward a consociational form of government permits access to the institutions that matter, but this would require a willingness to recognize identity politics, and historically, the

Pakistani state has not been willing to do so.[41] Recognition of group rights will not provide an automatic solution, as the dangers of quota politics in Karachi reveals. But these quotas are provincial quotas—as opposed to ethnic ones—and are open to manipulation. In addition, quotas along ethnic lines can perpetuate the domination of a large community—in this case, Punjabis. Proportionality in government appointments may also exacerbate conflict in such a situation. Therefore, rather than a rigid representation, groups need to feel that identities that matter to them (for example, the Sindhi language) are protected (segmental autonomy and the mutual veto) as well as having representatives with their interests at heart at the center. Their representation need not be proportional, but it must be real and significant in the institutions, and the positions within those institutions, that matter. Co-option at a low level merely confirms a subordinate status.

The importance of meaningful co-option has been demonstrated by the fact that the issues in NWFP are similar to those in Baluchistan and Sindh, relating to resource allocation between the provinces, the division of the proceeds of resources, and water allocation. But although there are more violent religious politics in this province than in the other ones—as a reading of the last ten years of Asian Survey yearly reports reveals (LaPorte 1996, 184; Rizvi 2000, 209)—which may create center-province tensions, the issue of Pakhtunistan has not been articulated in a secessionist manner. Pashtuns have "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). This can be directly related to co-option, which has not diminished regionalist feeling, but is articulated in a manner that is compatible with the center's control.

CHAPTER 8

Future Prospects for India and Pakistan and Lessons for Ethnically Divided Societies

> 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)*

> Although Pakistan still lacks a strong national identity and Islam—especially radical Islam—is not likely to provide one, the Pakistani state is nevertheless strong, and the army remains its core.
>
> *(Cohen 2003, 18)*

> Intra-group divides contribute to inter-group peace.
>
> *(Varshney 2002, 171)*

Federalism in the Indian subcontinent has had bad press from many quarters. Authors such as Kenneth Wheare excluded federalism in the subcontinent from his analysis on the grounds that it diverged from the American model (1963, 33). Authors from the subcontinent have understandably

described the centrist and "quasi-federal" nature of the federations that were created (Banerjee 1989, 287; Arora 2002, 507). Others have decried the form that the federations took, such as the concession of linguistic reorganization (Harrison 1960, 135, 307), and the adoption of the One Unit Plan. The One Unit Plan has been understandably criticized for creating bipolar provincial competition and creating grievances against the Punjabis in the Western Wing (Callard 1957, 189). Linguistic reorganization in India is derided for leading to the proliferation of regional political parties, supposed to have undermined federal stability (*India Today* 1998).

This study was concerned with understanding the reasons why Indian federalism has been more stable than that of Pakistan, given that they had very similar colonial histories. Modes of governance premised upon territorial autonomy have a long history in the subcontinent. These systems have always been centralized, 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 the League since 1916 accepted, and often promoted, federal structures. They differed according to the degrees of consociationalism within these structures, the Congress being more majoritarian than the League.

After independence, consociational elements were limited in both constitutions. This was because the effective number of religious groups had declined in both states. Indeed, it was in order to secure a reduced number of effective religious groups that the Congress was willing to partition the county. But 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 reorganization of states—a consociational mechanism of segmental autonomy. Its subsequent concession of linguistic reorganization, with additional linguistic consociational mechanisms, stabilized the federation along linguistic lines. Pakistan's elite had not been committed to linguistic reorganization before independence. Their lack of linguistic consociational accommodation created tensions that were avoided in India.

In Pakistan, those provinces that have been associated with the most conflictual relations with the center have not been: a) particularly homogeneous (Sindh and Baluchistan), or b) represented at the center, and in the central institutions that matter (East Pakistan, Sindh, and Baluchistan). The most homogeneous province, East Pakistan, initially united against the center, as seen in the provincial election results of 1954. This unity dissolved as soon as linguistic demands had been conceded and power sharing at the center became important. They united against the center again in 1970, under conditions of extreme provocation. East Pakistan points to the fact that

homogeneous provinces by themselves are not *sufficient* to promote federal stability. The communities within those homogeneous provinces additionally require recognition and security. The exclusion of the Bengalis from meaningful positions of power played an important part in undermining this recognition and security.

India's federal structures have generally been successful in accommodating language, but less flexible when linguistic identities have coincided with religious cleavages. India has managed its non-Hindu-majority areas in a different manner than it has its Hindu ones. This was initially seen in Jawaharlal Nehru's reluctance to concede a Punjabi-speaking state or to create new states in the Northeast. 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 for religious and linguistic communities were to be expected because of the insecurity of Indian secularism and its weak religious multiculturalism. The center has been concerned with the loyalty of its non-Hindu citizens but has not acted to consolidate that loyalty, especially when these communities are territorially concentrated in border regions.

In both India and Pakistan, the presence or absence of consociational accommodation has been essential to understanding federal (in)stability. This accommodation has included the creation of linguistically homogeneous units as well as the recognition of the units' languages 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. Nondemocratic centralization and exclusion pose great dangers when they are ethnicized, as in Pakistan. Although India's democratic system has enabled it to accommodate regional parties at the center, democracy on its own is not a panacea. The form of the democracy is vital; if it merely confirms a majority community's domination, then it will not be effective in managing ethnic diversity. This is why the structures of nondemocratic institutions of state, and their ethnic composition remain important, whether or not a state is democratic. The differences between India and Pakistan, therefore, cannot be attributed solely to their differences in democratic development.

PRESENT-DAY FEDERAL CHALLENGES IN INDIA

India successfully accommodated the serious federal challenge posed by linguistic identities, but challenges remain in relation to the accommodation of

Kashmir and demands continue to be made for the creation of new federal units, especially in the Northeast. The changed discourse perpetuated by the Bharatiya Janata Party (BJP) poses challenges to religious minorities within the states of India. Explanations for the differences in federal stability premised on the accommodative nature of Hinduism are therefore extremely problematic. The lack of central action against the violence in Gujarat was a sorry sign of the state of the federation. Members of the BJP-led National Democratic Alliance (NDA) coalition, even "secular" political parties, did not demand the removal of Chief Minister Narendra Modi and the imposition of Article 356. It is hard to think of a stronger case for central intervention using Article 356 in recent years, although several other states—including West Bengal, Karnataka, Bihar, Rajasthan, and Madhya Pradesh—"took quick preventive action in February and March 2002 that prevented large-scale riots of the kind … seen in Gujarat" (Wilkinson 2002b). A less encouraging sign is that, under the BJP, High Court judges were appointed who were sympathetic to the BJP's conception of the Indian state, supportive university lecturers were selected, and history was rewritten in school textbooks to "rectify the position that 'Hindu greatness' was downplayed" (Ghosh 1999, 236). As Hewitt has observed, "Hindutva [has] … established itself into the everyday discourse of the Indian polity" (2000, 6). Although the NDA was voted out of office in 2004, and the United Progressive Alliance (UPA) led by Congress immediately set in motion plans to rewrite the textbooks (Lall 2005, 6), the discourse of the polity will not be so easy to change.

The situation in Kashmir remains tense. Although the rapprochement between India and Pakistan continues, the situation is fragile. Since the elections of 2002, the power-sharing coalition between the Peoples Democratic Party (PDP) and the Congress has survived, with a peaceful transfer of power to a Congress chief minister at the beginning of November 2005—despite Mufti Sayeed's (PDP) wish to retain his position (*Rediff* 2005). Since the Kargil conflict of 1999, the peace process with Pakistan has progressed, but violence in the state has continued. Much has been written of the possible "peace dividend" of the earthquake that occurred in October 2005 (*Daily Times* 2005), but it is not obvious how much influence this will have. Farzana Shaikh notes that "[w]ithin days of the earthquake militants shot dead the state education minister … and mounted a daring assassination attempt against the newly appointed state chief minister" (2005, 20). The suspicions articulated by either side relating to offers of aid in the wake of the earthquake testify to this. India's offer of helicopters was politely refused by Pakistan and the border crossings that were opened to facilitate aid delivery were tightly controlled by India. The Mumbai bombings that killed more

than 180 people in July 2006 have caused (what will probably be) a temporary strain in relations between the two countries, with reciprocal expulsions of diplomats (Akhlaque and Naqvi, 2006).

In other parts of India, new states have been created, but demands persist—often backed by extremely violent campaigns—for the creation of others (including Gorkhaland, Telengana, Vidarbha), or the redrawing of boundaries of existing ones (Nagaland) (Kumar 2000). The Indian state has traditionally adopted a flexible approach to the creation of new units and it is very possible that new units will be created in the future. But doing so often leads to counterclaims, as demands for a Greater Nagaland demonstrate. As a compromise, the center has expanded the development of autonomous areas, notably in Bodo areas (Adeney 2005, 108), but also in Gorkhaland (Chattopadhyay 2006). The diversity of the Northeast continues to pose challenges for federal ethnic-conflict regulation, as territorial autonomy potentially encroaches on other community's autonomy. Violent incidents occur in these states with depressing regularity.

Yet, although Hindu nationalists have traditionally opposed the recognition of identities that "divide" the Hindu "nation" (similar to the Muslim League's nonrecognition of regional and linguistic identities), they have been accommodating in practice—for example, in creating three new states and recognizing four more languages in the Constitution (Adeney 2005). In addition, it was the BJP that first understood and took advantage of the new political scene, embracing coalition politics before the Indian National Congress. The BJP coalition at the center was comprised of 24 parties (Adeney and Sáez 2005, 3), three of which were regional parties from Tamil Nadu, and also from the non-Hindi-majority states of Manipur, West Bengal, Punjab, and Jammu and Kashmir. Since the 2004 elections, which swept the NDA from office, the Congress now heads its own coalition, the UPA. This formally comprises 16 parties, with regional players from Tamil Nadu, Jharkhand, Bihar, Maharashtra, Jammu and Kashmir, Kerala, and Andhra Pradesh. The federation remains robust, as its leaders remain adaptable.

Present-Day Federal Challenges in Pakistan

The current tensions in Pakistan are ostensibly linked to resource allocation. This has been a recurrent theme in the history of the federation; demands for a more equitable division of resources were one of the prime demands of the Awami League (AL) in East Pakistan. The primary tension concerns the allocation between the provinces and the center, and the division of resources between the provinces. The center has access to the main sources of revenue

collection. The current division of the federal-divisible pool is approximately 60–40 percent, but at the time of writing the center has proposed to gradually raise the division to 50–50. This gives an indication of the weakness of the provinces' independent financial position. There are many criteria by which finances can be divided between the provinces.

The National Finance Commission (NFC) currently allocates resources according to population. This means that the most populous province, the Punjab, receives the majority of the resources.[1] This is an "ethnic" issue because grievances are articulated against the province of the Punjab in general and Punjabis in particular. The provinces are almost totally dependent on the center for their revenues and the issue of the percentage share of each province therefore takes on extra salience. As neither Sindh nor Baluchistan are homogeneous along linguistic lines, it is difficult to portray this as an "ethnic" demand, but it is certainly an anti-Punjabi demand. Baluchistan has demanded that a percentage of resources be allocated according to backwardness and land mass; North West Frontier Province (NWFP) has demanded that a certain amount be allowed for backwardness; and Sindh has demanded that a certain amount should be allocated according to revenue generation. At the time of writing the "federal government has proposed to the provinces that it will give 90 per cent weight to population and 10 per cent to revenue generation, backwardness and inverse population density" (Kiani 2006). Punjab thus remains the major beneficiary.

The second tension is related to the proceeds from the exploitation of natural resources. Demands for change have primarily come from Baluchistan concerning the receipts from its gas reserves, and from NWFP, whose territory is host to many hydroelectric dams but does not derive commensurate irrigation benefits or revenues. Both provinces claim the Punjab benefits from both of these resources in addition to receiving most of the revenue from the central government.[2]

Water is also a major issue, and Sindh claims that its share of water is being consumed by the Punjab. Both provinces are dependent on agriculture, but Punjab is upstream from Sindh. Water conflicts are not only an issue in the Pakistani federation; the southern states of India, Tamil Nadu, and Karnataka are in conflict over the same issue. Water conflicts are also a pressing issue between India and Pakistan. As in those cases, a neutral arbiter is needed. Punjab is the most populated province and argues that it requires more water and resources. However, Punjab is already the most developed province. In the interests of national unity, as happens in India, a case can be made for using central direction to allocate resources to develop underdeveloped areas. Sacrifices must be made in the name of national unity, but Punjab has been reluctant to make them. This is serious and an ongoing

problem in the history of Pakistan. Identity conflicts are never only about economics, but economic disparities exacerbate identity conflicts.

Connected to the issue of resources, but also to that of representation, is the question of devolution. The current debate over devolution is intimately tied to center-province relations in Pakistan. The central-government-founded National Reconstruction Bureau claims that "[t]he essence of this system is that the local governments are accountable to citizens for all their decisions" (National Reconstruction Bureau n.d.). The devolution plan was launched in 2001 and local government elections were held in 2002 and again in 2005. While the aim of accountability is a laudable aim, the local-government reforms have been criticized as a means of enhancing the power of the center at the expense of both the provincial governments and the local governments. The system was introduced under a military regime when the legislatures were suspended. Therefore, the provincial governments could not debate or ratify the legislation.

The lack of resources of the provincial governments and their dependence on the center has already been noted. By devolving certain developmental powers to the local level, provinces have lost resources. Many politicians in Pakistan have argued that an increase in local government powers would be a positive development, *if* powers were simultaneously devolved to the provincial governments. In the absence of a wholesale devolution of power, the devolution only serves to encroach on the autonomy of a potential layer of opposition to the regime. The new structures have been compared unfavorably to the Basic Democracies of Ayub Khan. Very few observers sit on the fence. Opinion has been radically divided with International Crisis Group's (ICG) report condemning the reforms for "strengthen[ing] military rule" (2004, i). Members of the Sustainable Development Policy Institute (SDPI) noted that it "completely by-passed the issue of devolution of power from the center to the provinces" and that it could reinforce "the existing feudal structure in districts in which landed power was an issue" (Khan 2004, 8–9). Despite the claim that devolution would bring government closer to the people, these elections were to be "partyless."[3]

Others have been strong advocates of the program and have argued that undermining provincial governments is a positive development, given their high levels of corruption.[4] A report commissioned by the Asian Development Bank, Department for International Development, and World Bank concludes that "[r]emarkable progress has been achieved … [i]nstalling this array of new structures and accountability arrangements is an achievement that can hardly be overstated" (2005, 1). It is difficult to assess the performance of the devolved governments in promoting development, but anecdotal evidence indicates that the performance of the district councils

and other levels of local government has been patchy and dependent upon particular Nazims. In short, these local-government reforms effectively give the center more power at the expense of the province. In such a federation where centralisation has led to conflict in the past, this can only lead to more tensions in the absence of more provincial autonomy to compensate for the powers devolved to the local level.

The final tension concerns the province of Baluchistan. At the end of 2005 the conflict in Baluchistan took a violent turn. Musharraf was initially persuaded that a full-scale military operation would cause more conflict, but in December 2005, after an attack during his visit to Kohlu in Baluchistan, a major military operation, including helicopter gunships, was launched. Previous military operations in the province suggest that this will be perceived as a force of Punjabi occupation and risks inflaming the situation. In January 2006, it was reported that 72 people had been killed and 227 were injured (Kasi 2006). Reliable reports on the current situation are hard to obtain as Akbar details (2006).

The recommendations of the Mushahid Hussain Committee on Baluchistan and the Senate Commission on Provincial Autonomy may be implemented and the latter was revived in July 2006 (Akbar 2006), but it is doubtful whether any constitutional amendments will be made. Various recommendations include the allocation of 15 percent of gas revenues directly to Baluchistan, that 5 percent of expenditure on exploration and also 5 percent of pretax profits should be spent on education in the province, that the NFC make an allowance for backwardness, and that Baluch–Pashtun parity be maintained in the province. This would address many of the grievances, but although Baluchistan's demands are partially linked to access to resources, it is problematic simply to cite the lack of "development" as the overwhelming cause of the provinces' problems. "Developing" Baluchistan arguably causes more problems than it solves.

This can be seen nowhere more clearly than in the development of Gwadar port, in whose construction Baluchi laborers are excluded. In addition, the cantonments provided for the primarily Punjabi migrant workers include educational and social facilities, which cannot be accessed by nearby villages. All of this is compounded by the fact that profits from the development of Baluchistan's resources do not stay in Baluchistan. "Development" is therefore not a panacea. The influx of Punjabi construction workers threatens the delicate demographic balance of the province, recently threatened by the arrival of Pashtun Afghan refugees. Merely including Baluchis in the labor force would not be sufficient. One method of ethnic-conflict regulation would be to include Baluchis at every level of the work force—high and

low—permit them to benefit from the cantonment facilities, as well as changing the allocation of resources from the development of the province.

Many of the above problems are related to the strength of the Punjab—the size of its population and overrepresentation in the army and the bureaucracy. Federal design cannot address the issue of ethnic representation in the army or the bureaucracy, though consociational mechanisms can do so, but it can address issues related to population. The most obvious way in which it can do so is related to the number and size of units.

THE NUMBER OF UNITS AND THE DISTRIBUTION OF THE *STAATSVOLK*

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 stabilization of a federation. This can be seen in both India and Pakistan, but has implications for the structures of other federations.

THE NUMBER OF UNITS

Chapter 1 argued that homogeneous units could contribute to the stability of a federation, contrary to much of the federal literature. But it did not argue that homogeneous provinces were a sufficient cause of federal stabilization, nor a necessary one. Malaysia is an example of a stable federation with multiethnic units (Horowitz 1985, 617–19), even though Singapore was expelled from the federation in 1965 and Malaysia's consociational and democratic practices have been undermined (Mauzy 1993, 110). This study has established 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 the cause of federal dissolution, lack of security and recognition, as well as inequitable treatment have been the proximate cause.

India and Pakistan have had very different types of federations not only in relation to the *types* of units that 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 this is proportionate in relation to population,[5] 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 is likely to lead to shifting coalitions (in the case of

three units) and zero-sum conflict (in the case of two units). James Manor suggests that "[i]f 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" (1995, 121). Maurice Vile notes that bipolar antagonisms create obvious problems for achieving stability (1982, 213, 222). Large numbers of federal units do not necessarily prevent conflict, as a powerful central government might abuse its power. Ruling parties at the center in India have abused the emergency provisions of Article 356, as the occasions of its use demonstrate in Appendix 2. 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. This is because majorities will change and units have a lower risk of being permanently excluded from power.

That a larger number of units are conducive to federal stability is supported by a comparative analysis of all federations since 1900, as can be seen in Table 8.1. 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. Seventy-five percent of federations with three states or under have failed, compared with only 13 percent of those with thirteen states or over.

Table 8.1 Federal failures and the number of units, 1900–2006

Units	States	Failures	% of failures
2-3	16	12	75
4-7	10	5	50
8-12	5	1	20
> 13	15	2	13
Totals	46	20	43

Source: Britannica Book of the Year (1958–1999), Daniel Elazar (1987, 45–46), U.S. Central Intelligence Agency (2005) and *BBC* (2003). See Appendix 3 for more details.

It is not possible to conclude that the smaller numbers of states *caused* the failure of these federations, as a correlation cannot prove causation. Many of the failed federations were formed in the wake of the decolonization process in Africa—for example, 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, revealing 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

exists. Pakistan before 1971 and Nigeria in 1966 both broke down because of highly conflicting 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 causalities from starvation.

Similarly, many of the contemporary federations with a small number of units in the lower range are currently under threat. Since 1997, the islands of Anjouan and Mohel have attempted to secede from Comoros. 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. The short-lived Union of Serbia and Montenegro broke up in June 2006 after Montenegrins voted for the Union's dissolution. Finally, the Republic of Bosnia-Hercegovina is currently held together by the intervention of external actors. A lower number of units does not *inevitably cause* the breakdown of a federation, but 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 Wings of the country. As argued earlier, 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. The low number of provinces has contributed to tensions within the federation, at least partially because of the concentration of Punjabis within one unit, to which we return later in this chapter.

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 in Punjab, Jammu and Kashmir, and the Northeast. Instead, these conflicts have been caused by policies of the center, primarily driven by security concerns relating to their non-Hindu-majority status. Secessionist movements in these states have been encouraged (in the case of Punjab, and Jammu and Kashmir) by the actions of the center. The case of the Northeast is more complex; multiple and contradictory demands posed difficulties for central accommodation, as seen by the continuation of secessionist or autonomous movements after the creation of the states of Nagaland and Mizoram.

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 Chhattisgarh (from Madhya Pradesh).

The states of India in 2006

The new states, shown above, were formed primarily on tribal, rather than linguistic, lines, but their creation has further subdivided the *staatsvolk*. With Hindi speakers constituting 40 percent of the Indian population, a state including all members of the dominant community—as was the case in Pakistan before and after the secession of East Pakistan—would be unthinkable, but more importantly, inherently destabilizing. This has been a long-standing concern. One of the authors of the States Reorganisation Commission (SRC), K. M. Panikkar, expressed concern about the large size of Uttar Pradesh (UP) and, in an appendix to the report, recommended its division (1955, 244–52).

THE DISTRIBUTION OF THE STAATSVOLK

Homogeneous provinces do not always minimize tensions, as the case of East Pakistan testifies. Conflict against the center can increase, especially when a

dominant group exists or is perceived to exist. One way to safeguard against the perception of an overbearing, dominant group is to subdivide the dominant group or groups, while maintaining homogeneity within the units. This subdivision 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, organized around the three main ethnic groups within the state. Competition between these ethnically defined provinces resulted in Biafra's attempt to secede. The second federation was organized 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 learned by its first failed experiment; it has 36 provinces. In an article comparing ethnofederations federations, Hale has noted that ethnonational federations where the dominant group is contained within one unit have a high rate of dissolution (2004, 192–93).

