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Overview

What holds India, a vast multi-ethnic country, together in the midst of so many odds? The question is particularly significant because India's unity and integrity has been possible despite democracy. The key to the above success lies in a mode of federation building that sought to continuously 'right-size' the territory of India. The method followed in doing so is called 'states reorganization' in India as a result of which ethno-territorial cleavages have been accommodated and regulated. The result has been durable ethnic peace and political stability. At independence (15 August 1947), India inherited nine provinces and over 560 princely states from the old colonial arrangements. An interim state structure was put in place, but it was recognized that a fundamental restructuring would be required in due course. The process was complex and painstaking but managed to create sub-national units called 'states', mostly on the basis of language; subsequently non-linguistic ethnic factors were also taken into consideration. This chapter focuses on the process of 'states reorganisation' during the 1950s and 1960s, with some discussion of the subsequent processes notably of the strategically important North-East, which has seen various insurgencies. It provides brief 'background' to the process by highlighting the key constitutional and political issues before moving to the main core of the process and constitutional changes associated with the various reorganizations. It seeks to show in particular the nature of institutional responses of the Indian state to ethno-linguistic cleavages with particular attention to the States Reorganisation Commission. The chapter also examines the outcome of these exercises and shows how 'subnational autonomy' became major incentives for the regional political elites. The linguistic 'right-sizing' of the subnational units, coupled with considerations of economic viability and administrative convenience, removed very early on a major source of ethnic conflicts in India. The chapter also examines the comparative lessons learned and concludes with particular reference to the effects of India's on-going neo-liberal reforms (post-1991) that have offered newer challenges for state autonomy and future territorial changes.

Background

India's defining constitutional moment was 1946-49 when the main elements of India's constitutional structure were determined, but unusually the territorial structure of the state was not settled beyond the general idea of a quasi-federal structure. In the event, India's territorial restructuring took place in several phases over many years.

The drafting the constitution was assigned to the Constituent Assembly, which was formed by indirect elections in 1946 before independence and following the major holocaust between Hindus and Muslims, (the 'Great Calcutta Killing of 1946') and the Partition between Pakistan and India. The territorial issues were most perplexing during the constitutional drafting, not simply because India was vast and complex, but more importantly, because territorial issues had factored into the mainstream anti-British nationalist politics led by the Congress since the beginning of the twentieth century, if not earlier. It was recognized that state reorganization along linguistic lines was probably inevitable but given the recent traumas as well as the concern of the Congress Party to focus on building the Union first, the issue was put off. Language has long been politically salient in India, which today has 22 officially recognized languages—most territorially rooted with millions of speakers—and as many as 1549 distinct mother tongues¹; about 10 per cent of the population belong to territorially concentrated aboriginal peoples speaking various dialects; only in the state of Jammu & Kashmir are Muslims in a majority.

¹Bipan Chandra, Aditya Mukherjee, and Mridula Mukherjee, *India After Independence* (Penguin Books 2008) 107.

With the rise of Mahatma Gandhi and anti-British nationalist movements, territorially-based ethno-linguistic identities came to be utilised by Congress for building mass bases. From the beginning of the twentieth century (the India National Congress was formed in 1885), Congress's organisational set-up came to reflect ethno-linguistic territorial cleavages. By 1918, the Congress had formed 21 Provincial Congress Committees, which were all 'vernacular units' and territorially concentrated.² At its Nagpur session in 1920, Congress formally committed itself to reorganising India after independence into a federation based on linguistically based units.³ The Motilal Nehru Report of 1928 reiterated this commitment.⁴

Ethnic issues were never given much weight by the British colonial regime in India, whether by the East India Company until 1857 or directly by the Crown after 1858. First, the administrative boundaries of the eleven provinces that were directly governed by the British (under three presidencies of Calcutta, Madras and Bombay), were not drawn in keeping with ethnic boundaries, so there were ethno-linguistic resentments and conflicts, which very often took the form of regional-national self-determination advocacy by regional elites against those in power, who did not necessarily represent the majority.⁵ For example, in the Madras presidency, the elite was largely western-educated Tamils who were dominant over others, such as the Telegus. This was so even though the colonial authorities as such did not include many Indians in administration and justice. Some ethnic groups, which had received English education, had greater chances of inclusion at the lower levels of administration and justice. This was notably the case for the Bengalis, especially the *Bhadralok* (three top caste groups of Brahmins, Kayasthas and Baidyas)⁶, and higher-caste Tamils, and this subsequently became a matter of much discontent among other ethnic groups in both presidencies, which were ethnically heterogeneous. In reaction, Congress, as the main party of the anti-colonial liberation movements, in the initial years sought more Indianisation of the administration and justice. And the discrimination led to self-determination movements of territorially rooted ethnic minority groups. Historical studies show that from its very birth, Congress was an interregional coalition seeking to craft a composite national entity.⁷ Congress's national ideology was at variance with its continuing cultivation of ethnic aspirations, including by its regional units working to build mass bases. Nationally, Congress's so-called 'composite nationalism' approach co-existed with the rise of ethno-regional nationalities in different regions of India such as Assam, Tripura, Gujarat, and Andhra Pradesh, which Congress promised to accommodate within the future federation of India.⁸ Thus the political elites—most

² As I have shown elsewhere (Bhattacharyya 2010), the INC had been cultivating such cleavages from the late nineteenth century. This was highlighted not only at the all-India fora of the INC, but also, more strongly, by the regional level leaders of importance. See Harihar Bhattacharyya, *Federalism in Asia: India, Pakistan, and Malaysia* (Routledge 2010) 60-65; and Harihar Bhattacharyya, 'Ethnic and Civic Nationhood in India: Concept, History, Institutional Innovations and Contemporary Challenges' in Santosh C Saha (ed), *Ethnicity and Socio-Political Change in Africa and Other Developing Countries: A Constructive Discourse in State Building* (Lexington Book 2008) 181-83.

³ It should be recorded that the even the British authorities were not insensitive to the linguistic factors in governing the provinces. The first two linguistic States, namely Orissa (now Odisha) and Sindh were created by them in 1936. Even before that, the Mantagu-Chelmsford Report of 1918 recognized the issue when it said the 'business of government would be simplified if administrative units were both smaller and homogenous'

⁴ See Bhattacharyya, 'Ethnic and Civic Nationhood in India' (n 2) 181-82.

⁵ A.R. Desai, *Social background of Indian Nationalism* (Popular Prakashan 1948); for a detailed examination of Tripuri nationalism, constructed in the vernacular Bengali, see Harihar Bhattacharyya, 'The Emergence of Tripura Nationalism, 1948-50' (1989) 9 (1) South Asia Research 54.

⁶ For details, see JH Broomfield, *Elite Conflict in a Plural Society: Twentieth-Century Bengal* (University of California Press 1968).

⁷ John R McLane, *Indian Nationalism and the Early Congress* (Princeton University Press 1977).

⁸ Desai (n 5).

notably, Jawaharlal Nehru, following a long intellectual trajectory built by Rabindra Nath Tagore and before him Bhudev Mukhopadhyay⁹—forged unity out of diversity.

