

# State Autonomy, Nationality Question and Self-Determination in India—Response of the State

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## ABSTRACT

The paper begins with the contemporary discourse on state autonomy and self-determination of nationalities in India and seeks to examine the response of the Indian state to these issues which have not only generated tensions between the Union and the states, but also between the State and the emerging nationalities with far-reaching implications for the authority and legitimacy of the Indian State.

## Key Words

state autonomy, nationality question, self-determination, India.

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## Conceptual Framework

The key concepts in this paper are 'state autonomy', 'self-determination' and 'nationality'. This section will, therefore, make an attempt at conceptualizing the aforesaid terms. As far as the concept of 'nationality' is concerned, it may be observed that although 'nationality' is commonly understood as a derivative of 'nation', it can describe a different phenomenon. In Central Europe, the difference between the words 'national' and 'nationality' developed into a very significant distinction, viz., between the 'nation-state' on the one hand and the 'state of nationalities' on the other. The first stood for one-nation state and the second for multi-national state. This became a hotly debated issue between the leading nation and national minorities in the successor states of the Austro-Hungarian and Ottoman Empires.

The official terminology in the communist states has interpreted 'nation' as the majority ethnic group in a state and 'nationality' as an ethnic minority in that state. A similar distinction has also been suggested by E.K. Francis, a sociologist who considers 'nation' as the dominant ethnic in the state. He regards 'nationality' as an imperfect nation, i.e., an ethnic minority which as a community has acquired some acknowledgement, in the form of an autonomous or protected status, in a state of another nation. If several nationalities within a state reach more or less equal footing, Francis describes the state as 'multi-ethnic nation-state' <sup>[1]</sup> In other words, Francis seeks to identify a nation, in one way or the other, with a state. This does not really clarify the terms. Nevertheless, in the context of this paper, the term 'nationality' will be understood

as a minority ethnic group which asserts its rights through political action and political mobilisation.

According to the doctrine of national self-determination, all people of one nationality are entitled to dwell together in order to govern themselves in a state of their own. Yet this doctrine was difficult to apply primarily because it provided no clear basis for defining the territorial limits of a particular nationality. There are conflicting definitions and legal criteria for determining which groups may legitimately claim the right to self-determination. Generally, however, 'self-determination' has come to mean the free choice of one's own acts without external compulsions. This paper views self-determination as reflecting the desire of a nationality to determine its own destiny and to have a say in its own affairs. Self-determination, therefore, is an urge for an autonomous status, either within or outside a sovereign entity. The Communist Party of erstwhile Soviet Russia adopted a resolution on the national question according to which the right of all the nations forming part of Russia freely to secede and form independent states must be recognised. To deny them this right, or to fail to take measures guaranteeing its practical realisation, is equivalent to supporting a policy of seizure or annexation. Only the recognition by the proletariat of the right of nations to secede can ensure complete solidarity among the workers of the various nations and help to bring the nations closer together on truly democratic lines <sup>[2]</sup>. Thus, the Communist Party endorsed the right of secession as an essential element of national self-determination. In recent times, it is alleged by many national

governments and centrist forces that any demand for self-determination is actually a prelude for secession and declaration of sovereignty. Responses of the Government of India to self-determination movements launched by Kashmiris and other smaller nationalities in northeast India, response of the Pakistan Government to similar demands in Baluchistan and the reaction of the former Soviet Government to demands of peripheral communities like Chechens are cases in point. This paper argues, however, that although the urge for self-determination may eventually culminate in a demand for sovereignty if a particular nationality does not foresee the possibility of fulfilling its aspirations and interests within the existing territorial and political framework, such a position is usually taken by radical or extremist elements only.

Another key concept of this paper is 'state autonomy'. This may be understood with reference to demands of the units of a federation for autonomy within the parameters of a federal constitution and opposition to centripetal forces. The issue of state autonomy acquires significance in view of the fact that India has been constitutionally designated as a 'Union of States', reflecting the essentially centripetal bias of the Indian federation. Considering the historical circumstances under which the federation was born, the framers of the Constitution were primarily driven by the concern to safeguard the federation from disintegrating forces and hence preferred the term 'Indian Union'. Thus, the Constituent Assembly, after prolonged debates, settled for "unitary federalism" in the backdrop of the challenges confronting the just emerged independent nation. Lawrence Saez observes that the passing of the India Independence Act and the eventual partition of India led the Constituent Assembly to adopt a more unitary version of federalism. It is in this context that the framers accorded a lot of emphasis on the fundamental unity of the Indian state and therefore envisaged a greater role for the federal government at the Centre. It was because of this compulsion that maximum number of subjects was incorporated in the Union list and the residuary powers were also

vested in the Union Parliament, thereby allowing the centripetal forces to gain precedence over the centrifugal forces. It is interesting to note that Ronald L. Watts, a renowned scholar of federalism, defends the Indian approach by arguing that in some cases, where territorial social diversity and fragmentation is strong, it has been considered desirable, as in Canada, India and Spain, to give the federal government sufficiently strong, and even overriding powers to resist possible tendencies to balkanization<sup>[3]</sup>.

