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India's Democracy at 70

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India's Democracy at 70

THE FEDERALIST COMPROMISE

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During the seventy years since India became independent, every other new democracy in South Asia has fallen prey at least once to a military takeover or a devastating civil war, and some have experienced both. Among the region's countries, only India has escaped these scourges. That neither has occurred in India owes much to the design and evolution of its federal system, and to the institutionalized recognition of diversity that is a basic aspect of the Republic of India's constitutional structure. Although Indian federalism's record as a mode of ethnic accommodation is not without blemish, it is likely that far worse would have happened without federalism.

Critics of federalism charge that it has held back India's socioeconomic development. Some scholars argue that federalism is among the reasons why India's central government has not been a stronger force in steering national development since 1947.¹ Others suggest that a more centralized India could have done more to shrink social and economic inequalities. Coordinating nationwide economic policy is hard in a country with so many sites and levels of political authority, all the more so since the turn to political and economic decentralization in the early 1990s. Coalition governments at the center have often needed the loyalty of regional parties, adding the challenges of alliance politics to the already complex process of national decision making. The governments of the 29 states, meanwhile, have much autonomy and often lack incentives to work with the central government for the sake of national goals.

The elections of 2014, however, may have marked a turning point. The elections of that year saw the Bharatiya Janata Party (Indian People's Party or BJP) win a parliamentary majority in its own right, the first such majority in decades. Currently, the BJP heads an alliance that

controls a dominant share of seats in the 545-member Lok Sabha, the lower house of Parliament. The BJP's chief, 66-year-old Prime Minister Narendra Modi, projects himself as a strong national leader who gets things done. After a quarter-century of decentralization and national coalition governments dependent on smaller parties whose appeal often reached no farther than a single region or state, a third of the Indian electorate (enough to produce a majority of seats in India's fragmented electoral landscape) were attracted by the image of national leadership that Modi offered.

Under Modi, to an extent that may seem surprising for a prime minister who had previously been chief minister of a state, the relationship between national and local power looks much the way it did under Prime Minister Indira Gandhi (1966–77, 1980–84) of the Indian National Congress (INC or Congress party). As Paul Brass wrote in 1984, rather than building national power from below through the “careful, patient cultivation of linkages from top to bottom through bargaining, compromise and exchange,” Indira Gandhi tried to “bypass the persisting structures of government, local, and group power through appeals to large categories of voters on transcendent or very dramatic issues.” In short, she relied on a “politics of crisis that plays upon or manufactures dramatic issues.”²

Such dramas have been commonplace under Modi. In late September 2016, his government announced that it had launched armed “surgical strikes” against terrorists along the Line of Control, the heavily fenced and mined *de facto* border that separates India from Pakistan in the disputed state of Jammu and Kashmir.³ In early November came the sudden announcement of demonetization, as Modi withdrew huge amounts of currency from circulation while citing a desire to choke off counterfeiting, terrorist financing, tax evasion, and other illegal activities.

With the BJP attaining a level of political dominance not seen for decades, federalism is again likely to come to the fore as a crucial check on central overreach. As under Indira Gandhi in the 1980s, there will be conflicts, whether new or reawakened. Yet Paul Brass's conclusion from more than three decades ago remains relevant: “The system [of Indian federalism] will not move decisively in one way or another . . . [since] national power is extremely difficult to build and maintain because of the enormous size, diversity, and fragmentation of the country.”⁴

A Force for Democratic Consolidation

As many have noted, India's brand of federalism gives the central government strong powers. These include the ability to redraw state borders, as well as emergency provisions for converting the country into a unitary state and suspending state governments in favor of direct governance from the center (known as President's Rule). The Constitution

of 1950, moreover, eschews the words “federal” or “federalism.” These facts led the constitutional scholar K.C. Wheare to call India’s system only “quasi-federal, not strictly federal.”⁵

The Constitution was written after the bloody trauma of the 1947 partition—it may have killed as many as two-million people—and the start of India’s long-running conflict with Pakistan over Kashmir. The provisions giving the central government in Delhi residual powers and potent emergency prerogatives reflect the framers’ desire to ensure that India would always have the institutional means to deal with a sudden crisis.