India thus inherited from the imperial British different types of cleavages calling for solution. In imperial India, the major cleavage was of course the religious conflict between Hindus and Muslims, which led to Partition on 14 August 1947. However, the religious cleavage remains in India, which has more Muslims than Pakistan, and where Muslims, aside from Kashmir and a few districts elsewhere, are not territorially concentrated. Neither the Hindus nor the Muslims are homogenous. The main political cleavage at independence was between the 560 princely states versus the directly ruled provinces. The ethno-linguistic cleavages were primarily linguistic in character, but they also included tribal affiliations, particularly in the North-East of India. The princely states were of different sizes and socio-cultural complexion and were interspersed between India's provinces. During the colonial period, they enjoyed varying degrees of 'independence' under indirect rule of the British, though the colonial authorities made sure their Political Residents in the princely states keep a constant vigil on the affairs of the kingdoms.

Ethno-territorial cleavages were particularly acute in Madras and Bombay Presidencies, and central and northern India. In 1931 there were 17.7 million Telegus, 4 million Oriyas, 3.7 million Malayalam, and 1.7 million Kannada speakers in Madras Presidency and the minority language speakers were territorially concentrated, while in the Bombay Presidency, there were 3.4 million Gujarati, 3.1 million Sindhi, and 2.6 million Kannada-speaking people. The picture was no less complex in northern and central India.¹⁰ But the cleavages in Madras and Bombay Presidencies were particularly urgent and a hard task for state reorganization.

The Period of Constitutional Engagement

During India's major constitution-making process from 1946 to 1949, the constitution-makers were preoccupied with the pressing problems of 'national' unity and solidarity in the aftermath of Partition, as well as the vexed problem of 'integration' of the princely States. While the issue of the longer-term territorial structure of the country was considered and pushed actively by some elements, in the end, the Constituent Assembly chose not to deal with it substantively, though it did ensure that a powerful procedure was designed that would permit such a restructuring in due course.

The constitution was made by Indians through a constituent assembly elected indirectly by the provincial legislatures elected in 1945. The Constituent Assembly, formed on 11-22 July 1946, owed its origin to the British Cabinet Mission Plan (1946) for a constitutional solution to India's problems of unity between the Hindus and the Muslims and other communities and the princely states. Congress did not accept the whole of the Plan, but the Muslim League led by M A Jinnah did, on the assumption that eventually it would produce a separate state of Pakistan for the Muslims.¹¹ Earlier, the Government of India Act 1935 had, for the first time, provided for a federation for India, and this was partially implemented in the directly ruled provinces; in 1937 different political parties, particularly Congress and the League, took part in elections and formed provincial governments.¹² However, the Cabinet Mission Plan for a federal solution to India's communal problems did not work, notably in

⁹Harihar Bhattacharyya 2011, 'Sensing and Acknowledging India's Cultural Diversity for Nationhood: Bhudev Mukhopadhyaya and Ranindra nath Tagore', *The Calcutta Review*, Vol. XIII Nos. 1 & 2, 102-19; Jawaharlal Nehru, *The Discovery of India* (The Signet Press 1946) 61-62.

¹⁰ Bhattacharyya 2011, 102-19.

¹¹Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford University Press 1999) 5.

¹² Bhattacharyya, *Federalism in Asia* (n 2) 55-57.

relation to the religious cleavage, and India was partitioned on 14 August 1947. The next day, 15 August 1947, Pakistan and India won independence as two sovereign states.

India's Constituent Assembly met for the first time on 9 December 1946, with British concurrence, but the League members boycotted it, which meant about 100 million Muslims were not represented.¹³ With the Partition of the country and the rise of Pakistan, the Assembly became virtually a Congress body, in which the party had a built-in majority of 82 per cent.¹⁴ The Assembly originally had 385 members, including 93 members nominated by the princely rulers. As Granville Austin famously wrote: "The Constituent Assembly was a one-party body in an essentially one-party country. The Assembly was the Congress and the Congress was India".¹⁵ The Constituent Assembly was playing a dual role: drafting the constitution and acting as a Legislature for the Interim Government (1946-49), headed effectively by Jawaharlal Nehru (as Vice-President of the Viceroy's Executive Council). What remained of the League in India joined the government after some hesitation with the purpose of 'wrecking'.¹⁶ Ministers of the Union government had to be members of the Assembly, and they participated in constitution-making. Although top leaders of the liberation struggle (Nehru, Azad, Ambedkar and Prasad) constituted an oligarchy over the Assembly, its internal processes and eight committees appeared to be democratic.¹⁷ Since the leaders in making the constitution were also practitioners in government, the practical insight of governance could be brought to bear upon constitution making. According to Austin¹⁸ [The] shadow of the Oligarchy covered the Assembly Party (of Congress), yet it did not dominate'.

The ethno-territorial issue kept members of the Constituent Assembly (CA) preoccupied for two consecutive days, 17-18 November 1948, in search of institutional solutions in building the Union.¹⁹ The issue came up frequently in the debates of the CA for three-years, but the Assembly did not resolve the problem.) The members with strong ethnic roots from areas such as Madras (now Tamil Nadu) and the Punjab were vociferous in highlighting the self-determination rights of those communities.

At that time, the issue of territorial reorganisation of India meant largely²⁰ the formation of linguistic provinces or sub-national units, to which Congress had committed itself formally since 1920. PattabhiSitaramayya, a leading member of the CA, and Congress party President in 1948, insisted upon solving the problem of formation of linguistic provinces as 'the first and foremost problem.'²¹ The supporters of linguistic provinces even held a conference in New Delhi on 8 December 1946 before the inaugural meeting of the Assembly, and these included such important Congress leaders as the Deputy Speaker of the CA, and a member of the Drafting Committee.²² The records of the meeting of the Congress in early 1947 show clearly that within the party pressure for linguistic

¹³Austin 1999 (n 11) 7.

¹⁴ibid 10.

¹⁵ibid 8-9.

¹⁶ibid 6.

¹⁷ibid 18-21.

¹⁸ibid 22.

¹⁹ Constituent Assembly ---Debates (<file:///C:/Documents> (accessed on 18/12/17) <http://indiankanon.org/doc/1437986> and 16556911 (accessed on 18/12/17)

²⁰ The other part of reorganization entailed integration of some 500- odd princely States of different sizes and complexion. Austin commented: "...the integration of the States apparently presented the Assembly with the federal problem in its most familiar forms', see Austin (n 11).

²¹ibid 241.

