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Indian Federalism

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The federal fact is central to the understanding of contemporary
Indian politics. Federalism has imparted resilience to Indian democ-
racy. Traditionally, the concept of federalism involved relationships
between central governments and federated units. Defined in legal-
constitutional terms as different power distributions between the
central government vis-à-vis the states and local governments, they
typically limited relationships to those between governments, notably
between various actors in the executive branch.

Going beyond this classic framework of inter-governmental
relations, in this survey, we attempt to draw out the complexities of
interaction between levels of government. The positive trend that we
discern in this survey is a movement from federalism as a structure
to federalism as a multilevel government process. We take particular
note of the various different ways in which institutions of government
interact with each other in the Indian federal system in order to assess
to what extent they integrate with contemporary research in compara-
tive federalism.

The term 'interaction' has deliberately been chosen to acknowledge
the expansion of the actors and groups involved in contemporary
federal governance (Arora *et al.* 2008). It is hardly necessary to

stress the significance of *contextual change* for interaction. The research surveyed, at its best, has sought to explain the range of parties between whom interaction takes place, the purposes and varieties of interaction, and the challenges that result.

For this survey, 1998 has been retained as a notional starting point. This is the point where three factors acquire salience: the bi-nodal system emerged and gave a new structure to the federalized party system, which in turn facilitated the transition to federal coalitions. These three elements are crucial to understanding the future course of federal development.

While every problem in Indian politics and democracy has a federal dimension, we are concerned here, primarily, with those works that are explicitly aware of the federal fact and have given it sufficient space in their research design. Federalism goes beyond decentralization in terms of its implications for democratic government processes. The listings in this chapter are deliberately restricted to those studies that do not merely consider federalism as incidental to their concerns but deem it to be central to the understanding of the problems they seek to study.

The comparative dimension and the integration of studies on Indian federalism in larger frameworks are, in our view, to be given due importance. The period under review marks the conclusive end of Indian exceptionalism in federal studies, a trend that was noticeably on the decline in the 1990s (Burgess 2006; Forum of Federations 2005–10; Watts 2008). We take special note of studies that have attempted theorization on the basis of the Indian experience, with a view to situating it in the comparative federalism perspective.

In the last decade, one of the most prominent characteristics in the literature on federalism and political parties in India has been the movement of India from being a troublesome outlier in comparative politics to a case that could not only be compared but also contributes to theory building and testing (Lijphart 2007a, 2007b; Linz *et al*. 2007; Sridharan 2007; Stepan 2007a, 2007b). Much of this upsurge indirectly comes from the global interest in the politics of a resurgent economy operating in a federal framework.

The first-generation problems of Indian federalism, which correspond to the period of Congress dominance, continue to attract researchers even after their salience had waned. The major features of the period under review are defined by the simultaneous shift in

economic policy and political dynamics. Many of the reforms suggested by Sarkaria have entered the system through a process of slow assimilation, which could be characterized as osmotic reform. Osmotic pressure results in subtle or gradual absorption through porous partitions. The federal reform process shares many of these characteristics, where continuity of form often conceals change of substance.

The Inter-State Council laboured on the Sarkaria recommendations painstakingly for many years in an effort to hammer out a federal consensus. On the more contentious ones, like the powers of governors or the imposition of president's rule, two other systemic interventions ensured that the recommendations were implemented. The judiciary read them into its judgements and the state-based parties ensured that they were eschewed in the name of 'coalition compulsions'.

Three major factors characterize the federalism that emerged from the impact of changes in the economic and political ambience of the 1990s. First, new political dynamics pushed the system in the direction of what might be termed polycentric federalism. One of the axioms of federal theory, as propounded by Daniel Elazar, is that federalism goes beyond mere decentralization, and is in fact non-centralization. This implies the existence of multiple centres of power, both vertically and horizontally. Vertically, this would entail multilevel federalism, for which the institutional foundations exist constitutionally but which has yet to be translated into federal practices (Elazar 1987; Rudolph and Rudolph 2010).

Horizontally, polycentric federalism would contribute to making the polity more federal by giving it wider roots. This involves the dispersal of powers not merely in spatial terms but also in terms of the autonomy of all-India institutions such as the Mumbai-based Reserve Bank of India or the Delhi-based Election Commission and the Comptroller and Auditor General. Their non-partisan functioning is essential for securing the non-centralization conducive to effective federalism. We also note the role of the National Human Rights Commission (NHRC) and the National Commission for Minorities (NCM) in promoting a civic culture favourable to federal principles. The generalization of the practice that has developed of associating the leader of the opposition with appointments to certain independent institutions, independent of the government of the day but accountable nevertheless to the Parliament, would also make a valuable contribution to the deconcentration and dispersal of power centres

necessary for polycentric federalism. The association of states in these processes appears a distant dream, given the insignificance of bodies and organizations intended to represent them at the national level.

Second, the emergence of information technology as an instrument for participation and which gave new vigour to civil society organizations is further enhanced by the Right to Information Act. This development has yet to be fully assessed in terms of its implications for the federal polity. Technology is inherently neither centralizing nor decentralizing; it could be a powerful instrument in either direction. For example, the unique identity scheme could be a powerful centralizing tool unless accompanied by an independent regulatory authority that would oversee its implementation and safeguard the rights of citizens from invasive technology abuse. The penetration of the federal principle through civil society organizations could be a countervailing force to many such tendencies that operate in the opposite direction.

Finally, the reinvention of the regulatory role of the central state through the mediation of a new set of 'independent regulators' has given centre–state interaction a different texture. Regulatory bodies have been crafted in such a way that the power to give directives remains with the Union government. There is a wide array of institutions in this complex regulatory architecture, institutions that are intended to be 'independent' or 'autonomous'. Some have been given constitutional safeguards and prescribed modes of appointment intended to buttress their non-partisan character. Since their ambit extends to all levels of the federal system, the safeguard of their independence from the government of the day is of prime concern. Others, like the Central Bureau of Investigation, or even the Central Vigilance Commission, are supposed to be manned by independent professionals but are frequently subjected to central pressures and influence. The new crop of regulatory agencies, like the Telecom Regulatory Authority of India, have gained an all-India jurisdiction but insufficient institutional autonomy, without which they may find it difficult to be impartial when conflicting or competing central and state interests are involved.

The means available to states that wish to resist the neo-liberal economic policies promoted by the Union and follow their own path of development have dwindled sharply. Unfunded mandates have made them dependent on continued central funding, with attendant

conditionalities and monitoring. Competitive federalism, which made its first appearance in the rush to attract foreign direct investment (FDI), has entered a second phase where states vie for central investments in projects that are often operated in the public–private partnership mode with little or no space for the participation of the states.

The motors and vectors of change became more complex with the resources generated by sustained economic growth and the multiplication of centrally-sponsored schemes in a wide variety of sectors of direct and immediate relevance to the states. Institutional innovations also followed, in the shape of the National Advisory Council, whose contribution to federalism remains to be assessed.

In the next section of this survey, we will deal with research on the institutional framework for multilevel federalism, and how it has adapted to the changes that have occurred under the impact of endogenous and exogenous forces. In a formal sense, it is not so much the institutional framework that has changed. The real transformations have taken place in the realm of federal processes. However, much of the research on the institutional framework remains focused on 'first-generation' issues which were highlighted by the Sarkaria Commission.

The following section looks at research on the ways in which the party system and electoral processes have impacted Indian federalism. It is here that we detect the emergence of new actors and institutional innovations. Polycentric federalism is seen in operation with the federalization of the party system. Institutional innovations designed to sustain governance for economic growth become necessary, the most striking example being the use of the Group of Ministers (GoM) device to maintain coalitional cohesion. We also survey an impressive body of literature on the political economy of Indian federalism, notably its fiscal redistribution arrangements.

The penultimate section deals with research on issues related to the diversity that is encompassed by the Indian Union, and the responses to challenges posed by uneven growth and aspirations for greater autonomy. Asymmetric federalism comes into focus here, and the demands of a pluricultural society on federal institutions are very much in evidence, especially in relation to the states in the Northeast.

The concluding section will attempt to draw attention to the issues that could be fruitfully explored in greater depth by researchers, by

drawing attention to the gaps that remain in an otherwise active area of academic enquiry.

THE MULTILEVEL INSTITUTIONAL DESIGN OF INDIAN FEDERALISM

Since 1989, India has witnessed a shift from a one-party dominant system to a multiparty configuration at the national level and an extremely diversified set of party systems at the state level. This has engendered the phenomenon of 'divided government' such that the two Houses of the Parliament and state legislatures are controlled by different sets of coalition governments at the Union as well as in many states. As a result, inter-governmental negotiations and policy harmonization have acquired critical importance.

There exists a substantial body of literature that focuses on the structure of executive organs at the central and state levels. Most of the studies are however more concerned with the relationship between the executive branch at the two levels of government. The traditional forums for these negotiations are the National Development Council, the Inter-State Council, meetings of executive heads of governments, and ministerial and secretarial conferences from the Union and the states. These interactions are all along the vertical axis, which is the predominant pattern of inter-governmental relations in India. However, there are emerging trends of horizontal inter-state interactions during the period surveyed. As metropolitan or urban governance acquires a new urgency with increasing urbanization, there is a possibility of horizontal relations among at least metropolitan city councils becoming more salient than before. This is an area on which more empirical evidence is necessary before any conclusive assertions can be made.