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: First, if dominant groups are divided, then federalism can increase the salience of alternative identities between these units. Second, division diminishes the real or perceived dominance of a particular community. The division of a dominant group between two or more units makes it more likely that disparities between units will be diminished.

Many of the tensions in the federation of Pakistan are related to the fact that one province has the majority of the population. This tension would exist independently of whether or not Punjabis dominated the army and the bureaucracy because it is also related to issues of representation and resource allocation. Resources can be re-allocated and representation solutions can be devised, but, as has been seen in Karachi, this can cause tensions if they are perceived to be undermining the previously secure position of a group.

The splitting of the dominant group

Splitting 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 subdividing a dominant group increases intra-ethnic competition and diminishes the unity of the 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 twenty eight states, only nine have a Hindi majority.[6] All other major linguistic communities have their own state and are not subdivided. While the arguments in favor of subdivision primarily concern the dominant community, authors such as Rasheeduddin Khan, Rajni Kothari, and Tatu Vanhanen have advocated increasing the number of states by subdividing other states (Kothari 1970, 115; Vanhanen 1992, 169). The states are certainly large enough to be subdivided. Khan advocated creating 58 states (1992, 45). While this brute instrument would not be possible, as many of the states in the Northeast are already very small, 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, including the trifurcation of Jammu and Kashmir, the creation of Ghorkaland (West Bengal), Bodoland (Assam), Telangana (Andhra Pradesh), and Vidarbha (Maharashtra). This would also address the problem of overrepresentation of the larger states in the Rajya Sabha.

The case of Pakistan is a striking example of the danger of a dominant group having a one and only state. In 1955 the One Unit Plan created a federation with two units: an 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 East Bengal into smaller units could have increased the stability of the federation in the long term. Given that both provinces had been controversially partitioned previously, this would have been an extremely contentious move. It would have been problematic to create provinces along cultural or ethnic lines in East Bengal, 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. Although an extremely unlikely scenario in the wake of partition, such a 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 East Bengal could also have removed the need to create the One Unit Plan. It would certainly not have been an automatic panacea, as shown by the fact that Bengalis resisted the division of East Bengal along religious lines in their opposition to separate electorates in the mid-1950s. To have had a chance of being successful, it would have had to be part of a wider strategy of consociational accommodation.

Before 1971 Punjabis comprised over half of the population of the Western Wing, and dominated it under the One Unit Plan. Under the Legal

Framework Order of 1970, the One Unit Plan was dissolved and the provinces were reconstituted, with Baluchistan becoming a full-fledged province for the first time.[7] Over 50 percent of the population was contained within one province, the Punjab, exactly the same situation as in East Pakistan before 1971.

Punjabis are not a monolithic group, but they are perceived to be so. The fact that they dominate the institutions that matter in Pakistan is not something that can be addressed through federal design, but the division of the Punjab would enable more creative solutions with regard to resource allocation and representation and reduce the perception of the domination, which also poisons relations between provinces. The division of the Punjab would ameliorate the perception of Punjabi domination.

This is easier said than done. Military regimes have spoken of the need to divide the provinces, but they have often done so as a means to undermine provincial identification. In 1988 Zia-ul Huq considered redesigning the Pakistan federation into eight units, but was killed in a plane crash 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 Mohajir province (from Sindh), one Baluch and one Pashtun province from Baluchistan, and minor territorial revisions to NWFP (Kennedy 1993, 141). The above plan demonstrates why Sindh has not been as vociferous in calling for such reorganization—because of demands to create a city-state of Karachi.[8] Redivision is a problematic solution to propose, partly because the areas that most academics propose creating—the Siraiki and Potwa provinces of north and south Punjab—have very weak movements agitating for their creation.[9] Whether it is even possible to subdivide the "heartland" of Pakistan at this stage in its history is also an important question, but it is instructive to consider comparative examples. Federations with a small number of units have tended to fail or experience severe conflict.

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 strength.[10] 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, confirming Alfred Stepan's analysis of India as a demos-enabling federation (1999). The Lok Sabha has a deviation from proportionality of only 8.53 and the Rajya Sabha has one of 16.99.[11] In both cases there has been a slight concession in the favor of the Northeast states, many of which have much smaller populations. Sikkim is the smallest state with a population of 540,493, or 0.05 percent of the population of the 28 states. UP remains the largest, despite the creation of Uttaranchal. After the creation of Uttaranchal it still possesses a population of 166,052,859, 16.43 percent of the population of the states of India.[12] 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.

In the case of Pakistan, the demographic majority of Bengalis 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 percent of the population. After the secession of Bangladesh, Punjab has dominated the National Assembly (NA) with 148 seats in a house of 332 (Election Commission of Pakistan 2002).[13] Unlike the Indian upper house, however, all of 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[14] as the law of Pakistan in 1998–1999 because of opposition within the Senate.

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 discourage secession, or just that of the dominant group? This issue has been crucial in the debates over the creation of an Iraqi federation—Kurds demanding one Kurdish province (O'Leary, McGarry, and Salih 2005). In Afghanistan, federation was rejected as a structure of government partially because the Pashtuns did not want to cement divisions within their community.

Neither India nor Pakistan has been a stable federation for the whole of their existence. Yet the homogeneity of units in parts of Pakistan and linguistic reorganization 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 AL's demands for a more

equitable federal relationship that prompted the demand for a confederation. Although East Bengal was a homogeneous province, as seen in the 1950s, divisions existed within its borders around which political parties 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 center. It was the brutal repression within East Pakistan after the elections of 1970–1971 that led to the secessionist demand. The denial of the democratic mandate in which the AL won the majority of the seats in the NA 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 federation.[15]

The cases of India and Pakistan clearly demonstrate that it is the denial of claims for recognition and legitimate claims for resources that are likely to increase conflict with the center 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 intragroup competition for power and resources. The perception of a normative, or practical, commitment to recognizing 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, 161–62). In the 1990s this has been expressed through the regional political parties who are members of the governing coalition at the center. A plethora of Tamil political parties exist. The All India Anna Dravida Munnetra Kazagham's (AIADMK) defection from the BJP coalition in 1999 brought down the Atul Behari Vajpayee government. In the following elections, their rival, the Dravida Munnetra Kazagham (DMK), took their place in the governing coalition. The Shiromani Akali Dal (SAD) was 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 groups' identification with the institutions of the state. As Ian Talbot notes, the hostility to the nuclear tests expressed by Baluchi and Sindhi nationalists is

evidence of the limitation of the appeal of the Pakistani "nation" (2000, 214). Punjabi domination is cultural, economic, and political, which Yunas Samad terms Punjabisation (1995b, 23–42). For most Punjabis there is no conflict between a Punjabi and a Pakistani identity (Samad 1995b, 32; Talbot 1998, 127). This is not the case for the other groups.

LESSONS FOR OTHER FEDERATIONS

There are many obvious lessons for federal designers in ethnically divided societies that emerge. The most obvious one is to concentrate on the extent to which consociational features are essential for a successful federal arrangement. Federations in ethnically divided societies can help to promote autonomy and security for different communities, but not if they institutionalize majoritarian forms of government, as they all too easily can do. 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 center 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 (Mauzy 1993). What is important to note is that consociationalism can be present in degrees, in an undemocratic system, and may be informal. Brendan O'Leary has argued that in a state without a *staatsvolk*, consociational mechanisms are necessary to stabilize the federation. This does not mean that a federation with a staatsvolk will *necessarily* be stable (O'Leary 2001a, 291). This study has argued that 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.

Other lessons include those relating to the types and numbers of units and the distribution of the *staatsvolk*, discussed in detail earlier in this chapter. Such an arrangement affects relations between units, in relation to the perception of domination (or lack of it) and the possibility of changing majorities in a federation with a larger number of units. It also affects relations within units—homogeneous units providing the conditions for intra-ethnic

competition to emerge. But, as noted in the introduction to this study, such intra-ethnic competition only emerges in conditions of wider security, which is where the consociational mechanisms, formal or informal, may be necessary.

The third conclusion is that although federal structures can exacerbate conflict between groups in the absence of security, and consociational elements are desirable to prevent this, Arend Lijphart's advocacy of the party-list electoral system as the best type of electoral system to facilitate elite autonomy has not been necessary in India and Pakistan. This is because, as in Canada, the groups are generally territorially concentrated. This has meant that simple plurality has not led to disproportional results along ethnic lines. Indeed, simple plurality in India has led to "vote-pooling" between alliances—with the all-India party (such as the BJP or the Congress) coming to an arrangement with a particular regional party or parties about how many seats in a state individual members of the alliance will contest, in an attempt to maximize the seat share and prevent vote splitting. Regional parties have an incentive to form their own alliances with all-Indian parties in order to persuade their electorate that they can deliver. Rather than elite autonomy being necessary to accommodate conflict, homogeneous units have produced the opposite result: ethnic elites are competing with other ethnic elites from the same community to gain "their" community's votes.

Federalism is therefore not an all-encompassing panacea. It is a complex institutional arrangement, compatible with centralized and majoritarian governments, as it is with decentralized and consociational governments. This study 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. It is, however, not possible to prescribe a "one-size-fits-all" federal structure. All states are unique. The structure of ethnic diversity within a state, as well as whether a state is a democracy, will affect whether a particular federal form will succeed in managing diversity successfully, as will the experience of working previous institutional configurations.

This page intentionally left blank

APPENDIX 1

DEMOCRATIC STATUS OF THE WORLD'S FEDERATIONS SINCE 1900

	Democratic	Nondemocratic	Non-consolidated democracies
1	Argentine Republic	**Cameroon 1961–1972**	Bosnia & Hercegovina, Republic of
2	Australia, Commonwealth of	**Central African Federation (South and North Rhodesia with Nyasaland), 1953–1963**	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**	**Yugoslavia, Federal Republic of 1992–2003**
7	Canada	**Malayan 1947–1963**	**Indonesia 1947–1950**
8	Germany, Federal Republic of > 1990	**Mali Federation (with Senegal) 1959–1960**	Iraq > 2005
9	**Germany, Federal Republic of 1945–1990**	**Uganda 1962–1967**	Nigeria > 1999

(continued)

	Democratic	Nondemocratic	Non-consolidated democracies
10	India, Republic of	United Arab Emirates	**Pakistan 1955–1971**
11	Malaysia > 1965	**United Arab Republic 1958–1961 (Egypt and Syria)**	Pakistan > 1971
12	**Malayan 1963–1965**	**USSR**	Russian Federation
13	Mexico (United Mexican States)	**Yugoslavia 1945–1992**	**Serbia & Montenegro, Union of 2003–2006**
14	Micronesia, Federated States of		
15	**Nigeria 1963–1966**		
16	**Nigeria 1979–1983**		
17	Saint Kitts and Nevis, Federation of		
18	Switzerland (Swiss Confederation)		
19	United States of America		
20	Venezuela, Republic of		
	43.5%	**28.25%**	**28.25%**

Source: Britannica Book of the Year (1958–1999) and U.S. Central Intelligence Agency (2006).

Notes: Those federations in bold type are not in existence anymore or have been superseded. Spain and South Africa have been excluded. Both are federations in practice, but not constitutionally. The Democratic Republic of the Congo adopted a constitution in February 2006 that has federal features, but it is not formally a federation and is therefore not included.

Appendix 2

The Dates of President's Rule for the States and Union Territories of India 1951–2005

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 (later merged into 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

(continued)

Name of state	Year imposed	Days lasted	Dates imposed between
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 Pradesh	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

(continued)

Name of state	Year imposed	Days lasted	Dates imposed between
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

(continued)

Name of state	Year imposed	Days lasted	Dates imposed between
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	30.06.81–13.01.82
Kerala	1981	67	21.10.81–28.12.81
Kerala	1982	67	17.03.82–24.05.82
Assam	1982	345	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	25.05.84–08.03.84
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

(continued)

Name of state	Year imposed	Days lasted	Dates imposed between
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
Bihar	2005	263	7.3.05–24.11.05

Source: Data adapted from Lok Sabha Secretariat (1996), H. M. Rajashekara (1987, 638–40), Rajya Sabha (1996; 1997; 1999a; 1999b; 2002), Dawn (2002), V. Venkatesan (2005), and Onkar Singh (2005).

This page intentionally left blank

Appendix 3

The Number of Units in the World's Federations and Their Success Rate

	Name of State	Number of units	Failure
1	Republic of Bosnia-Hercegovina	2	No
2	Cameroon 1961–1972	2	Yes
3	Central African Federation 1956–1963	2	Yes
4	Czechoslovakia 1992	2	Yes
5	Ethiopia 1952–1962	2	Yes
6	Federation of Iraq and Jordan 1958	2	Yes
7	Mali 1959–1960	2	Yes
8	Pakistan 1955–1971	2	Yes
9	*Serbia and Montenegro (FRY) 1992–2003*	2	No
10	St Kitts and Nevis	2	No
11	Union of Serbia and Montenegro 2003–2006	2	Yes
12	United Arab Republic 1958–1961 (Egypt and Syria)	2	Yes
13	Comoros	3	No
14	Libya (Federal Kingdom of) 1951–1963	3	Yes
15	Malayan Federation 1963–1965	3	Yes
16	Nigeria 1963–1966	3	Yes

(continued)

	Name of State	Number of units	Failure
17	Micronesia	4	No
18	Pakistan > 1971	4	No
19	Uganda 1962–1967	4	Yes
20	Belgium	5	No
21	Australia	6	No
22	Burma 1948–1962	6	Yes
23	Congo 1960–1969	6	Yes
24	Yugoslavia	6	Yes
25	Indonesia 1947–1950	7	Yes
26	U.A.E	7	No
27	Austria	9	No
28	Canada	10	No
29	*Germany 1945–1990*	11	No
30	*Malaya 1947–1963*	11	No
31	British West Indies 1958–1962	12	Yes
32	Malaysia	15	No
33	USSR	15	Yes
34	Germany > 1990	16	No
35	Iraq > 2005	18	No
36	Nigeria 1979–1983	19	Yes
37	Russia	19	No
38	Venezuela	22	No
39	Argentina	23	No
40	Ethiopia > 1991	25	No
41	Brazil	26	No
42	Switzerland	26	No
43	India	28	No
44	Mexico	31	No
45	Nigeria > 1999	36	No
46	United States of America	50	No

Source: As Table 8.1

Notes: Only the first level of decentralization is included. Those that were superseded by another federation without failing—for example, Germany in 1990—are italicized.

Notes

Chapter 1

1. 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, 230–50).

2. Although it is not the only method by which to manage diversity.

3. Although, consociations have precursors in arrangements (such as the *millet* system of Ottoman Turkey), which were not democratic (Finer 1997a, 1170, 1196–97).

4. Brendan O'Leary has more recently argued that these "[c]onsociational arrangements … need not be comprehensive: they may be confined to distinct constitutional and policy sectors … or they may be applied piecemeal" (2005, 18).

5. In federations, powers are separated between the two levels of government. Yet some powers may be concurrent, as in India and Pakistan. In contrast, as in Germany, powers are strictly separated, but policy making and implementation may also be separated. The center is responsible for the making of policy, whereas the Länder are responsible for its implementation. A final method of delineating power 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 another level of government; this becomes significant when few powers are constitutionally allocated to either level of government.

6. Although, this overrepresentation does not mean that their interests will always be protected.

7. Kenneth Wheare argued that because the Executive of the Dominion in Canada had the power to disallow Acts passed by a provincial legislature, it was a quasi federation. But because 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).

8. Even Tatu Vanhanen who espouses a primordial theory of ethnic conflict argues that ethnic conflicts have to be managed institutionally (1992, 18).

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

10. Discussing all of the wider conditions likely to make a federation successful is an exhaustive task, and is not attempted here.

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

12. Therefore this study deploys the terminology of homogeneous rather than mono-ethnic.

13. Maurice Vile discusses only "communal cleavages." A closer reading reveals that he is subsuming ethnic and linguistic cleavages within "communal" ones (1982, 221–22).

14. Vanhanen does not fit within these categories. His preferred option is for biological assimilation through mixed marriages. His suboptimal solution is to promote security through the creation of homogeneous provinces (1992, 166–67).

15. Earlier versions of these arguments were made in "Between Federalism and Separatism: India and Pakistan" (Adeney 2004). I thank Hurst Publishers for permission to reproduce them here.

16. Another way to counter the argument about the danger of minority victimization is to assert that victimization is unlikely to happen in homogeneous units. As for mobilization 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 in one criterion, it may be much less homogeneous in another. In 1971, 79 percent of the Indian Punjab population's mother tongue was Punjabi, but only 60 percent of them were Sikhs. In the same year, 67 percent of the inhabitants of Nagaland were recorded as Christian but the largest linguistic group was the Ao—with only 14 percent of Nagaland's population (Government of India 1976).

17. O'Leary discusses democratic federations; hence, he defines a *staatsvolk* as being "electorally dominant" (2001a, 285).

CHAPTER 2

1. Cited in Sayeed (1968, 7). Mulana Muhammad Ali was an Indian Nationalist Muslim and President of Congress 1923–1924.

2. From 1707 to 1857 the Mughals had lost most of their power and were ineffective rulers.

3. Stephen Blake accepts that there were a number of ways that the British built on Mughal forms of government, but rejects the argument that there was a linear progression (1995, 279).

4. For a more detailed discussion of interpretations of India's past, see Maya Chadda (1997, 26–31), Romila Thapar (1968, 318–35), and Teresa Hubel (1996, Chapter 4).

5. Hereon is referred to as Nehru. His father, Motilal Nehru, will be additionally referred to by forename.

6. Maps of the Mughal Empire radically differ in the extent of the areas they include. Joseph 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).

7. However, Akbar 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. Percival Spear argues that as Sher Shah only controlled northern India for five years, his contribution only "provided an administrative blueprint" at most (1965, 28).

8. John 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).

9. "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).

10. A *subedar* was an "army commander … the man in general charge of provincial affairs" (Blake 1995, 292).

11. 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).

12. In addition, Rasheeduddin Khan's list of the "Subahs of the Mughals and the Socio-Cultural Regions they covered" (1992, 106–7) demonstrates that in all regions other than the south of the empire, more than one sociocultural region was included within one subah, and sometimes as many as five.

13. These scholars include Mountstuart Elphinstone and Edward Cowell (1889), Joseph Schwartzberg (1978, 205), Hermann Kulke and Deitmar Rothermund (1990), John Richards (1993a; 1993b), Hermann Kulke (1995), Andrea Hintze (1997), D. K. Srivastava (1997, 113), Irfan Habib (1999), Barbara Metcalf and Thomas Metcalf (2001), and Peter Robb (2002).

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

15. They explain the continuity by the fact that "these nuclear regions clearly represent the major agricultural areas" (1967, 188). Christoper Bayly notes that by the seventeenth century "people expressed a common identity by using the local languages" (1998, 20).

16. A coordinated strategy of expansion did not exist. However, to claim that commercial interest was the only driving force behind the expansion of the EIC's power would ignore the differences in motivation among the employees of the EIC.

17. This penetration increased over time. It was 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.

18. Although, Charles 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.

19. The Regulating Act of 1773 had vested "the power of superintending and controlling" in the governor general, "[b]ut 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).

20. Respectively in 1832 and 1836.

21. Speech by Sir Charles Wood, Secretary of State for India 1859–1866 (Mukherjii 1915, 87).

22. For details of the reorganizations, see Schwartzberg (1978, 210–17).

23. Guided by the experience of other dominions—Australia, Canada, and South Africa.

24. Although, Nehru swiftly added: "but I am not sure that would be ideal in some ways. Anyhow, now it is not a practical proposition."

25. Farzana Shaikh eloquently argues that the Muslim League sought to be the sole representative of the Muslim community to promote Islamic unity (1986). This study adopts a more instrumentalist approach; the demand to be the sole representative was *also* a strategy to control this community.

26. 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.

27. Elsewhere I have undertaken a detailed formal analysis of the plans proposed from 1916 to 1946 (2002). This chapter draws on the conclusions reached in that article and I thank Taylor and Francis (http://www.tandf.co.uk) for permission to reproduce them.

28. The first constitution with a federal division of sovereignty between the center and the provinces was in 1919.

29. Mr. C. N. Muthuranga Mudaliar, head of the Reception Committee for the 1927 Madras Congress, maintained that "[F]ederal Government … will be peculiarly unsuitable to India with its revived sense of solidarity," in his welcome address at the 42nd Session of the Indian National Congress (INC) at Madras 26–28 December, 1927 (reproduced in Zaidi and Zaidi 1980a, 226).

30. Over the issue of the boycott and noncooperation with the British constitutional structures and over the issue of whether to accept dominion status or call for complete independence.

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

32. The name of a faction within the Congress that sought to disrupt the 1919 Act by contesting elections, seeking to undermine the institutions from within rather than pursuing Gandhian nonco-operation.

33. Pitambar Kaushik, an Indian historian, defends the Congress's record on minority rights at the time of the Nehru Report. He completely misses the point when he substantiates his argument with the statement that "[t]he Congress has repeatedly asserted its faith in the democratic principles of majority rule and self-determination" (1964, 70). Given that democracy per se does not offer any protection to minorities, "democratic principles of majority rule" are not a panacea for minority rights, nor does a commitment to "democracy" confirm a commitment to minorities. Kaushik's ability to assert this claim rests upon the assumption that the Congress was an all-inclusive organization able to represent all communities equally—an assumption that became increasingly erroneous.