²²ibid.

provinces was alive. A meeting on 12 June 1947 even considered the creation of Andhra, Karnataka, Maharashtra and other states. The Constituent Assembly formed the advisory Dar Commission (Linguistic Provinces Commission) on 17 June 1948, which was broadly sympathetic to the cause but cautioned against forming units solely on the basis of language.²³ Congress formed its own high-powered committee to take a second look at the problem. The JVP committee (of Jawaharlal Nehru, Vallabhbhai Patel and Pattabhi Sitaramayya), also came to the conclusion: “We feel that the present is not an opportune moment for the formation of linguistic provinces.”²⁴

The Assembly finally came up with a quasi-federal centralised constitution with two tiers of government whose powers were determined in detail by means of three lists (Union, State and Concurrent). The Union government was made very powerful but the states were given their own jurisdiction and the constitution made the federation administratively decentralised.²⁵ because the Central government was to be ‘all staff but no line’, which meant that the states were not only to implement their own laws, but also to take care of many central government laws particularly those relating to development, and tax collection. The states’ taxing powers were limited but there was provision for a Finance Commission every five years which would recommend a formula for distributing the divisible pool of central taxes amongst the Union and all the state governments. On the more vexed territorial issues, the outcome of the Assembly’s deliberations was to provide for four types of states, with different powers and status, on a basis that was, according to Basu, historical and political.²⁶ When the Constitution was inaugurated on 26 January 1950, India had 27 States of different types, powers and status: the nine directly ruled former provinces were made part A states; the 226 princely states (geographically contiguous to the provinces) were merged to form the category B states; 61 relatively small states were converted into the category C states and the rest were merged into the category A States.²⁷ The Andaman and Nicobar Islands and Acquired Territory, if any, were placed under the category D. Despite this territorial recasting and merging, the Assembly chose not to resolve the ethno-territorial cleavages at that time. However, it kept the issue alive in Articles 2 and 3 of the Constitution, which gave the Union Parliament virtually unilateral power to create new states, alter the boundaries of the states, change the name of the states and so on.²⁸ It could do this by a simple majority vote in Parliament. The only protection for existing states was that the legislatures of directly affected states were to be consulted before the Union parliament decided. This provision is extraordinary in a federal context and is one of the reasons why the Indian constitution is sometimes referred to as quasi-federal.

The rights to religion and language (including script and minority culture) were made fundamental and placed under Part III of the Constitution (“Fundamental Rights”), which was important symbolic, non-territorial recognition of identity. The 8th Schedule contain provisions for official recognition of languages. While any territorial claim on the basis of religion was ruled out²⁹, there was provision for both non-territorial and territorial recognition and accommodation of languages. Thus, the

²³ibid 242.

²⁴As quoted in ibid.

²⁵Ronald L Watts, *Comparing Federal Systems* (3rdedn, McGill-Queen’s University Press 2008).

²⁶Durga Das Basu, *Introduction to the Constitution of India* (Prentice-Hall of India 1997)69.

²⁷Bhattacharyya, *Federalism in Asia* (n 2) 89.

²⁸These two articles, particularly Article 3, on the face of it, are anti-federal because they compromise with the territorial integrity of the federal units. In effect, however, they proved to most effective in India’s federation building since the early 1950s, see Harihar Bhattacharyya ‘India creates three new states’ (2001) *Federations: What is New in Federalism worldwide* (Vol.1, No.1..

²⁹Articles 25-30 of the Indian Constitution dealing with the freedom of religion and associated matters do not allow any scope for statehood demand on the basis of religion.

Constitution provided for a federal structure with various types asymmetry for accommodation of ethnic identity, while the guiding political goal remained ‘unity-in-diversity’.

Political mobilizations and constitutional changes were interlinked. As indicated above, Congress had conceded to language-based territorial claims of statehood from the beginning of the 20th century and had recast its own provincial units accordingly. Although Congress had committed itself to the principle at its Nagpur Secession in 1920, after independence, for a variety of reasons (the memories of the religion-based Partition in 1947 following the ‘great’ communal riots in 1946 and the consequent dislocation), Congress rulers at the Centre showed reluctance on the issue, but not for long, as its various language-based units were at the forefront of the movements for territorial recasting.

There was a “chorus of calls”³⁰ for a new language-based political map of India almost immediately after independence. In each of the linguistically distinct regions, different constellations of forces mobilized around the issue, but the local units of Congress always favoured creating a linguistic state.³¹ The leaders within Congress—more specifically leaders of its Provincial Committees—were the main actors fighting for linguistic units. But there were also regionally-based parties and groups, including associations, formed specifically to demand a linguistic state.

One of the strongest movements was on the part of the Telegus, whose demand for a linguistic state dated from 1916³². The fast unto death, on 15 December 1952, of Sri Potti Ramalu, a committed Gandhian who demanded a Telegu-speaking state of Andhra Pradesh³³ triggered large-scale violence in the region. The state of Andhra was then carved out of Madras on 1 October 1953, thus forcing the larger issue of state reorganization to the fore.

Despite initial reluctance and hesitancy³⁴, the central government headed by Nehru could no longer ignore the issue. Nehru announced in Parliament on 22 December 1953 that a Commission would be appointed to examine “objectively and dispassionately” the question of the reorganisation of the States of the Indian Union. A State Reorganization Commission (SRC), was formed on 29 December 1953, headed by S. Fazl Ali (a former judge), with two other commissioners, H. N Kunzru (a Kashmiri *Pandit* and scholar and legislator of long-standing) and K. MPanikkar (a noted historian). The Commission was to report by 30 June 1955 and submitted its report (after an extension) on 30 September 1955. Its mandate was as follows:

The Commission will investigate the conditions of the problem, the historical background, the existing situation, and the bearing of all important and relevant factors thereon. They will be free to consider any proposal relating to such reorganization. The Government expect that the Commission would in the first instance, not be going to the details, but make recommendations in regard to the broad principles.....³⁵

³⁰Joseph ESchwartzberg, ‘Factors in the Linguistic Reorganization of Indian States’ in Paul Wallace (ed), *Region and Nation in India* (Oxford University Press1985) 161

³¹ Even the Communist party supported it in order to identify itself with the ‘regional nationalism of the Telegu people’, as a means of building a mass base for the party. For details, see Mohan Ram, ‘The Communist Movement in Andhra Pradesh’ in Paul R. Brass and Marcus F. Franda (eds), *Radical Politics in South Asia* (MIT Press1973)291.

³²ibid.

³³ For details on the movement for Andhra Pradesh, see Ram 1973 281-325.

³⁴As Roger King points out that Nehru had some reservations about the outcome of the language-based movements for territorial recasting because he thought it would benefit only some dominant castes behind those movements. Roger King, *Nehru and the Language Politics in India* (Oxford University Press 1997).

³⁵*State Reorganization Commission Reports, 1955*, Preface.

The Government deliberately avoided any special mention of the linguistic principle in this mandate. This was in tune with the previous positions of the Dar Commission (1948) and the JVP Report (1948) of the Constituent Assembly, but at variance with Congress's direct espousal of the linguistic principle during the struggle for freedom at least from 1920.

The SRC invited submissions from the public and other parties and received a total of 152,250 of which 2,000 were considered as 'well-considered.'³⁶It toured the country for one year, visiting 104 places and interviewing some 9,000 people of all walks of life. It was mandated to consider all factors, but the main criterion remained language. In estimating mother tongue populations, the SRC depended on the 1951 Census Reports, which did not go below the 'taluk' or 'tehsil' (block level administration-revenue units) level, so that village level data could not be estimated.

The SRC's report made clear that its criteria went beyond, language: '[A]fter full consideration of the problem in all aspects, we have come to the conclusion that it is neither possible nor desirable to reorganize States on the basis of the single test either of language or culture, but that a balanced approach to the whole problem is necessary in the interests of our national unity.'³⁷The SRC's so-called 'balanced approach' entailed recognizing 'linguistic homogeneity as an important factor conducive to administrative convenience and efficiency', while repudiating the 'home land concept' of 'one language one state'.³⁸It commented that the creation of Andhra Pradesh included factors such as cultural affinity, administrative convenience and economic well-being, along with language.³⁹Moreover, the solution to ethno-linguistic cleavages entailed a lot of territorial adjustment to give a manageable shape to a new state.