## State Autonomy and the Indian State

Keeping in view the historical reality of diversity and uneven development in India, it has been rightly argued by some scholars that the most legitimate and democratic mode of shaping the new state should have been by seeking a voluntary accession of the various regional, linguistic, tribal and other communities to the Indian Union<sup>[4]</sup>. In the absence of such a democratic consensus, the legitimacy of the newly created Indian state was questioned in certain parts of the country<sup>[5]</sup>. In the face of this challenge, the rulers of the new state needed a centralised administration to tackle the conflicts arising out of such challenge and sought to impose a unifying ideology of 'national integration' under which it could homogenise the people. Thus, it appears that the Indian State, instead of responding to demands for state autonomy, with sensitivity to regional and cultural aspirations, has been trying to contain these demands through coercive measures. In this context, it may be pertinent to refer to Paul R. Brass who notes that a tendency in the literature on political development and modernisation of late has been to focus upon 'national integration' as a process of state building and to treat all other loyalties except those to the state as 'parochial' and 'primordial' loyalties divisive in their impact and detrimental to national integration<sup>[6]</sup>. This approach seems to find its echo in the 'melting pot' theory which equates the concept of the 'state' with that of the 'nation'. It may be pointed out in this context that authoritarian political leaders have come out with the argument that even regimes with competitive political

parties are dangerous threats to national unity and national integration in multi-ethnic societies because the parties tend to reflect ethnic differences. Such an attitude aims at imposing homogeneity on essentially heterogeneous multi-ethnic societies and embarks on forced integration generating perennial socio-political tensions in these societies. The tendency noted by Brass can be clearly discerned in the Indian context as well.

It may be noted that in India, an uneven distribution of powers between the Union and the units of the federation has evoked sharp reactions from states which have been clamouring for more autonomy. Broadly, the specific grievances of states against the Centre has been on issues like law and order, regulation and control over trade and industries, encroachment on state autonomy even with regard to items in the state list, excessive financial control of the Centre over the states, misuse of Article 356 and the role of the Governor in this regard and so on. The states denounced the arbitrary deployment of paramilitary troops in the states without prior consultation with governments in spite of the fact that law and order is a state subject. However, the Union Government maintained that it had the unfettered right of stationing not only the CRP and BSF units but also the units of the armed forces in aid of the civil power. The states also resented that the Centre had monopolised the control of industries, trade, commerce and production and distribution of goods. They argued that even though these were items in the state list, the Centre had brought them under its own control by taking advantage of the constitutional provision that Parliament could regulate them in national interest.

Regarding financial control of the Centre over the states, it was pointed out that the Planning Commission which is not a statutory body had become a "super government" and that through financial control; it had made the states subservient to the Centre. It was, therefore, argued that the Planning Commission should be made an independent autonomous body and should not merely be a wing of the Central government. Another major issue in Centre-State relations has been the promulgation of Presidential Rule

in the states and the role played by the Governors in this regard. It was often alleged that the Governors were acting at the behest of the Centre. Many of these issues became grounds for confrontation between the Union and the States and as a result, the demand for setting up a Commission to go into the entire gamut of Union-State relations gained ground. This eventually led to the appointment of the Sarkaria Commission in 1983 to review Centre-State relations.

The issue of State autonomy again came to the centre of the political stage in India in 2000 when the 'Autonomy Resolution' of the Jammu and Kashmir Assembly had triggered a national debate on the issue of greater autonomy for the other states of India with wide ranging political implications. An immediate response has been the reiteration of the demand for greater autonomy by regional parties in different parts of the country, viz., the DMK, the Akali Dal, the Asom Gana Parishad and so on.

Actually, the autonomy debate centres around the basic issue of the making of the India State. It may be recalled that the Constitution of India which is being quoted by both the proponents and opponents of autonomy was prepared by a Constituent Assembly which was not a fully representative body in the sense that it was not elected on the basis of universal franchise. It is significant to note that at the time of independence, only the Communist Party of India spoke about seeking a democratic mandate from the people about the future shape of the India Union. In 1945, the CPI announced an "Indian Freedom Plan" which envisaged the transfer of power to a 'real All India Constituent Assembly' elected by 17 "Sovereign National Constituent Assemblies based on the natural homelands of various Indian people"<sup>[7]</sup>.