34. Baluchistan was a British protectorate rather than a province.

35. However, the separate rural seats for Muslims in the Punjab led to the creation of the intercommunal Unionist Party (Talbot 1982, 12). I am indebted to Francis Robinson for bringing this to my attention.

36. 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.

37. Other entities captured the vote in the Muslim-majority provinces, such as the Unionist Party in Punjab and Red Shirts in NWFP.

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

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

CHAPTER 3

1. Quoted in Barua (1984, 79).

2. My emphasis.

3. Nehru's answer to a question at a press conference on July 10, 1946, that the 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. Judith Brown argues that Nehru was not "demonstrating

any wish to wreck the Plan" (2003, 163). However, as Nehru was Congress president, the only possible effect this statement could have had was to undermine the Cabinet Mission Plan (CMP). As I discuss in more detail elsewhere (2002), the Congress's acceptance of the provisions of the CMP was a major departure from their publicly stated positions in previous negotiations.

4. In assessing the preferences of Muslims in Muslim-majority provinces it is important to note the differences in aims between rural landlords and the urban salariat (Alavi 1990, 27–28). The landowners did not join the League until very late in the day, especially in the Punjab.

5. It is significant that he did not demand the provincial allocation of residual power in 1927. It is also noteworthy 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).

6. E.g., abandoning separate electorates.

7. For a more detailed discussion on the history of this formula, see Albert Hirschman (1945, 157–62), Rein Taagepera and Matthew Shugart (1989, 79–80) and Brendan O'Leary (2001a, 288–89).

8. Although, the Hindu community was not dominant, as it did not have a unified sense of purpose, being divided by caste, language, and region. In addition, a debate existed concerning whether "untouchables" should be classified as Hindu.

9. In 1946 Mohammad Ali 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.

10. In the lower chamber, large differences 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 occurs if provinces are represented according to population strength. Even if provinces are equally represented, this can lead to inequity if the small provinces out-vote the larger ones. Such differences and tensions are at the heart of Alfred Stepan's "demos-enabling" and "demos-constraining" definition.

11. This is not necessarily the case. Federalism is maligned in South Africa because of its association with the apartheid "homelands" concept and for its role in "manufacturing identities."

12. The 1833 Act proposed to split the Fort William Presidency (Bengal), and in 1835 a lieutenant governorship of the North Western Provinces was created.

13. My emphasis.

14. My emphasis.

15. My emphasis.

16. Identities are situational, and language was temporarily subsumed under religion because of the success of the Muslim League's mobilizing campaign. This did not mean that linguistic identities were unimportant. As Francis 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, 33–83).

17. Although this did not include residual powers.

CHAPTER 4

1. Quoted in Granville Austin (1966, 188).

2. For example, the failure of the Narasimha Rao Government in 1992 or the state Bharatiya Janata Party (BJP) government of Uttar Pradesh to prevent the destruction of the Babri Mosque in Ayodhya. For a discussion of elite nondecision making, see Peter Bachrach and Morton Baratz (1963, 632–42).

3. 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 center for such an important buffer state.

4. Reference was made in both Constituent Assemblies to existing federations. For example, Mr. N. Gopalaswami 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 power in the United States, Canada, Australia, and South Africa.

5. 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 nonterritorially concentrated minorities but not territorially concentrated ones.

6. 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).

7. This was 13 percent of the population of Pakistan.

8. This unity became 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 [1950] was out, though many returned after a measure of tranquility was restored" (Brecher 1959, 428).

9. The word translates to mean refugee, and came to refer to the Muslims who migrated to urban Sindh from India. Many Muslims from East Punjab migrated to West Punjab but they were more easily absorbed because of the cultural similarities.

10. This percentage rises and falls according to how Hindi speakers are classified. For example, in the 1971 census Bihari and Rajasthani speakers were conflated with Hindi speakers.

11. Punjab was eventually reorganized in 1966 but not along religious lines. The reorganization did not create a particularly homogeneous province along linguistic lines and remains incomplete.

12. Karachi was the capital city, the destination for many Urdu speakers from India after partition, which substantially increased its linguistic heterogeneity. Baluchistan was comprised of multiple tribal areas, but the States Union, with a majority of Baluchi speakers, was merged with "British" Baluchistan, of which 41 percent were Pashtu speakers. Baluchistan was the only province that was constituted anew. Pashtu speakers were deliberately included within its boundaries rather than adding them to the North West Frontier Province (NWFP) (Rahman 1996, 156). This undermined both Baluchi homogeneity and calls for a greater Pakhtoonkhwa.

13. Despite the consultation, the League, the Congress, and the princes rejected the final Act. This did not stop the League and the Congress from contesting the elections of 1937 held under it, although the Congress demanded guarantees concerning the extent of provincial control that the elected governments would have before taking up office.

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

15. The Act was renamed the 1947 Indian Independence Act.

16. Which Granville Austin concluded had worked remarkably well (1966, 125).

17. This provision also applies to religious groups. Although schools receive financial assistance from the state, the state cannot compel religious instruction, and those that are wholly state funded "cannot impart any religious instruction" (Rajagopalan 2003, 243).

18. 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 1947).

19. The Indian Constitution included reserved seats for Scheduled Castes (SC) and Scheduled Tribes (ST). However, this study does not concentrate on them. SCs, as a whole, do not constitute a separate ethnic group. There is no one identity for an SC any more than there is for a Brahmin or a Kshatriya; they are regionally defined. There is a stronger case for including STs as a separate ethnic group. Tatu Vanhanen argues that STs 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 STs, for "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 center, are large enough and have a sense of an identity that qualifies them for the status of an ethnic group despite their internal diversity. However, not all of 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 an ST, and Assam has only 2 out of 14 (Election Commission of India 1952–2004). Mizoram is the only state which has 100 percent of its seats (one seat) reserved for STs. As it is generally nonsensical to talk of the STs as a homogeneous entity and the reserved seats are not allocated to all STs, this study concentrates upon linguistic and religious communities.

20. The absence of a powerful Muslim leadership, prepared to articulate their separate interests, also demonstrates why Arend Lijphart's 1996 categorization of the Congress Party as a "Grand Coalition" in his consociational scheme is misleading (1996, 260).

21. Sir Reginald 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.

22. For a discussion of Indian secularism, see Subrata Mitra (1991, 759–77), T. N. Madan (1997, 747–59), James Chiriyankandath (2000, 8–22), Stuart Corbridge and John Harriss (2000, Chapter 2), and Meghnad Desai (2000, 113–21).

23. 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, and P. Sitaramayya.

24. The Dar Report argued "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, 34–35). 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 conceded that the demand for an Andhra province had wide consent and that although no general principle of linguistic reorganization could be conceded, the question of an Andhra province should be examined (1949, 16).

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

26. India Today is published in both Hindi and English.

27. Both Hindus and Muslims within the Eastern Wing opposed their introduction for precisely this reason, and they were only introduced in the Western Wing.

28. The legislative weightage in the 1956 Pakistani constitution overrepresented 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.

29. 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 Richard Schermerhorn's terminology, they were "mass subjects"—the majority of the population, but a subordinate group, not possessing any power (1978, 12).

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

31. This is the major counterweight to the argument that Nehru's statement on the nonbinding nature of the Cabinet Mission Plan was the cause of partition. If no agreement was possible on the interim government, what hope was there for independent India?

32. This did not preclude the sanctity of the personal laws for the minority-religious communities—Article 198 [1].

33. The formula was accepted by the Constituent Assembly before its dissolution by Governor General Ghulam Mohammad in 1954.

34. "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 percent of the members present and voting from each zone" (Bogra 1953, 5–6).

35. The reasons why Sindhis and Bengalis differed from other linguistic communities are discussed in Chapter 7.

CHAPTER 5

1. Prime minister of India 1996, 1998–2004.

2. Parts of this chapter appeared in Katharine Adeney and Marie Lall (2005, 258–68). I thank Taylor and Francis (http://www.taylorandfrancis.com) for permission to reproduce these sections of this article here.

3. Although, this state of affairs is unlikely to be sustainable.

4. Most "civic" identities in reality possess an ethnic core—for example, the historic WASP identity in the United States.

5. Donald Horowitz originally deployed this formula, defining the strategy as "amalgamation" (1985, 65).

6. 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 United States 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" (U.S. General Accounting Office 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. All of these policies challenge the description of present-day America as a "melting pot"— although this is not to deny that America still assimilates many of its more recent immigrants, especially those from the Asian community (Horowitz 1992, 22–23).

7. Defined by Horowitz as "incorporation" (1985, 65).

8. As distinct from those in the occupied territories.

9. See Adeney and Lall who compare the Congress and Bharatiya Janata Party (BJP) policies on citizenship in India (2005).

10. For a more detailed discussion on the factional politics within the Congress, see Rajni Kothari (1964) and for a discussion of the increased communalism within the Congress, see Sisir Gupta (1962, 357–58) and Granville Austin (1966, 11).

11. 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.

12. My emphasis.

13. The argument is not necessarily antithetical to Sunil Khilnani's position that Jawaharlal Nehru fully recognized the "depth and plurality of religious beliefs in India. It was precisely this point that convinced Nehru of the need to keep religious social identities outside the political arena" (1997, 177–78).

14. The description of "India that is Bharat" means Swarna Rajagopalan's argument is overstated. Hindi became the "official" rather than the "national" language precisely because of the claims of regional languages also to be "national."

15. My emphasis.

16. To mitigate the "dangers" posed by the linguistic reorganization 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).

17. The strategy was edging close to acculturation because it had very high costs for non-Hindi speakers, many of whom believed they had a much richer linguistic heritage than the relatively recent Hindi written in the Devanagari script.

18. The fact that the terminology would not have been used by Nehru or his contemporaries should not preclude us from using these conceptual categories, which are essential for conducting comparative political science.

19. "Was it because socialism 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 supposed practice of the government of India before 1947. In contrast, socialism was Nehru's private obsession.

20. Although, Hindus have been the sole financial beneficiaries of the Hindi United Family tax provisions. I am indebted to Marie Lall for bringing this to my attention.

21. This is also an argument that can explain the initial rejection of linguistic reorganization.

22. Although, the vast majority prefer to use English; in 1981 David Potter notes that 92 percent of candidates did so (1996, 232). 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).

23. As Stephen Cohen analyses, in 1974 Punjab provided 15 percent of the army. In this year Punjab was assigned a quota commensurate with its population (including Hindus) (1990, 210–11). This reduced job opportunities for Punjabis.

24. The colors 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" (Nehru 1938, 34–35). This was the "official version" cited by the Constituent

Assembly Debates (Government of India 1947a, 764). Other speakers contended that the colors were communal, although they could also appeal to other communities (Government of India 1947a, 784–87).

25. Penderel Moon alleges that although Jinnah rejected Chakravarti 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 have: a) 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 percent 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.

26. Although, Pakistan has never been a theocracy and religiously defined political parties have performed extremely badly at the polls gaining on average 3–4 percent of the vote. The 2002 election was an aberration in this respect, with an alliance of religious parties gaining 19 percent of the seats in the National Assembly. Whether this is an electoral "blip" dictated by international events remains to be seen.

27. Although, not all Muslims were automatically included, as seen by the call to have the Ahmadiya community classified as a non-Muslim minority in the mid 1950s. Ahmadiyas were eventually classified as non-Muslims in the Constitution in 1974.

28. This was remarkably similar to Nehru despite his civic conception of nationality.

29. 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.: *P*unjab, North West Frontier Province (*A*fghan), *K*ashmir, *S*indh and *B*aluchis*TAN*." Coincidentally it translates as Land of the Pure (Aziz 1987, 81).

30. Fieldwork in Pakistan in November 1998 and May 2005. It must be noted that although Punjabi is not normally written in the Arabic script, Sikhs in the eastern Punjab, which remained part of India, write and read in Punjabi, but in the Gurumukhi script.

31. Although the census report noted that there was probably an underreporting of speakers of Urdu in East Bengal for political reasons (Government of Pakistan 1951, 70), literacy rates are likely to be a more accurate reflection of the true state of affairs.

32. This demonstrated the division between the Urdu speaking *Ashraf* elite and the majority of the population.

33. Although many of the Punjabi elite were included within this 40 percent, for whom, as said, Urdu was part of their state-building policy.

34. This was despite the promise to the chief minister of the NWFP, Sardar Abdur Rashid Khan, that the capital would be in NWFP. Riswan Malik claims that this deception tricked him into supporting the creation of One Unit (1988, 47–48).

35. Although, the Punjab Group of the Writer's Guild was banned in 1963 (Rahman 1996, 201–2).

36. See Ayesha Jalal for further discussion (1995, 50–62).

37. The 1973 constitution included a second chamber in which all units were equally represented.

CHAPTER 6

1. Jawaharlal Nehru's intransigence over Kashmir cannot be separated from his personal affiliation with his ancestral homeland.

2. Asymmetrical federalism permits some units of the federation to possess more or less power than other units.

3. The division of Hindus into different communities has already been discussed. In addition, a debate exists concerning whether the former untouchables can be counted as members of the Hindu community. I would like to thank Andrew Wyatt for discussing this issue with me.

4. Steven Wilkinson notes that "these quotas were, during the 1950s and 1960s, almost totally ineffective" (2004, 113).

5. It is important to note that Bhagwan Dua claims that the Assamese police's "rampaging" actions before the proclamation had driven many into the secessionist movement's camp (1990, 199).

6. Mann-Whitney tests do not reveal a statistically significant relationship between these two variables. 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 in force in a state).

7. An explanation for the low ranking of Meghalaya and Arunachal Pradesh could be that the former became a state and the latter only became a Union Territory in 1972. However, the Union Territory of Mizoram was also created in 1972, but has a much higher rank on the table.

8. The 1970s are easily the decade with a disproportionate number of President's Rule uses, 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.

9. The relationship was analyzed using a Kruskal-Wallis test, 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. The relationship remained insignificant even when border status and the majority religion of the state (Hindu/Non Hindu) were analyzed using a two way Analysis of Variance between groups (ANOVA) test.

10. The Bommai judgment restricts the ability of the center 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). This has radically restricted the power of the center to use it (Adeney 2005, 110–12).

11. 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 of 1973–1984, the period in which Wilkinson (2002a, 14), Varshney (2002, 95), Pallessena Rajgopal (1987, 16–17), and Atul Kohli (1991, 6–7) note a rise in violence within India. Cohen observes that the "increase in such interventions has been dramatic." In a nineteen-year period, from 1951 to 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, 344–45). Armed police battalions doubled in the period covering 1963–1983. There were 66 such battalions in 1963 compared with 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 mobilization of protests (2002a, 14).

12. In a personal conversation in 2000, Sumantra Bose puts the figure close to 60,000. The South Asia Terrorism Portal estimates that an additional 15,000 people have died since then, but as noted, their figures are on the lower side (2005b).

13. The conflict is more of a political rather than an economic one. As Jyotirindra Das Gupta analyses, 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,

187–88). In terms of budget transfers, "those that have done best are the delicate border states" (Jeffrey 1994, 188).

14. 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" (1948–1953, 1977–1984) 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.

15. This occurred after the burning to death of 58 Hindus returning from Ayodhya.

16. Article 48 of the Constitution does provide that "[t]he State … shall … take steps for … prohibiting the slaughter, of cows and calves."

17. Jayalalitha Jayaram withdrew this Act after the AIADMK's failure to win any seats in the 2004 Lok Sabha election.

18. The government of Chhattisgarh passed a law in August 2006 banning religious conversions without prior approval. This has been perceived as an anti-Christian law, and Christian groups have "strongly reacted" against it (Ali 2006). At the time of writing, it has yet to receive the governor's consent.

19. In Uttar Pradesh (UP), in the 1951 census, approximately 7 percent of people returned their mother tongue as Urdu, 11 percent as Hindustani, and 80 percent as Hindi. In Bihar, 79 percent returned it as Hindi and 7 percent as Urdu.

20. 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 program. James Manor lists only four states having explicitly regional parties. These are the Asom Gana Parishad in Assam, the Telugu Desam Party in Andhra Pradesh, the SAD in Punjab, and the DMK and its offshoots in Tamil Nadu. However, there are many other parties that Manor describes as de facto regional, such as the Communist Party of India (Marxist) (1995, 118). Parties such as the Shiv Sena in Maharashtra can also be categorized as being explicitly regional. Manor also notes that even regional parties "are under intense pressure to play some sort of role in national politics, if only to protect themselves from unwelcome intrusions from New Delhi" (1995, 115).

21. This study focuses on the national elections to assess the way parties interact with each other at this level. If regional parties seek, and secure accommodation in, a governing coalition, this indicates acceptance of the system and the state.

22. Maurice Duverger's "Law" was that countries with simple plurality electoral systems would produce two-party systems as a result of psychological and mechanical incentives (1964, 224–26).

23. The Bharatiya Janata Party (BJP) won 53.7 percent of the seats it contested, compared with the 25 percent won by the Congress. The BJP's success was attributable to pre-election alliances with members of the National Democratic Alliance (NDA). In the 2004 elections, the Congress won 145 seats with 26.5 percent of the vote, and the BJP won 138 seats with 22.2 percent of the vote.

24. These identities were not insignificant before linguistic reorganization in India. They became *more* prominent after linguistic reorganization.

25. Both of these have been problematic in Pakistan.

26. In addition, although there have been coalition governments at the center in recent years, two have lasted a full term (1991–1996, 1999–2004).

27. UP 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 UP 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).

28. Although, Lal Krishna Advani, the former president of the BJP, was elected from Gujarat.

29. Organization for Greater Maharashtra.

30. Marshall Windmiller alleges that the death toll was much higher: between 250 and 400 (1956, 140).

31. Periyar Ramasami, the leader of the Dravida Kazhagam in the 1940s and 1950s, saw the Ramayana as an "epic of the conquest of the South by the North" (Roy 1962, 269).

32. Gurharpal Singh adapts Ernest Gellner's point to argue that "Hindus speak the same language even when they do not speak the same language" (2001, 144). However, the *staatsvolk* in India is more narrowly defined.

33. For example, see Pandian (n.d.).

34. In contrast, incidents involving Hindu–Muslim issues only quadrupled in the 1950–1995 period.

CHAPTER 7

1. His speech was entitled "Provincialism: A Curse," and was delivered to the Quetta Municipality in June 1948.

2. Although this basic distinction conceals the divisions within these communities and that "[w]hat is commonly called Sunni-Shia violence is more precisely a Deobandi-Shia conflict" (International Crisis Group 2005, 2).

3. The proportion of Sunnis and Shias are contested within Pakistan because of the taxation "incentive" of registering oneself as Shia (Shia's are exempt from paying the *Zakat* tax).

4. Interviews conducted in Islamabad in May 2005. Also, see International Crisis Group (2003, 15).

5. Interview with Saba Gul Khattak, Director SDPI, Islamabad, May 19, 2005. Also, see Rahimullah Yusufzai (2002).

6. Although, Pervez Musharraf has benefited from citing the Muttahida Majlis-e-Amal (MMA) as an example of the "dangers" Pakistan will face should he lose power.

7. The demand to remove mannequins from shops "was allowed to fade away in the face of negative publicity both at home and abroad" and the attempt to standardize prayer times "failed to take off" (Khan 2005a).

8. The North West Frontier Province (NWFP) government has been keen to attract funds from the UK Department for International Development. This has moderated the MMA's policies.

9. After President Musharraf's direction to adjudicate on its legality (Khan 2005b).

10. Parallels can be made with the decision of the All India Anna Dravida Munnetra Kazagham (AIADMK) in India to introduce a law banning conversions by "allurements or force."

11. Azad Kashmir is not integrated into the Pakistani federation, pending the accession of the whole state to Pakistan. To provide for its representation would be to "legitimize" the division of the state between India and Pakistan. It possesses its own constitution, parliament, prime minister, and president (Ellis and Khan 1999, 275–80). But, as in much of Pakistan, elections

are rigged and exclude political parties from standing who do not support the accession of Kashmir to Pakistan. This means that the Jammu and Kashmir Liberation Front (JKLF) as well as other movements that support Kashmiri independence are not able to stand. In the most recent elections held in July 2006, 50 parties were barred from competing on this ground (BBC 2006). The Northern Areas of Gilgit and Baltistan are ruled directly from Islamabad and do not have any representation of their own, a source of growing discontentment.

12. Interview in Islamabad, May 20, 2005.

13. The languages of Urdu and Bengali were termed "national" languages only in the 1962 constitution.

14. The situation was similar in East Pakistan, where less than 1 percent of the population was literate in Urdu. There were political connotations to admitting to speaking Urdu: "[T]here was a great deal of agitation … in connection with the State language question and that possibly the Census record of the number of persons in East Bengal who can speak Urdu is an understatement" (Government of Pakistan 1951, 70). This situation was comparable to the Punjabi/Hindi controversy in the Indian state of Punjab in 1961.

15. Although, Robert LaPorte argues that the implementation of the language law may not have been sanctioned by Z. A. Bhutto (1973, 195).

16. In the former quota system of 1949, in practice, Mohajirs could compete against both the Sindh and Karachi quota, which was 17 percent.

17. Personal conversations and general observations during fieldwork in November 1998 in Pakistan. The lack of outrage at the military takeover in October 1999 confirmed this observation.

18. Seen in the creation of the National Security Council, and the reinstatement of Article 58 [2b], which allows the president to dismiss the prime minister. Use of this provision has meant that although Pakistanis had five opportunities to vote a government into office at the national level between 1988 and 2006, they have not had a chance to vote one out. This diminishes the efficacy with which they view their vote.