In brief, the Commission recommended the creation of sixteen states, linguistically as homogenous as possible, by means of transfer of some territories up to the block level from one to the other, merger of some linguistically dominant territories into one state (such as Kerala), bifurcation of some states into two, keeping as is such Hindi-speaking states as Bihar, Uttar Pradesh and Rajasthan (with minor territorial adjustments) but recommending the creation of the only new Hindi-speaking state of Madhya Pradesh. Orissa (now Odisha) and Jammu and Kashmir were recommended for no change. Telangana was not recognized as a separate state but recommended for inclusion in Hyderabad.

Thus, the Commission was trying to make states linguistically as homogeneous as possible, by cutting and pasting, mutual transfer, and merger. Nonetheless, the question of linguistic minorities was unavoidable which is why the SRC reiterated the constitutional safeguards (under Article 347) for minority languages to have instruction in the mother-tongue at the primary school level and suggested that the domicile tests in place in many States be liberalized and simplified for the advantages of the linguistic minorities (under Article 16 (c)).

Parliament passed the States Reorganisation Act 1956, doing away with the three categories of States in the 1950 Constitution and putting all States on an equal footing in terms of powers and authority (except Jammu and Kashmir whose accession to India took place under very 'special' circumstances

³⁶Schwartzberg (n 30) 164.

³⁷*State Reorganization Commission Reports, 1955 (Government of India) ` vol1 ch 3, 45.* The so-called 'balanced approach' is reiterated in SRC Report vol 4, 254.

³⁸ibid 45-46

³⁹ibid SRC Vol.4, 254.

about which, interestingly, the SRC made no recommendations). The Government accepted most of the SRC's recommendations, but made some modifications in the States Reorganization Act⁴⁰

1. Andhra Pradesh, (Andhra, restyled) was enlarged with the addition of the Telegu-speaking people from the Telengana region of Hyderabad (the largest former princely state ruled by a Muslim dynasty)⁴¹
2. Mysore, a former princely state, already integrated to India, was enlarged by absorbing the Kannada speaking areas of Hyderabad, Bombay and Madras.⁴²
3. Bombay was made a bilingual state (Marathi and Gujarati) by adding of Maratha speaking areas of Hyderabad, Central Provinces and Berar, and the Gujarati speaking areas of Saurashtra and Kutch.
4. Central Provinces was renamed Madhya Pradesh, though diminished in the south by the loss of associated areas of Berar but enlarged by the merger of three other Hindi speaking areas of Madhya Bharat, Vindhya Pradesh, and Bhopal.⁴³
5. Punjab was enlarged by the merger of the Punjab and East Patiala States Union (PEPSU) to form the second bilingual state where the Hindi speakers were dominant in the South and the Punjabi speakers in the north.
6. Kerala was created by enlarging Travancore-Cochin by absorbing a portion of the Malabar Coast of Madras to form the Malayali speaking state. In this case the SRC recommendations were mostly followed.

Thus, as a result of the implementation of the States Reorganization 1956, 14 new or revised states with equal powers and status emerged, largely respecting the SRC proposals. The other minor changes in respect of Bihar and West Bengal were adhered to. However, Tripura was not merged in Assam.

The SRC's proposals and new state creation did not satisfy all stakeholders. For example, the creation of a bilingual (Marathi and Gujarati) state of Bombay was strongly opposed by groups among both the Marathi and the Gujrati people. The leadership of this opposition was provided by Samjuka Maharashtra Samity (a united front with the Communists and other left parties such as the Praja Socialist Party) in Maharashtra⁴⁴ and the Maha Gujarat Janata Parishad in Gujarat. Anti-Congress opposition parties in Gujarat supported by students, farmers, workers, artisans, and businessmen, organised a powerful protest, which resulted in 80 deaths in 1956 due to riots that broke out in Bombay.⁴⁵ The whole situation went to such an impasse that a respected Congress leader, C. D. Desmukh, then Finance Minister in the Central Cabinet, resigned. On the other hand, a large section of Congressmen also joined the movement for a United Maharashtra.⁴⁶ The strong movement for a United Maharashtra was linked with the fate of the Gujaratis, who were deeply concerned that they

⁴⁰Schwartzberg (n 30) 165.

⁴¹ The SRC's recommendation was that the Andhra Pradesh should continue for the time being as it is except some minor adjustments. *State Reorganization Commission Reports, 1955, Vol. 4, section VI "Proposals for Reorganization", 257.*

⁴² The SRC recommendations was to form Karnataka including Mysore and other Kannada speaking areas of Madras, Bombay, Hyderabad and others. (*State Reorganization Commission Reports, 1955, 257*), The Mysore State became Karnataka on November 1, 1973 with the *Mysore State (Alteration of Name) Act, 1973* (India). Also see, PM Bakshi, *The Constitutions of India* (Delhi Law House 2014) 349.

⁴³ In this case also, the SRC recommendations were mostly followed.

⁴⁴Ram Joshi, 'Maharashtra' in Myron Weiner (ed) *State Politics in India* (Princeton University Press 1967) 197-98.

⁴⁵ Chandra, Mukherjee, and Mukherjee (2008) (n 1) 128-29.

⁴⁶ibid 129.

would be a minority in the new state of Maharashtra. Violence and arson spread to Ahmadabad and other parts of Gujarat, with sixteen people killed and 200 injured in police firings.⁴⁷

Thus, the first major phase of state reorganization in India was not entirely a peaceful process and important ethno-linguistic issues were left unresolved. The question of the most linguistic minorities could not be avoided, but only minimised to a large extent. States reorganisation ensured that the combined percentage of all linguistic minorities in a state should not be more than half of the population, but there were several cases where linguistic minorities totalled more than 40 per cent of the population: in descending order, they were Jammu & Kashmir; Rajasthan, Punjab, and Assam.⁴⁸ Mysore had a diversity of languages, but the total minority did not exceed about one third. In the rest of the cases, the figure was about 22 per cent.⁴⁹ These remaining numerous minorities were thus significant, but reorganization had, remarkably, reduced the combined linguistic minorities nationally from more than 50 percent of the total population before 1956.

In the 1960s there was a round of reorganisation along mostly linguistic lines in respect of bilingual Bombay and Punjab. After the major disturbances and movements in Bombay, the Bombay Reorganisation Act 1960 gave birth to two linguistically more homogenous states of Maharashtra (with the majority Marathi-speaking people) and Gujarat (with the overwhelmingly Gujarati-speaking people). Bilingual Bombay had linguistic minorities that constituted as much as 49%, mainly Gujarati along with tribal peoples and migrants. No wonder, the Gujaratis demanded and got their State of Gujarat in 1960, which even today is the most linguistically homogenous state in India.

