



Integration through Internal Reorganization: Containing Ethnic Conflict in India *Maya Chadda, William Paterson University*

Introduction

During August and September of 2000, the National Democratic Alliance (NDA) government of Prime Minister Vajpayee created three new states in Northern India. The hill regions of the state of Uttar Pradesh, namely, Gadhwal and Kumaon became the state of Uttaranchal; Jharkhand was carved out of South Bihar, and Chattisgarh was separated from eastern Madhya Pradesh. (The Frontline 2000: <http://www.hindunnet.com/fline/fl1717/17170340.html>) With the creation of these three new states, India became a union of 28 states and 7 union territories. This is the most recent of several waves of reorganization of existing state boundaries since the consolidation of the Indian union in 1950. The first major reorganization occurred in 1956 following a nation wide movement for the creation of linguistically compact provinces. Kashmir had already been incorporated within the Indian union based on the special status granted to it by Article 370. The second major initiative came in the 1970s, when the Northeast was split up and several new states were created following the establishment of Nagaland in 1963. The third phase was inaugurated with the creation of Jharkhand, Uttaranchal and Chattisgarh in the Northern Hindi-Hindu belt provinces of India.

Why is it pertinent to analyze the evolution of India's federal reorganizations? What is the significance of such internal remapping to debates on federalism and 'third wave' democracies? Even a cursory glance at post-Cold War conflicts shows that management of ethnic identities is important to the balance between domestic and international peace, and for future democratic development. While this balancing act has burdened central authorities in democratizing countries, new forces of interdependence and globalization have strengthened the cause of ethnic and religious nationalists, who have increasingly demanded the grant of large scale autonomy, or, failing that, a separation from the mother country. Containing such demands within national boundaries has become a matter of 'life and death' for many multi-ethnic, multi religious nation-states. The Indian experience of federal nation building provides valuable insights into the dilemmas of power-sharing in an ethnically plural country.

As the Indian experience reveals, splitting up existing federal units and creating new ones is only one of the many strategies new democracies can use to build nation-states and contain ethnic conflicts. Over the course of five decades since independence, Indian governments have entered into various ethnic accords (as for example, that between the Rajiv Gandhi government and Sikh and Assamese militants in the mid eighties), created regional councils straddling several state units (as in the Northeast), and constituted district level autonomous councils to address the needs of rump ethnic regions surrounded by competing ethnic communities. Other strategies range from confederal arrangement to the inclusion of nationalities based on layered sovereignty. The special constitutionally granted arrangement (Article 370) to include the state of Jammu and Kashmir within the Indian union is an example of the latter. While each strategy has a variable record of ethnic containment, the creation of new state units is easily the most successful one in India.

Although there is prolific literature on the evolution of ethnic and regional movements, the response of Indian governments, and the impact of regional conflicts on the Indian polity, very little material is available on the central government's ability to create new



states. (Phadnis 1989; Kapur 1986; Chadda 1997; Brass 1991; Puri 1981) Yet, such powers have been of fundamental importance to the consolidation of the Indian federation. The way in which these constitutional powers came to be exercised, provide clues to the political intent behind it. As current literature on failed federal experiments in 'new wave' democracies shows, ethnopolitics can vitiate from constitutional designs. (Rotimi 2001; Ross 2000) We therefore need to discover the political intent behind the three Indian federal reorganizations. Parallel inquiries by Suberu Rotimi in Nigeria and Cameron Ross in Russia, suggest that in itself, federalism is no panacea. According to Rotimi, 'far from promoting democracy [federalism] has allowed authoritarianism to flourish'. (Rotimi 1991: 171) We might then ask how the three federal reorganizations which are the focus of discussion here, enhance India's democracy, particularly the constitutional provisions that permit Parliament to create or break up existing units without having to seek consent from the affected province-state or its people? Could these powers have been differently defined so as to forestall ethnic conflicts that have marked India's post-independence history? Rotimi asks a similar question for Nigeria and concludes that the 'overweening' central state prevented democratic development and produced a federal structure that unleashed 'unproductive, divisive and ultimately destructive competition' for state power. (Rotimi 1991: 171) The result was violence, political impasse, and military rule in Nigeria. In other words, whether in India or elsewhere, the nation-building project as well as prospects for democracy are shaped by political bargains between the centre state and its provinces. There is a danger in excessive centralization as there is in excessive decentralization. While Nigeria represents the former, the example of Russia alerts us to the dangers of putting too much faith in federal devolution of power. According to Ross, federal autonomy led to local level authoritarian rule unchecked by the central government.

Independent India's federal history is long and complex. To narrow the scope of this inquiry, I will focus on the three waves of federal reorganizations and the debates they triggered about the shape of India's federal balance. This broader discourse on federal reorganization - of the mid 1950s, early 1970s, and between 1999-2001 - uncovers the ways in which ethnic plurality, federal arrangements, and democracy have taken shape in India. Each phase of reorganization was based on a new balance of political power between the central state and its federal units. Each phase was guided by a master theme. In the aftermath of the partition in 1947, the question that haunted Indian leaders was whether the country they had inherited could be fashioned into a territorially coherent nation-state. In the mid fifties, the linguistic/regional agitations unleashed a debate about India's cultural antecedents - ethnic, regional, religious, and linguistic - and whether these might pull the fragile union apart. In the early 1970s, the twin problems of governance and security shaped the rival perspectives on what the Indian federation should be. The discourse on federalism became sharply polarized when separatist movements in Punjab and Assam in the 1980s, and later in Kashmir, challenged India's territorial unity. It is then puzzling why the fears that had haunted Indian leaders for so long - about disintegration and separatism - should so abruptly vanish in the 1990s. As India enters the 21st century, the concern over excessive centralization is replaced by concerns about the eroding ability of the central government to implement the national agenda. The ebb and flow of these waves of federal remapping provide valuable clues as to how a particular federal design might advance or retard the cause of democracy in an ethnically plural country.