19. Especially as its leaders moved to Karachi, rather than to East Bengal, where the party had been strongest before partition.

20. Interview with senior PPP leader, May 2005.

21. Also known as the IDA.

22. Its willingness to make alliances with the center has led M. Riaz (2002, 9) to question whether it is a true successor to the NAP, which opposed the military.

23. He was assassinated in 1973, and his son, Mehmood Khan Achakzai took over.

24. In an interview in May 2005, Mehmood Achakzai alleged that electoral rigging explains the poor performance in the 2002 elections, but the party's support was not significantly worse in this election than in others.

25. I thank Professor Mohammad Waseem for bringing this point to my attention.

26. There are many disputes over whether Siraiki is a separate language or a dialect of Punjabi. Rahman concludes that "Siraiki and Punjabi are mutually intelligible" but also notes that "the label of 'dialect' is seen as stigmatizing by Siraikis" (1996, 175). Certainly, many Siraiki speakers argue that it is a distinct language rather than a dialect (Interview with a senior Sindhi/Siraiki speaking bureaucrat, Islamabad, May 2005).

27. Interview with Mohsin Babbar (SDPI), Islamabad, May 2005. Professor Mohammad Waseem argues that it is a weak movement and that there is not enough support for the province to justify its creation (conversation in Islamabad, May 2005).

28. Interview with Mehmood Achakzai, Islamabad, May 2005.

29. 20 percent of jobs were to be allocated by merit.

30. My emphasis.

31. Quoted in Altaf Gauhar (1983, 256)

32. 60 percent of the army came from the Punjab at the time of independence (Cohen 1998, 43).

33. The Indian army generally continued the policy of recruiting martial races after independence, despite "an official post-Independence policy of recruitment open to all" (Kundu 1994, 47). Although, attempts were made in the 1970s to cut back on the number of Punjabis in the army.

34. The Constituent Assembly was dismissed by Governor General Ghulam Mohammed in reaction to the attempts by the Constituent Assembly to strip the governor general of his powers to dismiss the cabinet (Talbot 1998, 142).

35. "Bangladeshi scholars," cited in Anwar Iqbal, recently downgraded the number of deaths from three million to 300,000 (2005a).

36. Parallels can be drawn with the Kashmiri movement for independence.

37. Quoted in Swami (2006).

38. I have not been able to find collated statistics for deaths and injuries. Charles Kennedy estimates the conflict had claimed 2,000 lives by 1991 (1991, 938), and Syed Vali Nasr estimates that it claimed 2,000 lives in 1996 alone (2001, 169). H. Chotani and colleagues note that the "Edhi Ambulance Service transported 4,091 intentionally injured persons … from October 1993 to January 1996 … 2,400 … died before reaching the hospital" (2002, 59). They do not provide information on the number of deaths after reaching the hospital, or those who died before the ambulance arrived.

39. For more details, see Kennedy (1991, 951).

40. The Supreme Court of Pakistan ruled these were unconstitutional in February 1998 (Rizvi 2000, 139).

41. Although, PTV is shortly to set up stations operating in the regional languages (Dawn 2006).

CHAPTER 8

1. Resources were not distributed according to population when East Pakistan was part of the federation.

2. *Azad* Kashmir has also suffered from the building of the Mangla Dam, which is "critical to the success of the Pakistani economy as a whole," but Kashmiris, and Miripuris in particular, have had to bear the brunt of its "environmental costs," "disruption to local infrastructure," and "the disappearance of much of their most fertile agricultural land" (Ballard 1991, 513–17).

3. The elections in 2002 and 2005 were supposed to be partyless, but in reality were not.

4. Interview with Daniyal Aziz, head of the National Reconstruction Bureau, Islamabad, May 2005; Sir Hillary Synott, talk on Pakistan at the Institute of Commonwealth Studies, March 7, 2005.

5. India, with a population of approximately 1.1 billion and 28 states, equates to 39.3 million people in each state. Pakistan, with a population of approximately 145 million and 4 provinces, equates to 36.3 million people in each province.

6. Thirty-one percent of the states and Union Territories of the Indian federation had a majority population of Hindi speakers. However, 45 percent of the population of India lives within these 11 units (Government of India 2001).

7. The FATAs remain outside central control but are separately represented in the NA, as is the National Capital of Islamabad. *Azad* Kashmir has not been represented in the NA because of its unique status.

8. Karachi was separated from Sindh when Karachi was the national capital from 1947 to 1961.

9. Personal conversation with Professor Mohammad Waseem, Islamabad, May 2005.

10. Although as discussed in Chapter 5, the NA of Pakistan between 1956 and 1973 was a unicameral legislature in which the East and West had equal representation.

11. The formula used for calculating deviation from proportionality is that set out in Rein Taagepera and Matthew Shugart 1989, Chapter 10: $D = (1/2) \sum (si - pi)$, where *s* is the percentage of seats allocated, and *p* is the percentage of the population of the province.

12. Excluding Union Territories (Government of India 2001).

13. This total includes the 35 seats reserved for women.

14. This law was widely perceived to be a device to enhance his powers.

15. This would fit with William Riker's analysis (1964, 30).

Bibliography

Asian Development Bank (ADB), Department for International Development (DFID), and World Bank. 2004. *Devolution in Pakistan: An assessment and recommendations for action*. http://www.dfid.gov.uk/pubs/files/devolution-vol1.pdf (accessed November 18, 2005).

Adeney, K. 2002. Constitutional centring: Nation formation and consociational federalism in India and Pakistan. *Commonwealth and Comparative Politics* 40 (3): 8–33.

———. 2004. Between federalism and separatism: India and Pakistan. In *Managing and settling ethnic conflicts: Comparative perspectives from Africa, Asia, and Europe*, eds. U. Schneckener and S. Wolff, 161–75. London: Hurst.

———. 2005. Hindu nationalists and federal structures in an era of regionalism. In *Coalition politics and Hindu nationalism*, eds. K. Adeney and L. Sáez, 97–115. London: Routledge.

Adeney, K., and M. Lall. 2005. Institutional attempts to build a 'national' identity in India: Internal and external dimensions. *India Review* 4 (3–4): 258–86.

Adeney, K., and L. Sáez. 2005. Coalition politics, religious nationalism and public policy: A theoretical examination. In *Coalition politics and Hindu nationalism*, eds. K. Adeney and L. Sáez, 3–12. London: Routledge.

Adeney, K., and A. Wyatt. 2004. Democracy in South Asia: Getting beyond the structure-agency dichotomy. *Political Studies* 52 (1): 1–18.

Afzal, M. R., ed. 1966. *Selected speeches and statements of the Quaid-i-Azam Mohammad Ali Jinnah (1911–34 and 1947–48)*. Lahore: Research Society of Pakistan.

———. 1976. *Political parties in Pakistan 1947–1958*. Islamabad: National Commission on Historical and Cultural Research.

Ahmad, J.-U.-D., ed. 1960. *Speeches and writings of Mr Jinnah*. 6th ed. Vol. 1. Lahore: Kashmiri Bazar.

Ahmad, M. B. 1949. *Select constitutions of the world. Vol IV federal systems. Prepared for presentation to the Constituent Assembly of Pakistan*. Karachi: Government of Pakistan.

Ahmed, F. 1998. *Ethnicity and politics in Pakistan*. Karachi: Oxford University Press.

Ahmed, I. 1996. *State, nation and ethnicity in contemporary South Asia*. London: Pinter.

Akbar, M. S. 2006. Claims, counter-claims confound Balochistan confusion. *The Friday Times*, July 21–27.

Akhlaque, Q., and J. Naqvi. 2006. Pakistan, India expel diplomats: Delhi warns ties can be undermined. *Dawn*, August 4. http://www.dawn.com/2006/08/06/top1.htm (accessed August 9, 2006).

Alavi, H. 1990. Authoritarianism and legitimation of state power in Pakistan. In *The post-colonial state in Asia: Dialectics of politics and culture*, ed. S. K. Mitra, xi, 257. New York: Harvester Wheatsheaf.

Ali, C. M. 1967. *The emergence of Pakistan*. New York: Columbia University Press.

Ali, F. M. 2006. Christian anger at conversion law. *BBC News*, August 4. http://news.bbc.co.uk/1/hi/world/south_asia/5246328.stm (accessed August 9, 2006).

Ali, M. A. 1995. Towards an interpretation of the Mughal Empire. In *The state in India 1000–1700*, ed. H. Kulke, 263–77. Delhi: Oxford University Press.

Ali, S. M. 1993. *The fearful state: Power, people and internal war in South Asia*. London: Zed Books.

Ali Engineer, A. 2003. Communal riots in 2002: A survey. *Economic and Political Weekly*, January 25.

All India Congress Committee (AICC). 1956. *Resolutions on states reorganisation 1920–1955*. New Delhi: AICC.

Amin, T. 1988. *Ethno-national movements of Pakistan: Domestic and international factors*. Islamabad: Institute of Policy Studies.

———. 1995. Pakistan in 1994: The politics of confrontation. *Asian Survey* 35 (2): 140–6.

Arora, B. 2002. Political parties and the party system: The emergence of new coalitions. In *Parties and party politics in India*, ed. Z. Hasan, 504–32. New Delhi: Oxford University Press.

Arora, B., and D. Verney. 1995. Indian federalism in comparative perspective. In *Multiple identities in a single state: Indian federalism in comparative perspective*, eds. D. Verney and B. Arora, 341–54. Delhi: Konark.

Aruna, A. 2002. An assault on secularism. *Frontline*, November 23—December 6.

Austin, G. 1966. *The Indian Constitution: Cornerstone of a nation*. New Delhi: Oxford University Press.

Azad, M. A. K. 1988. *India wins freedom: The complete version*. 2nd ed. Hyderabad: Orient Longman.

Aziz, K. 1976. *Party politics in Pakistan: 1947–1958*. Islamabad: National Commission on Historical and Cultural Research.

———. 1987. *Rahmat Ali: A biography*. Lahore: Vanguard.

Bachrach, P., and M. Baratz. 1963. Decisions and nondecisions: An analytical framework. *American Political Science Review* 57 (3): 632–47.

Bajpai, R. 2000. Constituent Assembly Debates and minority rights. *Economic and Political Weekly*, May 27.

Ballard, R. 1991. The Kashmir crisis: A view from Mirpur. *Economic and Political Weekly* 2 (9): 513–17.

Banerjee, A. 1989. The ideology and politics of India's national identity. In *The state, political processes and identity. Reflections on modern India*, eds. Z. Hasan, S. Jha, and R. Khan, 283–96. London: Sage.

Banerjee, Anil, ed. 1949. *Indian constitutional documents 1858–1917. Vol. II*. 2nd ed Calcutta: A. Mukherjee and Company.

Barua, B. 1984. *Politics and constitution making in India and Pakistan*. New Delhi: Deep and Deep.

Baruah, S. 1986. Immigration, ethnic conflict and political turmoil—Assam, 1979–1985. *Asian Survey* 26 (11): 1184–206.

Basu, D. 1994. *Introduction to the Constitution of India: 16th edition*. 4th ed. New Delhi: Prentice Hall.

Baxter, C. 1971. Pakistan votes—1970. *Asian Survey* 11 (3): 197–218.

———. 1974. Constitution making: The development of federalism in Pakistan. *Asian Survey* 14 (12): 1075–85.

Baxter, C., Y. K. Malik, C. H. Kennedy, and R. C. Oberst. 1998. *Government and politics in South Asia*. 4th ed. Boulder, CO: Westview Press.

Bayly, C. 1998. *Origins of nationality in South Asia: Patriotism and ethical government in the making of modern India*. Delhi: Oxford University Press.

———, ed. 1989. *Atlas of the British Empire* New York: Hamlyn.

BBC. 2002. Kashmir elections "fair but not free." *BBC News World Edition*, October 9. http://news.bbc.co.uk/1/hi/world/south_asia/2313347.stm (accessed October 9, 2002).

———. 2003. Country profile: Serbia and Montenegro. *BBC News*, December 12. http://news.bbc.co.uk/1/hi/world/europe/country_profiles/1039269.stm (accessed January 30, 2006).

———. 2005. Pakistan's rulers claim poll boost. *BBC News*, October 7. http://news.bbc.co.uk/1/hi/world/south_asia/4320078.stm (accessed October 7, 2005).

———. 2006. New Kashmir government sworn in. *BBC News*, July 24. http://news.bbc.co.uk/1/hi/world/south_asia/5211686.stm (accessed July 26, 2006).

Beran, H. 1984. A liberal theory of secession. *Political Studies* 32 (1): 21–31.

Birch, A. H. 1977. *Political integration and disintegration in the British Isles*. London: Allen and Unwin.

Blake, S. 1995. The patrimonial-bureaucratic empire of the Mughals. In *The state in India 1000–1700*, ed. H. Kulke, 276–303. Delhi: Oxford University Press.

Bogra, M. A. 1953. *Presented to the Constituent Assembly on Wednesday, October 7th 1953*. Karachi: Ferozzons.

Bondurant, J. 1958. *Regionalism versus provincialism: A study in the problems of Indian national unity*. Vol. 4, *Indian press digest*. Berkeley: University of California.

Bose, P. K. 1990. Congress and the tribal communities in India. In *Diversity and dominance in Indian politics*, eds. R. Sisson and R. Roy, 58–81. New Delhi: Sage.

Bose, S., and A. Jalal. 1998. *Modern South Asia: History, culture, political economy*. Delhi: Oxford University Press.

Bose, S. 1997. *The challenge in Kashmir: Democracy, self-determination and a just peace*. New Delhi: Sage.

Brass, P. 1982. Pluralism, regionalism and decentralising tendencies in contemporary Indian politics. In *The states of South Asia: Problems of national integration*, eds. A. Wilson and D. Dalton, 223–64. London: C. Hurst and Company.

———. 1991. *Ethnicity and nationalism: Theory and comparison*. New Delhi: Sage.

———. 1994. *The politics of India since independence*. 2nd ed. New Delhi: Cambridge University Press.

———. 1997. The politicisation of the peasantry in a North Indian State. In *Politics in India*, ed. S. Kaviraj, 200–21. Delhi: Oxford University Press.

Brecher, M. 1959. *Nehru. A political biography*. London: Oxford University Press.

Britannica book of the year (various volumes 1958–1999). 1958–1999. Chicago: Encyclopaedia Britannica.

Brown, J. 1985. *Modern India: The origins of an Asian democracy*. Oxford: Oxford University Press.

———. 1994. *Modern India: The origins of an Asian democracy*. 2nd ed. Oxford: Oxford University Press.

———. 2003. *Nehru: A political life*. New Haven, CT: Yale University Press.

Brown, M. E. 1996. Introduction. In *The international dimensions of internal conflict*, ed. M. Brown, 1–32. Cambridge, MA: Massachusetts Institute of Technology Press.

Brubaker, R. 1992. *Citizenship and nationhood in France and Germany*. Cambridge, MA: Harvard University Press.

Burgess, M. 1993. Federalism and federation: A reappraisal. In *Comparative federalism and federation. Competing traditions and future directions*, ed. A. Gagnon and M. Burgess, 3–14. London: Harvester Wheatsheaf.

Burton, J. W. 1990. *Conflict: Resolution and prevention*. Basingstoke: Macmillan.

Butalia, U. 2000. *The other side of silence: Voices from the partition of India*. Durham, NC: Duke University Press.

Butler, D. et al. 1995. *India decides—Elections 1952–1995*. New Delhi: Books and Things.

Cabinet Mission. 1946. Statement by the Cabinet Mission to India and His Excellency the Viceroy, dated 16 May 1946. In *The Cabinet Mission in India*, eds. A. Banerjee and D. Bose, 1–7. Calcutta: A. Mukherjee and Company.

Cairns, A. 1995. Constitutional government and the two faces of ethnicity: Federalism is not enough. In *Rethinking federalism: Citizens, markets and governments in a changing world*, eds. K. Knop et al., 15–39. Vancouver, BC: University of British Columbia Press.

Callard, K. 1957. *Pakistan: A political study*. London: George Allen and Unwin.

Carling, A. 1992. *Social division*. London: Verso.

Chadda, M. 1997. *Ethnicity, security and separatism in India*. New York: Columbia University Press.

Chatterjee, P. 1999a. The nation and its fragments. In *The Partha Chatterjee Omnibus* New Delhi: Oxford University Press.

———. 1999b. Nationalist thought and the colonial world. In *The Partha Chatterjee Omnibus*. New Delhi: Oxford University Press.

Chattopadhyay, S. S. 2006. Ghising's game. *Frontline*, January 14–27.

Chhibber, P. 1999. *Democracy without associations: Transformation of the party system and social cleavages in India*. Ann Arbor: University of Michigan Press.

Chhibber, P., and K. Kollman. 1998. Party aggregation and the number of parties in India and the United States. *American Political Science Review* 92 (2): 329–42.

Chhibber, P., and J. Petrocik. 2002. Social cleavages, elections, and the Indian party system. In *Parties and party politics in India*, ed. Z. Hasan, 56–75. New Delhi: Oxford University Press.

Chiriyankandath, J. 2000. Creating a secular state in a religious country: The debate in the Indian Constituent Assembly. *Commonwealth and Comparative Politics* 38 (2): 1–24.

Chotani, H. A., J. A. Razzak, and S. P. Luby. 2002. Patterns of violence in Karachi: Pakistan. *Injury Prevention* 8:57–59.

Choudhury, G. W. 1972. Bangladesh: Why it happened. *International Affairs* 28 (2): 242–49.

Chryssochoou, D. 1998. Federalism and democracy reconsidered. *Regional and Federal Studies* 8 (2): 1–20.

Cohen, S. 1988. The military and Indian democracy. In *India's democracy: An analysis of state-society relations*, ed. A. Kohli, 99–143. Princeton: Princeton University Press.

———. 1990. *The Indian Army: Its contribution to the development of a nation*. New Delhi: Oxford University Press.

———. 1998. *The Pakistan Army: 1998 edition*. Karachi: Oxford University Press.

———. 2003. The Jihadist threat to Pakistan. *The Washington Quarterly* 26 (3): 7–25.

Connor, W. 1981. Nationalism and political illegitimacy. *Canadian Review of Studies in Nationalism* 8 (2): 201–28.

Copland, I., and J. Rickard, eds. 1999. *Federalism: Comparative perspectives from India and Australia*. New Delhi: Manohar.

Corbridge, S., and J. Harriss. 2000. *Reinventing India: Liberalization, Hindu nationalism and popular democracy*. Cambridge: Oxford University Press; Malden, MA: Polity; in association with Blackwell.

Coupland, R. 1942. *The Indian problem 1883–1935*. London: Oxford University Press.

Court of Directors. 1948. Despatch on the Charter Act of 1833 to the government of India December 10th 1834 (normally assumed to have been composed by James Mill). In *Indian*

constitutional documents 1757–1858 Vol. I, ed. A. Banerjee, 233–34. Calcutta: A. Mukherjee and Company.

Cox, G. 1997. *Making votes count: Strategic coordination in the world's electoral systems*. Cambridge: Cambridge University Press.

Crook, R. C., and J. Manor. 1998. *Democracy and decentralisation in South Asia and West Africa: Participation accountability and performance*. Cambridge: Cambridge University Press.

Daily Times. 2005. Quake will boost India-Pakistan peace process: Experts. *Daily Times*, October 10.

Damodaran, A. 1997. *Jawaharlal Nehru: A communicator and democratic leader*. London: Sangam.

Dar, S. K. 1948. *Report of the Linguistic Provinces Commission*. Delhi: Government of India Press.

Das Gupta, J. 1975. Ethnicity, language demands and national development in India. In *Ethnicity, theory and experience*, eds. N. Glazer and D. Monyinham, 466–88. Cambridge, MA: Harvard University Press.

———. 1998. Community, authenticity and autonomy: Insurgence and institutional development in India's NorthEast. In *Community conflicts and the state in India*, eds. A. Basu and A. Kohli, 183–214. Delhi: Oxford University Press.

Dawn. 2002. India imposes direct rule in Valley. *Dawn*, October 18. http://www.dawn.com/2002/10/18/top18.htm (accessed December 12, 2002).

———. 2006. PTV Pushto channel from March 23. *Dawn*, January 24. http://www.dawn.com/2006/01/24/nat20.htm (accessed January 24, 2006).

Day, W. 1949. Relative permanence of former boundaries in India. *The Scottish Geographical Magazine* 65 (3): 113–22.

Desai, M. 2000. Communalism, secularism and the dilemma of India nationhood. In *Asian nationalism*, ed. M. Leifer, 91–125. London: Routledge.

Dittmer, L. K., and S. Kim, eds. 1993. *China's quest for national identity*. London: Ithacca.

Dogan, M., and D. Pelassy. 1984. *How to compare nations: Strategies in comparative politics*. Chatham, NJ: Chatham House.

Dua, B. 1990. India: Federal leadership and secessionist movements on the periphery. In *Diversity and dominance in Indian politics*, eds. R. Sisson and R. Roy, 189–218. New Delhi: Sage.

Duchacek, I. 1987. *Comparative federalism: The territorial dimension of politics*. Latham, MD: University Press of America.

———. 1991. Comparative federalism: An agenda for additional research. In *Constitutional design and power-sharing in the post-modern epoch*, ed. D. Elazar, 23–40. Latham, MD: University Press of America.

Duverger, M. 1964. *Political parties: Their organisation and activity in the modern state*. 3rd ed. Translated by R. North and B. North. London: Methuen and Company.

The Economist. 2003. Making a virtue of necessity. *The Economist*, November 27.

Elazar, D. 1979. *Federalism and political integration*. Ramat Gan: Turtledove.