Punjab's reorganization was perhaps the most complex in the 1960s, and it underwent two stages – 1956 and 1966 – before it was resolved. It is the lone case in India where the religious factor weighed along with the linguistic one. The SRC had rejected demands, largely from the Sikh-supported Shiromani Akali Dal, for a Punjabi-speaking state to be called Punjabi Suba. The Commission found that Punjabi was not sufficiently grammatically distinct from Hindi to qualify as a language; however, the situation was complicated because the religion was as at least as much a factor as language. The Hindu-based Jan Sangh (renamed the BJP in 1980) opposed creating this state on the ground that it reflected a “communal demand”.⁵⁰ Congress was also opposed. For many “the linguistic argument (was) considered to be merely a camouflage for the eventual creation of a theocratic state.”⁵¹ The SRC 1955 did not recommend the division of Punjab; on the contrary, it proposed to merge the PEPSU (a state created in 1948 combining 8 princely states) and Himachal Pradesh with Punjab.⁵² But the Government of India's 1956 reorganisation did not adopt a ‘united Punjab’ but decided to merge only the PEPSU with Punjab, keeping Himachal Pradesh as a separate entity.⁵³ This arrangement gained some territories (the PEPSU; 20 districts) for Punjab, with Hindus remaining a large majority (63.7 per cent) and the Sikhs a clear minority (33.3 per cent).⁵⁴ But things changes with the very adamant Punjabi Suba movement, Lalbahadur Shastri as the new Prime Minister after the death of Nehru, and unsettling international factors (the Chinese invasion of India in 1962 and the Indo-Pak war in 1965), so the Centre gave in and decided to partition Punjab into three states: the south-east Hindi-speaking area was formed into a new state of Haryana; the Punjabi-speaking but Hindu populated areas of the

⁴⁷ *ibid.*

⁴⁸ Schwartzberg (n 30) 165

⁴⁹ *ibid.*

⁵⁰ Chandra, Mukherjee, and Mukherjee (2008) (n 1) 129.

⁵¹ Baldev Raj Nayar, *Minority Politics in the Punjab* (Princeton University Press 1966) 322-23.

⁵² *State Reorganization Commission Reports, 1955*, vol.4, 258.

⁵³ Nayar (n 51) 444.

⁵⁴ *ibid.*

Himalayan territory were attached to Himachal Pradesh; and the rest of the truncated (with one-fifth of the territory of pre-independence Punjab) Punjabi-speaking areas were delineated as Punjab.⁵⁵ The city of Chandigarh, with a Union Territory status in the Indian Constitution, remains the joint capital for Punjab and Haryana. But the creation of Punjab, truncated though it was, became a state in which the Sikhs became a majority for the first time with about 55 percent of the population, the rest being the Hindus and others.

By 1966, the Government had achieved major reorganization of the states within the mainland India but had not addressed the complex issues in the North-east. The region, connected by a narrow strip of land to mainland India and surrounded on three sides by international borders (China, Bhutan, Myanmar and Bangladesh). is India's most sensitive strategically and a major security concern. It is also known as India's 'insurgent country'. The North-East is very distinct from the rest of India in terms of history, demography and political institutions. During British colonial rule, it was largely kept isolated from the mainland. It was divided into the North East Frontier Province, Assam (a directly governed British Chief Commissioner's province), and Manipur and Tripura as two ancient princely States. (Sikkim formerly a kingdom and inhabited by people mostly speaking Nepali joined the Indian Union in 1974 as an 'Associate State' to be promoted to a (full) State in 1975.) Historically, the region had different, often tortuous, trajectories of being incorporated into the British Empire.⁵⁶

With slightly less than 4 per cent of India's population, but over 25 per cent of its tribal peoples, the region's persistent ethnic movements and political militancy, occasional ethnic genocides, and geographic isolation have made it a problem area of India. The large security forces deployed there are second only to those in Kashmir,⁵⁷ and the Armed Forces Special Powers Act (1958)(AFSPA) has regularly been in force in parts of the region. This has increased disaffection and increased support for insurgent movements, particularly in Manipur. The North-East's seven states (except Sikkim) of today are the result of many phases of territorial recasting since the early 1960s.

To begin with Nagaland was the first state to be carved out of Assam in 1963 comprising the Naga Hills District of Assam. The British colonial authorities kept the hills as an 'excluded area' but since independence different Tribal Councils governed the areas. The creation of Nagaland as a State in 1963 was something of an exception, as well as a trend-setter, in the history of territorial reorganization of the region for two reasons. First, the Nagas declared independence after the lapse of British suzerainty in India, but after protracted warfare with the Indian security forces and negotiations with the Government, the famous Naga Peace Accord (known as the Naga-Akbar Hydari Accord 26-28 June 1947 at Kohima) was signed by the representative of 10 Naga tribes and the Governor of Assam providing for the constitution of a Naga Council with a lot of autonomy in respect of land and other customary rights^{58c} Secondly, this was followed by another accord called 'the Sixteen Point Agreement',

⁵⁵Gurharpal Singh, *Communism in Punjab: A Study of the Movement Up to 1967* (Ajanta Books International.1994) 30.

⁵⁶See Sanjib Baruah, *India Against Itself: Assam and the Politics of Nationality* (University of Pennsylvania Press 2005); Sanjib Baruah, *Durable Disorder: Understanding the Politics of Northeast India* (Oxford University Press 2005); Shibani Kinkar Chaube, *Hill Politics in Northeast India* (Orient Longman 1973); Harihar Bhattacharyya, *Communism in Tripura* (Ajanta Books International 1999); Subrata K Mitra and Harihar Bhattacharyya, 'The Multicultural Challenge: The Post-Colonial State and Subnational Movements in India's North-East' in L Basta-Fleiner and others (eds), *Rule of Law and Organization of the State in Asia: The Multicultural Challenge* (Fribourg: Institute of Federalism 2000); Subir Bhaumik, 'North-East India: Evolution of a Post-Colonial Region' in Partha Chatterjee (ed), *Wages of Freedom: Fifty Years of the Indian Nation-State* (Oxford University Press 1998); Balmiri Prasad Singh, *North-East India: The Problem of Change* (Oxford University Press 1987).

⁵⁷Bhaumik (n 56) 326.

⁵⁸P S Datta, *Ethnic Peace accords in India* (Vikas Publishing House 1995) 156-60.

26-27 July, 1960, between the Naga People's Convention and the Government of India⁵⁹ providing for the creation of the State of Nagaland, essentially on an ethnic basis. Accordingly, the Indian Constitution was amended (Thirteenth Amendment 1962) which added a special provision, Art 371-A, providing for special autonomy for the state in relation to religious and social practices, Naga customary law (including civil and criminal justice) ownership of land and its resources.

Tripura and Manipur had very limited political institutions of governance as the Chief Commissioner's provinces until they were granted Union Territory status in 1962, which was an improvement. The Union Territory status had been accorded to Mizoram and Arunachal Pradesh (NEFA renamed) in 1971. Meghalaya was made an autonomous sub-state in 1960 within the State of Assam (by the Assam Reorganization Act 1960) and made a State in 1971. Tripura and Manipur were also made States by the same North-Eastern States Reorganization Act 1971. Mizoram and Arunachal Pradesh became States in 1987. In the cases of Mizoram, Manipur, Tripura and Arunachal Pradesh, the territorial trajectory was from a Union Territory to Statehood with autonomous powers within the Indian Union. For the tribal dominated units such as Mizoram, Meghalaya and Nagaland, the prior experiences in the Tribal District Councils (under the 6th Sch.) seemed to have paved the way for demanding greater territorial status such as Union Territory and finally Statehood.

The Nagas set the trend in achieving statehood after insurgency and in nearly all cases, militant political movements and ethnic peace accords have preceded the formation of the desired territorial status. Tripura and Manipur were cases apart as the former princely kingdoms, but both had political movements demanding statehood—in Tripura the movement was spearheaded by the Communist Party, which was the most powerful force locally. In the cases of the three Christian dominated States (Mizoram, Meghalaya and Nagaland), the local Baptist Mission in the late 1960s was quite active in pushing for statehood on the basis of religion, but soon switched to tribal ethnicity, realising that a territorial entity based on religion would not be accepted.