The overarching priority was to build an independent, sovereign Indian nation. At the height of the nationalist struggle, Congress party leaders had backed the redrawing of state borders to comport more closely with regional linguistic identities. After 1947, however, this idea was dropped in favor of keeping borders unchanged for fear of fueling parochial tendencies that might threaten national unity. The first map of newly independent India thus represented an amalgam of the borders of the old princely states and British provinces rather than following linguistic lines. Even so, special constitutional provisions gave wide measures of autonomy to majority-tribal areas in the northeastern and central parts of the country. Jammu and Kashmir received a special form of autonomy pending resolution of the conflict there.

The framers knew that they were devising something different from the usual run of federal systems, and few among them dissented from the compromise that the Constituent Assembly had forged. Speaking at the third reading of the constitutional draft, Thakur Das Bhargava described the system as “unitary-cum-federal” because of the central government’s “very wide” powers.⁶ Another member of the Constituent Assembly, M. Thirumala Rao, explained that “we wanted to have a federal Constitution but we have produced a Constitution that is mostly unitary.” He listed the problems that had weighed on the framers, including the “danger zone” of Kashmir, and affirmed their decision that “the residuary powers of this nation should rest with a Government which is strong in the Centre.”⁷

Strong central powers also seemed likely to aid the consolidation of democracy. As Annie Mascarene said in the Constituent Assembly:

We are at the advent of democracy. Democracy has got a tendency to let loose fickle emotions and disruptive forces. In the circumstances without a strong Centre I do not think we can have a successful democracy. We are at the beginning of nation-building. We have to survive as a nation. The question is the survival of a nation in a world of international conflicts. If that is so, we have to decide in favour of a strong Centre.⁸

Yet limits on central powers remained, and the system had important differences from unitary rule. Emergency powers, noted Alladi Krish-

naswami Ayyar, “cannot by their very nature be of normal or ordinary occurrence.”⁹ Citing India’s sheer size and complexity, future cabinet minister N.V. Gadgil explained:

It is impossible to govern a country so big, with so many traditions and with such a variety of cultures with about two hundred and twenty different languages and to bring them in one administrative unit in the sense that there would be one unitary State, one legislature and one executive.¹⁰

Over time, the idea toward which Gadgil was gesturing—that of one country encompassing a wealth of different traditions and cultures, and often described as “unity in diversity”—would increasingly appear as a central pillar of Indian national identity. The most significant reflection of this has been the redrawing of internal borders to provide regional linguistic communities with states of their own such as Andhra Pradesh (created in 1953), Karnataka and Kerala (1956), Gujarat and Maharashtra (1960), and Haryana and Punjab (1966). Along troubled sections of India’s international frontiers, moreover, Delhi has experimented with various kinds of autonomy arrangements in hopes of settling or at least partially taming old conflicts.

Making New States

The Constitution allows Parliament in New Delhi to change any state’s borders unilaterally—there is no requirement for any state-level referendum or even the approval of the state legislative assembly. This was one of the reasons why Wheare and others qualified their descriptions of India as a federal system. Creating new states is easier in India than elsewhere because Parliament’s upper house, the 245-member Rajya Sabha (House of States), does not represent existing states equally, like the U.S. Senate, but rather has 233 seats that are apportioned on the basis of states’ respective populations (an additional dozen seats go to presidential appointees). The advent of a new Indian state, therefore, bodes no shift in the balance of power among states.¹¹ This arrangement, unusual among federal systems, has allowed Delhi to respond flexibly to demands for recognition and self-governance made by regionally concentrated linguistic or cultural-nationalist groups.

The most significant rearrangement of India’s internal borders took place in the 1950s to meet demands from southern and western linguistic groups that wanted states of their own. Prime Minister Jawaharlal Nehru had opposed the linguistic organization of state borders in 1947, but shifted gears in December 1952. A local leader, Potti Sriramalu, had died during a hunger strike in favor of a Telugu-speaking state that he had wanted to see carved from what was then the state of Madras, and riots had broken out. Along with conceding the creation of this state (Andhra Pradesh) in 1953, Nehru set up an independent commission to

study other statehood demands. That body's recommendations underlay the States Reorganisation Act of 1956.

The net effect was to promote the consolidation of India's fledgling democracy. The change also helped to preserve the Congress party's electoral dominance: Linguistic reorganization undercut the rationales for a number of local parties that drew votes away from Congress.¹² Subsequent episodes of reorganization took place in the far northeast in the 1970s and 1980s, accompanied by experimentation with various asymmetric devices to protect the cultural autonomy of tribal groups.

