

# Divide To Rule? Federal Innovation (And Its Lack) In South Asia

## Abstract

*Ethnofederalism is too readily dismissed as a solution for accommodating territorially concentrated minorities within a state. This contribution demonstrates that although there are real concerns when these groups are not included within central decision making institutions or have their autonomy threatened by the centre, territorial autonomy for these groups increases rather than decreases their affinity with the central state. It is therefore a solution that should not be dismissed out of hand, although care needs to be taken when groups are intermixed and non-territorial autonomy may be necessary in addition.*

## Introduction

Most of what we now know as South Asia has always been governed through the concession of territorial autonomy. This was as true under the British Raj as it was under the Mughals. The area was too religiously, linguistically and territorially diverse for any other solution to have been adopted. In the formal constitutional negotiations in the early twentieth century, federalism was formally adopted as part of the Government of India Acts of 1919 and 1935. Federalism was adopted after independence in the successor states of India and Pakistan, although not without contestation, particularly concerning the boundaries of the federal units, the language(s) that the federation would operate in, the provinces' representation in governing institutions as well as the powers that they would receive.

This short contribution focuses on the boundaries of the federal units, of the creation of what is known in the federal literature as 'ethnofederalism' when the boundaries of at least one of the units of the federation corresponds to those of the group within it (Hale 2004, 167). The boundaries of the units of both India and Pakistan at independence bore little correspondence to the various groups that lived within those units. Before independence, demands had been made for the redrawing of provincial boundaries around group identities. This had been achieved in some cases, such as Sindh and Orissa, but many decisions were deferred until after independence.

## Federal Solutions after Independence

After independence however, both India and Pakistan's new leaders were reticent to undermine national unity through recognising 'subnational' identities. This was partially the result of the violence of partition, but both Nehru and Jinnah had favoured a centralised state before independence. Nehru favoured the model of centralised planning, while in Pakistan, the recognition of regionally concentrated language groups potentially undermined the unity of the Muslim homeland. Both leaders were worried that ethnofederalism would lead to the weakening of the centre, and potentially, the Balkanisation of their states. They shared this in common with other critics of 'ethnofederal' solutions (see Anderson 2014 for a discussion of these).

Despite their leaders' common concerns, India and Pakistan diverged in their constitutional solutions for their diversity. India, after initially recognising the rights of its multilingual provinces to choose their own languages, allowed for the territorial reorganisation of the country into more homogeneous units. The central Congress leadership did so under protest, after elements within the Congress Party vociferously protested against their leaders' failure to countenance the redrawing of the political map. The internal borders of India were redrawn in 1956 along *de facto* linguistic lines, although the States Reorganisation Commission recommended a balanced approach between language, economic viability and administrative convenience. This process of 'right sizing' (Callaghy, O'Leary et al. 2001), has continued, in India with other tranches of reorganisations in the 1960s, 1970s and 2000s. Most of the later reorganisations were undertaken along non-linguistic lines, for example the tribal recognition of the 1970s or the caste or development narrative of the states created in the 2000s (Tillin 2013). The process continues, with the creation of the 29th state of the Union – Telangana – in 2014. It is unlikely to be the last.

In Pakistan, a state with a much weaker political leadership after partition, the protracted constitutional negotiations finally (in 1956) came up with a federal formula that reorganised the territorial boundaries of the country. The internal reorganisation was in a different manner to that of India however, and merged all the units and princely states of the western wing of Pakistan into one province: West Pakistan. The so-called One Unit Plan was a device to counterbalance the demographic dominance of its Eastern wing: renamed East Pakistan. Both provinces received equal weighting in the National Assembly, despite the majority of the population (55 percent) of Pakistan residing in the eastern wing. This constitutional arrangement only lasted two years, with martial law declared by Ayub Khan in 1958. In 1970, his successor, Yahya Khan nullified the One Unit Plan resulting in the restoration of the three western provinces (albeit with their boundaries altered to include the princely states), and the creation of a new one, Baluchistan). The restoration of democracy in Pakistan

precipitated its breakup, after the leaders of the western wing refused to recognise the democratic mandate of the politicians of the eastern wing. After the secession of Bangladesh in 1971, although the constitution of Pakistan was rewritten, the opportunity was not taken to reorganise the political map and Pakistan's federation continued with only four provinces. In 2009 the area of Gilgit Baltistan was given semi-provincial status but has yet to be fully integrated as a fifth province of Pakistan, with representation in the National Assembly.

## India

The legacies of the original decisions were profound. In the case of India its willingness to continually reorganise its internal boundaries accommodated many groups and enhanced the representativeness of the Indian state. It has also accommodated other demands for linguistic recognition. Thus, not only were provinces (then states) allowed to choose the language(s) that they operated in, the Indian state retained English as an official language in addition to that of Hindi. This was essential, as many of the states in the south and the northeast of the country did not speak Hindi (spoken by only 30 to 40 percent of the population) and resented the assumption that it was the 'national' language of the country. This

accommodative framework, far from leading to the Balkanisation of India, ensured that multiple identities were encouraged to develop. Evidence for this can be found by reading Moreno surveys on the allegiance of Indians living in different areas of India to their national or regional identity, or a combination of both. Although there are differences between regions, with the South and the East more likely to report feeling 'regional' than those in the North or West, there is a clear majority in all regions for feeling either more national than regional or equally national and regional. The inclusion of Indians from all over India in core central institutions, including that of the cabinet has also promoted this unity (Jayal 2006).