The territorial reorganization in the North-East was quite distinct from that of mainland India in terms of the criteria and the constitutional evolution. But what was common was political mobilization, i.e., there were political parties of different hues, mostly regionally based, which were at the forefront of movements for statehood. However, language was not a criterion here, but tribal ethnicity was. With the exceptions of Tripura, Assam, and partly Manipur, other states were too linguistically diverse to use language as a criterion for territorial delimitation. Even though Manipuri is recognized as an official language, the persistent controversy about the right script has meant that official business is transacted in English and Hindi. In the case of Tripura⁶⁰, the ancient identity with the princely region was the main plank of the CPI fighting for statehood status. None of the tribal-dominated States in the region has only one dominant tribe; for example, there are various groups of Nagas. In Arunachal Pradesh, the picture remains the same. In the latter, the protection of traditional cultural identity of the tribes was the main consideration.⁶¹ While conceding tribal district councils (under 6th Sch of the Constitution) was easier for tribal dominated areas, the statehood movements in Mizoram, Meghalaya and Nagaland entailed long processes of ethnic violence and ethnic peace accords. Strategic considerations have played an important role in conceding statehood status to these small units in order to transform yesterday's ethnic rebels into tomorrow's stakeholders, who then take charge of upholding law and order and political stability. In most cases except Arunachal Pradesh, tribal leaders

⁵⁹ibid.

⁶⁰The SRC recommended its merger with Assam but the Government of India did not accept the proposal.

⁶¹Jhumpa Mukherjee, *Conflict Resolution in Multicultural Societies: The Case of India* (Sage Publications 2014)90-92.

made use of the rhetoric of national self-determination, as is evident in the terms of the ethnic peace accords⁶².

The region today has a population of over 30 million and seven states, most of which are very small, compared to other Indian states. It is not as violent as before although there are still ethnic militants, who often engage in extortion and mindless violence. However, a major and unresolved territorial issue remains, namely the Bodoland question in Assam. A Bodo Territorial Council for the Bodos (plains tribes) was formed after two ethnic peace accords in 1993 and 2003 in an area where the Bodos are no longer a majority; even so, 30 of 46 seats have been over reserved for the Bodos to the dismay and continuing discontent among the non-Bodo tribal and non-tribal communities which comprise about 70 per cent of the population. With this outstanding exception, the successive states reorganization in the region has been responsible for enduring ethnic peace and political order.

India's reorganisation of its territory has remained somewhat incomplete even today, although most of the potential roots of ethnic conflicts have been addressed. In many cases, the status of Union Territory with very limited or no real autonomy and political institutions of governance, preceded the formation of states—as happened in Goa, Arunachal Pradesh and Mizoram in 1987. Goa had its distinctive identity as a former Portuguese colony as well as the Konkani language, which was a factor. (Konkani was constitutionally recognised as an official language in 2004.) In the other two cases in India's North-East, strategic considerations, tribal ethnicity and increased ethnic insurgency in the 1980s were factors—which lead to Ethnic Peace negotiations and Accords.⁶³In 2000 the BJP-led coalition at the Centre created three new states: Chhattisgarh out of Madhya Pradesh, Jharkhand out of Bihar and Uttarakhand out of Uttar Pradesh.⁶⁴In these cases, not language, but regional underdevelopment, tribal ethnicity and ecology were criteria, which represented a concession by the BJP-led National Democratic Alliance, which had believed in creating states only on administrative criteria. Finally, in the lead-up to the election of 2014, the Congress led coalition at the Centre addressed the long-standing question of Telangana, a new Telegu-speaking state carved out of Andhra Pradesh. Both the Congress and BJP led party coalitions were committed to this for different reasons and for the first time the Union parliament used its unilateral powers to create a state against the wishes of the state that was losing territory.

Outcome

State reorganization has happened in several phases: during the 1950s and 1960s; the early 1970s; the late 1980s; 2000s; and, finally in 2014. This political engineering has resulted in major changes in the federal political structure of India and been largely successful. Over time, the arrangements gave shape to Indian federalism. The late W.H. Morris-Jones observed:

States Reorganisation is best regarded as clearing the ground for national integration. It seems at least likely that refusal to grant political recognition to the cultural areas would have focused and held all political attention on this one spot. The newly refashioned units, it is true, have a self-conscious

⁶²In the rest of India, ethnic peace negotiations and accords were conspicuous by their absence because unlike the rest of India, India's North-East were infested with militant and often underground ethnic militancy.

⁶³Datta (n 58) 142-52.

⁶⁴Bhattacharyya, 'India creates three new states' (n 28); Louise Tillin, *Remapping India: New States and their Political Origins* (Oxford University Press 2014).

coherence and pride but they are willing, thus equipped, to do business with the Centre, to work as part of a whole that is India.⁶⁵

Linguistic states have not weakened the centre or paralysed the federal structure – new states got themselves involved in cooperating with the centre for planning and economic development apart from maintaining the law and order, as an important competence of the States. Why India, the world's most socially and culturally diverse country, has been able to hold itself together despite many odds, is greatly due to the effective institutional engineering in the 1950s and 1960s, and subsequently too, which managed to recast and create subnational units with the purpose of making linguistically homogenous units as far as possible. As a result, the Telegus got their own state (Andhra Pradesh); Malayalis, their Kerala; Marathis, their Maharashtra; Tamils, their Tamil Nadu; Gujaratis, their Gujarat; the Sikhs, their Punjab, and so on. In the latter case, language could not be of the same use as in others, but the Sikhs were desperate and therefore finally even settled down with a truncated Punjab. As the late Khuswant Singh,⁶⁶ commented with a great dose of emotion:

The only chance of survival of the Sikhs as a separate community is to create a State in which they form a compact of groups, where the teaching of Gurumukhi⁶⁷ and the Sikh religion is compulsory.⁶⁸

India's federation-building though is far from complete. There have been further demands for reorganisation and more demands are being made even today. As of December 2017, there were demands for at least nine new States, all by way of bi-furcating of the existing ones, such as Harit Pradesh (from western UP), Purbachal (from eastern UP), Vidarbha from Maharashtra and Bodoland from Assam. But language has since not figured prominently in calls for constitutional change. In the case of the North-East, with seven federal units where the process was largely completed in 1972, tribal affiliations rather than language played the most important role. In the three states created in 2000, a complex of regional identity, tribal identity, ecology, and underdevelopment were factors. The latest case of Telangana is a unique story⁶⁹ in the sense that with its creation in 2014 there are now two states in the south of India where inhabitants speak the same language, although the regional distinctiveness of Telangana has remained important.

Since the political parties have been the most important factor, or actors, in eking a new state out of an existing state, it is important to make some reference to the outcome of state creation on India's party system and the federation in general. That the provincial units of the Congress party were themselves the main actors in successfully getting a state out of some existing ones helped resolve intra-party tensions and create a better base of party support in the new states. Up until the fourth general elections in 1967, state reorganization largely consolidated Congress's mass support in the regions and reinforced the one-party dominant 'Congress system', as it was called. However, there were exceptions of strong ethnic and regionally based parties, such as the Sikh-based SAD party in Punjab, the Mizo National Front in Mizoram, and others in the northeast. After 1967 Congress units

⁶⁵WH Morris-Jones, *The Government and Politics of India* (4th rev edn, The Eothen Press 1987) 101.