Arora (2002) argues that inter-governmental interaction has acquired critical importance in the era of coalition politics and multiparty governments. It has been observed that the central government's coordinating role has manifested itself through a regular series of meetings at different executive levels to come up with a common agenda on specific issues, such as power sector reforms.

Sáez (2002) comes to the conclusion that organizations designed for managing inter-governmental relations in India are unimportant and ineffective, through a critical scrutiny of the Inter-State Council.

The Council has clearly not been allowed to develop to its full potential as envisaged by the framers of the Constituion. The importance of inter-governmental interactions in India has gradually been increasing and the process is likely to not only continue but also accelerate in the years to come. Sáez also foresees increased jurisdictional conflicts due to the absence of effective mechanisms to cope with competing interests.

Saxena (2002) shows that Indian and Canadian federalism have many common features, which is not surprising since the Government of India Act, 1935 was partly modelled on the British North America Act (1867), the precursor of the Canadian Constitution. The Sarkaria Commission report (Government of India 1988) had given more attention to these mechanisms and had recommended that they be given constitutional status. The report was submitted to the Home Minister in December 1987. Two decades after the Sarkaria Commission (ibid.) submitted its report, and citing the 'sea change' that had occurred since then, the central government set up another commission headed by Justice Madan Mohan Punchhi. The Punchhi Commission was given a mandate in which internal security concerns figured prominently. Its terms of reference were alive to the chal-lenges before the Indian federation in an era of profound changes under the impact of globalization, terrorism, and climate change. The Commission has recommended the empowerment of the Rajya Sabha as a federal second chamber by amending the Constitution to introduce equal representation to states qua states and the restoration of the domiciliary requirement of the members of the Rajya Sabha representing the respective states.

The Commission submitted its report on 31 March 2010, along with background studies containing a wealth of information on the functioning of the federal system. Earlier, the studies which accompa-nied the report of the National Commission to Review the Working of the Constitution (NCRWC: 2002) also constitute a rich source of under-exploited data for researchers.

Legislative Federalism

'Legislative federalism' is a characteristic of systems where the federal second chamber becomes an important instrument for articulating state rights or interests. This is typical of presidential federal systems built on the principles of separation of powers combined with division

of powers. These features entail governments with fixed tenures and powerful federal second chambers.

Legislative federalism of this type is predictably a weak instrument for settlement of inter-governmental disputes in parliamentary federal systems, for the simple reason that the directly elected parliamentary chamber eclipses its popular legitimacy. A constitutional amendment in the Representation of People Act, 1951, in August 2003 by the National Democratic Alliance (NDA) government abolished the domiciliary requirement for members of Rajya Sabha elected from a particular state. Another change that was made was the abandoning of the secret ballot in the election, so that the party leadership could more effectively ensure party discipline in voting.

Former Rajya Sabha member, Kuldip Nayar (2006), filed a petition in the Supreme Court arguing that this is destructive of the Rajya Sabha's representative credentials as a federal second chamber. The Supreme Court, which in recent years had been exercising its power of interpretation and review to promote the federal principle, surprisingly did not support this contention.

Studies of the Rajya Sabha have interpreted its design and role essentially in the parliamentary paradigm and underestimated its federal credentials and relevance. The point of departure for this work is the query whether the Rajya Sabha is a secondary parliamentary chamber, as Shastri (2007) has argued, or whether it has emerged as an effective federal second chamber, especially since the regionalization of the party system. M.P. Singh (2005) underlines the point that the advent of the multiparty system at the national level and differentiation in party systems of various states has considerably redefined the role of the Rajya Sabha. Singh points out that the Lok Sabha has always been under the government majority and Rajya Sabha under oppositional majority, reflecting the party configuration in state legislatures. With this development, he asserts that the federal/regional relevance of Rajya Sabha has come into greater prominence.

Shastri (2007) has made a detailed and comprehensive study of the profile of members of the Rajya Sabha. On the basis of this study, he argues that even though the makers of the Constitution downplayed the regional and federal character of the Rajya Sabha, in actual practice, its membership reflects a strong regionalist background in terms of previous legislative experience. Mehra (2003) also opines that the Rajya Sabha has not been an effective federal second chamber.

There are occasional all-India conferences of presiding officers of central and state legislatures where they share experiences and views on procedural issues regarding the functioning of legislatures. Legislatures at both levels do not have structures to oversee the conduct of inter-governmental relations by the executive. There are no parliamentary or legislative committees charged with this responsibility. This would appear to be a major gap in the enforcement of the principle of parliamentary accountability over executive federalism in India.

Judiciary and Indian Federalism

We now consider research on the role of the federal judiciary, and in particular the Indian Supreme Court, in balancing federal (Union)–state relations. The federal judiciary was initially accommodative, and perhaps excessively so, of the views and policies of the Union executive. However, during the period under review, the judiciary has repeatedly sought to curb the powers of the executive and the Parliament (Chopra 2006) in order to safeguard fundamental rights and prevent the enactment of constitutional amendments that could undermine the federal nature of India. Two factors, operating in tandem, have played a significant role: the transformation from a one-party dominant system to a multiparty system on the one hand, and judicial review and activism on the other. The first factor has arguably increased the scope for the second. Most studies on the judiciary have however little to say on its role in settling Union–state disputes.

Bhatia (2003) examines some landmark decisions of the Supreme Court that explicate federal features of the Constitution. More specifically, he focuses on cases of inter-governmental relations in matters relating to legislative and executive competence, ceding of territory of a state to a foreign country, acquiring land by the Union in a state, constitutional failure of state governments, and general cases—the clash between constitutional and electoral mandate, the basic structure of the Constitution—which have significant systemic implications. In Bhatia's estimation, the Court has generally been quite judicious and balanced in its role as an adjudicator, though there appears to be a gradual transition in its jurisprudence from a centralist to an autonomist thrust as well as a paradigm shift from procedural to substantive review. Bhatia asserts that the intervention of the judiciary has clarified and harmonized many aspects of centre–state relations.

Saxena and Singh (2010) argue that the role of the judiciary has increased, and the Court has become more receptive to the position of regional actors. Dhavan and Saxena (2006) analyse the role of the judiciary in three different spheres, namely, in context of President's rule in case of a failure of constitutional machinery in a state, the exercise of the treaty-making power by the Union executive, and in judicial resolution of disputes between Union and states. They argue that in 1993, the Court, while exercising judicial review over Union's power to impose president's rule on the states, declared that 'federalism' is part of the unalterable basic structure of the Constitution, beyond the reach of even the plenary power of constitutional amendment.

With regard to the Union's wide executive power in foreign affairs, Dhavan and Saxena (ibid.) also argue that self-fulfilling multilateral treaties, like the World Trade Organization (WTO) agreements, have transformed Indian governance. At least three states filed cases in the Supreme Court questioning the Union's right to enter into treaties without consultation with, if not the consent of, the states. Dossani and Vijaykumar (2006) have examined how the centre has accommodated the views and interests of some states in the making of its foreign policy.

Mazoomdar (1995) opines that the position taken by the Court in the Bommai case is unlikely to be reversed both on account of the constitutional principle of federal autonomy of states and the growing power of regional parties in the evolving political process in the country. His conclusion is that a strong federal system is in the process of being consolidated.

Multilevel Federalism

Since the Seventy-third and Seventy-fourth Constitutional Amendments (1993), local self-government institutions, though they continue to be the creatures of state legislations, have acquired a constitutional sanction. This has lent them a greater regularity in terms of elections, financial allocations from the Union and state governments, some participation in local governance and planning, as well as contracts for local public works. Yet, these panchayat and municipal bodies have a long way to go. No state legislation has devolved in practice all the powers envisaged for them in the Eleventh (29 subjects) and Twelfth (18 subjects) Schedules of the Constitution.

A study by Jayal *et al.* (2006) shows that the massive political mobilization and equitable representational effect of the first round of Panchayati Raj Institutions' (PRIs) elections in the country is evident from the fact that 31,98,554 representatives were elected to the village panchayats throughout the country. The 5,736 intermediate panchayats were put in place with 1,51,412 members. The 467 zila or district panchayats comprised 17,935 members. The decentralization of powers and funds, of course, left much to be desired.

V.N. Alok (2006) observes that developments such as Union Finance Commission's cognizance of the local bodies, the Right to Information Act (2005), National Rural Employment Guarantee Act (2005), and a law granting semi-judicial powers to panchayats are expected to reduce the gap between their de jure and de facto status and empower them with the three requisite 'Fs': functions, finances, and functionaries. Rajaraman (2003, 2008) shows how the financial situation of the panchayats has evolved and what remains to be done in this domain.

Vyasulu (2008) in a study on the functioning of local governments argues that in Madhya Pradesh, the PRIs played an important part in implementing the Education Guarantee Scheme of the state government where more than 20 per cent increase in literacy was registered in the 1990s. One study asserts: 'The involvement of the local self government institutions in planning has undergone little change over the past. Recent evidence suggests that even elections have remained problematical in many states' (Issac and Franke 2000: 7).