The Antecedents to the First Federal Reorganization (1947-1956)

The political context of the 1956 reorganization needs to be viewed, against the backdrop of three important events in South Asia, namely, the partition of the subcontinent in 1947, the creation of the separate nation-state of Pakistan, and the territorial dispute over Kashmir that led to the first war in that year. The partition itself had been bloody. It claimed more than a million lives, and produced eight million refugees who trekked across the newly created international border between India and Pakistan. The details of these historic events have been covered extensively elsewhere and need not detain us here. (Menon 1956; Hasan 1997) It is important to note, however, that the first Confederal Government, proposed in the Cabinet Mission Plan of 1946, failed within a few months of its creation, and unleashed a storm of communal killings among Hindus, Sikhs, and Muslims which put an end to the vision of a confederal, undivided India where the Muslim League and the Congress could coexist in amicable cooperation. Kashmir has remained, ever since, at the center of Indo-Pakistani relations. (Ganguly 1997)

By the end of 1948, partition was a fact, and two new countries had emerged on the subcontinent. This was not what Congress leaders had anticipated. The task before them was to weld a territorially truncated country characterized by enormous diversity into a single unified nation-state. It is against this backdrop that Indian leaders drafted the Constitution, and debated the distribution of federal power for their heterogeneous nation. They decided to load the Constitutional frame in favour of a central state. The centre was to be the principal bulwark against India's disintegrative tendencies.

The founding fathers of independent India, assembled at the Constituent Assembly, gave the country a federal, parliamentary, democratic constitution on 26 January 1950. The nature of this document has long been a subject of scholarly debate. Some have characterized the constitution as 'quasi-federal' and unitary in design, (Joshi 1954: 32) others have stressed that the Constitution 'establishes a dual polity with the Union at the center and the states at the periphery, each endowed with sovereign powers to be exercised in the fields assigned to them respectively by the constitution.' (Constituent Assembly Debates: 31) Granville Austin, the foremost contemporary scholar of the Indian constitution describes it as a design for 'Cooperative Federalism.' (Granville 1966) Most India scholars, however, stress the fact that the Indian Constitution intended the central state to have paramount powers, especially in the event of an emergency. These powers have been spelled out in Articles 352, 356, and 360 of the Constitution. They permit the centre to dissolve state assemblies and impose governor's or president's rule in the provinces. (Bomwall 1967: 14) According to Articles 256 and 257, the union government can demand that a state comply with union laws. Non-compliance can lead to dismissal under Article 360. Article 249 allows the Rajya Sabha, the second chamber of Parliament, to give the lower house, the Lok Sabha, powers to enact legislation on subjects reserved on the state list. The constitution divided governmental powers and responsibilities into three distinct lists: the first exclusively under the jurisdiction of the central state, the second largely under the jurisdiction of province-states, and the third, a concurrent list, meant to be shared by the central and provincial governments. (Bomwall 1967: 14) This distribution formula was meant to accommodate diversity within the broad arch of a strong central government.

The Constitution therefore envisaged the creation of a layered territorial and administrative order but said little about the kind of federal units the Indian union was to have, or the basis on which they would be created, i.e., geography, demography,



administrative convenience, language, or culture. That decision was left entirely to the wisdom of Parliament. Nor did the Constitution envisage the province-states to have their own separate constitutions as for example in the United States of America. India had a centralized judicial system and bureaucracy. Although there was a separated list of subjects over which province-states had primary jurisdiction, the central government prevailed on almost all matters in the event of an emergency - which was likely to be all too frequent - in a heterogeneous society trying to forge a modern nation-state.

Nowhere was the unitary intent of the founding fathers more evident than in the provisions that endowed Parliament with the powers to create new states and alter existing ones. Article 2 of the Constitution decreed that 'Parliament may by law admit into the Union, or establish new states on such terms and conditions as it thinks fit.' Article 3 states that Parliament 'may by law form a new state by separation of territory from any state or by uniting two or more States or parts of states.' Additionally, it may 'increase the area of any state; diminish the area of any state, alter the boundaries of any state'; and 'alter the name of any state'. (Chanda 1965: 47)

The Constituent Assembly had vigorously debated the question of where such demands for creating or altering states should originate. The final document had clearly opted for the central state to act as the ultimate arbiter. Why had Indian leaders invested the central government with so much power? As pointed out earlier, they had inherited a crazy quilt of a country made up of distinctive sovereign entities: independent princely states (listed as the B category states) and areas that were under direct British rule (the nine A category states in 1950). The Constituent Assembly had then two choices: it could take upon itself the task of unifying the constituent units, or alternately, empower the central authority created under the constitution to do so at a later date. It wisely chose the latter course. To have made the territorial unification contingent on the consent of the princely states would have postponed indefinitely the day when India could call itself a nation-state. It is not difficult then to understand why the founding fathers dropped the amendment that would have required proposals for internal territorial changes to originate in the affected state or states. This explains why Article 3 of the constitution bears the form it does, i.e., shorn of the provision of consent by affected province-states. The constitution put no stringent conditions for creating new states. The restraints were that the President would recommend it, a majority in Parliament would agree to it, and the states affected by the changes would be consulted before a new state unit was created. The consent of the latter was not required. This meant that the central state could dismember recalcitrant states, and give over their parts to more compliant units. The latitude provided by Articles 2 and 3 in combination with other provisions gave formidable powers to the central government which could use them to build a modern nation-state, or misuse them to deny self-rule to ethnic and religious minorities.

In itself, the unitary character of the Indian constitution was not undemocratic. Indeed, democracies have flourished under unitary constitutions. What made the provision dangerous were the political conditions prevailing during the first forty years after independence in India: the dominance of the Congress Party during the first four decades, and its assured legislative majorities in both the parliamentary and state elections in the first twenty years after 1947. Even after that, Congress continued to dominate the political scene. As a national movement, and subsequently as the dominant party, the Congress was a federalized organization that included a broad spectrum of ethnic and regional leaders and their followers. (Schwartzberg 1985: 157)

Its pan-India spread was based on accommodation of diverse interests. But if it was unwilling to do so with regards to a particular ethnic group or region, the constitutional provisions of Articles 2 and 3, could in its hand become an instrument of hegemonic control and coercion.