⁶⁶Khushwant Singh, *A History of the Sikhs, Volume 2: 1839-1964* (Princeton University Press 1966) 304-05.

⁶⁷The Script of the language (Punjabi).

⁶⁸For details, see Khushwant Singh, *A History of the Sikhs, Volume 1: 1469-1839* (Princeton University Press 1960).

⁶⁹ The States Reorganization Commission of 1955 had not recommended for the creation of a separate state, but recognized the Telangana issue with due considerations: After taking all factors into consideration, we have come to the conclusion that it will be in the interests of Andhra as well as Telangana if, for the moment, the Telegus area is constituted into a separate State which may be known as the Hyderabad State with provisions for its unification with Andhra after the general elections likely to be held in or about 1961.....'See *State Reorganization Commission Reports, 1955*, vol2, chap 5,107.

in many states increasingly were not able to hold on to their bases as more parties with a sharp focus on ethnic or regional identity emerged to challenge Congress dominance. The GMK (1967) in Tamil Nadu is a strong case in point. Other such parties followed suit adding fuel to the growing erosion of support for Congress in the States. Further regionalisation of India's party system since the 1980s has meant the near end of the 'Congress system', or the 'one party dominance'. As Congress's hold declined, it turned to regional parties as part of national level coalition governments and this has continued with BJP led coalitions. Despite the very good majority obtained by the BJP in the 2014 Lok Sabha elections, it had to depend in a pre-poll alliance on various regional parties to for its success. Since the late 1960s, centre-state relations have deteriorated with the states run by non-Congress parties asserting more autonomy thereby creating considerable tensions in the dynamics of the federation.⁷⁰ The BJP (born in 1980) was hardly affected by the process, but the creation of three new States in 2000, when the coalition led by the party was in power, benefitted the BJP only temporarily because its political base in the new states dwindled. It has very often depended on state-based tribal parties or movements, such as the Jharkhand Mukti Morcha in the case of Jharkhand, for forming coalition governments in that state. In Chhattisgarh and Uttarakhand, the other two states it created when in office, it has seen its political fate alternate with that of Congress.

The creation of many sub-national units through states reorganization has meant more democratic legitimacy to the whole federal system by bringing the government closer to the people in a large very populous country such as India. During the struggle for independence the Congress party had created its Provincial Committees in accordance with ethno-regional considerations that brought the party closer to the people and linguistically more intelligible to them too. This had happened since the emergence of M K Gandhi in Indian politics in the early 1920s. This democratization accompanying states reorganization has not, however, produced equal political dividends for Congress because the latter upheld always, in public, pluralism, and hence could not fully identify itself with the sub-national forces of ethno-regionalism; many strongly ethno-regionalist oriented political forces emerged and took away the political mantle.

States reorganization has also produced another impact in the internal dynamics of State politics. Since some major caste and classes were the leading interests behind the demand for states reorganization, and the main beneficiaries, formation of new States has also resulted in the proliferation of region and sub-region based political parties and groups demanding territories based on micro-ethnic identity. But given their size and concentration, they were not powerful enough to pose serious challenge to the system as a whole. In some cases, sub-state level territorial authority as per the Constitution has been conceded which territorialized conflicts.

States reorganization has also created new, apparently insoluble, problems in some cases. Since the creation of Nagaland in 1963 as India's first tribal ethnic state, various Naga rebel groups kept demanding Nagalim, a greater Nagaland, which would incorporate the Naga inhabited areas in the neighbouring states of Assam, Arunachal Pradesh and Manipur. On 3 August 2015 Prime Narendra Modi signed a 'Framework Agreement' with the National Socialist Council of Nagaland (Issac-Muivah group) whose content is still not available publicly. On 27 September 2017, 8 Naga groups were invited to New Delhi by the Union government for talks but so far nothing has come out as of spring 2018. There is, however, strong opposition from the affected states to part with their territory particularly because the affected states were not taken into confidence by the Prime Minister Modi when he signed

⁷⁰Harihar Bhattacharyya, 'Globalization and Indian Federalism: Reassertions of States' Rights' in Hans Lofgren and Prakash Sarangi (eds), *The Politics and Culture of Globalisation in India and Australia* (Social Science Press 2009) 99.

the 'Framework Agreement. If the Nagas get their Nagalim, it would produce repercussions throughout India, and adversely affect the multicultural mosaic of the country and the states within it.

But such exercises, as above, have helped India recognise ethno-linguistic cleavages and identities, accommodated them by providing relative autonomy within the federation, and thus turned yesterday's ethnic rebels into today's and tomorrow's defenders of law and order, responsible also for the delivery of some public goods to the people. As I have argued elsewhere,⁷¹ this has satiated what I have termed 'thick nations' and facilitated their willingness and role in the development of the 'thin nation', i.e., nation as a political community, which is in short supply still in India.

Lessons Learned

The fact that the states have relatively autonomous powers has meant that recognition of major territorial cleavages through state reorganization—whether linguistic, ethnic, tribal or even quasi-religious (as in Punjab)—has been able to relieve tensions within the federation and provide major groups with a sense of self-government. In addition, the transfer of some territories between the states has promoted mutually congenial existence between some contiguous units, although inter-state border disputes remain in many cases, especially in the north-east. While statehood helped resolve conflicts and relieve tensions within the federation, it produced differential effects, notably those who spearheaded the movement for statehood—the political elites and groups (linguistic, caste, class, and tribal) that they represented—were the main beneficiaries⁷². Linguistic and other minorities within the new states were often disadvantaged or even discriminated against in civil service employment, political representation, and services, such as linguistic education. Thus, the dominant castes of the Kammas and the Reddys in the Andhra movement, or the Lingayats and the Volkyaligas in the case of Karnataka, were the key players and the main beneficiaries in their states. In the case of Punjab, which became a Sikh-majority state, not all Sikhs benefitted equally: the Jat Sikhs, the dominant castes emerged in control, while the Harijan Sikhs (the poorer and labouring classes) had little influence in state politics. However, this very fact of dominance in certain states meant that the controlling groups were able to maintain political order and stability.

The criteria determining the creation of India's states have proven flexible, so that over time the federation has become composed of states that are very different in size and in their underlying character. The early state creations were essentially linguistic in character, though even then other criteria weighed and some major linguistic reorganizations, notably the creation out of Maharashtra and Gujarat out of Bombay, were put off in the first round. Overtime other criteria became more central as the Centre responded to insurgencies and political mobilization. Thus, in the northeast, ethnic and tribal factors were key, and they led to states that are much smaller than those in mainland India. In the case of Punjab, language was given as the primary official justification for creating the state, but the real pressure was more religious in character. In practice certain informal criteria have developed and been widely accepted about state creation: demonstrable popular support; appropriate leadership; economic viability; and the non-secessionist nature of the movements. In all official

⁷¹Harihar Bhattacharyya, 'Federalism and Competing Nations in India' in Michael Burgess and John Pinder (eds), *Multinational Federations* (Routledge 2007) 50-68; Bhattacharyya, 'Ethnic and Civic Nationhood in India'.