The state of affairs of the urban governments in India has remained largely under the bureaucratic domination of state governments. Municipal institutions, notably city councils, have elbowed out from their legitimate local self-government roles by a large number of state government agencies dealing with urban development utilities and services. The undemocratic nature of urban governance is well attested by the Seventy-fourth Constitutional Amendment Bill: 'In many states local bodies have become weak and ineffective on account of a variety of reasons, including the failure to hold regular elections, prolonged supersession and inadequate devolution of powers and functions. As a result Urban Local Bodies are not able to perform effectively as vibrant democratic units of self-government'.[1]

O.P. Mathur has this to say on the state of research on urban governance: 'The existing state of knowledge is barely sufficient to describe the institutional base at the level of cities. Virtually, nothing

is known about the process of governing the urban areas; even less is known as to what distinguishes the governance of larger cities from smaller ones'(Mathur 1995: 68). According to Mathur, urban local government finances are in a bad shape. In 2000–1, municipal finances were a mere 0.63 per cent of the gross domestic product (GDP). In 2001–2, relative shares of own-source revenue in percentage terms were very skewed: 3.07 for municipalities; 39.5 for state governments; and 57.5 for the Union government (Mathur 2006: 196).

The increasingly frequent occurrence of split party control, in which the two Houses of the Parliament can have different majorities, and different parties or coalitions can control state legislatures, has given a new dimension to federal interactive processes. This is the focus of the next section on the impact of changes in the party system and new party processes on federal functioning.

Federal Processes

There is an emerging scholarly consensus that though India remains a federation with strong centre features, it is more federalized today than in the past (Rudolph and Rudolph 2001a; Arora 2002; Verney 2002; Bagchi 2003; Dua and Singh 2003; Singh and Verney 2003; Jayal and Mehta 2010). It is therefore not surprising that India counts among the most thriving federations in the world and is definitely 'the most successful federation in Asia' (He 2007: 28). The success of federalism in India is undoubtedly the result of a 'federalization' process that has taken place. Though there has been no major change in the constitutional provisions, multiple federative processes and practices have moved India from the strong centre model towards a more federated polity. The most significant development in the last decade in Indian federalism has been the unfolding of new modes of power sharing with the emergence and consolidation of federal coalitions.

The federalizing factors identified in the literature on Indian federalism include, among others, judicial pronouncements (Suryaprasad 2003); economic changes (Manor 1998; Rudolph and Rudolph 2001b; Rao and Singh 2005; Bhattacharyya 2009); the Seventy-third and Seventy-fourth Amendment Acts (Mathew 2003); and the transformation of the party system (Saha 1999; Rudolph and Rudolph 2001b; Gent 2002; Sáez 2002; Verney 2002, 2003; Arora 2003a).

However, it must be mentioned that despite these factors occurring at times independently of one another, they have influenced and reinforced one another and the end result of federalization is a result of a combination of factors.

Federalization of the Party System

India's political parties and the party system have been in continual evolution and makeover since independence. However, the 2000s witnessed a distinctive transformation with the decisive end to the one-party, Congress-dominated system and the emergence of a competitive multiparty system. In this new party system, the numbers and importance of single-state and/or region-based parties has increased manifold. The clearest sign of this is the increased representation of their members in the Lok Sabha and a concomitant decline in the representatives of 'national' parties. Since 1989, no single political party has got a majority in the Lok Sabha and all governments that have formed since then have been dependent on multiple political parties for both formation and day-to-day running. At the state level too, the composition of the government changes from state to state with no distinctive pattern as could be observed in the immediate years after independence.

Unlike social-cleavage explanations that dominated earlier studies of the party system in India, the period under review has witnessed an increasing use of the political-institutional explanation (Chhibber 1999, 2009; Saha 1999; Sridharan 1999, 2002, 2004a, 2005; Arora 2000, 2002; Chhibber and Kollman 2004; Chhibber and Murali 2006; Kailash 2009, 2010). This approach assumes that institutional frameworks clearly provide actors with distinctive incentives and disincentives and therefore, governmental and political institutions, practices, and processes play a key role in shaping the behaviour of political parties. In India, the parliamentary federal system with the first-past-the-post (FPTP) electoral system has been a crucial explanatory factor. It must however be noted that though the essential foundations of the two explanations are different, their conclusions with regard to the emergence of a competitive multiparty system are similar.

The political-institutional-based literature clearly shows that the territorial organization of the Indian political system with a division

of power between the centre and states has had a key impact on political parties and the party system. Sridharan very emphatically notes that it is 'the federation that has come to define the basic framework for the party system. Federalism has allowed the creation of state party systems, which in aggregate become the national party system' (Sridharan 2003: 135). The multiplication of political parties, it follows, is a result of the combination of the federal division of powers and the territorialization of social cleavages.

A related explanation focuses on the differential nature of powers between the levels of government. Chhibber (1999), for instance, has noted that though the division of power between the centre and states in India is skewed towards the centre, the states still have powers that affect the lives of people on a day-to-day basis. In another study, Chhibber *et al.* (2004) found that most citizens assigned the responsibility of providing public goods and addressing problems they face to state governments. It therefore follows that political parties clearly have an incentive to organize themselves to capture power at the state level.

Among scholars focusing on dynamics of the intersection between political parties, party systems, and federalism, the term 'federalization' has been used to denote the end of one-party dominance, the proliferation of political parties, and the subsequent reconfiguration of the party system (Verney 2002; Arora 2003a). A distinct territorialization of political parties with regions of strength and weakness is a significant feature of the new party system. Though the term federalization has not been defined by any of the authors, it has been used to highlight the importance of the interface between party systems, territory, and the structure of political institutions. This feature has also been called as 'regionalization' by a number of scholars (Sanghavi and Thakkar 2000; Singh 2001; Nayar 2005; Sarangi 2005).

An almost synonymous term used by another group of scholars to describe the same phenomenon is 'decentring' (Gent 2002; Wyatt *et al.* 2002). Gent (2002), explaining the concept of decentring, notes that it is a multidimensional concept which combines decentralization of power, both horizontally among institutions across the same level as well as vertical distribution between higher and lower levels. It also includes the 'growing pluralism of political parties wielding power in India's federal system, especially the rise of "single-state" parties,

or parties that win parliamentary seats in only one state. Decentring means that power has been decentralized, that a growing range of actors wield it, and that exercise of power takes place in increasingly diverse institutional settings' (Ibid.: 19–20).

Federalization and decentring explicitly capture the dynamics of the interaction between India's new party system and the federal system. The emergence of a competitive multiparty system has ensured that one party does not have a monopoly over power, and this, in turn, has significantly transformed federal relationships in India. At the same time, these analytical concepts also highlight the growing role of single-state parties at the federal level.

Federal Coalitions

The increased numbers of single-state parties and the inability of any single party to obtain a majority of their own resulted in the forma-tion of what former Prime Minister I.K. Gujral (Lok Sabha Secretariat 1997, *Frontline* 1997) called federal coalitions at the centre. The exi-gencies of the party system may have thrown up federal coalitions, but scholars of federalism have primarily viewed federal coalitions as a power-sharing device which seeks to 'reconcile territorially-based identities within a cohesive frame even in the absence of shared ideologies' (Arora 2000: 176). Federal coalitions, which bring together usually a polity-wide party along with numerous single-state and multi-state parties, is an innovative device to recognize and accommodate the needs of diversity with the requirements of national unity.

In the absence of an overarching party, federal coalitions have played a key role in ensuring that multiple diversities—religious, caste, linguistic, cultural, and regional—are not merely represented but have access to power at the national level (Arora and Kailash 2007). While maintaining an overarching commitment to the coalition, different groups in the coalition bring their distinctive and special interests to the table at the national level. Sharing power at the federal level has mellowed and moderated previously hard-line positions and opened spaces in the polity for greater inclusiveness.

Federal coalitions have also strengthened the federal political culture of the polity. Central intervention in states using Article 356 has declined during the phase of federal coalitions (Arora 2002; M.P. Singh 2002). This was aided no doubt by the judicial verdict

(S.R. Bommai *vs* the Union of India, 1994) but one cannot miss the correlation of reduced incidence with the presence of single-state parties, previously victim parties in federal coalitions.

The presence of state interests in federal coalitions has also fulfilled one of the long-standing demands of states, that they be consulted in national-level decision-making (Thakurta and Raghuraman 2004; Arora and Kailash 2007). This, of course, has had both positive and negative effects. On the positive side, it has created an atmosphere of cooperative federalism. Most importantly, the raising of state and regional matters at the national level is no longer a taboo or 'anti-national' as in the past, and it has, in fact, become a new dimension in national decision-making. However, at the same time, narrow situational political considerations and the exigencies of coalition dynamics have also often entered both policymaking and policy decisions.

The functioning of the president at the centre and of governors in the states has also undergone a dramatic change in this phase (Rudolph and Rudolph 2001b; M. P. Singh 2002; Singh and Verney 2003). In the federalized atmosphere, the holders of these constitutional positions have been wary of indiscretion and the new federal political culture has not only given them greater autonomy but also forced them to act with discretion, measured restraint, and judicious thought.

Multilevel Coalition Processes

The political-institutional-based explanation which combines the effects of the FPTP electoral system and the federal ordering has been best able to capture the dynamics of the new party system. In coalition studies, electoral alliances, pre-electoral coalitions, and seat adjustments have generally been ignored and the focus has been on post-electoral coalition games. One of the reasons for this has been that until India's experience with coalitions, coalition governments commonly formed in proportional representation (PR) systems and rarely in FPTP systems. Coalition studies inform us that while there are powerful incentives for electoral alliances in FPTP systems, there is very little need to form such alliances in PR systems as parties above a certain quota of votes could find themselves in Parliament. In FPTP systems, the parties require a plurality of votes for winning seats,

and this makes vote pooling essential to winning at the constituency level (Sridharan 1999, 2002).