The First Reorganization

History tells us that the events of 1947-48 had drowned out claims for state rights by Tamils (the Dravidian autonomy movement that been active since the 1930s), Sikhs (represented by the Shiromani Akali Dal party that had suggested a three-way partition of Punjab in 1946), and the Muslim community, whose acquiescence was critical to India's future stability. (Narang 1983; Sing Khushwant 1953; Devananda 1960; Chadda 1997) Within three years from the grant of the Constitution, India faced its first serious federal crisis. The natural tensions between the parts and the whole - ethnic, caste-based, and religious communities - surfaced with renewed vigour. The floodgates of linguilism had opened, challenging the unitary intent of the founding leaders. In December 1952, Potti Sriramulu fasted unto death over the issue of a separate state for Telugu speaking people. (Palmer 1961: 106) Bowing to popular pressures, the Congress government created a separate state for Telugu people -- Andhra Pradesh. Andhra's victory boosted demands in other provinces. Prime Minister Nehru appointed a three-man States Reorganization Commission (SRC) charged with 'preservation ...of unity and security of India'. In its findings the SRC railed against 'excessive deference to 'narrow loyalties' and recommended a division of India based on dominance and geographical concentration of ethno-linguistic communities. (Report of the states Reporganization Commission 1955: 45, 229-237) After much debate, Parliament called for a reorganization of India into 14 states, based on the criteria lad down by the SRC. At that time, the SRC refrained from dividing the provinces of Bombay and Punjab, as no neat divisions could be made along linguistic lines in these two provinces. (Schwartzberg 1985, 165-166) In Punjab, the central government faced different issues from those in Bombay. The demand for a separate province of Punjabi Suba was based on religious separateness of Hindus and Sikhs. This was anathema to a leadership determined not to permit another division of India on the basis of religion. Any tampering with Punjab, a border state, immediately endangered India's security interests. And Nehru had not forgotten that a faction of the Sikh leadership had demanded a separate Sikhistan in the 1940s. (Verma 1987: 269) Nehru's response, then, was not to separate, but instead to add areas and expand the state of Punjab. At the same time, Congress's support among the Sikhs was consolidated by appointing Karan Singh, a popular Sikh, as Congress's leader in the state. The purpose was to dilute Sikh presence and to marginalize separatists within the province. Gurharpal Singh's (1995: 483) interpretation of Nehru's strategy as one of hegemonic control is difficult to sustain in view of the fact that the majority of Sikhs in Punjab were voting for Congress in open and fair elections. It would be hegemonically oppressive, as Singh suggests, only if we insist that the Sikhs, regardless of how they vote, are a separate nation deserving a separate state. Nonetheless, it is true that the central government, supported by legislative majorities, had the power to change perimeters within which such contests were held.

There is another problem with Gurharpal Singh's interpretation. It assumes that the process of state formation is possible without accumulation of power at the political centre. Nowhere have states been formed without an accumulation of authority in the hands of a political class. Had the Indian state pursued strategies deployed by its counterparts in European history, there might have been many more insurgent Punjabs all over India. Singh does note the negative role of Sikh leadership, but for the most



part, slides over the self-destructive manoeuvres of Sikh leaders which prolonged and made the conflict in Punjab violent.

However, once the principle of linguistic states had been accepted in 1956, the separation of Gujarati and Marathi speaking communities in Bombay, and Punjabi and Hindi speaking people in Punjab, was only a matter of time. Bombay was divided in 1960, and the division of Punjab followed six years later. The latter was made possible when the Sikh leadership abandoned religious rhetoric and couched its demands in ethno-linguistic arguments. The first federal revolution thus discarded the design of administrative divisions that Nehru had favoured for independent India, a design which did not recognize the need for congruence between ethnic identity and territorial homelands. The first reorganization did precisely the opposite: it legally acknowledged India as a federation of ethnic subunits. In a sense, Nehru and India had returned to the ethnic fault line conceded by the Congress movement during the struggle for national independence. Congress had demanded that the British grant autonomy to linguistically defined provinces. The British had resisted, but Congress leaders could not follow suit, having championed the cause of ethnic autonomy in independent India's formative years. Nor could they resist the temptation of linguism to garner support. Culture had then trumped over the idea of a homogenous nation-state and the prototype of the European model which had so deeply influenced the first generation of Indian leaders.

More importantly, the first reorganization created a unique design for governance, one that could withstand the pull of heterogeneity. This design has been deconstructed at length elsewhere. It will be enough to focus on its key features here. (Chadda 1997: 1-26) Briefly, the design for governance was based on two connected quests of Indian leaders: relational control and interlocking balances. The first quest guided India's regional policy. The second guided its domestic politics. The objective of relational control was to protect India from the fallout of events beyond its borders, whether from shifts in political orientation in neighbouring states, or from the mobilization of overlapping nationalities that India shared with other South Asian states (i.e., Bangladesh, Pakistan, Sri Lanka, and Nepal). It meant acquiring capabilities to structure inter-state relations between South Asian countries. In other words, relational control permitted India to forge a nation-state (with recognized fixed boundaries) and gave it the leverage to arrange regional affairs to its advantage.

The second quest was to secure interlocking balances among its diverse sub-nationalities. What was the objective, we might ask, in securing this balance? To make its nation congruent with its state is the short answer. India included several nations or would-be-nations within its borders. Therefore, the objective was to create a series of interlocking balances between proximate cultural communities (i.e., between Punjabi and Hindi speaking communities in Punjab, between Marathi and Gujarati speaking communities in undivided Bombay, and between Bengali and Assami speaking people in Assam), the homelands of such communities, and the central state (i.e., Punjab and the central government; the state of Jammu and Kashmir and the central Government), and between the central state and its adversaries with whom it shared ethnic and religious minorities (India and Pakistan; India and Sri Lanka; India and Bangladesh).