⁷²Roger King pointed out that that Jawaharlal Nehru 'was initially a little reluctant in conceding to linguistic statehood was because he saw in such 'linguistic chauvinism' the lurking interests of the dominant castes and classes, see King (n 34).

pronouncements on the issue, language apart, the administrative convenience, and economic viability have always been emphasised since the days of the Dar Commission (1948).⁷³

On process, India's unique arrangement whereby the Constitution assigns almost unilateral powers to the Union parliament to redraw states has served the country well. In fact, it has almost always been done with the consent of the affected states (Telangana was an exception) and on occasion the Centre has backed down on the inclusion of some territory in a new state in face of resistance by the state of origin. But given the political map of India at the outset, and the progressive mobilization of territorial groups over time, the flexibility of the Indian constitution has served the country very well. This procedure stands in stark contrast to that in most federations, where no state's boundaries can be altered without its consent. While at the end of the day the process is largely political, the use of official commissions, most notably the State Reorganization Commission in the 1950s, provided an effective way to come up with a coherent set of proposals, based on extensive study and consultations. There was never any question in India of referendums to validate such changes and it is hard to imagine that they would have been helpful. Each commission's recommendations were subject to political review and in some cases significant adjustment.

The staging of the process of new state creation served the country well. Most cases were conducted peacefully and through normal political debate and mobilization, though in some cases, notably in the northeast, reorganization came in response to violent ethnic mobilisation followed by peace accords. It can be argued there were incoherencies in the staging of the process, e.g. not dividing bilingual Bombay in the first round of linguistic state formation, but these were of minor long-term importance. What has been more significant has been the ability of the huge and complex Indian system to respond to developments and pressures affecting millions of people as they arise. There is no way that the current map of 29 states could have been drawn in one step during the 1950s. And the process is not over. Even now, there are pressures for the creation of yet more states, such as breaking up Uttar Pradesh, which has well over 100 million people. However, the unfulfilled cases of statehood demand are not the major issues in current Indian politics. That strongly suggests that the recurrent state reorganizations have worked in India in ensuring relative political order, unity and peace despite complex diversity.

Another aspect of India's approach to progressive staging of state creation which holds lessons is that resizing did not always lead directly to full state powers for the new units., but in some cases was accompanied by a staging of the transfer of powers. This was especially the case in the northeast where the new units sometimes had different statuses—Union Territory, Sub-Statehood (Sikkim) or Tribal Autonomous District Councils with considerable autonomy, or Associate Statehood (Meghalaya and Sikkim)—before they became full states. India has various asymmetric arrangements, such as the Special Category States (financially very dependent on the Centre) and the provisions for Autonomous Tribal District Councils (in the North-east) (as an example of asymmetric arrangement within asymmetry), that have added further flexibility to the process of accommodating diversity, while promoting better order and political stability.

The successes of achieving territorial ambition by the major ethnic groups have produced ill-effects for the linguistic and ethnic minorities, who in turn have mobilized against 'ethnic deprivation' and for the protection of their identity. Such minorities, often called 'micro-minorities', are quite sizeable, in numbers and proportion. In other words, the political principle of majoritarian rule that is at work

⁷³This was India's first linguistic commission formed in 1948 to advise the Constituent Assembly of India on linguistic statehood.

at all levels of the polity creates the fear among minorities of being dominated and deprived. This has not always resulted in demanding a separate statehood because of the lack of territorial compactness. The democratic protections of a non-territorial nature under Articles 345 and 347 of the Indian Constitution are supposed to help. But these non-territorial safeguards are no match for the control over government and administration by an ethnic or linguistic majority. The findings of the National Commission for Linguistic Minorities of the Ministry of Minority Affairs, the Government of India (2010) are alarming: it found that in most States adequate constitutional steps have not been taken to protect linguistic minorities.⁷⁴

This calls attention to the effects of *majoritarian political principle* at work at all levels of the polity. India's social plurality has arguably not been reflected to the desired extent in the institutional arrangements. Too often, the institutional accommodation of identity has been essentially mono-ethnic, rather than multi-ethnic, within the territorial units. This reflects the majoritarian principle but runs counter to the social and cultural plurality at the ground level. 'The winners take it all' principle may not be as accommodative of plurality. In nearly all cases, right-sizing the States has produced linguistic and other ethnic minorities. Territorially dispersed as they are, their capacity to create effective political pressures are limited.

Finally, while state reorganization can answer some needs, it may not respond to others. The on-going neo-liberal reforms in India since 1991, which have transformed India from a public sector dominated to a private sector, market-driven economy, may have rendered territorial demands for statehood less attractive than before. The states today have to compete for investment, foreign and indigenous, and promote trade and business in their realm; the days of assured central financial support and the Planning Commission (abolished in early 2015) grants to supplement the State Plans are gone. Not all the states have reaped the benefits of reforms since 1991, which are concentrated in a few so-called 'Forward States'. The States in the North-East, for instance, have not benefited at all from investment because of a host of constraints (land-locked, remote location, security, and unproductive land). But then as India's 'security region', they receive various kinds of grants for development from the Centre. However, the latest reports on India's public policy performance strongly suggest that even the states in the North-east have performed well in a variety of welfare and empowerment activities, including better rule of law compared to India's advanced states.⁷⁵ This adds, arguably, to better social cohesion among the diverse population in these states too. One can safely conclude that India's recurrent territorial reorganizations have been the most powerful factor responsible for India's enduring political order and stability.

⁷⁴National Commissioner for Linguistic Minorities, 'Introduction to the NCLM' (*National Commissioner Linguistic Minorities*) <<http://www.nclm.nic.in/index1.asp?langid=2>> accessed on 18/12/17.

⁷⁵Rajeev Malhotra, *India's Public Policy Report 2014: Tackling Poverty, Hunger and Malnutrition* (Oxford University Press 2014).

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CONTRIBUTING ORGANIZATIONS

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The Center for Constitutional Transitions (CT) generates and mobilizes knowledge in support of constitution-building by assembling and leading international networks of experts to produce evidence-based policy options for decision-makers and agenda setting research, in partnership with a global network of multilateral organizations, think tanks, and NGOs. CT has worked with over 50 experts from more than 25 countries. CT's projects include Security Sector Reform and Constitutional Transitions in New Democracies; Territory and Power in Constitutional Transitions; Security Sector Oversight: Protecting Democratic Consolidation from Authoritarian Backsliding and Partisan Abuse; and Semi-Presidentialism and Constitutional Instability in Ukraine. <<http://www.constitutionaltransitions.org/>>

The Foundation Manuel Giménez Abad for Parliamentary Studies and the Spanish State of Autonomies

The Foundation Manuel Giménez Abad for Parliamentary Studies and the Spanish State of Autonomies is a Foundation with a seat at the regional Parliament of Aragon in Zaragoza. Pluralism is one of the main features of the work of the Foundation. In fact, all activities are supported by all parliamentary groups with representation at the Parliament of Aragon. The main objective of the Foundation is to contribute to the research, knowledge dissemination and better understanding of parliamentary studies and models of territorial distribution of power. In general terms, the activities of the Foundation are concentrated in four key areas: political and parliamentary studies; territorial organization; Latin America; and studies on terrorism. <<http://www.fundacionmgimenezabad.es/>>

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