The government-formation process in India consequently does not begin after the election process as in other many countries where coalition governments are the order of the day. Seat adjustments and electoral alliances have been the predominant features of coalition making in India. Coalition studies have shown that strategic coordination between political parties in the electoral arena will be the building block of coalition politics in India, given the incentives of the FPTP system (Sridharan 1999, 2004a, 2005; Kailash 2009).

Bringing in the federal perspective to coalition studies, Arora (2003a: 92) notes that federalism 'introduces the territorial dimension in classical modes of power sharing. Alliances based on the territorial demarcation of spheres of influence and power, according to him, is the essence of federal coalitions. Under such an arrangement, the geographic deficits of a party with nationwide aspirations are bridged by electoral pacts with state parties, whereby these parties are left in control of their sphere of influence in an elaborate scheme of power sharing encompassing both levels of the federal system.

Alliance making to make up for geographic deficits has been crucial to coalition formations (Arora 2000; Sridharan 2002, 2004a; Kailash 2009, 2010). Given the primacy of spatial compatibility, ideology has often taken a backseat (Sridharan 2002). Sridharan (2005) has highlighted this, using the concept of 'bridging alliances', while examining the growth and expansion of the Bharatiya Janata Party (BJP) between 1989 and 2004. The BJP has used state-level electoral coalitions in those states where it was competitive but not strong enough to win seats on its own to increase its representation in the Lok Sabha.

Examining party systems at the state level, Sridharan (2002) concludes that a bipolar consolidation has taken place in many states. Given that the competitors vary from state to state, what we have is 'multiple bipolarities', and consequently, this has led to the fragmentation of the party system at the national level. This fragmentation at the national level masks the very clear nature of political competition in the states.

Arora (2003a) characterizes the new party system at the national level a bi-nodal system. This framework is particularly suited to make sense of party competition in a multilevel framework. When there

is more than one level of government to which parties have to focus their attention, their stakes could vary between and across levels. The levels of government interact with each other and impinge upon each other and consequently, the actions and goals of political parties are often shaped by the power differences between different levels. The bi-nodal framework which brings in the multilevel institutional aspect moves beyond the conventional single-dimension classification based on the left–right continuum with cross-cutting cleavages derived from other ideological oppositions such as the secular/communal divide. The conjunction of the federalization of the party system and changes in the economy has engendered new equations and rivalries which are often no longer based on ideological considerations.

Binodality also explains why political parties are able to move almost seamlessly between different coalitions. Parties could simultaneously play multiple roles in a parliamentary federal system (Kailash 2010). In this new party system, parties could find themselves in what is called incongruent situations, by being in government at one level and opposition at another. Parties could be in one alliance at one level and in another at another level. Similarly, parties could be partners in government at one level and in opposition to each other at another level.

Both the bi-nodal thesis and multiple bipolarity thesis have the federal dimension as a crucial explanatory variable and are squarely rooted in the political-institutional class of explanations. They are hence not antithetical to each other. The multiple bipolarity thesis attempts to make sense of the national party system by focusing on state-level party systems. The bi-nodal thesis primarily seeks to capture the formation and explain the fluidity of coalition groupings in the polity. They are, therefore, explaining different aspects of the same phenomenon.

Innovating Federal Governance

Federal coalitions have innovated to achieve the twin demands of representation in a federation and coordination or cohesiveness in the government. In the process, they have thrown up new processes, mechanisms, and instruments of governance which have often gone beyond the existing constitutional provisions, and also transformed

the existing state of centre–state relations (Singh 2001; Ruparelia 2005; Arora and Kailash 2007; Kailash 2007).

Federal coalitions have, over a period of time, institutionalized alliance management and governance mechanisms. Kailash (2007) has shown that there has been a learning process. While the early coalition management was restricted to seat adjustments, later coalitions have had sophisticated mechanisms not only to deal with relationships at the party level but also within the government as well as between levels of government.

One of the key demands of states in the earlier decades was for an increased share in national-level decision-making (Arora 2004). Federal coalitions have been able to fulfil this demand in multiple ways. Representation in the government with multiple parties in the Cabinet has been the most obvious indicator of greater representation in government at the national level.

Federal coalitions have also institutionalized a GoM mechanism (Arora and Kailash 2007). Though primarily intended to serve the purpose of coordination and minimize differences and resolve conflicts within the council of ministers, it also has a federal perspective. First, it has allowed for greater involvement, both through representation and as an avenue for consultation of state-based representatives and interests in the national decision-making apparatus. Second, they have enabled an introduction of a local or state-based flavour in national-level decision-making and policies. In a way, it has served the dual purpose of both representing diversity and involvement at the national level.

During the single-party reign, the need for such panels may not have been felt as the informal mechanism of the party channel was available. Differences, if any, between different ministers on issue of policy, details of its working, performance, and so on could have been settled through the party network. It may be concluded that multi-party federalism has undoubtedly played a major role in transforming centre–state relations in India.

The Political Economy of Indian Federalism

Related to the transformation of the party system is the changed orientation of India's economy since 1991. Scholars focusing on the political economy dimension have noted that India's embracing of

economic liberalization and globalization has transformed centre–state along with state–market relations in a very big way (Rudolph and Rudolph 2001a; Tremblay 2001; Sáez 2002; Bagchi 2003; Rao and Singh 2005; Singh and Srinivasan 2006; Sharma, C.K. 2009: 242). While Rudolph and Rudolph (2001a: 1541) captured this as a movement from a 'command economy to a federal market economy', Sáez (2002: 135) characterized this shift as one from 'inter-governmental cooperation' to 'inter-jurisdictional competition' among the states. Analysing the centralizing and decentralizing effects of globalization on Indian federalism, Tremblay (2001) suggests that while on one hand, deregulation implies further economic centralization of Indian federation, on the other hand, it also creates a legitimacy vacuum where, in response to globalization's threat to legitimacy, the nation state is compelled to enhance decentralization of Indian federalism.

In this new phase, there is shift in the nature of state power with the emergence of 'new patterns of shared sovereignty between the states and the centre for economic and financial decision making' along with the centre's new role as a regulator and fiscal disciplinarian. With the centre reducing its 'funding' role and private rather than public investment becoming the new engine of growth, states obtained a new degree of 'economic sovereignty' (Rudolph and Rudolph 2001a: 1542). While states got space for greater decision-making in key economic areas, they were also forced to look to the market and other sources to meet resource demands. This, in a way, reduced the intensity of the core controversy of previous decades in the centralized economy regarding resources and responsibilities in the economic sphere. This, however, according to Bagchi (2003: 22), has created a situation where, on the one hand, the states are demanding more autonomy, and on the other hand, the centre is trying to consolidate its powers by attaching conditionalities to transfers and invoking the interest of national unity and integrity.

The centre is also asserting its supremacy by transferring substantial resources to the states in the form of central plan schemes and centrally sponsored schemes (Planning Commission, GoI 2008: 143). Though, for Nayar (2009: 116–17), the flagship programmes of the centre are directly related to the success of liberalization and are demand driven, yet, expansion of such schemes at the cost of formula-based assistance indicates 'the collapse of autonomy of state finances' (Alagh 2009: 7). The problem, according to Alagh (ibid.: 8), is that

the resources devolved under such schemes are not 'autonomous'. C.K. Sharma (2009), however, in his detailed analysis demonstrates that the central control in the post-reform era is qualitatively different from the pre-reform era. In sharp contrast to the hierarchical centralization of the pre-reform era, central control in the post-reform era is rule based and the mechanics of implementing centralizing devices have been highly federalizing. The contours of new central control are now being determined not unilaterally by the centre, but with the consent of the states. In this, he finds a sign of an evolution of a new 'federal culture' and a movement towards a 'federalised fiscal regime' which combines 'rule based fiscal control' and considerable federalization of decision-making processes with significant political and economic decentralization (Sharma, C.K. 2009: 242–3).

At the same time, it must be noted that prominent institutions of the centralized planned economy like the Planning Commission have moved laterally to new roles in the power structure, and new 'regulatory' mechanisms and institutions to take care of public services and the market economy have increasingly come to the foreground (Rudolph and Rudolph 2001a; Singh and Verney 2003: 12).

The greater freedom in the economic and financial spheres for the states has however inaugurated a new era of 'competitive federalism' which is characterized, among other things, by a rivalry among the states for 'international investors and mobile sources of capital using tax and service packages as well as economic developmental subsidies to try to induce potentially mobile firms to stay' (Sáez 2002: 150). Aseema Sinha (2004), however, takes a slightly modified position and notes that the post-reform period is marked by both change and as well as continuity in terms of centre–state relations. Competition, according to her, existed even in the pre-reform era. The post-1991 era is characterized more by 'horizontal competition', wherein states compete amongst themselves for resources from a variety of actors, than by 'vertical competition', wherein states compete amongst themselves for centrally controlled resources (ibid.: 26).