At least three conditions were necessary for the interlocking balances to work well. The first was the creation of an overarching authority based on 'universal' order that would be impartial between India's heterogeneous segments. The central state had to gain a sufficient degree of autonomy to act as an impartial pan-Indian agency. The Constitution had provided the centre with such powers. These Constitutional powers were reinforced

by the dominance of the Congress party and its espousal of what can be called *overarching ideological order* for the Indian political universe, i.e., secularism, non-alignment, democracy, and social welfare. The second condition was the creation of a *layered order* that accommodated ethnic nationalities. The separate lists of powers for the constituting units - for the centre, the states, and the latter -- divided for administrative convenience into districts, cluster of districts (Zillah), and village assemblies - constituted such a layered order. The third condition was *regional autonomy*. The central government was forced to yield linguistic states that would thereafter organize politics on the basis of their distinctive cultural and political identity. The linguistic reorganization of 1955-56 was an antidote to the unitary tendencies embedded in the Constitution. To sum up, the *universal order* gave moral and political authority to the central state. *Layered order* acknowledged the prior claims of culture, and, *regional autonomy* permitted ethno-linguistic communities to comfortably nest within the overarching order. The first reorganization embodied this model of governance...

The reorganization of India along linguistic identities had, however, raised serious worries that autonomy would lead to separatism and further, to the disintegration of India. These fears abated as the new federation bound the parts more closely to the whole. That this was indeed in accordance with the popular will was amply evident in the thumping majority the congress party received in the 1957 elections. Many policy analysts, however, continued to debate whether the reorganization had weakened or strengthened the central state. (Harrison 1985: 300-308) While most believe that the first reorganization had strengthened both the state and democracy in India, they also agree that it unleashed a force that required the central state to renew repeatedly the pact India had made with its own diversity.

The Second Federal Reorganization (1971-87)

The second reorganization focussed on the division of the state of Assam in Northeast India. Representing a different set of issues for Indian leaders, this region had been left largely untouched by the SRC. (Chadda 2000: 164-172) To begin with, it was a patchwork of tribal and mixed linguistic communities. (Dube 1984: 146) No neat divisions along the lines of the earlier reorganization were possible. The colonial legacy had created a special set of problems. The Northeast was the least integrated region in the territorial and administrative sphere of British India. The British had followed a policy of neglect and seclusion that had left the region resentful and suspicious of all governments that had sought to control the Northeast from New Delhi. Decades of missionary conversions among the tribal population had enlarged the gulf between people residing in the plains and those residing in the hills. The overlapping of the Naga and Mizo tribes across Burma and the Indo-Chinese border, closely linked the issue of ethnic autonomy to national security and territorial control. (Mohan Lal 1984: 201-205) The Indian state, thus, had to integrate within its federal union a vastly diverse and underdeveloped Northeast. This task was made more difficult because China claimed parts of this area (Arunachal Pradesh). Indian leaders were faced with the task of reconciling the conflicting goals of democratic accommodation and security requirements. The answer was found in dividing Assam into seven separate province-states.

The Nehru government created the Sixth Schedule to the Constitution which divided the Northeast into three broad areas with special arrangements of power sharing for each: the hill areas included the tribal homelands where tribal nationalities controlled their own



affairs; the frontier tracts were the responsibility of the state government of Assam, and the tribal areas in the plains were protected under provisions for representation and inalienable rights to tribal lands. (Kumar 1996: 16-21) The Sixth Schedule created District Councils, yet another administrative innovation, which provided local communities with wide ranging powers over local economy, culture, religion, and customs. While these accommodations were institutionalized, the Nehru government also used force to weaken and eliminate insurgencies among the Naga tribes. The objective was not to annihilate the Nagas but to split the movement - by separating the moderates from the militants - and forging an agreement with the latter to integrate them within the Indian union. In 1963, one large faction of Nagas was willing to sign a peace agreement in exchange for autonomy and statehood which became the basis for the new state of Nagaland in 1963 (Acharya 1993: 223-230).

The rest of the tribal nationalities in the Northeast could not be denied a state once Nagaland was a fact. In 1971, by an Act of Parliament, the government of Indira Gandhi carved out several states from the former state of undivided Assam. The passage of these parts from being rump communities to separate states occurred in stages. Tripura and Manipur which were originally parts of Assam, became Union Territories in 1956 and then separate states in 1972. Meghalaya became an autonomous state within Assam and then a full fledged state in 1972. While Manipur and Tripura had seen widespread agitation, Arunachal Pradesh and Meghalaya had not been convulsed with popular demands for separate statehood. Their creation was meant to preempt China from making claims to these border territories.¹ There were also electoral and political considerations behind the division. (Baruah 1999: 91-115) Granting of statehood created a support base for the ruling party and gave it an advantage in state elections. The main beneficiary of the breakup of Assam, was the Congress party of India and Prime Minister Indira Gandhi. The Lok Sabha elections of 1972 and the state elections in 1973 gave Indira Gandhi a solid majority in Parliament and in state Assemblies. The early 1970s, thus, were benchmark years for the triumph of the governance model evolved in previous decades: interlocking balance and relational control based on layered order and local autonomy within an overarching ideological architecture of the Indian nation-state. Any respite from conflict was however temporary. Peace could endure only as long as New Delhi responded by granting greater autonomy and renegotiating pacts in response to changes within society and the economy.