———. 1987. *Exploring federalism*. Tuscaloosa: University of Alabama Press.

———. 1994. *Federalism and the way to peace*. Kingston, ON: Queen's University Press.

Election Commission of India. 1952–2004. *Statistical reports of general elections*. http://www.eci.gov.in/ElectionResults/ElectionResults_fs.htm (accessed June 30, 2005).

Election Commission of Pakistan. 2002 *Statistical data: Election 2002*. http://www.ecp.gov.pk/docs/stats.pdf (accessed July 8, 2005).

Ellis, P., and Z. Khan. 1999. Partition and Kashmir: Implications for the region and the diaspora. In *Religion and partition: Bengal, Punjab and the partition of the subcontinent*, eds. I. Talbot and G. Singh, 269–97. Oxford: Oxford University Press.

Elphinstone, M., and E. B. E. Cowell. 1889. *The history of India: The Hindu and Mahometan periods*. 7th ed. London: J. Murray

European Union. 2002. *European Union's election observation mission to Pakistan 2002*. October 12. http://europa.eu.int/comm/external_relations/human_rights/eu_election_ass_observ/pak/prestat.htm (accessed July 8, 2005).

Feldman, H. 1974. Pakistan—1973. *Asian Survey* 14 (2): 136–42.

Finer, S. E. 1997a. *A history of government from the earliest times: Empires, monarchies and the modern state*. Vol. 3. New York: Oxford University Press.

———. 1997b. The Indian experience and the Mughal Empire 1536–1712. In *A history of government from the earliest times: Empires, monarchies and the modern state*, vol. 3, ed. S. E. Finer, 1210–60. New York: Oxford University Press.

Gagnon, A. 1993. The political uses of federalism. In *Comparative federalism and federation. Competing traditions and future directions*, eds. A. Gagnon and M. Burgess, 15–44. London: Harvester Wheatsheaf.

Gangal, S. 1962. An approach to Indian federalism. *Political Science Quarterly* 77 (2): 248–53.

Ganguly, S. 1996. Explaining the Kashmir insurgency: Political mobilisation and institutional decay. *International Security* 21 (2): 76–107.

Gauhar, A. 1983. Pakistan: A case study in institutional decay. In *Transfer and transformation: Political institutions in the new Commonwealth : Essays in honour of W. H. Morris-Jones*, eds. P. Lyon and J. Manor, 246–61. Leicester, UK: Leicester University Press.

Gellner, E. 1983. *Nations and nationalism*. Oxford: Blackwell.

Ghosh, P. S. 1999. *BJP and the evolution of Hindu nationalism: From periphery to centre*. New Delhi: Manohar.

Glazer, N. 1983. *Ethnic dilemmas 1964–1982*. Cambridge, MA: Harvard University Press.

———. 1994. Multiculturalism and public policy. In *Values and public policy*, eds. H. J. Aaron, T. E. Mann, and T. Taylor, 113–45. Washington, DC: The Brookings Institute.

Gopal, S. 1979. *Jawaharlal Nehru: A biography 1947–1956*. Vol. 2. London: Jonathan Cape.

———, ed. 1983. *Jawaharlal Nehru: An anthology* Delhi: Oxford University Press.

Gore, M. 1991. The rise and fall of Buddhism in India. *The Indian Journal of Social Science* 4 (2): 175–97.

Government of India. 1943. *East India (census 1941): Abstract of tables giving the main statistics of the Indian Empire of 1941, with a brief introductory note*. London: His Majesty's Stationery Office.

———. 1947a. *Constituent Assembly of India (legislative) debates: Official report*. Vol. 4(7), *14th July–31st July 1947*. Delhi: Government of India Press.

———. 1947b. *Constituent Assembly of India (legislative) debates: Official report*. Vol. 5(3), *20th August 1947*. Vol. V. Delhi: Government of India Press.

———. 1947c. *Constituent Assembly Debates: Report on minority rights* V (8): 266–75.

———. 1947d. *Constituent Assembly of India. Statistical handbook*. No. 2, *The population of India according to languages (based on the 1931 census)*. New Delhi: Government of India Press.

———. 1948a. The Charter Act of 1853. In *Indian constitutional documents 1757–1858 Vol. I*, ed. A. Banerjee, 266–74. Calcutta: A. Mukherjee and Company.

———. 1948b. The East India Company Act, 1773. In *Indian constitutional documents 1757–1858*, vol. 1, ed. A. Banerjee, 18–27. Calcutta: A. Mukherjee and Company.

———. 1949. *Constituent Assembly of India: Report of Advisory Committee on Minorities*, etc. V (8). http://164.100.24.208/ls/condeb/vol8p8a.htm (accessed September 30, 2006).

———. 1951. *State census' of India for Madras, Coorg, Orissa, Hyderabad, Rajasthan, Ajmer, Travancore-Cochin, Mysore, Madhya Bharat, Bhopal, Vindhya Pradesh, Uttar Pradesh, Bombay,*

Saurashtra, Kutch, West Bengal, Sikkim, Madhya Pradesh, Assam, Manipur, Tripura. New Delhi: Government of India Press.

———. 1953a. *Census of India 1951*. Vol. 8, *Punjab, Pepsu, Himachel Pradesh, Bilaspur and Delhi*. Part II, *A general population, age and social tables*. Simla: Government of India Press.

———. 1953b. *Census of India paper*. No. 2, *Religion—1951 Census*. Delhi: Manager of Publications, Government of India Press.

———. 1961a. *Census of India 1961*. Part II-C(ii), *Language tables*. New Delhi: Government of India Press.

———. 1961b. *State Census' of India for Jammu and Kashmir, Punjab, Delhi and Himachel Pradesh*. New Delhi: Government of India Press.

———. 1967. *The Official Languages Act, 1963 (as amended 1967)*. http://www.languageinindia.com (accessed July 7, 2004).

———. 1976. *Census of India 1971 Series 1 India*. Part II-C(i), *Social and cultural tables*. New Delhi: Government of India Press.

———. 1990. *Census of India 1981. A portrait of a population: Jammu and Kashmir*. Simla: Government of India Press.

———. 1991. *Census of India 1991*. Part IV-B(ii), *Religion*. Delhi: Government of India.

———. 2001. *Provisional population totals: India Part 1*. http://www.censusindia.net/results/provindia1.html (accessed August 6, 2004).

Government of Pakistan. 1951. *Census of Pakistan, 1951*. Vol.1, *Reports and tables*. Karachi: Manager of Publications, Government of Pakistan Press.

———. 1954. *Report of the Basic Principles Committee as adopted by the Constituent Assembly of Pakistan on the 21st September 1954*. Karachi: Manager of Publications, Government of Pakistan Press.

———. 1956. *The Constitution of the Islamic Republic of Pakistan*. Karachi: Manager of Publications, Government of Pakistan Press.

———. 1961. *Census of Pakistan population, 1961*. Vol 2, *East Pakistan tables and report*. Karachi: Manager of Publications, Government of Pakistan Press.

———. 1973. *The Constitution of the Islamic Republic of Pakistan*. http://www.pakistani.org/pakistan/constitution/index.html (accessed November 5, 2005).

———. 1998. *Population by mother tongue*. http://www.statpak.gov.pk/depts/pco/statistics/other_tables/pop_by_mother_tongue.pdf (accessed April 4, 2005).

Griffiths, P. 1952. *The British impact on India*. London: MacDonald.

Gupta, S. 1962. Moslems in Indian politics 1947–60. *India Quarterly* XVIII (4): 355–81.

Gurr, T. 1993. *Minorities at risk: A global view of ethnopolitical conflicts*. Washington, DC: U.S. Institute of Peace Press.

Gustafson, W. E., and W. Richter. 1980. Pakistan in 1980: Weathering the storm. *Asian Survey* 21 (2): 162–71.

Habib, I. 1999. *Agrarian system of Mughal India 1556–1707*. New Delhi: Oxford University Press. Original edition, 1963.

Hale, H. 2004. Divided we stand: Institutional sources of ethnofederal state survival and collapse. *World Politics* 56 (January): 165–93.

Hall, P., and R. Taylor. 1996. Political science and the three new institutionalisms. *Political Studies* 44: 936–57.

Hardgrave, R. 1965. The riots in TamilNad: Problems and prospects of India's language crisis. *Asian Survey* 5 (8): 399–407.

———. 1983. The Northeast, the Punjab, and the regionalization of Indian politics. *Asian Survey* 23 (11): 1171–81.

———. 1993. India: The dilemmas of diversity. *Journal of Democracy* 4 (4): 54–68.

Hardgrave, R., and S. Kochanek. 2000. *India: Government and politics in a developing nation*. 6th ed. Orlando, FL: Harcourt Brace Jovanovich.

Harrison, S. 1960. *India: The most dangerous decades*. Princeton: Princeton University Press.

———. 1978. Nightmare in Baluchistan. *Foreign Policy* 32 (Autumn): 136–60.

———. 1980/81. Baluch nationalism and superpower rivalry. *International Security* 5 (3): 152–63.

———. 1991. Ethnic conflict in Pakistan: The Baluch, Pashtuns and Sindhis. In *Conflict and peacemaking in multiethnic societies*, ed. J. Montville, 301–25. New York: Lexington Books.

Harrison, S., P. Kreisberg, and D. Kux. 1999. *India and Pakistan: The first fifty years*, *Woodrow Wilson Center series*. New York: Woodrow Wilson Center Press; Cambridge: Cambridge University Press.

Hasan, M. 1993. *India's partition: Process, strategy and mobilisation*. Delhi: Oxford University Press.

Hayden, R. 1992. Constitutional nationalism in the formerly Yugoslav republics. *Slavic Review* 51 (4): 654–73.

Hewitt, V. 1996. Ethnic construction, provincial identity and nationalism in Pakistan: The case of Baluchistan. In *Subnational movements in South Asia*, eds. S. Mitra and A. Lewis, 42–67. Boulder, CO: Westview Press.

———. 2000. A wolf at the door? Politics, ideology, and the BJP's rise to national power 1989–99. Paper read at the Political Studies Association Annual Conference, at the London School of Economics and Birkbeck.

Hicks, U. 1978. *Federalism: Failure and success*. London: Macmillan.

Hintze, A. 1997. *The Mughal Empire and its decline: An interpretation of the sources of social power*. Aldershot, UK: Ashgate.

Hirschman, A. O. 1945. *National power and the structure of foreign trade: Publications of the Bureau of Business and Economic Research, University of California*. Berkeley: University of California Press.

Hobsbawm, E. J. 1990. *Nations and nationalism since 1780: Programme, myth, reality*. Cambridge: Cambridge University Press.

Horowitz, D. 1985. *Ethnic groups in conflict*. Berkeley: University of California Press.

———. 1992. Immigration and group relations in France and America. In *Immigrants in two democracies: French and American experience*, eds. D. L. Horowitz and G. Noiriel, 3–35. New York: New York University Press.

Hubel, T. 1996. *Whose India? The independence struggle in British and Indian fiction and history*. Durham, NC: Duke University Press.

Human Rights Watch. 2002. '*We have no orders to save you.' State participation and complicity in communal violence in Gujarat*. Vol. 14. No. 3(C). http://hrw.org/reports/2002/india/ (accessed April 14, 2003).

Huntington, S. P. 1991. *The third wave: Democratization in the late twentieth century*. Norman: University of Ohklahoma Press.

———. 1996. *The clash of civilizations and the remaking of world order*. New York: Simon & Schuster.

Imran, M. 2004. CII rejects Hasba Act. *Daily Times*, August 15.

Inden, R. 2000. *Imagining India*. 2nd ed. London: Hurst.

Inder Singh, A. 1990. *The origins of the partition of India, 1936–1947*, *Oxford University South Asian studies series*. Delhi: Oxford University Press.

India Today. 1998. Editorial. *India Today*. November 30.

International Crisis Group. 2003. *Pakistan: The Mullahs and the military*. Islamabad: Asia Report No. 49.

———. 2004. *Devolution in Pakistan: Reform or regression?* Islamabad: Asia Report No. 77.

———. 2005. *The State of sectarianism in Pakistan*. Islamabad: Asia Report No.95.

Iqbal, A. 2005. Sheikh Mujib wanted a confederation: U.S. papers. *Dawn*, July 7.

Iqbal, N. 2005. Hasba clauses ruled contrary to constitution: NWFP governor may not assent to law: SC. *Dawn*, August 5.

Islam, M. N. 1990. *Pakistan: A study in national integration*. Lahore: Vanguard.

Jaffrelot, C. 1996. *The Hindu nationalist movement and Indian politics, 1925 to the 1990s: Strategies of identity-building, implantation and mobilisation (with special reference to central India)*. London: Hurst.

Jahan, R. 1972. *Pakistan: Failure in national integration*. New York: Columbia University Press.

Jalal, A. 1985. *The sole spokesman: Jinnah, the Muslim League and the demand for Pakistan*. Cambridge: Cambridge University Press.

———. 1995. *Democracy and authoritarianism in South Asia*. Cambridge: Cambridge University Press.

———. 1999. *The state of martial rule: The origins of Pakistan's political economy of defence, Cambridge South Asian studies; 46*. Lahore: Sang-e-Meel.

James, L. 1997. *Raj: The making and unmaking of British India*. London: Little, Brown, and Company.

Jeffrey, R. 1994. *What's happening to India?: Punjab, ethnic conflict, Mrs Gandhi's death and the test for federalism*. Basingstoke, UK: Macmillan.

Jenkins, R. 1999. *Democratic politics and economic reform in India*. Cambridge: Cambridge University Press.

Jinnah, M. A. 1962. *Quaid-i-Azam Mahomed Ali Jinnah: Speeches as governor-general of Pakistan, 1947–48*. Karachi: Pakistan Publications.

———. 1969. Jinnah's Fourteen Points. In *Foundations of Pakistan: All India Muslim League documents 1906–1924*, vol. 1, ed. S. S. Pirzada, lxiv-lxv. Dacca: National Publishing.

Joint Committee on Constitutional Reform. 1934. *Session 1933–34*. Vol. 1, Part II, *Proceedings*. London: His Majesty's Stationery Office.

Joshi, R. 1968. Maharashtra. In *State politics in India*, ed. M. Weiner, 177–214. Princeton: Princeton University Press.

Kamat, A. R. 1980. Ethno-linguistic issues in Indian federal context. *Economic and Political Weekly*, June 14–21:1053–62.

Kamran, M. 2006. MMA puts Hasba on the backburner. *Daily Times*, January 6.

Kaniyalil, J., and S. Pande. 1989. *Pakistan after Zia*. Delhi: ABC Publishing.

Kasi, A. 2006. Guns fall silent in Dera Bugti and Kohlu. *Dawn*, January 23.

Kaushik, P. 1964. *The Congress ideology and program 1920–1947: Ideological foundations of Indian nationalism during the Gandhian era*. Bombay: Allied Publishers.

Keay, J. 2000. *India: A history*. London: Harper Collins.

Kennedy, C. 1984. Policies of ethnic preference in Pakistan. *Asian Survey* 24 (6): 688–703.

———. 1991. The politics of ethnicity in Sindh. *Asian Survey* 31 (10): 938–55.

———. 1993. Managing ethnic conflict: The case of Pakistan. In *The territorial management of ethnic conflict*, ed. J. Coakley, 123–43. London: Frank Cass.

Kenny, M. 2004. *The politics of identity: Liberal political theory and the dilemma of difference*. Cambridge: Polity.

Khalidi, O. 2001–2002. Ethnic group recruitment in the Indian Army: The contrasting cases of Sikhs, Muslims, Gurkhas and others. *Pacific Affairs* 74 (4): 529–52.

Khan, I. 2005. Following a bloody trail. *Dawn*, January 1.

Khan, R. 1992. *Federal India: A design for change*. New Delhi: Vikas.
Khan, S. A. 2005. Reference against Hasba bill moved. *Dawn*, July 16.
Khan, S. R. 2004. *Pakistan under Musharraf (1999–2002)*. Lahore: Vanguard.
Khilnani, S. 1997. *The idea of India*. London: Hamish Hamilton.
Khosla, G. D. 1949. *Stern reckoning: A survey of the events leading up to and following the partition of India*. New Delhi: Bhawnani.
Kiani, K. 2006. NFC: Provinces not satisfied. *Dawn*, January 2.
King, P. 1993. Federation and representation. In *Comparative federalism and federation. Competing traditions and future directions*, eds. A. Gagnon and M. Burgess, 95–101. London: Harvester Wheatsheaf.
King, R. 1997. *Nehru and the language politics of India*. New Delhi: Oxford University Press.
Kochanek, S. 1968. *The Congress Party of India: The dynamics of one party democracy*. Princeton: Princeton University Press.
Kohli, A. 1991. *Democracy and discontent*. New York: Cambridge University Press.
———. 1997. Can democracies accommodate ethnic nationalism? Rise and decline of self-determination movements in India. *Journal of Asian Studies* 56 (2): 325–44.
Kothari, R. 1964. The Congress 'system' in India. *Asian Survey* 4 (12): 1161–73.
———. 1967. India: The Congress system on trial. *Asian Survey* 7 (2): 83–96.
———. 1970. *Politics in India*. New Delhi: Orient Longman.
Krishnakumar, A. 2002. Behind Jayalalithaa's ordinance. *Frontline*, October 26–November 8.
Kulke, H. 1995. Introduction: The study of the state in pre-modern India. In *The state in India 1000–1700*, ed. H. Kulke, 1–47. Delhi: Oxford University Press.
Kulke, H., and D. Rothermund. 1990. *A history of India*. Rev. and updated ed. London: Routledge.
Kumar, P. 2000. Demand for new states: Cultural identity loses ground to urge for development. *Economic and Political Weekly*, August 26–September 2.
Kundu, A. 1994. The Indian armed forces' Sikh and non-Sikh officers' opinions of Operation Blue Star. *Pacific Affairs* 67 (1): 46–69.
Kymlicka, W. 1995. *Multicultural citizenship: A liberal theory of minority rights*, *Oxford political theory*. Oxford: Clarendon Press.
Laitin, D. 1992. *Language repertoires and state construction in Africa*, *Cambridge studies in comparative politics*. Cambridge: Cambridge University Press.
Lall, M. 2005. The challenges for India's education system. Chatham House briefing paper, ASP BP 05/03, 1–10. London: Chatham House.
LaPorte, R. 1973. Pakistan in 1972: Picking up the pieces. *Asian Survey* 13 (2): 187–98.
———. 1996. Pakistan in 1995: The continuing crisis. *Asian Survey* 36 (2): 179–89.
Lijphart, A. 1969. Consociational democracy. *World Politics* 21 (2): 207–25.
———. 1977. *Democracy in plural societies: A comparative exploration*. New Haven, CT: Yale University Press.
———. 1979. Consociation and federation: Conceptual and empirical links. *Canadian Journal of Political Science* 12 (3): 499–515.
———. 1984. *Democracies: Patterns of majoritarian and consensus government in twenty one countries*. New Haven, CT: Yale University Press.
———. 1996. The puzzle of Indian democracy: A consociational interpretation. *American Political Science Review* 90 (2): 258–68.
Linguistic Provinces Commission. 1949. *Report of the Linguistic Provinces Commission*. New Delhi: INC Publication.
Linz, J., and A. Stepan. 1996. *Problems of democratic transition and consolidation: Southern Europe, South America and post-communist Europe*. Baltimore: John Hopkins University Press.

Lipset, S., and S. Rokkan. 1990. Cleavage structures, party systems and voter alignments. In *The West European party system*, ed. P. Mair,. Oxford: Oxford University Press.

Lok Sabha Secretariat. 1996. *President's rule in the states and union territories*. New Delhi: Government of India.

Low, D. A. 1991. *Eclipse of empire*. Cambridge: Cambridge University Press.

Lustick, I. 1997. Lijphart, Lakatos and consociationalism. *World Politics* 50:88–117.

Madan, T. N. 1997. Secularism in its place. *Journal of Asian Studies* 46 (4): 747–59.

Malik, A. 2002. Jiyae Sindh Mahaz. In *The political parties of Pakistan*, ed. A. B. S. Jafri, 44–51. Karachi: Royal Book Company.

Malik, R. 1988. *The politics of one unit, 1955–58*. Lahore: Pakistan Study Centre, University of the Punjab.

Manor, J. 1990. How and why liberal and representative politics emerged in India. *Political Studies* 38 (1): 20–38.

———. 1995. Regional parties in federal systems. In *Multiple identities in a single state: Indian federalism in comparative perspective*, eds. D. Verney and B. Arora, 105–35. Delhi: Konark.

———. 1996. Ethnicity and politics in India. *International Affairs* 72 (1): 459–75.

———. 1998. Making federalism work. *Journal of Democracy* 9 (3): 21–35.

———. 2001. Centre-state relations. In *The success of India's democracy*, ed. A. Kohli, 78–102. Cambridge: Cambridge University Press.

———. 2002. Parties and the party system. In *Parties and party politics in India*, ed. Z. Hasan, 431–74. New Delhi: Oxford University Press.

Mansergh, D., ed. 1999. *Independence years: The selected Indian and commonwealth papers of Nicholas Mansergh*. Oxford: Oxford University Press.

Marwah, O. 1979. India's military intervention in East Pakistan, 1971–1972. *Modern Asian Studies* 13 (4): 549–80.

Masood, A. 1970. Regionalism and political integration in Pakistan: A case study in political geography. PhD diss., Faculty of Social Science, University of Edinburgh.

Mathur, K. 1992. The state and the use of coercive power in India. *Asian Survey* 32 (4): 337–49.

Mauzy, D. 1993. Malaysia: Malay political hegemony and 'coercive consociationalism.' In *The politics of ethnic conflict regulation: Case studies of protracted ethnic conflicts*, eds. J. McGarry and B. O'Leary, 106–27. London: Routledge.