This competition unleashed by economic liberalization has also brought to the forefront old problems like regional disparities and differences between states (Bajpai and Sachs 1999; Rao *et al.* 1999; Ahluwalia 2000; Rao and Singh 2005). Studies of this phenomenon however point to multiple reasons for the development divergence between states. For Bajpai and Sachs (1999), the variance is primarily

a result of the differential orientation towards reforms. Examining the performance of states in terms of state domestic product (SDP) growth, FDI, industrial investment proposals, and software exports, among other variables, they make a distinction between three categories of states, namely, reform-oriented states, intermediate reformers, and the lagging reformers. On almost similar lines, Sáez (2002: 155), making a distinction between 'FDI magnets' and 'FDI laggards', showed that while the magnets have not only attracted investments, they have also grown at a faster rate compared to the laggards. Similarly, Rao and Singh (2005) attribute disparities to the differences in endowments and the logic of a market economy, with private investment going disproportionately to the higher-income states as well as those states that have a higher rate of per capita public expenditure.

Bagchi (2003), however, puts the blame squarely on inherent weaknesses in federal fiscal and political institutions, especially the transfer system. He also brings to the fore the negative impact of the *cooperative-cum-competitive federalism* of the 1990s in terms of coordination failure and fiscal indiscipline, and ascribes them to the unresolved trade-off between economic efficiency and political imperatives. In order to address these problems, he suggests a four-pronged reform programme: (a) reduce the central government's intrusion into areas assigned to the states; (b) secure the unhindered functioning of a common market; (c) rationalize inter-governmental transfer system; and (d) adopt a no bail-out policy.

Taking a more nuanced position with regard to regional disparities, Sinha (2004) contends that while the new market forces may account for some of the disparities, some of the variation in development could be attributed to the pattern of vertical competition and institutionalization of decision-making structures in the pre-reform period. She aptly concludes that India's new policy regime can be characterized in terms of 'change *within* institutions rather than a complete change *of* institutions' (ibid.: 27; italics in original). This takes us to our starting point that the transformation of India's federation has been more a result of processes than of structures.

The role of the Finance Commission in creating incentives for state-level fiscal reforms has become a prominent issue since the report of the Eleventh Finance Commission (EFC). Note that under Article 275 of the Constitution, the Finance Commission has no powers to impose 'conditionalities' on resource transfers to states. Yet, the

need to control rising fiscal imbalances at the state level for overall macroeconomic stability in the post-reform era became so crucial that the Finance Commissions, from EFC onwards, have been given extra-constitutional powers through the issue of additional terms of reference, specifically requiring them to suggest corrective measures to restore budgetary balance, ensure debt and fiscal sustainability, and maintain macroeconomic stability (Sharma, C.K. 2009).

The EFC recommended creating a scheme of states' Fiscal Reform Facility (FRF) backed by an 'Incentive Fund'. However, the Twelfth Finance Commission (TFC) recommended its discontinuation and went a step further by proposing a major 'debt dismantling initiative' with fiscal correction initiatives. The objective was to reduce the large stock of debt owned by states. Rajaraman (2008) strongly criticized this initiative because it imposed uniform targets on states with widely varying initial conditions. Bagchi, however, endorsed these proposals because they will provide relief to the states from 'the debt burden that had mounted to unsustainable levels, and severely impaired their capacity to deliver even the basic public services for which they are responsible under the Constitution' (Bagchi 2005: 3389).

Rao and Singh (2005) have presented a well-researched documentation of economic and political aspects of inter-governmental transfers in India. In conformity to the developments in mainstream macroeconomics, the authors have emphasized the role of political factors in the determination of government spending and transfer decisions. They found that that the discretionary transfers displayed progressivity (equalization effect) just like statutory transfers despite the fact that transfers were governed by different kinds of institutional mechanisms. They also found evidence for a persistent rise in vertical fiscal imbalance (ibid.: 171–3). They concluded that these outcomes are despite a decade of reforms, not due to reforms.

During the period under review, scholars of political economy, among others, have also used federalism as an explanatory variable in their analysis (Jenkins 1999; Sinha 2004, 2005; Rao and Singh 2005; Khemani 2007a, 2007b). Rob Jenkins (1999) studied an interesting puzzle, the continuation of economic reforms despite the electoral unpopularity of these policies. For him, federalism, in addition to informal political networks, was a key explanatory variable for the success of sustaining economic reforms. His comparative study of states found, among other things, that federalism enabled 'quarantine'

(ibid.: 5) of political resistance to reforms within the political boundaries of particular states. States that benefited from economic reforms did not actively oppose reforms, whereas those who were disadvantaged neither found allies nor had the clout to mount an effective resistance. At the same time, federalism also created incentives for state governments 'to experiment with new policies', which were then replicated by other states and regions (ibid.: 71). For the central government, the 'capacities of the federal system' was crucial to the continued implementation of reforms' (ibid.: 72).

Sinha (2005) shows how federal structuring could add a new dimension to the level of analysis and explanation. She demonstrates that 'sub-national developmental states' can coexist within the overarching framework of a national state and directs attention at the creation of micro institutions at the subnational level (ibid.: 286). A top-down or centre-based explanation, according to her, cannot explain variation in developmental experiences within a federation. To overcome this limitation, she puts forward the theory of 'polycentric hierarchy' which, according to her, goes beyond the dominant 'market preserving federalism' explanation (ibid.: 30–6). This 'polycentric hierarchy' theory brings to the forefront the disaggregated and multilevel nature of federalism in which federalism is a mediating institution that shapes the vertical strategies of the states and political choices of regional elites. It helps us explain a supposedly national or polity-wide phenomenon as an effect of a 'two-level interaction'.

The period under review was also an era during which the 'good governance' agenda and fiscal decentralization were seen as core values of the new conventional wisdom. In this context, India's centre–state financial relations dimension was instructive for others who were attempting fiscal decentralization (Rao 1998). In a comparative study, Hankla (2009) found that on the positive side, the spelling out of specific responsibilities in the Indian Constitution was crucial for decentralization to be realized. On the negative side, there was, on the one hand, fiscal imbalance with the centre having the more remunerative sources of finance. On the other hand, the centre's burden also increased not only because of this dependence but also when the states overspend.

The problems that arise from regional disparities, unequal growth, and uneven endowments are a challenge for any federal system.

Special status has been granted, notably by the Planning Commission, to states possessing most or all of the following characteristics: hilly and difficult terrain; low population density; sizeable tribal population; international borders; economic and infrastructure deficits; and non-viable finances. Frequently, these special states are also beneficiaries of constitutionally enshrined asymmetric federalism. This is, in a sense, the territorial version of affirmative action and positive discrimination policies, which are widely followed for territorially dispersed groups. In the section that follows, we examine research concerning diversity, asymmetry, and the unity question.

Diversity and Asymmetry

Recent studies on comparative federalism regularly mention India as a successful federal democracy, albeit one which also exhibits abundant features of asymmetry (Bhattacharyya 2010; Burgess 2006; He *et al.* 2007; Watts 2008). The research under review shows a fair share of interest on India's asymmetric designs and their impact on federal processes or vice versa. In this section, we shall examine how the pluricultural foundations of Indian society and its 'multiculturalism' policies have been studied through the issues of recognition and accommodation. These concepts have left their indelible mark on the theorization and application of federal asymmetry in India. The survey focuses in some detail on studies of two cases of asymmetry: Jammu and Kashmir (J&K) and the Northeast.

CULTURAL FOUNDATIONS: PLURICULTURAL SOCIETY AND MULTICULTURALISM

India is often cited as a federal democracy that successfully holds together diverse sociocultural groups and interests around the founding belief of unity in diversity (Adeney 2007; Arora 2010; Dasgupta 2004; Kymlicka 2002; Tillin 2007). Home to four major religions of the world, namely, Buddhism, Hinduism, Jainism, and Sikhism, India also has the third largest concentration of Muslims, only after Indonesia and Pakistan. The 1.02 billion population in the country is spread across five language families. There are 22 scheduled languages in the Eighth Schedule of India's Constitution; and 100 languages spoken by more than 10,000 populations each. Given this acute

diversity, there is an inherent fear that 'excessive federalism' might unleash uncontrollable centrifugal tendencies.

Faced with a mounting pressure to construct the new Indian state–nation around a putative majoritarian community, an imminent possibility after the partition of the subcontinent, the Constituent Assembly deliberately set aside the 'melting pot' approach and adopted the 'salad bowl' approach (Glazer 2010; Jaffrelot 2004; Stepan *et al.* 2010; Stuligross and Varshney 2002). The institutional celebration of 'unity in diversity' by envisioning an asymmetric federal framework is not only a deliberate choice, but it is also an ineluctable outcome of India's long-standing experience as a pluricultural society. This framework facilitates public recognition of cultural differences and allows certain territorially concentrated ethnocultural minorities to have extensive self-rule within the framework of a shared rule. While India, like other federal countries, has abundant features of de facto asymmetry, it has limited de jure asymmetry. The latter is usually employed to refer to the varying degrees of power and autonomy enjoyed by J&K under Article 370 and the eight states of India's Northeast by the omnibus Article 371 (Adeney 2007; Arora 1995; Kymlicka 2002; Suan 2009a; Tillin 2007).