The Indira Gandhi era is not identified with the spirit of accommodation and compromise. In fact, it is viewed as a period of arbitrary centralization impelled by a desire to protect, even impose, Congress party's legislative majorities through underhanded means. (Wariawalla 1988: 248) But most observers would also agree that the Congress 'system' itself had changed. The expansion of economy and democracy since independence had broadened the demands for regional and ethnic autonomy. It was no longer sufficient to merely grant separate statehood to ethnically compact regions within the Union. The ethnic and caste parties that now governed the newly created states had leapt to the next stage of democratic demands. They wanted real power, more financial control, and the promise of non-interference from New Delhi. Nehru did not have to cope with regional opposition with a popular support base because until 1967, the Congress party continued to win majorities in both state assemblies and at the center. What is more,

¹ Several critics claim that the division of Assam was entirely a top down process and that there had been no serious popular mobilization to warrant carving up the state. Others point to the Naga and Mizo not to mention separatist insurgencies in Manipur and Tripura to explain the division.

opposition to the Congress had nested largely within the party. This was no longer the case in the 70s and 80s. In these decades, ethnic leaders had moved forward to form opposition parties that competed with the Congress in assembly elections. (Sharma 1988: 112-118) It is then not difficult to understand why the Indira Gandhi era is identified with centralization, and why the debate over centralization and decentralization dominated public discourse. This was conducted against the revolts in India's geographic periphery - Punjab, Kashmir, and Assam. (Chadda 1997: chapters 4, 5, 6.)

The leading proponents of the 'over centralization equals strength' thesis are two prominent experts on India: Ayesha Jalal and Atul Kohli. (Jalal 1995; Kohli 1990) Both believe that a quest for 'monolithic nationalism' led to the ethnic conflicts in the 1980s. But they are both mistaken for two reasons. First, they fail to differentiate between the rhetoric that exalted unified India - a regular staple of all political speeches - and the reality of pluralistic assertions in the 1980s. India's heterogeneity could not, and did not, allow imposition of a monolithic nationalism even if India's leaders had so desired. And the constant effort to accommodate - visible in the three waves of reorganization - suggests that the leaders were aware of the gap between what they aspired for, and what, in fact, they could have. Second, Kohli and Jalal measure power of the state by its coercive capacities instead of political capacity. Political capacity consists of institutionalized means to resolve conflicts. The use of coercion underscored the inability to forge interlocking balances between proximate ethnic communities (i.e., Hindus and Sikhs in Punjab), between them and the central state, and in the third arena of interlocking balance, i.e., the Indian state and neighboring states. Pakistan could destabilize interlocking balances in Punjab and the state of Jammu and Kashmir. India's military and coercive capabilities had expanded, but the quantum of real power measured in terms of ability to resolve conflicts had declined precipitously. Wielding the stick and failing to negotiate did indeed look as if the Indian State had grown strong and authoritarian. However, in the absence of the ability to resolve conflicts, decentralization can not strengthen democracy and coercion does not equal strength. The Indian state was at its weakest since it was established in 1947, in other words, the twin goals of democracy and federalism need a strong center and an equally strong province-state authority committed to the federal bargain.

Nothing could have better demonstrated the misleading characterization of India as an authoritarian democracy than the elections of 1989 and the events that have occurred since then: the decline of the Congress, rise of coalition politics, and shift of power to the regions. As V. S. Naipaul has aptly described, India was a 'land of a million mutinies' in the late 1980s and early 1990s. (Naipaul 1990) Even though the Congress party led by Narasimha Rao formed a government in 1991, it had to operate with a very slim majority in Parliament. Most importantly, the Rao government had to contend with the rising appeal of the Hindu nationalist party, the Bharatiya Janata Party. The latter had wrested away a substantial portion of the middle class urban vote from Congress. In addition, Prime Minister Rao had to defer to the agendas of powerful regional opposition leaders in electorally important states such as Bihar, Uttar Pradesh, Andhra Pradesh, Tamil Nadu, Maharashtra, and Gujarat. Although Rao performed well as an economic reformer, he could not, or chose not to confront the rising forces of Hindu chauvinism from defying the courts, laws, and even the Constitution of India. The curious inaction in preventing Hindu mobs from destroying the 16th century mosque in Ayodhya in 1992, underscored Congress' weakness.



Throughout the 1980s Congress was thus in a state of secular decline. Its assured legislative majorities - an important element of the governance model of relational control and interlocking balances - appeared to have come to an end. Indeed one might argue that Indira Gandhi had been trying to protect Congress's legislative dominance precisely when it was rapidly slipping from her grasp. Learning from the mistakes of his predecessor, Rajiv Gandhi sought to recapture the original governance model based on accommodation and negotiation, but the compulsions of political survival persuaded him to abandon that effort in 1987. It is therefore ironic that scholars have continued to excoriate the Indian State for concentrating power at the center. Jalal's volume was published in 1995 and Kohli edited the *Journal of Asian Studies* with a lead article about the evils of centralization in 1997, although the central state was weakening and real power had moved away from the center.

The Third Federal Reorganization (1999)

The trends that had become visible in the 1980s - the decline of Congress, the rise of Hindu nationalist forces, the emergence of coalition governments, the regionalization of politics, and the de facto dispersion of power it brought about, accelerated in the 1990s. The third federal reorganization, this time in the Hindi-Hindu heartland of India, should be viewed against the backdrop of these changes. Shifts were also evident in the intellectual and ideological arenas in response to the end of the Cold War and the 'Third Wave' of democratization based on market economy. Three arenas of policy were immediately affected by these shifts: the economy, foreign policy, and public debate. India acceded to the global changes by initiating economic reforms. Liberalization of the economy had unshackled new centers of political interest and influence. A retreat of the central state meant greater latitude for the state and local level constituencies and a shift in the locus of decision making to the regions. In foreign policy, it meant realignments in the region. In the 1990s, a new reactive connection had emerged between rising Islamic and Hindu extremism, Indo-Pakistan relations, and the conflict over Kashmir. (Chadda 1999) A weak and unstable Pakistan was even more dangerous to India's control over its borders in the north and the west than an aggressive Pakistan, driven by resurgent Islam. While these shifts altered the context of anxiety over border states, the rise of Hindu nationalism led by the BJP and of powerful ethnic and caste parties in politically important states within India, altered the basis of domestic politics. The era of coalition government had arrived, and that of Congress with its easy majorities at the center had ended.