In 2000, three new states—Chhattisgarh, Jharkhand, and Uttarakhand—were created in the Hindi-speaking heartland of north-central India by the BJP-led central government. Their creation was made possible by the decline in upper-caste dominance that had long held back statehood demands in these areas.¹³ In all instances stretching back to the 1950s, the creation of new states has taken place not only peacefully, but with the express consent of the relevant "parent" states. It was not until 2014, when the state of Telangana was created from Andhra Pradesh (India's very first "linguistic" state), that a new state came into being against the wishes of its parent state. Despite vehement opposition, the process of bifurcation itself was largely peaceful.

The creation of new states has helped to embed democracy within India's wide array of distinct regional cultures. The salient identities (whether having to do with caste, tribe, language, or religion), along with the social bases of political power, policy cultures, and local issues, all differ from state to state. Achieving a closer fit between local identities and political borders has encouraged what Lucia Michelutti calls the "vernacularisation" of democracy.¹⁴ By removing language from the list of political grievances, the linguistic reorganization of state boundaries has allowed democracy within individual states to be more pluralistic. When engaging in politics, voters can draw fluidly on multiple identities—they may think first of their caste and religion, or they may give priority to some other concern (their interests as farmers, for instance).

Federalism has also served to confine identity-related conflicts within state boundaries. With the partial exception of religion, most of the identities that figure in electoral politics tend to be salient at the level of individual states rather than at the national level. Thus cleavages that could be destabilizing at an all-India level are kept at a lower level: What happens in the states tends to stay in the states. The spirals of ethnic outbidding that have distorted the politics of other postcolonial democracies in South Asia and beyond have been largely absent in India.¹⁵

The flexible adaptation of federalism has therefore been a critical factor in India's democratic consolidation. For this reason, students of federalism have increasingly come to see India as having a distinctive type of federalism that well suits a multiethnic country with almost two-dozen constitutionally recognized languages.¹⁶

TABLE—INDIAN STATES, BY YEAR ESTABLISHED

State	Year Established	Population in Millions	Primary Official Language(s)
Telangana	2014	35.2	Telugu, Urdu
Chhattisgarh	2000	25.5	Hindi, Chhattisgarhi
Jharkhand	2000	33.0	Hindi
Uttarakhand	2000	10.1	Hindi
Arunachal Pradesh	1987	1.4	English
Mizoram	1987	1.1	Mizo, English, Hindi
Goa	1987	1.5	Konkani
Sikkim	1975	0.6	English
Tripura	1972	3.7	Bengali, English, Kokborok
Meghalaya	1972	3.0	English
Manipur	1972	2.7	Meitei (Manipuri)
Himachal Pradesh	1971	6.9	Hindi
Haryana	1966	25.4	Hindi
Punjab	1966	27.7	Punjabi
Nagaland	1963	2.0	English
Gujarat	1960	60.4	Gujarati
Maharashtra	1960	112.4	Marathi
Madhya Pradesh	1956	72.6	Hindi
Rajasthan	1956	68.6	Hindi
Karnataka	1956	61.1	Kannada
Kerala	1956	33.4	Malayalam
Andhra Pradesh	1953	49.5	Telugu
Assam	1950	31.2	Assamese
West Bengal	1950	91.3	Bengali
Bihar	1950	104.1	Hindi
Uttar Pradesh	1950	199.8	Hindi
Odisha	1950	42.0	Odia
Tamil Nadu	1950	72.1	Tamil
Jammu and Kashmir	1950	12.5	Urdu

Source: Population data from India Census 2011, http://www.censusindia.gov.in/2011-prov-results/census2011_PPT_paper1.html.

Note: Table does not include India's seven Union Territories.

As a force for democratic consolidation, however, Indian federalism does have its limits. These have been most starkly evident in the border regions of the northeast and the Kashmir Valley. There, security concerns and expedients adopted to resolve conflicts have sometimes either strengthened local autocracies¹⁷ or overridden federalism altogether, leaving Delhi and the army in charge. In the northeast, frequent grants of special recognition or enhanced self-governance to certain groups have promoted a violent and destabilizing cascade of autonomy claims. While such flexible federal arrangements have soothed the hilly states of Mizoram and Nagaland, they have not worked so well in the more densely peopled and heterogeneous plains of the region where, for instance, ongoing demands for statehood by the Bodo ethnic group have involved violent conflict.¹⁸

Is the Center Too Weak?