Recognition and Accommodation Issues

Mahajan (2007: 82–100) contends that India's federal framework acts as a useful 'resource' to address the question of recognition and accommodation of ethnocultural minorities. For her, this framework mandates a 'multicultural path', which helps sustain 'cultural diversity within a unified and integrated polity' (Mahajan 2005: 289; see also Bhargava 2002; Dasgupta 2004). Driven by an anxious concern for unity and the fear that too much federalism might let loose destabilizing forces, the framers of the Constitution favoured a strong Union (Arora 2010). As Madhav Khosla (2012: 45–6) rightly observes, 'By the time the Indian Constitution came into being, it was decidedly federal. But because the Constitution tilts heavily in favour of the Union, many portray India as an imperfectly federal or quasi-federal nation. Such reasoning is fallicious.' However, the institutionalization of a centralized unitary state in a pluricultural setting has to contend with multiple and conflicting demands of cultural communities. Behera (2000) painstakingly showed how the tendency of the

state, identified as it were with the dominant political community, to emphasize on assimilation unleashed violence and contentious politics in a state like J&K. Against this backdrop, she made a case for a multilevel federal approach to accommodate the diverse demands of the three regions of the state, namely, Kashmir, Jammu, and Ladakh, a point stressed initially by Puri (1981) and recently by Chowdhary (2010). In a broader context, Rao and Singh (2004, 2005) perceptively argue that wide-ranging asymmetric features were incorporated to accommodate the differential bargaining powers of the states of the Indian Union. Mindful of the impact of political economy on federal institutions, they emphasized the import of 'transparent and rule-based' asymmetry over what they called the 'opaque and discretionary' variant (Rao and Singh 2004: 3).

Stepan *et al.* (2010: 50–68) have also underlined that the adoption of asymmetric federal framework enables India's polity not only to accommodate 'multiple yet complementary identities' but also facilitates 'positive identification' with the state's political institutions. Central here is the deliberate choice 'to centre the nation around territorial civicness' against centring it around a core group (Adeney 2006: 11). Examining how democracy deals with 'deep divides' in multicultural states, Glazer (2010: 5–19) underscores the import of the courts, competitive political parties, and 'exceptions to a universal equal-rights liberalism' (ibid.: 19). He underlines how the Indian Supreme Court constructively intervened to settle the question of redistribution of public goods and collective entitlements, like determining the maximum permissible quota that should be made available to the other backward classes (OBCs). The development of a competitive party system is also credited with transforming 'regional–separatist parties into "centric-regional" parties that can join polity-wide coalitions' (Stepan *et al.* 2010: 67; also, see Jaffrelot and Kumar 2009). The transformations of separatist Tamils and rebels like the Nagas into important stakeholders of India's federal polity are striking examples of the federal system's capabilities to resolve seemingly intractable conflicts (Mitra and Singh 2009).

What is remarkable about the multicultural or rather the pluricultural path is that the Indian state not only commits itself to the protection and promotion of individual rights but also gives equal primacy to the recognition and accommodation of cultural differences along four axes, namely, language, religion, caste, and tribe. It has been unanimously

accepted that India's experience with accommodation of linguistic diversity, although symmetric in design, has been relatively successful (Stuligross and Varshney 2002). To be sure, ethnolinguistic reorganization of the Indian states in the 1950s and the 1960s, and giving official language status to 22 languages in the Eighth Schedule, has helped localize ethnolinguistic conflicts (Manor 1998; Sarangi 2009). Chadda (2002), Majeed (2003), and Mawdsley (2002), inter alia, in their studies on different waves of states' reorganization, draw our attention to the different dynamics of recognition and accommodation at work. While administrative convenience, national unity, and integrity were the overriding concerns in the 1950s and the 1960s, security concerns and maintaining 'interlocking balance' informed the reorganization of northeastern states in the 1970s and the 1980s (Chadda 2002: 49). Subsequently, the changed political economy implies that when Jharkhand, Uttaranchal (now Uttarakhand), and Chhattisgarh were created towards the close of 2000, development, governance, and electoral calculus became the overriding concerns (Mawdsley 2002: Tillin 2008). Put differently, political adjustments, as Arora (2010) asserts, underscore the politics of recognition and accommodation in this changed dynamics. Rudolph and Rudolph (2010) have also shown how federalism, by leveraging a way to share and negotiate divided sovereignty, facilitates the emergence of a 'polycentric polity' in India.

Noting that ethnic conflicts continue to persist, Varshney (2001) highlighted the import of civic associations and civic engagement that cut across religious groups in containing ethnic conflict, especially in cities which are riot prone. Chandhoke (1999, 2005) underscores the imperative to understand the politics of recognition not only in terms of giving equality of circumstances to cultural groups but also ensuring level playing fields on matters of redistribution even as mobilized collective groups vie against each other for scarce resources and other collective entitlements that the state puts on offer. She also emphasizes the need to revisit the premise of recognizing identities as the 'consequences of ethnic mapping' are not slight in divided societies like India (Chandhoke 2005).

Asymmetry and its Challenges: Jammu and Kashmir (J&K)

Academic works on asymmetric federalism have for long been chained by the project of national federalism, which lays stress inter alia on

maintaining stability and cohesion of the federation (Suan 2009a: chapter 2). Since asymmetric federalism has been developed as an analytical and a conceptual tool, it has been rightly or wrongly associated with a 'secessionist potential', of fostering social and political disintegration, and possibly engendering 'antagonistic cooperation'. These misgivings find resonance in contemporary Indian debates on asymmetric federalism wherein granting more autonomy to J&K, for example, is seen by some as a recipe to secession or disintegration of the Indian state.

Steering away from earlier writings on the subject, Gagnon (2001) contends that at the heart of asymmetric federalism lies the question of justice. His contention that asymmetric federalism as a normative idea is justified by the 'need to secure the conditions of an enlarged democratic setting' (ibid.: 322) provides us a helpful benchmark to understand the working of de jure asymmetry in India's J&K. In fact, recent scholarship concurs that while it has indeed played an important role in securing a more just place in the federal system for disadvantaged states, asymmetric federalism has not been a central organizing principle of India's federal polity (Arora 2010; Tillin 2007).

Tillin (2007) considers that the special status enjoyed by J&K under Article 370, the epitome of de jure asymmetry in India's Constitution, does not stem from the recognition of the unique ethnic identity of 'Muslim-majority' in Kashmir. Instead, it has to do more with the 'unique circumstances' in which the state was incorporated into the Indian Union (ibid.: 52). Originally intended to give wide-ranging and exclusive powers to the state, except foreign affairs, defence, and communication, Article 370 however was intended to be a 'transitional' arrangement pending full integration of the state to the Indian Union.

Scholars writing on J&K broadly concur that though well intended, the 'special status' enjoyed by the state, symmetric in design as it were from the outset, has gradually eroded since the dismissal of Sheikh Abdullah in 1953. Behera (2000, 2007), Bose (1997, 2003), Schofield (2010 [2000]) Widmalm (2002), and among others, graphically bring out the systematic way in which elections are manipulated to institute pliant state governments, the 'free and fair' elections of 1977 and 1983 being the exceptions. The centre used these pliant governments to get the concurrence of the State Assembly in extending its powers.

(Bose 1997: 37–54) Not surprisingly, the State Autonomy Committee (SAC), instituted by Farooq Abdullah led-National Conference government in 1996 and which submitted its report in May 1999, observed that between 1953 and 1986, 42 amendments were made to the Constitution (Application to Jammu and Kashmir) Order, 1950. These amendments, it added, extended '260 of the original 395 [articles of the Indian Constitution] and seven out of twelve schedules…with exceptions and modifications' (quoted in Chowdhary 2000: 2600).

Another commentator on J&K, Swami (2007), shows how the jihadi phase of separatist movements in the Kashmir Valley, which started in the 1990s, is frontally led by leaders who emerged as disgruntled losers in the electoral fray. Swami's observations validate the position held by Widmalm (2002) that though ethnicity plays a part in the current turmoil in the state, it is the outcome of decisions taken by political elites in J&K and in New Delhi during the crucial period from 1975 to 1989. The manipulations of the Congress party and the National Conference in the 1987 state legislative assembly, which not only robbed the opposition party, that is, Muslim United Front, of votes but also subsequently led to the arrest of their leaders on the ground of being 'disloyal' to the Indian Union, is cited as a striking example (ibid.: 100). The Congress Part's desperate attempt to regain power after its defeat in 1977 stifled opposition parties and closed avenues for expressing legitimate voices of dissent. However, Chowdhary and Rao (2004a) have shown that this was reversed since the 2002 state legislative assembly elections. Along with this, the 2004 parliamentary elections opened up competitive political space and the state witnessed a four-cornered contest between the National Congress, Congress I, BJP, and the People's Democratic Party (PDP). As a corollary, separatist voices got considerably contained even as the Kashmir identity found a space in the electoral arena 'beyond an exclusivist and separatist platform' (Chowdhary and Rao 2004b: 5449).

The Kashmir question was also sought to be resolved by three round-table conferences (RTCs) initiated by Prime Minister Manmohan Singh that were held in February and May 2006 and April 2007 (Kumar and Puri 2009). Broadly convened to address the 'need to evolve a common understanding on autonomy and self-rule in Jammu and Kashmir…within the vast flexibilities provided by the Constitution',[2] the RTC drew mixed response. Navlakha, for example, lamented

that the first RTC fell short of placing 'the people's aspirations centre-stage (Navlakha 2006: 949). Five working groups were entrusted with: (a) confidence-building measures across segments of society; (b) strengthening relations across the line of control; (c) economic development; (d) ensuring good governance; and (e) strengthening relations between the state and the centre. Puri considers that while these working groups were largely successful in dealing with the 'wider issues as confidence building measures and human rights violations…grassroot empowerment and balanced regional development were given short shrift' (Puri 2007: 1809).