What did these changes mean to the federal equation and to the governance model that had operated under the earlier era of Congress's dominance? In the post Nehru-Gandhi years, the contest for power involved three national level actors, the resurgent BJP, a conger of regional parties representing a coalition third force, and, the Congress. The latter was weak but was able to still cobble enough seats in Parliament to influence who could or could not form a government in New Delhi. This was then the decade of unstable coalition rule and frequent elections in which all three actors formed successions of governments in India: the Congress between 1991 and 1995, the coalition of regional parties in 1996-1998, the BJP for thirteen days in 1998 and then again in 1999, but this time in coalition with regional parties willing to support it in exchange for dropping its 'Hindutva' agenda. One may characterize the 1990s as a decade when ethnic and caste based regional parties became more closely integrated into the central government with corresponding influence to dictate the course of policy.

India's province-states were no longer preoccupied with the question of autonomy from the center but were exerting power within and over the center.² (Pal 1993: 135-153; 181-197) The armed rebellion in Punjab had given way to elections in 1992. New Delhi's relations with Assam did not remain confined to securing autonomy, instead, they had moved on to questions of retaining majority for the Assamese nationalists, (represented in the Assam Gano Parishad party) and to managing subnationalism within its borders. The triumph of the AGP had ushered in an era of local control and defused, at least temporarily, confrontations with New Delhi. The battles had therefore moved inward within the province-state and among different parties that spoke for the local tribal nations within Assam. This is not to suggest that ethnic conflict came to an end, but that it had abated in response to a new equation between the center and its regions. The conflict in the state of Jammu and Kashmir that involved Islamic groups operating from Pakistan, however, remained intractable.

It is this sea change in Indian politics that explains the ease with which the BJP was able to create the three states of Jharkhand, Chattisgarh, and Uttaranchal. Jharkhand has had a history of agitation going back to 1800, but the demand for a separate state became evident largely in the 1950s when linguistic agitation swept through India³ (Rasheeduddin Khan 1997: 246). In its report, the SRC had cited economic non-viability of the residual state, and disruption to the boundaries of the four affected states, as grounds to reject the demand for Jharkhand state. (Report of the state Reorganization commission 1955: 169) In addition, a merger between the locally dominant Jharkhand Party and the Congress party in 1963 kept the demand for a separate state at bay. Local parties that opposed the merger had however continued to agitate. In 1992, a fraction of the opposition turned militant and established the Jharkhand Mukti Morcha, a militant organization comprising largely of younger and less patient elements (Narayan 1992; Sengupta 1982).

The leaders of the separate Jharkhand movement argued that as long as the region remained 'divided into four states, and centers of decision making remain [ed] in Patna, Calcutta, Bhuvaneshwar, etc., the people of Jharkhand region will continue to be victims of cultural suppression and economic exploitation. The efforts ... of the government for a balanced development have utterly failed... and the people are not ready to wait any longer.'(Rasheeduddin Khan 1997: 147) The central government accepted the proposal to form an Autonomous Council modeled on the pattern of the Darjeeling Gorkha Hill Council (with limited executive and legislative powers) but the three affected states - Bengal, Madhya Pradesh and Orissa - rejected the formation of Jharkhand from parts of their territories. Only Bihar passed a bill to form a separate Jharkhand Area Autonomous Council in 1994 (Bihar Gazette 1995). Once the bill was passed, the emergence of a separate state from within Bihar was a foregone conclusion. But no other state boundaries had been altered.

The timing of the new state had however depended on the configuration of politics in New Delhi and Patna. No one doubted that the call for a Jharkhand would be popular so long as its boundaries affected only Bihar, which had already approved the creation of

² State proposals concerning greater state responsibilities were outlined in the West Bengal document of December 1, 1977, The Rajamannar Committee Report from Tamil Nadu, The controversial Anandpur Sahib Resolution of 1973, the Sarkaria Commission Report 1983. Each new report underscores the escalating demand for greater autonomy.

³ Between 1800 and 1930s there were several agrarian movements - the Tamar revolt in 1801 and 1820, the Kol insurrection in 1831, the Sardari agitation in 1858-59, the Bisra insurrection in 1900 and Bhagat movement in 1914.



the new state. Weak local parties that supported or opposed a separate Jharkhand could use the cause to widen their popularity and enter into coalition with stronger parties that lacked a local base in the Jharkhand movement. National political parties were equally keen to gain from the Jharkhand agitation. The BJP hoped to consolidate its base in Bihar, or at least, weaken that of its opponent's by appealing to the ethnic sentiment. The BJP's rival, the Congress party, was equally anxious to leverage itself into a more advantageous position in Bihar and North India. It too supported the creation of the new state. And the regional parties, specially the Rashtriya Janata Dal (RJD) under the leadership of Rabri Devi and Lallo Prasad Yadav, were not unhappy to forego the Jharkhand constituencies over which they had uncertain control. The Frontline reports that 'The ruling Rashtriya Janata Dal agreed to the formation of Jharkhand though a large chunk of Bihar's revenues will go to the new State...because the party will have a majority of its own in the Bihar Assembly after the bifurcation of the State.' (The Frontline 2000, hindunnet.com/fline/fl1717/17170340.html.) In the newly altered Bihar, the RJD would rule with less interference from the Congress because in Bihar it was the Jharkhand area that tended to elect Congress representatives to the provincial assembly.