## National versus Regional Identity in India

	Only national	More national	Equally national and regional	More regional and less national	Only regional	No Opinion
North	41	7	20	5	10	17
East	26	19	15	13	17	10
North-East	20	7	32	9	15	17

West	42	7	27	5	10	10
South	23	22	15	20	13	7
India	32	12	21	10	12	13

Data taken from the State of Democracy in South Asia Survey (2008).

Of course, there are areas of India, particularly in its non-Hindu peripheries, where it has only managed to maintain its territorial integrity through the use of extreme force. There are several reasons for this. First, although India reorganised its units along ostensibly linguistic lines, almost half of the states of India retained significant heterogeneity. In those cases the locally dominant group felt threatened – as witnessed in Assam, Nagaland and Punjab – often leading to the violent targeting of minorities within the units. Second, where democracy or effective autonomy has been undermined, as in the case of Punjab, Jammu and Kashmir and most of the North-eastern states where state governments have been regularly dismissed, tensions with the centre have increased (Adeney 2007). It is notable that in Kashmir, where electoral manipulation was commonplace, insurgency did not develop until the late 1980s, after the rigging of the 1987 election. The securitisation of the response from the centre through the use of mechanisms such as the Armed Forces Special Powers Act also increased conflict. Although ten people lost their lives at the hands of police bullets in the Patidar protests in 2015 in Gujarat, the situation is incomparable to the use of pellet guns in Kashmir in 2016 (Adeney 2017). Within six months 100 people were estimated to have been killed and 6000 injured. Therefore, violent conflict cannot be divorced from the fact that these states have seen their effective autonomy being reduced.

## Pakistan

In contrast, the unwillingness to make compromises over language alienated many groups from the Pakistani state. This included Bengalis whose language was not recognised as State Language on par with Urdu until 1954. It was only belatedly accorded this recognition as a quid pro quo for giving up its demand for a majority of seats (to which they were entitled on the basis of their demographic majority) in the National Assembly. Language policy also alienated other groups within Pakistan, notably Sindhis. It was only after the constitutional redrafting in 1973 that provinces in Pakistan were able to choose to operate in a language other than Urdu. This alienation was compounded by exclusion from the core institutions of



the state. Bengalis, Sindhis and Balochis all suffered from underrepresentation in institutions such as the army and the bureaucracy (Adeney 2009). In addition, their provinces suffered from a lack of investment, or, in the case of East Pakistan, under-development, as the resources of the East were extracted to finance the development of the West, particularly that of Punjab province.

## National versus Regional Identity in Pakistan

	Only national	More national	Equally national & regional	More regional & less national	Only regional	No opinion
Urdu	60	8	9	4	16	3
Hindko	51	19	7	9	11	3
Punjabi	47	17	12	4	15	5

Pushto	33	16	17	5	22	7
Seraiki	32	10	13	10	29	6
Sindhi	23	11	8	9	36	14
Balochi	18	18	16	3	17	28
Pakistan	40	14	12	6	20	8

Data taken from the State of Democracy in South Asia Survey (2008).

The refusal to redraw provincial boundaries ensured that Pakistan's federation exited with a very low number of provinces. This has not only exacerbated conflict between provinces (e.g. the tension between East and West Pakistan) but also meant that the larger provinces in terms of population – East Pakistan before its secession in 1971 and Punjab after 1971 – threatened the other provinces by their demographic majority. In the case of the Punjab, its domination was compounded by the over representation of Punjabis (or sections of Punjabis) in the core institutions of state such as the army and the bureaucracy. As Henry Hale has argued, 'ethnofederal states are more likely to collapse when they contain a core ethnic region – a single federal region that enjoys dramatic superiority in population' (2004, 166). Given that many of the units of the western wing were linguistically heterogeneous, the basis for a reorganisation of provinces along linguistic lines exists – although it must be conceded that parties supporting particular reorganisations (such as those agitating for a Seraiki province (out of Punjab) or a Hindko speaking province (out of Khyber Pakhtunkhwa)) do not receive much electoral support. In addition, any reorganisation of provinces would have to face up to the thorny issue of the city of Karachi, and demands for it to be separated from the province of Sindh, which would be explosive.

## Lessons for Other Federations

Federal (re)design continues apace in the region and elsewhere. In the South Asia region, federal discussions continue in Myanmar and Nepal. The case of India demonstrates that demands for "ethnic" provinces, such as in the Seraiki region of Pakistan and in the Madhesi regions of Nepal are likely to increase rather than decrease affinity with the central state. It also prescribes that these territories should be made as homogeneous as possible. The states of India that have continued to experience violent conflict after territorial reorganisation along 'ethnic' lines have been those in which sizeable pockets of diversity remain e.g. Nagaland and Assam. Where such diversity remains, non-territorial power sharing is necessary in addition to territorial models (Bhattacharyya, Suan Hausing et al. 2017).

However, this comes with a caveat: such autonomy should be part of a wider accommodation of groups within central power structures. Access to central power is important and Pakistan's failure to include all of its provinces within central power structures has undermined the affinity of many of its groups to the states. In states such as neighbouring Myanmar and Nepal it is important not to pursue a majoritarian-led democratisation. A truly representative democratisation is vital for federations to accommodate territorially concentrated groups successfully.

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#### Further Reading

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