McGarry, J., and D. Leiven. 1993. Ethnic conflict in the Soviet Union and its successor states. In *The politics of ethnic conflict regulation: Case studies of protracted ethnic conflicts*, eds. J. McGarry and B. O'Leary, 62–83. London: Routledge.

McGarry, J., and B. O'Leary. 1993. Introduction: The macro-political regulation of ethnic conflict. In *The politics of ethnic conflict regulation: Case studies of protracted ethnic conflicts*, eds. J. McGarry and B. O'Leary, 1–40. London: Routledge.

Meisel, J. 1995. Multinationalism and the federal idea. In *Rethinking federalism: Citizens, markets and governments in a changing world*, eds. K. Knop et al., 341–6. Vancouver: University of British Columbia Press.

Menon, V. P. 1957. *The transfer of power in India*. London: Longmans.

Metcalf, B. D., and T. R. Metcalf. 2001. *A concise history of India*, *Cambridge concise histories*. Cambridge: Cambridge University Press.

Metcalf, T. R. 1994. *Ideologies of the Raj*. Vol. 111.4, *The new Cambridge history of India*. Cambridge: Cambridge University Press.

Mitra, S. 1991. Desecularising the state: Religion and politics in India after independence. *Comparative Studies in Society and History* 33:755–77.

———. 1996. Sub-national movements in South Asia: Identity, collective action and political protest. In *Subnational movements in South Asia*, eds. S. Mitra and A. Lewis, 14–41. Boulder, CO: Westview Press.

———. 1999. Language and gederalism: The multi-ethnic challenge. Paper read at the International Conference on Federalism in an Era of Globalisation, October 5–8, 1999 at Mont-Tremblant, Canada.

Mitra, S., and A. Lewis, eds. 1996. *Subnational movements in South Asia*. Boulder, CO: Westview Press.

Mitra, S., and V. Singh. 1999. *Democracy and social change in India: A cross sectional analysis of the national electorate*. New Delhi: Sage.

Moon, P. 1961. *Divide and quit*. London: Chattos and Windus.

Moore, R. 1969. The use of the army in nation-building: The case of Pakistan. *Asian Survey* IX (6): 447–56.

Morris-Jones, W. H. 1966. India: The trial of leadership. *Asian Survey* 6 (2): 67–75.

Mozaffar, S., and J. Scarritt. 2000. Why territorial autonomy is not a viable option for managing ethnic conflict in African plural societies. In *Identity and territorial autonomy in plural societies*, eds. W. Safran and R. Maiz, 230–53. London: Frank Cass.

Mukherjii, P., ed. 1915. *Indian constitutional documents 1773–1915*. Calcutta: Thacker Spink and Company.

Narain, I., ed. 1967. *State politics in India*. Meerut: Meenakshi Prakashan.

National Reconstruction Bureau. n.d. *The new local government system*. http://www.nrb.gov.pk/local_government/default.asp (accessed June 27, 2005).

Naz, H. 1990. *Bureaucratic elites and political development in Pakistan 1947–1958*: Islamabad: National Institute of Pakistani Studies.

Nehru, J. 1938. *Nehru-Jinnah correspondence: Including Gandhi-Jinnah and Nehru-Nawab Ismail correspondence*. Allahabad: J.B. Kripalani, All India Congress Committee.

———. 1946. *The discovery of India*. London: Meridian.

———. 1953. Statement Re: Apointment of a commission for the re-organisation of states. *Lok Sabha Debates* X (25): 2841–42.

———. 1955. *Letters to the PCC presidents*. New Delhi: Indian National Congress.

Nehru, M. 1928. *The Nehru Report: An anti separatist manifesto. The committee appointed by the All Parties Conference*. New Delhi: Mickiko and Panjathan.

Noorani, A. 2001. Review of S. Misra: A narrative of communal politics 1937–9. *Frontline*, April 13.

Nordlinger, E. 1972. *Conflict regulation in divided societies*. Cambridge, MA: Harvard University Press.

O'Leary, B. 2001a. An iron law of nationalism and federation: A (neo-Diceyian) theory of the necessity of a federal Staatsvolk, and of consociational rescue. *Nations and Nationalism* 7 (3): 273–96.

———. 2001b. Partition: Definition, types, justification, explanation, & assessment. Paper read at Keogh Conference on Partition at University of Notre Dame, December 6–9.

———. 2001c. Right-sizing and right peopling. In *Rightsizing the state: The politics of moving borders*, eds. T. M. Callaghy, B. O'Leary, and I. Lustick, 15–73. New York: Oxford University Press.

———. 2002. Federations and the management of nations: Agreements and arguments with Walker Connor and Ernest Gellner. In *Ethnonationalism in the contemporary world: Walker Connor and the study of nationalism*, ed. D. Conversi, 153–83. London: Routledge.

———. 2005. Debating consociational politics: Normative and explanatory arguments. In *From power sharing to democracy: Post conflict institutions in ethnically divided societies*, ed. S. Noel, 3–43. Montreal: McGill-Queen's University Press.

O'Leary, B., J. McGarry, and K. Salih, eds. 2005. *The future of Kurdistan in Iraq*. Philadelphia: University of Pennsylvania Press.

PakTribune. 2005. Hasba act soon to be presented in NWFP assembly: Durrani. *PakTribune*, February 18. http://paktribune.com/news/index.php?id=94536 (accessed July 7, 2005).

Pandian, I., ed. n.d. *Tamil Tribune*: A monthly magazine devoted to Tamil issues." http://www.geocities.com/tamiltribune/ (accessed December 8, 2005).

Parekh, B. 1992. The cultural particularity of liberal democracy. *Political Studies*. Special Issue: 160–75.

Phadnis, U., and R. Ganguly. 2001. *Ethnicity and nation-building in South Asia*. Rev. ed. London: Sage.

Pierson, P. 2000. Increasing returns, path dependence and the study of politics. *American Political Science review* 94 (2): 251–67.

Pirzada, S., ed. 1969. *Foundations of Pakistan: All India Muslim League documents 1906–1924*. Vol. 1. Dacca: National Publishing.

———, ed. 1970. *Foundations of Pakistan: All India Muslim League documents 1925–1947*. Vol. 2. Dacca: National Publishing.

Pole, D. G. 1939. Indian federation problems. *Political Quarterly* 10 (2): 202–14.

Potter, D. 1996. *India's political administrators: From ICS to IAS*. Delhi: Oxford University Press.

Qureshi, S. 1979. An analysis of contemporary Pakistani politics: Bhutto versus the military. *Asian Survey* 19 (9): 910–21.

Radin, B. 1999. Bureaucracies as instruments of federalism: Administrative experience from India. In *Federalism: Comparative perspectives from India and Australia*, eds. I. Copland and J. Rickard, 84–112. New Delhi: Manohar.

Rahman, M. 1970a. Pakistan should have two capitals at Karachi and Dhaka: Karachi February 21, 1956. In *Speeches of Sheikh Mujib in Pakistan parliament 1955–56*, vol. 1, ed. Z. Rahman, 261–80. Dhaka: Golam Mustafa.

———. 1970b. Regional autonomy and parity: Karachi the 30th September 1955. In *Speeches of Sheikh Mujib in Pakistan parliament 1955–56*, vol. 1, ed. Z. Rahman, 201–8. Dhaka: Golam Mustafa.

Rahman, S. 2002. Muttahida Qaumi Movement. In *The political parties of Pakistan*, ed. A. B. S. Jafri, 59–65. Karachi: Royal Book Company.

Rahman, T. 1996. *Language and politics in Pakistan*. Karachi: Oxford University Press.

Rais, R. B. 1989. Pakistan in 1988: From command to conciliation politics. *Asian Survey* 29 (2): 199–206.

Rajagopalan, R. 2000. Restoring normalcy: The evolution of the Indian Army's counterinsurgency doctrine. *Small Wars and Insurgencies* 11 (1): 44–68.

Rajagopalan, S. 1999. Internal unit demarcation and national identity: India, Pakistan and Sri Lanka. *Nationalism and ethnic politics* 5 (3–4): 191–211.

———. 2001. *State and nation in South Asia*. Boulder, CO: Lynne Reiner.

———. 2003. Secularism in India: Accepted principle, contentious interpretation. In *The secular and the sacred: Nation, religion and politics*, ed. W. Safran, 241–59. London: Frank Cass.

Rajashekara, H. M. 1987. President's rule in the Indian states. *Indian Journal of Political Science* 48 (4): 632–41.

———. 1997. The nature of Indian federalism: A critique. *Asian Survey* 37 (3): 245–53.

Rajgopal, P. R. 1987. *Communal violence in India*. New Delhi: Uppal.

Rajya Sabha. 1996. Journal 179. *Rajya Sabha Debates*. http://rajyasabha.nic.in (accessed April 16, 2003).

———. 1997. Journal 180. *Rajya Sabha Debates*. http://rajyasabha.nic.in (accessed April 16, 2003).

———. 1999a. Journal 186. *Rajya Sabha Debates*. http://rajyasabha.nic.in (accessed April 16, 2003).

———. 1999b. Journal 187. *Rajya Sabha Debates*. http://rajyasabha.nic.in (accessed April 16, 2003).

———. 2002. Journal 195. *Rajya Sabha Debates*. http://rajyasabha.nic.in (accessed April 16, 2003).

Rakisits, C. 1988. Centre-province relations in Pakistan under President Zia: The government's and the opposition's approaches. *Pacific Affairs* 61 (1): 78–97.

Rana, M. S. 1998. *India votes: Lok Sabha and Vidhan Sabha elections 1998*. Delhi: B. R. Publishing.

Rashiduzzaman, M. 1970. The Awami League in the political development of Pakistan. *Asian Survey* 10 (7): 574–87.

———. 1982. East-West conflict in Pakistan: Bengali regionalism 1964–1970. In *The states of South Asia: Problems of national integration*, eds. A. Wilson and D. Dalton, 111–30. London: C. Hurst and Company.

Rediff. 2005. Ghulam Nabi Azad to be J&K CM on November 2. *Rediff*, October 27. http://in.rediff.com/news/2005/oct/27azad.htm (accessed October 27, 2005).

Riaz, M. 2002. Awami National Party. In *The political parties of Pakistan*, ed. A. B. S. Jafri, 8–14. Karachi: Royal Book Company.

Richards, J. F. 1993a. *The Mughal Empire*, *New Cambridge history of India*. Cambridge: Cambridge University Press.

———. 1993b. *Power, administration, and finance in Mughal India*, *Collected studies series; CS419*. Aldershot, UK: Variorum.

Richter, W. 1986. Pakistan in 1985: Testing time for the New Order. *Asian Survey* 26 (2): 207–18.

Riker, W. 1964. *Federalism, origin, operation, significance*. Boston: Little, Brown, and Company.

———. 1969. Six books in search of a subject or does federalism exist and does it matter? *Comparative Politics* (October): 135–46.

———. 1982. The two party system and Duverger's Law: An essay on the history of political science. *American Political Science Review* 76 (4): 753–66.

Rizvi, H.-A. 1999. Pakistan in 1998: The polity under pressure. *Asian Survey* 39 (1): 177–84.

———. 2000. Pakistan in 1999: Back to square one. *Asian Survey* 40 (1): 208–18.

Robb, P. 2002. *A history of India*. Basingstoke: Palgrave.

Robinson, F. 1993. *Separatism among Indian Muslims: The politics of the United Provinces' Muslims 1860–1923*. Delhi: Oxford University Press.

Roeder, P. 1992. Soviet federalism and ethnic mobilisation. In *The Soviet Nationality Reader: The disintegration in context*, ed. R. Denber, 147–78. Oxford: Westview.

Rothchild, D. 1966. The limits of federalism: An examination of political institutional transfer in Africa. *Journal of Modern African Studies* 4 (3): 275–93.

Roy, N. C. 1962. *Federalism and linguistic states*. Calcutta: Firma K. L. Mukhopadhyay.

———. 1965. The growth of linguistic states in the Indian federation. In *Essays on Indian federalism*, eds. S. Aiyar and U. Mehta, 210–22. Bombay: Allied Publishers.

Rubin, B. R. 2004. Crafting a constitution for Afghanistan. *Journal of Democracy* 15 (3): 5–19.

Rudolph, L., and S. H. Rudolph. 2001. Iconisation of Chandrababu: Sharing sovereignty in India's federal market economy. *Economic and Political Weekly*, May 5: 1541–52.

Rudolph, S. H., and L. Rudolph. 2000. Living with difference in India. *Political Quarterly* 71, Special Issue 1:20–38.

Sáez, L. 2002. *Federalism without a centre: The impact of political and economic reform on India's federal system*. New Delhi: Sage.

Samad, Y. 1995a. *A Nation in turmoil: Nationalism and ethnicity in Pakistan 1937–1958*. New Delhi: Sage.

———. 1995b. Pakistan or Punjabistan: Crisis of national identity. *Indian Journal of Political Science* 2 (1): 23–42.

Sayeed, K. B. 1968. *Pakistan: The formative phase 1857–1948*. London: Oxford University Press.

———. 1984. Pakistan in 1983: Internal stresses more serious than external problems. *Asian Survey* 24 (2): 219–28.

Schermerhorn, R. A. 1978. *Comparative ethnic relations: A framework for theory and research*. Chicago: University of Chicago Press.

Schopflin, G. 1993. The rise and fall of Yugoslavia. In *The politics of ethnic conflict regulation: Case studies of protracted ethnic conflicts*, eds. J. McGarry and B. O'Leary, 172–203. London: Routledge.

Schwartzberg, J., ed. 1978. *An historical atlas of South Asia*. Chicago: University of Chicago Press.

Sen, A. 1999. Democracy as a universal value. *Journal of Democracy* 10 (3): 3–17.

Sen, S. 2003. Border of insanity: Deporting Bangladeshi migrants. *Economic and Political Weekly*, February 15.

Shackle, C. 1977. Siraiki: A language movement in Pakistan. *Modern Asian Studies* 11 (3): 379–403.

Shahid, S. 2002. Pakhtunkhwa Milli Awami Party. In *The political parties of Pakistan*, ed. A. B. S. Jafri, 79–84. Karachi: Royal Book Company.

Shaikh, F. 1986. Islam and the quest for democracy in Pakistan. *Journal of Commonwealth and Comparative Politics* XXIV (1): 74–92.

———. 2005. Peace amid the ruins. *The World Today*, December, 19–20.

Sharma, A. P. 1976. *Prelude to Indian federalism: A study of the division of powers under the Acts of 1919 and 1935*. New Delhi: Sterling.

Sharma, B. 1932. *The Indian federation*. Lucknow: Upper India.

Sharma, J. P. 1987. *Federal systems of India and Pakistan: A comparative perspective*. Jaipur: Printwell.

Singh, B. P. 1987. North-East India: Demography, culture and identity crisis. *Modern Asian Studies* 21 (2): 257–82.

Singh, G. 2000. *Ethnic conflict in India*. Basingstoke: Macmillan.

———. 2001. Re-sizing and reshaping the state: India from partition to the present. In *Rightsizing the state: The politics of moving borders*, eds. B. O'Leary, I. Lustick, and T. Callagary, 138–67. Oxford: Oxford University Press.

Singh, L. P. 1990. The Problem. *Seminar* 366:12–18.

Singh, O. 2005. President's rule to be revoked in Bihar. *Rediff*, November 24. http://www.rediff.com/news/2005/nov/23bpoll13.htm (accessed November 27, 2005).

Sisson, R., and L. E. Rose. 1990. *War and secession: Pakistan, India, and the creation of Bangladesh*. Berkeley: University of California Press.

Sitaramayya, P. 1935. *History of the Indian National Congress 1885–1935*. Vol. 1. Madras: Working Committee of the Congress.

———. 1969. *History of the Indian National Congress 1935–1947*. Vol. 2. New Delhi: S. Chand and Company.

Skocpol, T. 1984. *Vision and method in historical sociology*. Cambridge: Cambridge University Press.

Smith, A. 1971. *Theories of nationalism*. London: Duckworth.

———. 1989. The origins of nations. *Ethnic and Racial Studies* 12 (3): 340–67.

Smith, G., ed. 1995. *Federalism: The multiethnic challenge*. New York: Longmans.

Smith, V. 1923. *The Oxford history of India: From the earliest times to the end of 1911*. Oxford: Clarendon.

Smooha, S. 2002. Introduction: Special issue on nationalism, multiculturalism and democracy. *Nations and Nationalism* 8 (4): 423–32.

South Asia Terrorism Portal. 2005a. Indian fatalities 1994–2005. *South Asia Terrorism Portal*. http://www.satp.org/satporgtp/countries/india/database/fatalities.htm (accessed December 8, 2005).

———. 2005b. Jammu and Kashmir. Annual fatalities in terrorist violence 1988–2005. *South Asia Terrorism Portal*. http://www.satp.org/satporgtp/countries/india/states/jandk/data_sheets/annual_casualties.htm (accessed December 8, 2005).

South Asian Association for Regional Cooperation-Non Governmental Organization Observers. 1995. *Electoral politics in Pakistan: National assembly elections 1993*. New Delhi: International Centre for Ethnic Studies, in association with Vikas, 1995.

Spate, O., and A. Learmouth. 1967. *India and Pakistan: Land, people and economy*. 3rd ed. London: Methuen and Company.

Spear, P. 1965. *A history of India*. Vol. 2. Middlesex: Penguin Books.

———. 1970. The Mughal Mansabdari system. In *Elites in South Asia*, eds. E. Leach and S. Muhkerjee, 1–15. New York: Cambridge University Press.

Sridharan, E. 2002. The fragmentation of the Indian party system, 1952–1999; Seven competing explanations. In *Parties and party politics in India*, ed. Z. Hasan, 475–503. New Delhi: Oxford University Press.

Sridharan, E., and A. Varshney. 2001. Towards moderate pluralism: Political parties in India. In *Political parties and democracy*, eds. L. J. Diamond and R. Gunther, 207–37. Baltimore: Johns Hopkins University Press.

Srivastava, D. K. 1997. Emerging fiscal and economic issues. *Seminar Magazine* 459, a symposium on emerging issues in centre-state relations: 48–53.

States Reorganisation Commission. 1955. *Report of the states reorganisation commission: Compiled by Fazl Ali, S., Kunzru, H. N , Panikkar, K. M*.

Stepan, A. 1999. Federalism and democracy: Beyond the U.S. model. *Journal of Democracy* 10 (4): 19–34.

Subramanian, N. 1999. Ethnicity and pluralism: An exploration with reference to Indian cases. *Canadian Journal of Political Science* 32 (4): 715–44.

Swami, P. 2006. War of discontent. *Frontline*, January 28–Februrary 10.

Taagepera, R., and M. Shugart. 1989. *Seats and votes: The effects and determinants of electoral systems*. New Haven, CT: Yale University Press.

Talbot, I. 1982. The growth of the Muslim League in the Punjab, 1937–1946. *Journal of Commonwealth and Comparative Politics* 13 (1): 5–24.

———. 1990. *Provincial politics and the Pakistan Movement: The growth of the Muslim League in North-West and North-East India 1937–47*. Karachi: Oxford University Press.

———. 1998. *Pakistan: A modern history*. London: Hurst and Company.

———. 2000. *India and Pakistan*. London: Arnold.

Tarlton, C. 1965. Symmetry and asymmetry as elements of federalism: A theoretical speculation. *Journal of Politics* 27 (4): 861–74.

Thampu, V. 2002. The T.N. ordinance and Article 25. *The Hindu*, October 13.

Thapar, R. 1968. Interpretations of ancient Indian history. *History and Theory* VII (3): 318–35.

Tummala, K. 1996. The Indian Union and emergency powers. *International Political Science Review* 17 (4): 373–84.

U.K. Department for Transport. n.d. Motorcycle helmets, visors and goggles—Useful information. *U.K. Department for Transport*. http://www.dft.gov.uk/stellent/groups/dft_roads/documents/page/dft_roads_506862-02.hcsp (accessed January 31, 2006).

United Nations. 1963. *United Nations demographic yearbook*. New York: United Nations.

U.S. Central Intelligence Agency. 2000. Global trends 2015: A dialogue about the future with nongovernment experts. December. http://www.cia.gov/nic/PDF_GIF_global/globaltrend 2015.pdf (accessed October 30, 2005).

———. 2006. *CIA world factbook*. https://www.cia.gov/cia/publications/factbook/index.html (accessed August 3 2006).

U.S. General Accounting Office. 1997. *Bilingual voting assistance: Assistance provided and costs. Report number GGD-97–81*. Washington, DC: U.S. General Accounting Office.

Vajpayee, A. B. 1961. *National integration: Note submitted by A. B. Vajpayee, leader of the Jana Sangh group in parliament at the National Integration Conference held at New Delhi on September 28th, 29th, 30th 1961*. Delhi: Raj Art Press, Deputy Ganj.

Vali Nasr, S. 2000. The rise of Sunni militancy in Pakistan: The changing role of Islamism and the Ulama in society and politics. *Modern Asian Studies* 34 (1): 139–80.

———. 2001. The negotiable atate: Borders and power struggles in Pakistan. In *Rightsizing the state: The politics of moving borders*, eds. B. O'Leary, I. Lustick, and T. Callaghy, 168–200. Oxford: Oxford University Press.

Van den Berghe, P. 1978. Race and ethnicity: A socio-biological perspective. *Ethnic and Racial Studies* 1 (4): 401–11.

Van Evera, S. 1997. *Guide to methods for students of political science*. Ithaca, NY: Cornell University Press.