While the backward caste tribal element was critical in the politics that created the separate states of Jharkhand and Chattisgarh, the constituency for the new state of Uttaranchal was distinctly upper caste. The state of Uttar Pradesh (UP) is very large and many have argued for its break up into more manageable administrative units. (Rasheeduddin Khan 1997: 261) The BJP had very strong support in the upper caste Hindu voters of the hill areas that make up Uttaranchal. Political calculations became the catalyst in the decision to create Uttaranchal. That this strategy favored the BJP, at least for a while, is evident in the comments of local political leaders and party functionaries during the February 2002 state level elections: 'We rejected Congress in favor of the BJP in 1989 because the Congress stand on the creation of a new state was ambiguous. We whole heartedly supported the BJP' (The Frontline, 2002, www.hundunnet.com/fline/fl1904/19040330.html.) Congress had been trying hard since 1990 to cobble together an alliance of backward castes, Muslims and tribals in U. P., in the hope that this would give it a popular base to capture the state assembly. It had no hopes of winning the Hindu upper caste vote which the BJP had cornered in the late 1990s. Congress's reluctance to support the creation of Uttaranchal was based on a fear of weakening its position in the undivided state. But the BJP's popularity did not last long either. In the February 2002 elections, disappointed voters were asking, 'What have we got in return (for supporting the BJP)? Only promises that have not been fulfilled.' (Frontline 2002, www.hundunnet.com/fline/fl1904/19040330.html.) Congress swept the 2002 Uttaranchal Assembly polls. The March assembly elections in the rest of the U. P. were, however, far less decisive, and produced a hung assembly instead. Grant of a separate Uttaranchal had nevertheless redirected ethnic protests into regular electoral channels of formal politics.

One might, however, argue that the new states might not have been created, had the political scene not changed so drastically in the 1990s (to become a three way contest between the BJP, the Janata led coalition and the Congress), and had real political power not passed into the hands of regional political parties with leverage, and even a veto over the life of national governments. It might not have occurred had the national leaders been genuinely fearful and worried about maintaining India's territorial unity. Ethnic communities in the three new states were unconnected with foreign enemies or cross border nationalities, unlike in Punjab, Kashmir, and Assam. Despite serious limitations and glaring flaws, India's federalism had finally forged a nation state from a

vast array of diverse and divided ethnic entities. The central state had failed to implement that design in Punjab, Assam, and the province-state of Jammu and Kashmir but in the end, central governments were also the source of effective solutions in Punjab, and to some extent, in the Northeast. Political will, and not constitutional provisions had determined whether the creation of new states would defuse ethnic conflict or lead to ethnic discontent.

This is why the recent debate over the federal question in India is so misleading. It is possible to identify broadly three separate strands of arguments in this debate. There are those who point to the penetration of global forces, worry over the weakening of the central state, and would like to see the state shield India from global markets. Ironically, these same scholars also excoriate the state for aggrandizement of power and denial of autonomy to the regions. The second set of observers support economic liberalization and would like to see India fully integrated into the world economy. They are less worried about the implications for economic sovereignty. They advocate that each province-state should be free to independently mine the international financial markets for investments. There is a third view, more popular among the ranks of post-modernists and scholars of subaltern studies. According to them, the first two sets of arguments are excessively biased in favor of the state. The proponents of this view attack not only the centralizing tendencies of the Indian State, but the institution of the state itself. In their view, the state is little more than an instrument of mass oppression and exploitation. They advocate recognition of subnational communities not within the pan-Indian nation-building project, but within a frame of 'dual but complementary political identities.' (Baruah 1999: 201) Their objective is not simply to modify the center-state equation by ensuring greater provincial autonomy, but to make units equal to the center by reconstituting India as an 'aggregate of politically organized territories' (Baruah 1999: 201). They would like to see India's territorial units endowed with shared sovereignty and law making prerogatives. Inspired by Gandhian philosophy, a fraction within the third perspective wants to see power devolve further to the next layer of political order, to the grass roots and village bodies (Nandy 1992: 37-38). The proponents of the third perspective argue that empowering the people will make India a true democracy.

In a recently published book on the evolution of ethnic conflict in Assam, Sanjib Baruah traces violence and separatism in the Northeast to the excessive centralization of power implicit in the statist perspectives of Indian leaders. Assam, he says, succumbed to violence because it was so ruthlessly divided to serve Congress party's narrow electoral objectives, i.e., garnering legislative majorities (Baruah 1999: 202-205). While Baruah is correct about electoral motives, they alone do not tell the whole story of conflict in Assam. Baruah has largely ignored the separatist tribal insurgencies and the presence of China in the Northeast. China had aided and abetted insurgencies. Naga insurgents had found safe haven across the border in their war against Indian security forces. The creation of seven states in the Northeast was meant to grant self-rule to tribal nations on the disputed border with China, and thereby tie them more closely to India. A majority in these states did not wish to be under the jurisdiction of the state government in Assam. There was a certain risk involved in this strategy. It might be argued that the reorganization of the Northeast was an act of courage and imagination on Indira Gandhi's part, though it would never be seen as such by those who argue for sovereign rights for rump ethnic nationalities.



What could the Government of Indira Gandhi have done differently? Should it have ignored the role of hostile powers in fomenting insurgencies? Could it have accommodated their demands but let the political leaders in Gauhati - the seat of state government in Assam, which was deeply resented by the tribal nations within that state - decide their fate? In any event, that prerogative did not rest with the province-state. According to the Constitution, the state needs to be consulted but does not exert a veto over the definition of its own, or any other states' borders. Even if the central government were to allow Assam such powers, how differently would it have responded to the demands for a separate Mizoram, Tripura, and Manipur? These ethnic communities refused to be included in the province-state of Assam. The Assam government's failure to resolve the conflict over Bodoland in the 1990s show the limits of what state governments can do about ethnic conflict within their borders. Besides, if Assam was granted such a privilege, why not Maharashtra, Andhra Pradesh, Bihar, Madhya Pradesh, and Punjab? There is no evidence that state governments are more democratic, ethical, or fair. The parties that rule the state are likely to be as corrupt and anxious to protect their majorities in the assembly as their counterparts are likely to be in national politics.