If Indian federalism, on balance, has been good at fostering ethnic accommodation and regionally embedded democratic cultures, what about the charge that it has held back national economic development, particularly as the party system has become more regionalized?

The roots of regionalization and the end of the Congress party's long stint as the hub of nationwide political competition can be traced back to Indira Gandhi's time as prime minister. As challenges to her centralized leadership mounted in the 1970s and 1980s, she mishandled conflicts stretching across the northern marches of India from Assam to Kashmir to Punjab. Farther south, in Andhra Pradesh, the Telugu Desam Party rode its call for regional autonomy and its critique of corrupt central leadership to a win over Congress in the 1983 state elections. Indira Gandhi chose to interpret demands for regional autonomy as personal attacks, while relations between Delhi and the states became a pole around which non-Congress forces began to coalesce.

Lower-caste citizens, especially those belonging to the Other Backward Classes (OBCs), began to support new regional parties that campaigned for the extension of affirmative action. Two of these parties, the Samajwadi Party and the Rashtriya Janata Dal (both offshoots of the earlier Janata Dal or People's Party), profoundly altered the politics of the impoverished and heavily populated northern states of Bihar and Uttar Pradesh, home to nearly a quarter of all Indians. By 1989, political regionalization had reached such a pitch that general elections were best read as amalgamating a slew of state-level verdicts rather than as reflecting some single "national mood."¹⁹ From 1989 to 2014, no one party could win a majority in the Indian Parliament. As poorer, lower-caste voters participated in rising numbers, the states became the place where the political action was.

Since the early 1990s, political decentralization and economic lib-

eralization have made the states stronger still. The end of the central government's role in licensing businesses and industries (known as the "permit raj"), a reform adopted in 1991, replaced the old game of center-regional bargaining with a contest among the states to attract investment. India went from a centralized command economy to a federal market economy in which the central government plays a mostly regulatory role and no longer intervenes directly in the economies of the states.²⁰ State governments and their chief ministers have taken center stage. Investors, foreign and domestic, who are interested in India now go not to New Delhi, but straight to the states.

States have a number of tools with which to woo investment. Their ability to provide key inputs such as land, electric power, utilities, and access to natural resources is important. Differences in the regulatory and business climate from state to state go a long way toward explaining why some parts of India are economically dynamic while others struggle with slower growth. Prime Minister Modi led the BJP's successful 2014 parliamentary campaign by pointing to the strong growth record that Gujarat built up during his long spell (2001–14) as chief minister of its BJP government.

The twin processes of decentralization—political and economic—have made Indian states more autonomous. The growth of regional parties, and their involvement in national coalition governments from the 1980s to 2014, has helped to establish checks on the arbitrary use of central power. After 1994, for instance, invocations of President's Rule to dismiss opposition-run state governments markedly declined. Greater state autonomy has made chief ministers more powerful. Growth has filled state coffers and given chief ministers many ways to improve their standing with voters.

Even as power has flowed away from New Delhi, it has become centralized within states as chief ministers have used new resources to craft new programs. Not all of this has happened licitly: States' new regulatory powers under the economic-liberalization regime have allowed chief ministers to collect rents and set up shady funding streams for use in managing the political process.²¹ State-level elections were once known as tough for incumbents to win, but this pattern gave way in the 2000s to the phenomenon of the chief minister with a secure grip on office (Modi in Gujarat being a case in point). The shrewdest chief ministers even learned how to leverage the states' role as primary implementers of many policies to steal credit for popular programs whose plans and resources in fact came from New Delhi.

Within this decentralized landscape, national politicians have often pointed to federalism as an impediment to stronger, more efficient central-government decision making. Prime Minister Manmohan Singh, speaking in 2007 as head of the Congress-led United Progressive Alliance (UPA) that was in power at the time, lamented that even with

“national parties dominating the political scene. . . . the management of Centre-state relations can give rise to serious tensions.”²² And at that moment, national parties were not actually all that dominant. Singh’s own Congress party, long the colossus of Indian politics, had in 2004 won in its own right just 145 Lok Sabha seats—well short of a majority—and thus depended on a congeries of smaller regional parties, as well as the Left Front, in order to build a governing coalition.

The Congress party improved its own seat share to 206 in 2009, but the resulting UPA government (still led by Singh) became mired in a number of corruption scandals as well as a growth slowdown near the end of its term. The BJP complained about what it said was decision-making paralysis in New Delhi, and geared up for the looming 2014 contest by promising voters that it would make the federal system work more smoothly for the sake of national goals. The BJP platform also called for holding national, state, and local elections at the same time in order to end “policy paralysis.”