The recent spate of unrest and separatist demands since the summer of 2007 has revived debates on the question of 'plebiscite' and 'partition' as possible solutions to the stalemate. While Snedden (2005) sees possible solution in 'plebiscite', Ansari (2006) advocates the involvement of both India and Pakistan if a permanent solution for J&K was to be reached. Ganguly and Bajpai (2008) are critical about the separatists' claims as they see in them possible recipe for disaster not only for J&K but also for South Asia as a whole. Noting that the 'crisis in Kashmir' stems from increasing mismatch between institutionalization and political mobilization, Ganguly (1997) had underlined the necessity to broaden democratic institutional space to accommodate dissent and oppositional forces. Recently, Hoenig (2010) painstakingly makes a case for a political discourse that would give primacy to the people and human rights concerns. Grounded in a comparative understanding of international law and human rights, he underscores the imperative to 'breaking the taboo of discussing secession'. This, Hoenig feels, is crucial for India's 'ability to function as a democracy' (ibid.: 50). To evolve grounds for 'sustained dialogue', the centre has recently constituted a team of three 'interlocuters' (V. Kumar 2010). It, however, remains to be seen to what extent they succeed in bringing about a political solution to the Kashmir imbroglio.

Another important debate can be seen in Behera (2000, 2007) and the compendium of articles edited by Chowdhary (2010). They go a long way to filling the research gap on J&K as they go beyond the 'Kashmir conundrum' and examine complex problems of regions within the state. The strident demand for institutional accommodation outside the purview of Article 370, especially by the Ladakhi Buddhists since 1989, and the demand for 'Panun Kashmir' (Our Own Kashmir) in the Hindu-dominated Jammu region generated searching

yet unsettled debates. The space and voice demanded by Kashmiri pandits also finds an echo in the research.

The creation of autonomous councils in 1995 for Leh and Kargil in the mould of Darjeeling Gorkha Hill Council also fuelled similar demands from Chenab Valley region particularly vocal in Doda district (Behera 2000: 239). The politicization of the erstwhile dormant groups like the Dogras, Gujjars, and Bakkarwals, among others, and their demands ranging from 'Scheduled Tribe' (ST) status, inclusion of their language in the Eighth Schedule, and autonomy to the creation of separate state(s) certainly impel serious rethinking on extant federal institutional designs. Much of the research pertains to the question of administrative reorganization of the state on ethno-religious grounds.

In partial response to this, the Regional Autonomy Committee Report (Balraj Puri 1999) suggested the division of the state into nine provinces along ethno-religious lines (Ahmad 2000). This went beyond the proposal to trifurcate the state into three regions, namely, Jammu, Kashmir, and Ladakh, respectively, for the Hindus, Muslims, and Buddhists, to reflect the communal character of the regions. Evidently, there is an entrenched psyche to privilege the 'religious–cultural' vision of subnational identity over and above the 'secular' vision (Commuri 2010: 88–151). Scholars like Mattoo (2000) saw in this the seed of Balkanization of the state which would engender a spiral of violence. It is here that the idea of *Kashmiriyat*, first invoked by Sheikh Abdullah against the gradual emergence of 'regional faultline' in the 1930s, retains its appeal across secularists for 'securing Jammu and Kashmir' (Commuri 2010).

Tribes and the Northeast in Federal Perspective

Northeast India is home to 214 STs which inherit a long-standing tradition of self-rule. Scattered across a geostrategically sensitive region—surrounded as it were by Bangladesh, Bhutan, China, and Myanmar—these tribes drew special attention of the framers of the Constitution. Mishra (2000, 2006, 2009) and Nag (2002) give us useful background to how the tribes on 'periphery strikes back' to 'contest their marginality'. Indeed, the issue of accommodating diverse tribal groups in the Northeast within India's federal framework proceeds along two routes, namely, (a) sociocultural and political route and

(b) economic and financial route (Suan 2009a: chapters 6 and 7). The Sixth Schedule envisaged Autonomous District Councils (ADCs), of which there are currently 10 in the Northeast: three in Assam; three in Meghalaya; three in Mizoram; and one in Tripura. Apart from these, there are five autonomous councils in Assam and five ADCs in the 'hill areas' of Manipur created outside the ambit of the Sixth Schedule (ibid.: chapter 6).

Then there is the omnibus Article 371, which put in place North-east India's exceptionalism by recognizing the unique sociocultural, political, and historical rights of selected tribal groups in India's Northeast to maintain their 'self-rule' within the broad framework of a 'shared rule' (Ao 2001). Towards this end, Article 371A and 371G validate existing laws and give overriding powers respectively to the state legislative assemblies of Nagaland and Mizoram in matters pertaining to religious and social practices, customary laws and procedure, administration of civil and criminal justice, and ownership and transfer of land. While ADCs established for Sixth Schedule areas have more or less similar powers, their powers are circumscribed as they do not wield the plenary powers to 'transfer land', and laws/rules made by them have to conform to those enacted by the state (Roy Burman 1998; B. Singh 2002).

The region is also given preferential economic and financial regime under 'special category states', wherein they are entitled to a grant–loan ratio of 90:10 from the Union. Members of STs are also exempted income tax under Section 10(26) of the Income Tax Act, 1961 (Sachdeva 2000a). The North-East also has a separate planning body called the North Eastern Council, and a separate Ministry of Development of North Eastern Region, the only one of its kind in pan-Indian constitutional architecture.

Although there is unanimity among scholars that these features are the essential hallmark of constitutional asymmetry, scholars like Tillin (2007: 56), drawing from Watts (2008), consider these as inconsequential as the North-East is peripheral to the national imaginaries (Adeney 2007; Arora 1995, 2010; Suan 2009a). Baruah (2003b) underlines how the Indian state, driven as it were by security and developmentalist concerns, created 'mini states' in the North-East just to fulfil the ethnic aspirations of tribal groups without taking into account their financial viability (Sachdeva 2000a: 60–1). The result is 'cosmetic federalism' which spawns 'mini states, completely dependent on New Delhi for their finances and thus vulnerable to direct involvement

in their affairs on a daily basis' (Baruah 2003b: 925). Despite massive flow of developmental funds, the region remains backward. Sachdeva convincingly argued that the backwardness of India's North-East is not because of the pervasive assumption of 'economic neglect', but rather stems from 'inappropriate economic policy framework which has created an unbalanced and unsustainable economy' (Sachdeva 2000b: 79–80). Hussain (2008: 26) contends that the 'state as a development giver' is deeply problematic as it induces displacement and popular resistance in the region.

The period under review also coincided with the expansion of autonomous councils in the plain tribal areas of Assam outside the ambit of the Sixth Schedule. Starting with the Bodos in 1993, these councils were subsequently extended to the Deori, Mising, Rabha Hasong, Sonowal Kachari, and Tiwa tribes (Dasgupta 1997; Suan 2007). The Bodos were accorded Sixth Schedule status in 2003.

In a perceptive study, Barbora (2005: 196) considers autonomous institutions as 'frontiers of centralized politics'. For him, 'autonomy, framed within a statist discourse, does not address the issue of control of resources, finances, and costs of running autonomous territories in a comprehensive manner' (ibid.: 212). In their studies on the working of ADCs in Tripura and Mizoram, Bhaumik and Bhattacharya (2005) throw helpful light on how 'autonomy question' influences the politics of these two states. They also highlight the uneasy relations of ADCs with the state government, especially on the question of delayed release of funds. The question of reverse discrimination, particularly in Bodoland Autonomous Council (now Bodoland Territorial Autonomous District [BTAD]) and Mizoram ADCs, wherein major tribal groups deny legitimate rights of the tribal minorities, has also come up in the works of Baruah (2003a, 2007), Bhaumik and Bhattacharya (2005), Dasgupta (1997), Singh (2008), and Suan (2007), among others.

Another pertinent issue is the question of linking up traditional institutions with ADCs. The National Commission for the Review of the Working of the Constitution (NCRWC) report (2002) and studies by Baruah (2004) and Sharma (2004), inter alia, are significant in this regard (Suan 2003). Baruah (2004) draws our attention particularly to role of traditional institutions in resolving ethnic conflicts, which have largely remained a neglected area. The NCRWC report also made a call for the devolution of funds and functionaries for the ADCs in line with the Panchayati Raj system. The *Report of the Commission on*

Centre–State Relations also drives home this point (GoI 2010, Vol. 4: chapter 3). Another issue pertains to the question of incompatibility of structures in the extant autonomous institutions. On this, Chaube (2000) highlights the incompatibility between undemocratic village councils (based on hereditary and lineage) with democratic ADCs in the Sixth Schedule (Dev 2007).

The North-East also continues to witness sustained 'insurgency' movements that are driven by the issues of protecting land, territory, and identities. Notable works on these are by Baruah (2007, 2009), Bhaumik (2009), Biswas and Suklabaidya (2007), Chasie (2006), Cline (2006), Egretau (2006), Franke (2009), Karlsson (2001), Hazarika (2004), Hussain (2007), Jusho (2004), Lacina (2007, 2009), Saikia (2007), Upadhyay (2009), and Vashum (2005). There is also an academic consensus that sustained counter-insurgency strategies, epitomized by the Armed Forces (Special Powers) Act, have failed to restore 'law and order' and have rather spawned 'militarized democracy' in the North-East (Akoijam and Tarunkumar 2005; Baruah 2009; Kikon 2009; McDuie-Ra 2009).