Vanaik, A. 1990. *The painful transition: Bourgeois democracy in India*. London: Verso.

Vanhanen, T. 1992. *Politics of ethnic nepotism: India as an example*. New Delhi: Link.

Varshney, A. 2002. *Ethnic conflict and civic life*. New Haven, CT: Yale University Press.

Venkatesan, V. 2005. Dissolution and the law. *Frontline*, June 4–17.

Verdery, K. 1998. Transnationalism, nationalism, citizenship and property: Eastern Europe since 1989. *American Ethnologist* 25 (2): 291–306.

Verghese, B. G. 1996. *India's Northeast resurgent: Ethnicity, insurgency, governance, development*. Delhi: Konark.

Verney, D. V. 1995. Federalism, federative systems, and federations: The United States, Canada and India. *Publius: The Journal of Federalism* 25 (2): 81–97.

———. 1997. A more federal India. *Seminar Magazine* 459 (a symposium on emerging issues in centre-state relations): 31–35.

Vile, M. 1982. Federation and confederation: The experience of the United States and the British Commonwealth. In *Political cooperation in divided societies*, ed. P. Rea, 216–28. Dublin: Gill and Macmillan.

Waseem, M. 1994a. *Politics and the state in Pakistan*. Islamabad: National Institute of Historical and Cultural Research.

———. 1994b. *The 1993 elections in Pakistan*. Lahore: Vanguard.

———. 1998. Pakistan elections 1997: One step forward. In *Pakistan: 1997*, eds. C. Baxter and C. Kennedy, 1–16. Boulder, CO: Westview.

Washbrook, D. 1997. The rhetoric of democracy and development in late colonial India. In *Nationalism, democracy and development: State and politics in India*, eds. S. J. Bose and A. Jalal, 36–49. New Delhi: Oxford University Press.

Watts, R. 1970. *Multicultural societies and federalism*. Ottawa, ON: Royal Commission on Bilingualism and Biculturalism.

Weber, M. 1968. *Economy and society: An outline of interpretative sociology*, vol. 3, eds. G. Roth and C. Wittich. New York: Bedminster.

Weinbaum, M., and S. Cohen. 1982. Pakistan in 1981: Staying on. *Asian Survey* 22 (2): 136–46.

Weiner, M. 1957. *Party politics in India: The development of a multi-party system*. Princeton: Princeton University Press.

———. 1967. Political development in the Indian states. In *State politics in India*, ed. I. Narain, 319–69. Meerut: Meenakshi Prakashan.

———. 1978. *Sons of the soil: Migration and ethnic conflict in India*. Princeton: Princeton University Press.

Wheare, K. 1963. *Federal government*. 4th ed. London: Oxford University Press.

Wilkinson, S. 2000. India, consociational theory, and ethnic violence. *Asian Survey* 40 (5): 767–91.

———. 2002a. Ethnic mobilization and ethnic violence in post-independence India. Presented at the annual conference of the American Political Science Association, Boston. Forthcoming as, Which group identities lead to most violence? Evidence from India. In *Order conflict and violence*, eds. S. Kalyvas and I. Shapiro. Cambridge: Cambridge University Press.

———. 2002b. Putting Gujarat in perspective. *Economic and Political Weekly*, April 27.

———. 2004. *Votes and violence: Electoral competition and ethnic riots in India*. Cambridge: Cambridge University Press.

Windmiller, M. 1956. The politics of states reorganisation in India: The case of Bombay. *Far Eastern Survey* 25 (9): 129–43.

Wolterman, C. 1993. Federalism, democracy and the people. *Telos: A Quarterly Journal of Political Thought* 95 (Spring): 127–38.

Wright, T. 1991. Centre-periphery relations and ethnic conflict in Pakistan: Sindhis, Muhajirs and Punjabis. *Comparative Politics* 23 (3): 299–312.

Wyatt, A. 2001. Political parties and the development of Indian democracy. In *Democracy and political change in the "Third World*," ed. J. Haynes, 152–70. London: Routledge.

Yusufzai, R. 2002. The real test. *Newsline*, November.

Zaheer, H. 1994. *The separation of East Pakistan: The rise and realization of Bengali Muslim nationalism*. Karachi: Oxford University Press.

Zavos, J. 2000. *The emergence of Hindu nationalism in India*. New Delhi: Oxford University Press.

Zaidi, A. M., and S. Zaidi, eds. 1980a. *An encyclopaedia of the Indian National Congress 1925–1929: India demands independence*. Vol. 9. New Delhi: S. Chand and Company.

———, eds. 1980b. *An encyclopaedia of the Indian National Congress 1930–1935: The battle for Swaraj*. Vol. 10. New Delhi: S. Chand and Company.

———, eds. 1980c. *An encyclopaedia of the Indian National Congress 1936–1939: Combating an unwanted constitution*. Vol. 11. New Delhi: S. Chand and Company.

———, eds. 1981a. *An encyclopaedia of the Indian National Congress 1939–1946: A fight to the finish*. Vol. 12. New Delhi: S. Chand and Company.

———, eds. 1981b. *An encyclopaedia of the Indian National Congress 1951–1954: Towards freedom from want*. Vol. 14. New Delhi: S. Chand and Company.

Zimmer, O. 2003. Boundary mechanisms and symbolic resources: Towards a process-oriented approach to national identity. *Nations and Nationalism* 9 (2): 173–93.

Ziring, L. 1990. Pakistan in 1989: The politics of stalemate. *Asian Survey* 30 (2): 126–35.

———. 1991. Pakistan in 1990: The fall of Benazir Bhutto. *Asian Survey* 31 (2): 113–24.

Zulfiqar, S. 2002. Reversal of fortune. *Newsline*, November.

Index

Abdullah, Farooq, 119, 121
Abdullah, Sheikh, 109
Achakzai, Mehmood Khan, 206
Achakzai, Samad Khan, 150
Adhmadiyas, 202
Advani, Lal Krishna, 205
Afghanistan, 2, 22, 139, 178
Akali Dal, 120, 121, 179
Akbar, 26, 27–28, 194
Akbar, Mughal: administration, 26, 27–28
Alavi, Hamza, 38, 57, 145, 150
Aligarh Muslims, 54, 75
All India Anna Dravida Munnetra Kazagham (AIADMK), 123, 179, 204, 205
All India Congress Committee (AICC), 35, 44, 55, 56, 69, 73, 77
Ambedkar, B. R., 61, 63
Anandpur Sahib Resolution, 99, 130
Andhra Pradesh, 167, 176; creation of, 77, 95, 131, 199
Arunachal Pradesh, 114, 115, 116, 123, 199, 203
Ashoka, 92
Asom Gana Parishad, 204
Assam, 54, 69, 112, 120, 125–26, 156; refugees from Bangladesh, 125–26, 156; Sons of the Soil movement, 125–26
Assamese, 111, 114, 119
assimilation, 86, 87–88, 89, 103, 194, 200, 201; acculturation, 87–88, 97, 201; fusion, 87, 200
asymmetrical federalism, 17, 109
Aurangzeb, 26, 27
Austin, Granville, 63, 65, 73, 75, 76, 80, 197, 198, 201
Australia, 8, 30, 88, 198
Awami League, 146, 167, 200
Awami National Party (ANP), 139, 149, 150, 151
Ayodhya, 119, 122, 197
Azad Kashmir, 140, 207
Azad, Maulana, 63

Bahujan Samaj Party (BSP), 133, 134
Baluchistan, 46, 54, 71, 103, 138, 139, 142, 146, 149, 152, 157, 162, 164, 168, 196; Afghan refugees in, 170; Baluch National Party, 149; Baluchi States Union, 71, 142, 198; Baluchis, 20, 102, 103, 141, 142, 143, 149, 159, 162, 165, 176, 177, 179; Baluchistan National Movement, 149; conflict since 2005, 170–71; dismissed government 1973, 157–58; Gwadar, 159, 170; resource conflicts, 168; sardars, 138, 158; secessionist movement, 157–59; Sui gas, 159
Bande Mataram, 40
Bangladesh, 26; creation of, 137, 138, 147, 152, 155, 156, 157, 207; Hindus in, 138; secession of, 8, 100, 147, 152, 155, 159, 174
Basic Principles Committee. *See* Pakistan
Bayly, Christopher, 195
Belgium, 10, 180
Bengal, 38, 40, 49, 58, 59, 102, 197; partition of, 53–54, 58–59, 67, 75; presidency, 28, 29, 30, 197
Bengali: as a state language, 80, 102, 141, 142, 202, 206
Bengalis, 67, 71, 79, 80, 86, 99, 101, 102, 103, 104, 105, 178, 138, 141, 142; demand for representation at center, 153;

demand for representation in services, 152, 153–55, 157, 161, 165, 166; demand for resources, 155, 157, 167, 207; segregation of, 104, 165; underrepresentation, 200
Besant, Annie, 35, 55
Bharatiya Janata Party (BJP), 22, 113, 116, 122, 123, 127, 133, 166, 167, 181, 197, 204; coalition government, 167
Bhindranwale, 120
Bhutto, Benazir, 150, 160, 161
Bhutto, Zulfikhar Ali, 144, 147, 150, 157, 158, 160; dismissal National Awami Party (NAP) governments, 157–58; execution, 161; language laws, 160
bicameral legislature, 2, 8. *See also* India; Pakistan
Bihar, 54, 55, 122, 125, 166, 167, 173, 204; Urdu as a provincial language in, 122, 124
Bodoland, 167, 176
Bogra, Mohammad Ali, 152; formula, 80, 155, 200
Bombay: presidency, 28, 29; reorganization, 131–32
Bommai judgment, 115, 203
Bose, Sumantra, 109, 121, 203, 204
Brahvi, 142
Brass, Paul, 94, 111, 125, 130
Britain, 7, 88; British Baluchistan, 102, 142, 150, 198; British Government, 21, 24, 27, 132; British Raj, 22, 24; British Raj, provincial autonomy, 24, 29, 43, 164
Brown, Judith, 30, 31, 92, 122, 196
Brubaker, 85
Bugti, Nawab, 149, 159

Cabinet Mission Plan, 34, 45, 50, 51, 54, 65, 79, 97, 108, 196–97, 200; and Congress, 44, 50, 51, 55, 65, 79, 97, 196–97, 200; and Muslim League, 79
Canada, 2, 8, 10, 16, 30, 88, 180, 193, 198
Caste: federalism, 4, 64, 132; politics, 64, 132, 133
Chatterjee, Partha, 91, 98
Chhattisgarh, 173, 204
Chiriyankandath, James, 96, 98, 199
citizenship laws, 85, 89–90
civic nationalism, 85, 87, 88, 89, 200
civil service exams, 19, 74, 94, 99, 165
"Clash of Civilizations," 2
coalition politics, 19. *See also* India
Cohen, Stephen, 117, 139, 201, 203
Communist Party of India (Marxist), 204
confederation, 6, 7
conflict regulation institutions, 1, 5, 6. *See also* consociationalism; federalism
conflict regulation strategies, 386; assimilation, 86, 87–88, 89, 103, 194, 200, 201; integration, 86, 88, 91, 96, 98, 101, 103, 104, 105, 141, 202; multiculturalism, 8, 9, 17, 86, 88–89, 93, 96, 97, 98, 100, 103, 105, 114, 165, 201; segregation, 17, 76–80, 84, 86, 89–90, 99–104, 105, 138, 165
Congress Party, 63, 90, 131, 201; 1935 Act, 35, 37, 198; Bombay reorganization, 131–32; Cabinet Mission Plan, 44, 55, 65, 79, 196–67; centralization, 65; coalition government, 166, 167, 181; conflict with Muslim League, 21, 22, 44, 64, 164; consociationalism, 22, 47–51, 65, 71; creation of Sindh, 54, 55, 56; electoral success, 127; federalism, 21, 22, 31, 34–37, 44–47, 59, 196; grand coalition, 73, 199; Indian constitution, 84, 164; Kashmir, 109; language laws, 105; legislative weightage, 49, 50, 59, 71, 197; linguistic reorganization, 44, 53–57, 58, 59, 60, 61, 65, 69, 76–77, 94, 105, 129, 130, 131, 164; majoritarianism, 22, 44, 48, 59, 65, 71, 77, 164; minority protection, 36, 50, 73, 100, 196; mutual veto, 50, 73, 197; nation building, 90–91, 198; partition of Bengal, 53–54, 59; partition of India, 164; proportionality in representation, 73; provincial reorganization 1921, 34, 35, 55–56, 94; religious reorganization, 53–54, 58, 65, 97; reserved seats, 49, 59, 65, 66, 71, 74, 97, 197; residual powers, 44–47, 50, 55, 59; segmental autonomy, 73; separate electorates, 49, 50, 74; split in, 130; "system," 201; unitary state, 34, 36, 196. *See also* All India Congress Committee (AICC); Congress Working Committee (CWC); Provincial Congress Committee (PCC)
Congress Working Committee (CWC), 35, 36, 44, 56, 95, 131
consociationalism, 2, 6, 7, 17, 22, 73, 74, 89, 101, 161, 165; and federalism, 2, 6, 7,

17, 22, 32, 33; grand coalition, 7, 33, 72, 73, 74, 162, 199; mutual veto, 7, 33, 46, 47, 48, 50, 155, 162, 200; nondemocratic, 193; proportionality in representation, 7, 33, 93, 152, 157, 162; segmental autonomy, 7, 33, 46, 52, 73, 91, 93, 98
Constituent Assembly: dissolution of in Pakistan, 155–56, 200, 207. *See also* India; Pakistan
Constitution of India, 61, 65, 66, 72–78, 84; amendments, 109–110, 112; Article 15, 96, 112; Article 25, 97, 123; Article 29, 124; Article 30, 124; Article 44, 97; Article 48, 204; Article 243, 93; Article 306A, 109; Article 345, 93; Article 346, 93; Article 347, 93; Article 351, 93; Article 356, 115–17; Article 370, 109; consociationalism, 96, 98, 164, 165; Directive Principles of, 97; education for minorities, 73, 74, 96, 198; Eighth Schedule of, 74, 99; executive weightage, 72; Fundamental Rights within, 97; grand coalition, 73, 74; Kashmir autonomy, 109–10; linguistic accommodation, 93–96, 123, 124, 126; linguistic reorganization, 69, 76, 77, 78, 80, 81, 93, 94, 96, 124, 128, 131, 134, 136; majoritarianism, 69, 77, 96, 98, 164; minority protection, 73, 74, 96, 97, 98, 112, 114; multiculturalism, 98, 114, 165; mutual veto, 73; official language, 93–94, 99, 131, 133; personal laws, 73, 97, 98; proportionality in representation, 73; provincial languages, 123, 124, 133; religious accommodation, 96–99; religious reorganization, 75, 76, 97, 114; representation rights, 97, 112; reservations, 98; reserved seats, 74, 75, 97, 98, 112, 199; secularism, 96, 165, 199, 201; segmental autonomy, 73, 74, 93, 97, 98; self-governing rights, 98, 109, 110, 112, 114, 201; separate electorates, 74; Sixth Schedule of, 112; unitarism, 61, 71
Constitution of Pakistan 1956, 137; Article 198, 99, 200; centralization, 79; consociationalism, 164–65, 176; executive weightage, 67, 79; integration, 141; legislative weightage, 72, 78, 200; linguistic reorganization, 78, 164; majoritarianism, 164–65; minority protection, 99–100; mutual veto, 67, 79; national language, 141, 155; One Unit Plan, 141; proportionality in representation, 165; reserved seats, 72, 78; residual powers, 79; segmental autonomy, 79; segregation, 76–80, 84, 99–104, 138; separate electorates, 72, 78, 176; theocracy, 99, 202
Constitution of Pakistan 1973, 178, 202; language laws, 142
control strategies, 89–90, 114
conversions, 123, 205. *See also* India
Corbridge, Stuart, 199
Council of Islamic Ideology, 140
cow slaughter, 122
Cripps Mission, 45
Czechoslovakia, 13, 14, 15

Dar Commission, 76, 199
Das Gupta, J., 125, 203
decolonization, 5, 84, 172
democracy: definition, 13
demos-constraining federations, 13–14, 197
demos-enabling federations, 13–14, 77, 178, 197
Desai, Meghnad, xiii, 77, 199
Dravida Munnetra Kazagham (DMK), 132, 179, 204, 205
Dua, Bhagwan, 112, 113, 203
Duchacek, Ivo, 9, 11, 12
Duverger's Law, 127, 145, 204

East Bengal. *See* East Pakistan
East India Company, 22, 28–29, 30, 195
East Pakistan, 164, 176, 177, 179; demand for representation at center, 153; demand for representation in services, 152, 153–55, 157, 161, 165, 166, 200; demand for resources, 155, 157, 167, 207; elections 1954, 103, 146, 155, 164; elections in, 146; Hindus in, 199; language conflict, 102, 144, 152; secession of, 8, 100, 147, 152, 155, 159, 173, 174, 179; separate electorates, 176, 199
education laws, 85, 88, 96, 124–25, 166, 198
Eighth Schedule. *See* Constitution of India
Elazar, Daniel, 9, 10, 11

elections (India): of 1937, 39, 40, 51, 57, 63, 198; of 1952, 127, 129, 130; of 1957, 127, 129, 130, 131; of 1962, 113, 127, 130, 131; of 1967, 127, 130; of 1971, 127, 130; of 1977, 127, 130; of 1980, 127, 130; of 1984, 127, 130; of 1987 (Kashmir), 121; of 1989, 127, 130; of 1991, 127, 130; of 1996, 127, 130; of 1998, 127, 130; of 1999, 127, 130; of 2002 (Kashmir), 121, 204; of 2004, 127, 130, 133, 167, 204
elections (Pakistan), 206; of 1954 (East Bengal), 103, 146, 155, 164; of 1971, 143, 147, 149, 150, 179; of 1977, 146, 148; of 1985, 152; of 1988, 149, 150, 160; of 1990, 149 150; of 1993, 149, 150, 152; of 1997, 149, 150, 152; of 2002, 139, 149, 150, 159; devolved, 169; provincial elections (1950s), 103, 146, 155, 164
eneth, 47, 64, 65, 80, 84
enling, 52, 56, 68–69. *See also* India; Pakistan
enrel, 52, 56, 65–68, 80. *See also* India; Pakistan
Ethiopia, 13
ethnic conflict regulation strategies, 3, 86; assimilation, 86, 87–88, 89, 103, 194, 200, 201; integration, 17, 86, 88, 91, 96, 98, 101, 103, 104, 105, 141, 202; multiculturalism, 17, 86, 88–89, 93, 96, 97, 98, 100, 103, 105, 114, 165, 201; segregation, 17, 76–80, 84, 86, 89–90, 99–104, 105, 138, 165
ethnic democracy, 115
ethnic nationalism, 85, 87, 88, 89–90, 200

federalism: consociationalism, 2, 6, 7, 17, 22, 32, 33, 181; democratic, 4, 6, 9, 10–16; distribution staatsvolk, 20, 174–80; historical antecedents in India, 24–31; institutionalist definitions of, 7–8, 9; majoritarianism, 32, 179, 181; minority protection, 18, 21, 38, 41, 46, 122–25, 194, 195; nondemocratic, 4, 6, 9, 10, 11–16, 52; normative definitions of, 7, 8–9, 11; number of units, 2, 171–77, 178, 180
Federally Administered Tribal Areas (FATA), 64
France, 87–96

Gandhi, Indira, 113; assassination of, 121, 122; Congress Party, 130; President's Rule, 115, 117; Punjab reorganization, 114; Punjabi secession, 120; religious mobilization, 117, 120
Gandhi, Mahatma, 43, 44, 55; linguistic reorganization, 55–56
Gandhi, Sonia, 131
Gandhi-Irwin Pact 1931, 36
Ganguly, Sumit, 119, 121
Gauhar, Altaf, 207
Germany, 90, 193
Ghaffar Khan, Abdul, 142
Ghulam Mohammad, 146, 200, 207
Gorkhaland, 167, 176
Government of India: exclusionary, 71; majoritarianism, 71; Act 1919, 34, 43, 75; Act 1935, 34, 35, 36, 37, 40, 44, 72, 75, 198
Gujarat, 119 122, 179; creation of, 131–32; violence in 2002, 119, 122

Hardgrave, Robert, 94
Harrison, Selig, 78, 158
Harriss, John, 199
Haryana, 125
heterogeneous provinces, 7, 17, 19, 51–52, 71. *See also* India; Pakistan
Hewitt, Vernon, 159, 166
Hindi, 93, 94
Hindko speakers, 142; demand for own province, 151
Hindu Code Bill, 97
Hinduism, 41, 66; Hindu nationalism, 90, 92, 97, 121 133; Hindu revivalism, 30, 124
Hindu Mahasabha, 31, 36, 50, 90
homogeneous provinces, 17–21, 51–52, 71, 165, 170, 180, 194, 195. *See also* India; Pakistan
Horowitz, Donald, 3, 9, 19, 20, 87, 128, 200, 201
Huntington, Samuel, 21, 28–29
Huq, Fazul, 40
Hussain, Altaf, 160
Hyderabad, 108

immigrants: and identity politics, 86, 90
India: army, 98, 99, 108, 112, 113, 117, 120, 165, 203; bicameral legislature, 77;