Discussions of federalism per se may not reach voters, but there is little doubt that part of Modi’s appeal stems from his projection of strong, national power. So far, Modi’s leadership style has alienated state governments that are not run by his BJP, making the vision of genuinely cooperative federalism—of the center and the states working together as “Team India”—seem chimerical. Yet certain major, long-discussed reforms (they have been on the table longer than Modi has been in Delhi) have been agreed on. Perhaps the most significant is the new Goods and Services Tax (GST). This will bring all indirect taxes in India under one common regime, and remove the ability of states to set their own taxes on interstate commerce. The implementation of the GST, however, has been beset by wrangling between the center and the states, and the system of rates is messier than was originally envisaged. In 2017, after the BJP’s sweeping win in the Uttar Pradesh state election, leader writers again called on Narendra Modi to use his party’s dominance to enact further economic reforms.²³ But such appeals increasingly are premised on the BJP’s own electoral dominance rather than on Modi’s ability to bring the center and the states together around a shared platform.

There are good reasons to doubt that federalism and multiparty governments are the main roadblock to making and implementing tough policy decisions. Strategic political leadership—or its lack—matters just as much. Prime Minister P.V. Narasimha Rao (1991–96) had the vision to initiate and the skill to sustain economic liberalization, unfazed by his status as head of a minority government.²⁴ Yet despite examples such as Rao’s, the perception runs deep in India that divided centers of power paralyze governance, and this may feed the public’s appetite for strong leadership. In the World Values Survey, only Russia and Romania exceed India in expressed level of support for “having a strong leader who does not have to bother with parliament and elections.” More

than 70 percent of Indian respondents agreed that this would be a “fairly good” or “very good” thing.²⁵

Narendra Modi’s current political dominance reflects the extent to which he, more so than his party, has captured the popular imagination.

The framers of the 1950 Constitution, living in the shadow of independent India’s birth trauma and desperate to avoid anything like a reprise of partition with its mass bloodshed and legions of refugees, valued national cohesion above all.

Modi has carefully constructed a national appeal around his own leadership. He plays to Hindu-nationalist sentiment and also to the broader desire for prosperity and development, seeking to push aside state-specific factors.²⁶ As noted earlier, he resembles Indira Gandhi in his nationalization of political debate through a politics of drama and crisis. Yet even in 2017, when the big story was the dominance that the Modi-led BJP showed in state elections across

the country, those elections were still decisively shaped by local factors.

Federalism in India has been the product of a compromise, but that compromise was necessary. The framers of the 1950 Constitution, living in the shadow of independent India’s birth trauma and desperate to avoid anything like a reprise of partition with its mass bloodshed and legions of refugees, valued national cohesion above all. Hence their resolve to set down on paper something that had many unitary elements. Yet federalism was the effectual truth of that regime from the outset. Over the last seven decades, it has shown itself able to evolve institutionally in response to the pressures of nation- and state-building, and has thereby played a critical role in democratic consolidation. The power of the center has ebbed and flowed since independence, but the territorial institutions of federalism have endured, helping to keep conflicts from hardening along geographic fault lines that could split India and imperil democracy.

Is that enough, however? In addition to the other benefits that federalism offers, Indians expect it to be good for development too. The fragmentation of the party landscape over the quarter-century before 2014 boosted the number of potential veto players, as did the empowerment of state governments following decentralization in the early 1990s. Central authority, in other words, is not what it once was. Federalism has gone hand-in-hand with, and helped to sustain, substantial regional inequalities that have caused the quality of democracy to vary across the breadth of India. Yet in evaluating federalism we must not lose sight of the reasons why it came into being, or assume that if the impediments to central authority vanished tomorrow, neither democracy nor development would suffer any peril.

As India enters a period of single-party dominance on the national level, and as concerns grow about the implications of majoritarian nationalism, federalism remains a critical arena within which political and institutional checks and balances can do their work. The national has not supplanted the local as the theater of Indian politics. Will federalism and the rights of states become rallying points for those who oppose the BJP? We cannot yet say. What we can predict with confidence is that the states' crucial role in economic life, and the new era of tax-policy cooperation heralded by the GST, mean that federalism will remain central to understanding the evolution of both democracy and development in the years to come.

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