What kind of policies would leaders pursue if India were to be an 'aggregate of politically organized territories'? Baruah cites Malaysia as a model for the kind of immigration policy Assam might follow. Malaysia had banned immigration to preserve its demographic balance. In Assam this would mean stopping the migration of poor Bangladeshis from across the border and deporting all those who have migrated since 1972. There is no untainted record available of the numbers of residents who would have to be deported under this rule. What is more, according to Baruah, had the state of Assam been given jurisdiction over immigration policy (which meant forfeiting New Delhi's right to exercise control over international borders) the local government would have frozen migration into Assam and that would have prevented ethnic violence. There are two problems with this proposition. First, until the 1970s, Congress governments were elected by popular vote in Assam. Later, when its mandate eroded, and the Assam Gano Parishad (AGP) won the elections, it disappointed the Assamese by pursuing more or less the same policies as the previous Congress governments. In fact, the AGP led government in Assam faced the same charges that the AGP itself had levelled against New Delhi in its own fight for autonomy, that of ignoring the problem of migration and denying autonomy to ethnically defined nations such as the Bodos. There is then no ideal solution to the cascading effect that granting ethnic self-determination might produce. A weak government is likely to generate endless demands for statehood. Secondly, regional leaders can be as oppressive and self-seeking as their counterparts at the center. Proponents of subaltern studies are on the mark in their criticism about the oppressive nature of the state, but they do not tell us how we are to construct a true democracy without borders, and without a state.

The critics of Indian policies in Punjab echo many arguments espoused by Baruah. Gurharpal Singh (1995: 281) characterizes India as an ethnic democracy where the state is dominated by one ethnic group, argues that Sikh nationalism as a claim to parallel sovereignty deserves explicit recognition, and views Indian nationalism as a disguised Hindu revivalism. India's democracy rests on privileging ethnic pluralism, but India's central government is not a monopoly of any single ethnic group as Singh suggests. Although the Sikh community wants equal status and freedom for cultural expression, the majority among them do not want an independent Khalistan. He is also mistaken in arguing that Indian nationalism is identical with Hindu revivalism. The former consists of

many voices, secular and syncretic. In any event, Gurharpal Singh's arguments apply more to the late 1980s than to the early years of independence under Nehru, or even to the first term of Indira Gandhi. The advocacy of a confederal India implicit in Singh's arguments must be approached with caution in view of what Ritimi has to say about the Nigerian experience. Cameron Ross on the other hand, warns us of the dangers of resting too much faith in autonomy at the state and provincial level. Ross concludes that autonomy can replicate in local level authoritarian rule with many 'mini' presidents. Ethnic hegemony, rule by a single ethnic group is a difficult, if not an impossible proposition in an ethnically plural India.

Assessing the Creation of New States

In conclusion, it might be useful to return to the questions raised in the introduction. Was there a grand design in the provisions that governed the creation of new states? Were these federal reorganizations motivated largely by electoral calculations or for immediate gain? And did they aggravate or mitigate ethnic conflicts?

The first reorganization had undoubtedly extended the democratic dispensation by creating many new centers of regional power with autonomous jurisdiction. It corrected the embedded pro-center bias of the Indian constitution. The first reorganization was based on accommodation of ethno-linguistic and cultural communities, which have since then occupied a pre-eminent place in Indian politics and in the Indian model of governance. This model was more suited to an empire-state than a modern nation-state. But that was the only way India could integrate its diversity and its democratic character. While the first reorganization affected the Indian nation as a whole, the second effort at federal reorganization focused on one region, i.e., the Northeast. The first was guided by the need to federalize the union on an identifiable basis. The second was motivated by concerns over national and territorial security in the Northeast. Electoral calculations were no doubt important in the 1970s, but they were not the only reasons for the division of Assam. While the first reorganization breathed life into the governance model of relational control and interlocking balances, the second reorganization sought to protect that design by giving new states a stake in India's territorial integrity.

We might ask if such a strategy was compatible with India's avowed commitment to democracy. The answer would have to be a conditional affirmative. Commitment to a federal democracy did not prevail over the imperatives of territorial unity. In fact, the latter became the touch stone for granting provincial autonomy in border states. In the rest of India, as the third reorganization shows, grant of autonomy was less controversial and turned on the calculations of party competition and elections.

Could India have evolved a different model of federalism than the one it actually followed? Many have argued that India could have avoided separatist violence and challenges to its territorial integrity, had it been an 'aggregate of politically organized territories'. While the moral argument behind this advocacy is sound, we are not told how India could have become such an entity. There would have been no India had it been conceived as an aggregate of quasi-sovereign states. India was exactly such an aggregate of princely states and directly ruled provinces in 1947. Should it have continued in that vein? Would such an India have been more democratic and respecting of human rights? History does not provide an answer to this question. The founding leaders of India thought it necessary to carry forward with what Mahmood Ayoob has described as the 'primitive accumulation of power' which all societies are required to



carry out if they are to form a state. The coercive character of the state cannot be denied. By the same token, if there is no state there can be no democracy.

This is not meant to minimize the deleterious impact of centralization evident during the 1970s and 1980s in India. Nor is this meant to justify state oppression. The attempt here is to understand, not absolve leaders of the kind of choices they made. The Congress governments under Indira and Rajiv Gandhi did much that was grossly wrong. It is important nevertheless to avoid the trap of simple dichotomies, i.e., oppression versus human rights, big government vs. small government, centralization vs. decentralization, and nation vs. State. For countries that are simultaneously pursuing democracy, development, and territorial unity, choices are hardly ever between neat pairs of opposites. They are more than likely to be between: more or less democracy, more or less development, and more or less autonomy. Each trade-off demands a price in terms of compromise with some other, equally desirable goal. Debates about the creation of new states have been erroneously conducted within the misleading, polarized perspective of centralization and decentralization. Centralization needs to come first because we do not know how to build a democracy without a state. Moreover, these polarized perspectives ignore the syncretic model of governance India had created in the mid 1950s, combining autonomy to regions and layered order, within an overarching political universe. Whether led by Congress, Janata, or the BJP, all governments in India have had to return to this model - or forfeit the right to govern. The creation of new states was a key element in the success of this model.

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