Buddhists in after independence, 97, 166; bureaucracy, 74, 94, 98, 99, 165; Christians in after independence, 74, 83, 96, 97, 122, 135, 166, 194, 204; coalition politics, 107–8, 115, 116, 121, 128, 179, 204; Constituent Assembly, 63, 71, 74–75, 198, 201; conversions, 114; *enling*, 52, 53, 68–69, 70, 129, 130, 164; *enrel*, 48, 65, 66, 69, 70, 80, 97, 164; flag, 100, 201; heterogeneous provinces, 71, 93, 120, 134, 165; homogeneous provinces, 71, 77–78, 131, 135; interpretations of Indian history, 25; Language Act (1963), 94; Language Amendment Act (1967), 74, 94, 96, 99; Muslims in after independence, 66, 73, 74–75, 83, 96, 97, 109, 117, 119, 122, 123, 135, 166, 198; national identity, 92–99, 104–5, 108–10, 112, 135, 179; official language, 74, 93–94, 96, 99, 131, 133, 201; partition of, 3, 4, 21, 57, 60, 61, 62, 63, 64, 65, 67, 68, 71, 76, 94, 96, 108, 110, 112, 137, 145, 198, 200; personal laws, 87, 97; political parties, 107–8, 126; Punjab, 65, 68, 70, 105, 111, 114, 116, 124, 167, 173, 194, 201; secessionist movements, 112, 113, 114, 117, 120, 134, 136; Sikhs in after independence, 74, 96, 97, 117, 121, 122, 135, 166; state languages India, 74, 93–94, 96, 99, 104, 122, 123, 124, 125, 133; Supreme Court, 97, 123; violence in after independence, 108, 117–18, 122, 134, 205
Indian Administrative Service (IAS), 98, 99
Indian Councils Act: of 1833, 29; of 1853, 29; of 1861, 30; of 1892, 30
Indian National Congress (INC). *See* Congress Party
Indo-Pakistan War (1965), 157
integration, 17, 86, 88, 91, 96, 101, 103, 104, 105, 141
inter-elite competition, 20, 21
intra-elite competition, 21, 129, 175, 179, 180, 181
Iqbal, Muhammad, 35, 46, 58
Iran, 138
Iraq, 2, 22, 178
Islami Jamhoori Ittehad (IJI), 148, 149; IDA, 206
Israel, 90
Jalal, Ayesha, 3, 5, 35, 37, 39, 60, 202
Jamhoori Watan Party (JWP), 149
Jamiat Ulema-i-Pakistan, 149
Jamiat-Ul-Ulema-I-Islam (JUI), 158
Jammu and Kashmir Liberation Front (JKLF), 206
Jammu and Kashmir National Conference (JKNC), 109, 121, 122
Jayalalitha, 123, 204
Jharkhand, 167, 173
Jinnah, 25, 37, 38, 40, 46, 64, 65, 90, 100; 14 points, 34, 39; consociationalism, 46, 47, 48, 57, 60, 79; death, 64, 101, 145; federalism, 46, 47, 48, 54, 57, 60; integration, 105; Lahore resolution, 90; legislative weightage, 49, 197; linguistic accommodation, 101, 102; linguistic reorganization, 78; multiculturalism, 105; mutual veto, 50; nation building, 25, 91; national identity, 99, 101, 104, 105; national language, 102–3; Nehru Report, 39, 46; provincial autonomy, 38, 39, 40, 42, 46, 47, 137; residual powers, 46–47, 49, 197; segregation of, 105; separate electorates, 46, 49, 59, 197
Junagadh, 108
Junejo, Mohammad Khan, 161
JVP, 76, 199

Kalabagh Dam, 148, 151
Karachi, 71, 149, 151, 159–61, 175, 177, 198, 206, 208. *See also* Mohajirs
Karnataka, 166, 168, 176
Kashmir, 95, 108–11, 114, 116, 117, 118, 119, 121, 134, 166, 167, 173, 204; insurgency in, 110, 121, 124. *See also* Azad Kashmir
Kennedy, Charles, 160, 161
Kerala, 167
Khan, Ayub, 105, 142, 156, 169
Khan, Liaquat Ali, 58, 64, 92, 100, 145, 153
Khan, Rasheedudin, 27, 100, 176, 195
Khan, Wali, 149, 157, 158
Khilnani, Sunil, 201
Kochanek, Stanley, 126
Kohli, Atul, 120, 130, 203
Kosovo, 16
Kothari, Rajni, 73, 126, 130, 176, 201

Kymlicka, Will, 88; polyethnic rights, 88, 91, 93, 96, 97, 98, 112; representation rights, 88, 91, 93, 97, 98, 112, 135; self-governing rights, 88, 91, 97, 98, 110, 112, 114, 135

Lahore Resolution, 33, 41, 57, 61, 65, 90, 196
Laitin, David, 143
Lall, Marie, xiii, 201
Language Act, 1963. *See* India
Language Amendment Act, 1967. *See* India
language (official). *See* official language
Lijphart, Arend, 6, 7, 32, 33, 69, 73, 74, 76, 77, 78, 181, 199
linguistic reorganization, 133, 134, 136, 145, 164, 165, 178, 204
Linz, Juan, 10
Lipset, Seymour, 128–29
Lucknow Pact 1916, 34

Madhya Pradesh, 123, 166, 173
Madras presidency, 28, 29
Madrassahs, 138
Maharashtra, 95, 167, 176, 204; creation of, 131–32
Maharashtra Samyuka Samiti (MSS), 131–32
majoritarianism, 15, 22; federalism, 32, 179, 181
Malaysia, 17, 20, 171, 180; Malayan Federation, 16
Manipur, 70, 114, 116, 167, 203
Manor, James, xiii, 3, 56, 172, 204
Marri, Sher Mohammad, 158
martial races, 99
McGarry, John, 8, 86
Meghalaya, 114, 115, 199, 203
Mengal, Ataullah Khan, 149, 158
Micronesia, 8
Minorities Pact 1951, 92
Mitra, Subrata, xiii, 3, 10
Mizoram, 114, 116, 173, 203; creation of, 113
Mizos, 111, 112; Mizo National Front (MNF), 113
Modi, Narendra, 122, 166
Mohajir Qaumi Movement (MQM), 144, 151, 152, 160; name change, 151
Mohajirs, 79, 102, 177, 198, 206; language conflict, 143–44
Movement for the Restoration of Democracy (MRD), 150, 152, 161
Mughals, 23, 25, 26, 27, 28, 30, 194; territorial autonomy, 24, 80, 164
multiculturalism, 8, 9, 17, 86, 88–89, 93, 96, 97, 100, 103, 105, 165
Mumbai bombings, 166–67
Musharraf, Pervez, 139, 148, 161, 170, 204
Muslim League, 54, 61, 75, 90, 101, 156, 197; 1935 Act, 40, 198; and non-Muslims, 100, 138; Cabinet Mission Plan, 79; conflict with Congress, 21, 22, 44, 61, 164; consociationalism, 22, 33, 47–51, 60, 65, 67, 71, 164; constitution, 84, 164; defeat in East Bengal, 155; executive weightage, 67, 79; federalism, 21, 22, 31, 34–35, 37–41, 45–47, 59, 108; fractionalisation after independence, 64, 145, 146; Kashmir, 109; landlords, 145; language laws, 105; legislative weightage, 46, 49; linguistic reorganization, 44, 58–59, 60, 78, 90, 105, 138, 141, 146; majoritarianism, 22, 71; mutual veto, 46, 50, 67, 79; nation building, 90, 91, 100, 138, 141, 146; regionalism, 138, 141, 146; religious reorganization, 44, 57–58, 60; reorganization of provinces, 57–59, 138, 141, 146; reserved seats, 47, 48, 49, 197; residual powers, 45–47, 197; separate electorates, 46, 47, 48, 49, 50, 51, 54, 59, 197
Muslim revivalism, 30
Muslim United Front (MUF), 121
mutiny (1857), 30
Muttahida Majlis-e-Amal (MMA), 139, 140, 141, 149, 159, 204; Durrani, 140; Hasba Act, 140; introduction of Shariah Law, 139
Muttahida Qaumi Movement (MQM). *See* Mohajir Qaumi Movement

Nagaland, 64, 112, 113, 114, 120, 194, 203; creation of, 112, 173
Nagas, 111–12
National Awami Party (NAP), 142, 146, 149, 157–58, 199, 206; dismissal by Bhutto, 149, 157–58; Wali, 149
National Democratic Alliance (NDA), 166, 204

National Finance Commission (NFC), 168, 170
national identity, 3, 52, 56, 63, 65, 81, 83–105. *See also* India; Pakistan
National Liberals, 31
National Reconstruction Bureau (NRB), 169, 207
Nazimuddin, Khwaja, 152, 155
Nehru, 23, 25, 31, 36, 45, 50, 63, 64, 65, 73; Ashoka, 92; Bombay reorganization, 131–32; Cabinet Mission Plan, 45, 50, 51, 65, 97, 196–97, 200; caste, 93; cow slaughter, 122; Fabianism, 92; flag, 201; integrationism, 96, 98, 202; Kashmir, 109, 202; linguistic identity, 93, 124, 130; linguistic reorganization, 77, 94–96, 98, 124, 129, 130, 199, 201; majoritarianism, 95, 97; Minorities Pact 1951, 92; multiculturalism, 96, 201; Nagaland, 112, 113; nation building, 91–93, 96, 104, 105, 122, 202; Northeast, 165; official language, 94, 104, 124; Punjab, 110, 112, 165; religious identity, 92, 93, 110, 201; religious provinces, 110; reservations, 112; reserved seats, 75, 112; Scheduled Tribes, 112; secularism, 97; self-governing rights, 98, 104, 105, 110, 112, 130, 195; States Reorganisation Commission (SRC), 95; two nation theory, 92
Nehru, Motilal, 35, 36, 50, 194
Nehru Report, 44, 46, 49, 50, 51, 53, 54, 90; mutual veto, 36, 50, 51; religious reorganization, 53; reserved seats, 74; residual powers, 46; separate electorates, 46, 74; Sindh, 46, 54, 76
nenseats, 128, 145–46
Nigeria, 2, 13, 15, 16, 173, 175, 177, 193
Nordlinger, Eric, 2, 13, 18, 19, 131
Northeast India, 64, 66, 110, 111, 112, 113–14, 118, 119, 166, 173, 176, 199
Northern Areas, 138, 140
North West Frontier Province (NWFP), 38, 90, 102, 138, 139, 140, 141, 142, 143, 146, 147, 149, 150, 157, 162, 168, 177, 196, 198, 202, 205

official language: provincial languages in Pakistan, 80, 103, 141, 142, 143, 144, 150, 152, 160, 202, 206; state languages in India, 74, 93–94, 96, 99, 104, 122, 123, 124, 125, 133. *See also* India; Pakistan
O'Leary, Brendan, xiii, 8, 65, 68, 69, 70, 71, 78, 80, 86, 180, 193, 194, 197
One Unit Plan, 103, 128, 141, 165, 173, 176, 177, 178, 198
Operation Bluestar, 120
Orissa, 53, 54, 123; creation of, 53, 75, 199

Pakhtunkhwa Milli Awami Party, 149
Pakistan: army, 104, 105, 141, 144, 151, 152, 153–55, 156, 157, 158, 160, 165, 200; Basic Principles Committee, 103; bicameral legislature, 79; bureaucracy, 104, 105, 144, 151, 152, 153–54, 157, 158, 160, 165, 200; Constituent Assembly, 63, 64, 71, 146, 155–56, 198; creation of, 62; devolution in, 169; earthquake (2005), 140, 168; *enling*, 69, 101, 164; *enrel*, 66, 67, 80, 100, 164; flag, 99; heterogeneous provinces, 78, 80, 164, 142, 143, 159, 200; Hindus in, 66, 67, 78, 79, 138; homogeneous provinces, 71, 80, 155, 165, 178, 179, 200; lack of stable democracy in, 3, 41, 65, 144, 145; national identity, 99–105, 108–9; official language, 80, 101–3, 141, 142, 143, 144, 147, 150, 155, 202, 206; personal laws, 100; political parties, 145; provincial languages, 80, 103, 141, 142, 143, 144, 150, 152, 160, 202, 206; Punjab, 79, 102, 134, 146, 147, 148, 168, 170, 176, 177; secessionist movements, 8, 100, 147, 152, 155, 159, 173, 174, 179; state languages, 80, 101–3, 141, 142, 143, 144, 147, 150, 155, 202, 206; Sunnis-Shia, 26, 138; Supreme Court, 202
Pakistan Muslim League (Nawaz) (PML-N), 148, 149, 150
Pakistan Muslim League (Quaid-i-Azam) (PML-Q), 148, 159
Pakistan National Alliance (PNA), 148, 149
Pakistan People's Party (PPP), 139, 143 145, 147, 148, 150, 151, 152, 160; landlords, 145, 147; language, 143–44, 147, 150; regionalism, 148, 150, 151, 152
Palestinians, 90, 201
Pannikar, K. M., 174, 204

Parekh, Bhikhu, 15
party systems, 127–28; institutional theories of, 127–28, 130–31; sociological theories of, 128–29
Pashtuns, 20, 101, 102, 104, 139, 142, 143, 151, 159, 160, 170, 178, 198; army, 104
Patel, 61, 63, 64, 74, 91, 95, 199
Peoples Democratic Party (PDP), 166
Pepsu, 111
personal laws, 85. *See also* India; Pakistan
Pirpur Report, 41
Plassey, Battle of, 28
Potter, David, 99, 201
Prasad, Rajendra, 63
President's Rule, 115–16, 117, 166
princes, 28, 31, 37, 108, 198
Provincial Congress Committee (PCC), 35, 55, 56, 95, 96
provincial unit design, 2, 3, 4, 5, 10, 16–21, 51–59, 69–71, 83, 91, 128
Punjab, 37, 40, 49, 58, 90, 102, 196; India, reorganization, 105, 110, 111, 112, 114, 117, 118, 119, 120, 121, 198; Pakistan, division of, 151, 176. *See also* India; Pakistan
Punjabis, 20, 80, 99, 101, 102, 103, 104, 141, 142, 143, 151, 159, 160, 161–62, 170, 180, 200, 202; army, 104, 153–54, 207; in bureaucracy, 153–54, 161–62
Punjabisation, 104, 180

Quit India Movement, 44
quotas bureaucracy, 144, 151, 153–54, 158, 159–162, 165

Rahman, Mujibur, 141, 152, 156, 179; "secessionist," 156; six points, 156, 179
Rajagopalan, Swarna, 4, 52, 63, 93, 103
Rao, Narasimha, 197
Red Shirts, 90, 100, 196
reserved seats, 32, 38, 39, 47, 48
residual powers, 33, 39, 44–47, 55, 59
revisionist theorists of partition, 60
Riker, William, 5, 6, 11, 127, 208
Robinson, Francis, xiii, 196, 197
Rokkan, Stein, 128–29
Round Table Conference, 44, 45
Russia, 13, 90

Salariat, 102, 197
Samad, Yunas, 31, 80
Samajwadi Party, 133, 134
Saudi Arabia, 138
Sayeed, Khalid Bin, 56
Scheduled Castes, 32, 75, 98, 199
Scheduled Tribes, 75, 98, 112, 199; polyethnic rights, 112; representation rights, 112; self-governing rights, 112
Schopflin, George, 87
Schwartzberg, Joseph, 26, 196, 197
secession, 2, 8, 13, 15, 16, 18, 19, 20, 21, 137, 138
secularism, 76, 90, 96, 165, 199
secular nationalism, 92, 109, 133, 135
segregation, 17, 86, 89–90, 100, 101, 104, 105, 138; citizenship, 89–90; control, 89, 138
separate electorates, 30, 31, 32, 38, 47, 48, 196
Serbia and Montenegro, 173
Shafi, Mian Muhammad, 39, 51
Shaikh, Farzana, 166, 195
Shariah, 178
Sharif, Nawaz, 148, 151, 160, 178
Sharma, Jai Prakash, 4
Shiromani Akali Dal. *See* Akali Dal
Shiv Sena, 204
Shugart, Matthew, 47, 197, 208
Sikhs, 99, 105, 135, 194; turbans in the United Kingdom, 88
Sikkim, 178
Simon Commission, 36, 51, 196
simple plurality, 127, 128, 130, 152, 187, 204
Sindh, 37, 54, 55, 102, 146, 164, 165, 168, 206; creation of, 46, 53, 54–55, 75, 76
Sindhi regionalist parties, 142, 147, 150, 160, 161
Sindhis, 20, 80, 99, 101, 102, 103, 105, 141, 142, 160–61, 162, 179, 200; national language law, 143–44; provincial language law, 143
Singh, Gurharpal, 115, 116, 119, 205
Siraiki: demand for own province, 151, 177; speakers, 151, 206
Sitaramayya, Pattabhi, 39, 55, 95, 199
Sixth Schedule. *See* Constitution of India
Smith, Anthony, 85

Smooha, Sam, 89
South Africa, 89, 85, 86, 89, 90, 197, 198
Soviet Union, 9, 11, 13, 15, 16, 17, 193
Sridharan, E., 92, 130
Sri Lanka, 4
Staatsvolk, 20, 134, 151, 174–80, 205
States Reorganisation Commission, 17, 77, 95, 110, 111
Stepan, Alfred, 10, 13, 14, 15, 178, 197
St. Kitts and Nevis, 8
Subedars, 26–27, 194
Subramanian, Narendra, 124, 135
Suhrawardy, Husain, 58, 100, 153, 156
Supreme Court, 6, 8. *See also* India; Pakistan
Switzerland, 2, 8, 17, 175, 180, 193
Syed, G. M., 144, 147, 150
symmetrical federalism, 17

Taagepera, Rein, 47, 197, 208
Talbot, Ian, xiii–xiv, 3, 4, 5, 31, 76, 91, 100, 150, 155, 156, 158, 179
Tamil Nadu, 94, 123, 125, 132, 167, 168, 179, 204; "secessionism" in, 132–33; in central government, 133
Tarlton, Charles, 17
Telengana, 167, 176
Tripura, 199, 203
two nation theory, 59, 83, 92

ul-Huq, Zia, 15, 177, 158, 161
unicameralism, 8
uniform civil code, 73, 97
Unionist Party, 31, 54, 61, 90, 100, 196
unitary states, 6, 7, 14, 15
United Arab Emirates (UAE), 13, 90
United Front, 146, 155
United Progressive Alliance (UPA), 166, 167
United Provinces, 37, 40, 102
United States, 6, 8, 14, 87, 163, 198, 200
Urdu, 80, 101, 102, 103, 138, 141, 142–44, 202, 206
U.S. Central Intelligence Agency, 137
utilitarians, 29
Uttaranchal, 173, 178
Uttar Pradesh, 122, 131, 133, 173, 197, 204, 205; proposed division of, 174, 204; Urdu as a state language, 122, 124, 125

Vajpayee, Atul, 22, 83, 179
Vanhanen, Tatu, 120, 176, 193, 194, 199
Varshney, Ashutosh, 92, 133, 203
Venezuela, 8
Vidarbha, 167, 176
Vile, Maurice, 5, 17, 18, 172, 194
violence: linguistic (India), 77, 117–19, 134; linguistic (Pakistan), 144, 159–61; partition, 62, 65, 76, 96, 198; religious (India), 77, 117–19, 134, 205; religious (Pakistan), 205; tribal (India), 64, 117–18

Waseem, Mohammad, xiii–xiv, 145, 147, 206, 208
Weiner, Myron, 126, 129, 134
West Bengal, 166, 167, 176
Wheare, Kenneth, 6, 7, 10, 31, 163, 193
Wilkinson, Steven, 73, 75, 122, 124, 125, 132, 203
World Trade Center, 2
Wyatt, Andrew, xiii, 145

Yugoslavia, 11, 13, 14, 15, 16, 87

This page intentionally left blank

List of Previous Publications

Katharine Adeney

2005

"Hindu Nationalists and Federal Structures in an Era of Regionalism." In *Coalition Politics and Hindu Nationalism*, edited by Katherine Adeney and Lawrence Sáez, 97–115. London: Routledge.

with Marie Lall. "Institutional Attempts to Build a 'National' Identity in India: Internal and External Dimensions." *India Review* 4, no. 3–4:258–86.

with Lawrence Sáez. *Coalition Politics and Hindu Nationalism*. London: Routledge.

with Lawrence Sáez. "Coalition Politics, Religious Nationalism and Public Policy: A Theoretical Examination." In *Coalition Politics and Hindu Nationalism*, edited by Katherine Adeney and Lawrence Sáez, 3–12. London: Routledge.

2004

"Between Federalism and Separatism: India and Pakistan." In *Managing and Settling Ethnic Conflicts: Comparative Perspectives from Africa, Asia, and Europe*, edited by Ulrich Schneckener and Stefan Wolff, 161–75. London: Hurst.

with Andrew Wyatt. "Democracy in South Asia: Getting Beyond the Structure-Agency Dichotomy." *Political Studies* 52, no. 1 (March): 1–18.

2003

"Centrifugal and Centripetal Elements of Indian Federalism." In *Indien heute: Brennpunkte seiner Innenpolitik [India Today: Domestic Priorities]*, edited by Subratra K. Mitra and Bernd Rill, 47–54. Munich: Hans Seidel Stiftung.

"Multiple Identities, Dual Loyalties and the Stabilisation of Federalism in India: A Response to Maya Chadda." *The Global Review of Ethnopolitics* 2, no. 2:57–59.

2002

"Constitutional Centring: Nation Formation and Consociational Federalism in India and Pakistan." *Commonwealth and Comparative Politics* 40, no. 3 (November): 8–33.

2001

with Andrew Wyatt. "Explaining South Asia's Uneven Democratic Career." In *Towards Sustainable Democracy in the Third World*, edited by Jeffrey Haynes, 113–40. Basingstoke, England: Palgrave.

1998

"Inclusivist or Exclusivist? The Limitations of National Identity Formation in India and Pakistan." *Contemporary Political Studies* 1:341–53.