The ceasefire agreement that the Government of India entered with the National Socialist Council of Nagalim-Isak–Muivah (NSCN-IM) since August 1997 generated renewed debates on the territoriality of politics and its impact on inter-community and inter-state relations in the region (Baruah 2007; Suan 2009b). Given that greater homeland demands of ethnic communities run counter to the 'territorial integrity and unity' projects of the states of the region, non-territorial federal solution to such demands become imperative (Suan 2009a: chapter 4; see Akoijam 2001).

There is also a body of literature that looks at the questions of migration, internal displacement, 'sons of the soil' movements, and the response of the Indian state. Baruah (2007, 2008) and Goswami (2007) give helpful accounts of these trends. The question of 'peace accords' and how they impact upon institutional designs and strategies are well covered by Rajagopalan (2008) and Das (2009). Manchanda (2010) helps us locate the problems of minorities who are victims of modern state-making projects. Examining the South Asian context in a broader comparative framework, she underscores the imperative to deconstruct majoritarian concepts like the 'state' and 'nation', and engage minority rights from the vantage point of emerging international human rights discourse.

The 2000s also mark increasing interests on the political economy of India's North-East. Initiated in earnest by a high-level committee headed by S.P. Shukla in 1997 (GoI 1997), it culminated in the publication of a three-volume *North Eastern Region Vision 2020* in 2008 (GoI 2008). The *Vision* documents underlined the imperative to address not only the four deficits noted by the Shukla Commission, namely, basic needs deficit, infrastructure deficit, resource deficit, and a two-way deficit of understanding with the rest of the country, but also added another one, that is, governance deficit. Mukhim (2007) throws significant light on the making of the *Vision*, whereas Biswas (2008) gives a critical analysis on it. The works of Sachdeva (2000a) and Suan (2009a), among others, underscore how the northeastern states continue to rely heavily upon central subventions and weak resources mobilization. Baruah (2007), Sachdeva (2000a), and Verghese (2002, 2003), and make a compelling case to reform trade and labour laws, do away with the inner line and restricted area permit, and also impose income tax on the Northeast. Recent works by Menon (2008) and Brunner (2010) particularly give us helpful insights into the complex dynamics of the North-East's economy, which became more evident with India's Look East Policy.

The problems and issues that have been highlighted in the research on the federal implications and manifestations of India's pluricultural society shows clearly that more sustained research is needed if we are to grapple effectively with the challenges that are evident. We revert to some of the gaps in research and the neglected areas in the section that follows.

RESEARCH TRENDS

The major positive trend that we discern in this survey is a movement from considering federalism as a structure to viewing it as a multilevel government process. Since practically every political and economic issue has a latent or manifest federal dimension, their inclusion in this survey would be justified only if the federal dimension is central to their occurrence or resolution. In this concluding section, we draw attention to some of the major strands of enquiry that are in evidence. We highlight the more noticeable gaps in research and the areas in which more work is necessary. We will also attempt to identify critical areas which are either under-researched, or under-theorized, or possibly both.

In this survey, we have looked at research on the various different ways in which institutions of government interact with each other in the Indian federal system. The blurring of boundaries between formal government institutions and those in the private sector is a reality that has to be factored in, even when it concerns not-for-profit organizations. New economic policies have given rise to highly contentious views about the role of governments and created public–private interdependence through shifts in policy boundaries.

The state acts through contractual relations with private partners, who thereby may escape the scrutiny of oversight mechanisms created for public institutions. To the extent that the state makes public resources available to private partners for their operation, this exemption from scrutiny creates a deficit in public accountability. More research is needed on the implications of these trends since the practice has taken root at all levels of the federal system.

In order to understand the period under review (1998–2010), we have had to contextualize it repeatedly with reference to works originating in the immediately preceding period (1989–97). They belong logically, in our view, to the present survey. Thus, we have included significant research produced during that period, which begins addressing the second-generation problems of Indian federalism that emerged in the early 1990s.

We find that, under the influence of the lateral logics of federal coalitions, the use of different forums for interaction to manage conflict and tension is accompanied by innovative techniques and structures of interaction. Greater research attention is needed to detect and map the new forms of interaction, especially under the impact of federal coalitions. For example, there is a growing tendency to institutionalize periodic meetings of official-level coordination forums for centre–state interaction, in order to partially compensate for the inadequacy of channels for such interaction at the political level.

Interaction has to be effective for the goals and purposes to be achieved. This is particularly relevant to the political management of economic growth, since inclusive policies rely on multilevel governmental and autonomous structures to deliver on their promises. It has to be used appropriately, in a federal system, to support shared rule without undermining the potential of self-rule.

Indian federalism has traversed a tumultuous phase during the last 20 years, and the changes that have occurred during this period

have been read and interpreted differently. With the onset of new liberal economic policies and the much-heralded deregulation, have the states powers and roles undergone a decisive shift in the direction of the greater empowerment of the states? Or has it resulted in the reinvention of the traditional dependency relationship as states clamour for patronage under various schemes funded by a resurgent economy?

The first-generation problems of Indian federalism were admirably captured in the Sarkaria Commission report. After that, there was a generational shift, 'a sea change' in the context. Two additional components of this changed paradigm can be identified: on the one hand, the telecommunications and information technology wave; and the advent of globalized terrorist networks on the other. Internal security as an issue has become a major area for further research because of the unrest in key states like J&K, as well as radical Left movements in the eastern states. If we add to this the cross-border terrorism issue, there is a whole agenda encompassing the concept of federal crimes, the role of the new National Investigation Agency (NIA), and existing central investigating agencies.

Multilevel independent regulatory institutions are new actors in the interaction and their role needs to be better understood from a federal standpoint. Other issues that need to be explored more systematically and comprehensively by researchers are listed next.

Inter-governmental interaction has become more complex, partly because the financial stakes have risen sharply. New forms of inter-action have emerged in the last two decades. Studies are lacking on how this interaction operates in functional areas, for example, environmental protection, forest rights, mines and minerals, and exploitation of natural resources. Environmental and ecological concerns have entered the framework of federal finance (The Energy and Resources Institute [TERI] 2009). Oil and minerals have emerged as a contentious area, where state governments have adopted different policies. For example, iron ore mining in the Bellary district of Karnataka has exposed regulatory deficits and a nexus of interests that defies state control.

There is some evidence of civil society participation in policy areas involving the two orders of governments, for example, the introduction of public hearing in clearance of industrial projects in states by Union Ministry of Environment and Forest, especially regarding

ecological and sociological adverse effects of new industries or developmental projects. The process, through which central control in this domain has gained salience, particularly since it belongs in the final analysis to the states, needs study. The treaty-making powers of the centre and its commitment to international obligations require reassessment in relation to the capacity of states to influence policy.

Gaps in research on the classic aspects of inter-governmental relations and executive federalism are mainly due to the lack of focused comparative analysis of the various old and new forums of inter-governmental relations. With the Right to Information Act, research on the functioning of public institutions should become easier. We need more case studies of Union–state interaction in specific policy areas like mining, industries, agriculture, public health, and education, to name only a few.

Turning to federal processes, the evolution of the party system and India's federal coalition experiences have thrown up new insights for enriching research in comparative politics. For instance, till recently, coalitions in FPTP systems were rare. However, today, even classical FPTP systems like United Kingdom and Australia have coalitions. India's experience with electoral coalitions could therefore be useful for comparative analysis. Similarly, the impact of the multilevel framework on the party system and governments at different levels could also be relevant for studies on European integration.

In the area of the challenges presented by a pluricultural society, although federal asymmetry has drawn increasing interest around the world as a viable institutional mechanism to hold deeply divided societies together, more work is required on its Indian variant. With the notable exceptions of Tillin (2007) and Adeney (2007), there is hardly any detailed study of India's case in comparative perspective. While the legal and political dimensions of 'special status' have generated a substantial body of literature both on J&K and on the Northeast, the fiscal and financial dimensions of federal asymmetry still remain under-studied. The question of asymmetry of regions within states, and of creating structures with differential powers within a state, has also assumed saliency in J&K and the Northeast given the increasing mobilization of minority groups. The cases of Ladakh Autonomous Council, Manipur (Hill Areas) District Councils, and the autonomous councils in Assam outside the ambit of the Sixth Schedule are cases in point. They call for a systematic and nuanced study.

Finally, how much has changed in the institutional arrangements for federal governance under the impact of globalization and liberalization? India still remains a centralized federation, despite some increase in the effective exercise of their powers by state and local governments. New regulatory bodies have emerged to replace the earlier mode of governance based on licences and permits, held responsible for stifling growth. These new regulatory organizations, with the ostensible mandate of benchmarking best practices and ensuring minimum standards across the Union, have developed considerable clout. They are the new pillars on which the federal governance of growth now rests. To what extent they are consistent with the vision of a polycentric federalism for India is a subject for further research.

NOTES

1. Available at http://www.india.gov.in/govt/documents/amendment/amend74.htm (accessed on 19 August 2012).
2. Prime Minister's closing remarks at the J&K Roundtable Conference, 25-February, 2006 found. Available at http://www.pib.nic.in/newsite/erelease.aspx?relid=15890 (accessed on 19 August 2012).

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