In the context of the above discussion, the question arises— What is meant by the concept of 'greater autonomy' being talked about in the political circles of India? While greater autonomy in the context of Jammu and Kashmir implies a return to the pre-1953 status of the state<sup>[8]</sup>, this may be understood with reference to the complaints and grievances of States in the rest of the country against

centripetal tendencies leading to erosion of state autonomy. It is interesting to note the divergent reactions evoked by the recommendations of the Sarkaria commission which sought to rectify the federal imbalances. On the one hand, most regional parties and some national parties, particularly on the left, welcomed the recommendation of greater autonomy to the States. On the other hand, some scholars were of the opinion that the Commission had not only tried to distort, mislead and misinterpret the Constitutional framework, but had also opened the floodgates that would accelerate the process of disintegration of the country<sup>[9]</sup>. It may be argued, however, that autonomy to the states within the parameters of the Constitution need not be construed as a threat to integration.

## **N**ationality Question in India and Demands for Self-Determination

Various cultural and ethnic communities inhabiting India have their own distinctive cultures and traditions which make them assert their identity as separate nationalities. However, such assertion of identity by smaller nationalities need not be regarded as a threat to the Indian State because it is possible to accept the existence of more than one nationality within a state without either expecting them to assimilate with the dominant nationality of the state concerned or suspecting them as secessionist and leading to the disintegration of the present state<sup>[10]</sup>. This approach distinguishes between the state and the nation, but most national parties in India do not make this distinction. These parties have often raised the bogey of nationalism to suppress legitimate demands for self-determination and autonomy. It will be pertinent here to examine the stand taken by the Congress Party which has ruled the Indian State longer than any other national party and considers any challenge to the state authority at the Centre as an attack on the very existence of the nation-state.

Since its inception, the Congress had been professing the unity of India as its ultimate goal. This implied, according to Kousar J. Azam, an incorporation of divergence within the pattern of

unity, for, without a convergence of the divergence towards the goals of freedom, there could be no unity<sup>[11]</sup>. In his first presidential address, W.C. Bonnerjee gave a call for unity. He emphasised that the first task before the Congress was "the eradication, by direct friendly intercourse of all possible racial, creedal or provincial prejudices among all lovers of our country and the fuller development and consolidation of ... sentiments of national unity"<sup>[12]</sup>. But the Congress conception of national unity embracing racial, cultural and regional diversities under its own umbrella appears to be an unattainable ideal as different ethnic and regional groups in India have sought to preserve their distinct identities by putting up strong resistance against the forced assimilation process. Such assertions of the smaller nationalities to protect their identity have come to be viewed as major threats to the state of India although prevalence of this phenomenon during the British period led the Indian National Congress to resort to linguistic reorganisation which helped it to derive support from different regions<sup>[13]</sup>. There was, however, a change in the attitude in the Congress Party in the post-independence period and this became clear in the J.V.P. Committee (1949) report which viewed linguistic reorganisation as a threat to the political and economic stability of the country<sup>[14]</sup>. In this connection, A.K. Baruah argues that the champions of 'Indian Nationalism' could not realise that appreciation of the aspirations of the smaller nationalities specially in respect of linguistic cultural identity would in fact strengthen political integration.

The failure and reluctance of the Congress to grasp the reality of a basically pluralistic Indian polity has led the party to adopt policies such as nationalisation of political issues, political destruction of the state political supremos resulting in disintegration of the Congress organisation in the districts and the selection of Chief Ministers in the States who lack independent bases of power and can, therefore, be counted upon to follow the directives of the Central Government. The party's preference for centralisation is also evident in its Manifesto for the 1980 elections which specifically stressed that 'the planning

process' would 'once again' be used 'to reorganise the national economy' and that the state governments would be persuaded to implement national, uniform policies on subjects included in the 'State List' under the Constitution<sup>[15]</sup>. Brass argues that the precise purpose for which the 'State List' was inserted in the Indian Constitution was to allow the states independent powers of legislation on certain subjects exclusively concerning the states. According to him, deliberate interference of the Congress with the state's legitimate jurisdiction and attempts to lower the prestige of the state leaders have encouraged state autonomy movements and the growth of regional feelings throughout India<sup>[16]</sup>. Another factor fomenting discontent and tensions in a multi-cultural society like India noted by A.K. Baruah is that except for the regional parties and a small section of the left, the dominant political opinion in India today represented by the Congress views India as one nation and perceives the concept of the state as inseparable from the idea of nation. Refusal to recognise small communities as nationalities breeds discontent among the smaller nationalities inciting some aggressive sections to propagate anti-India ideas. Unless this trend is reserved, warns Baruah, there may be an acute crisis in the Indian political community. In sharp contrast with the Congress standpoint, the communists have been advocating the theory of multi-national India and considering the right of self-determination as an essential condition for the unity of India.

Lenin saw the rise of nationalism as a transient political phenomenon more than counterbalanced by a concurrent trend towards increasing internationalisation of economic, political and cultural life. This is why he did not come up with explicit definitions of such concepts as nation, nationality and nationalism. But the basic thrust of his thinking was to see these as economic and political phenomena—the result of the centralising tendencies of capitalist modernisation. It is this methodology that has dominated the thinking of the Indian left on the 'national' or 'nationality' question where this question now refers essentially to the internal political arrangements of an Indian

Union comprising a number of linguistic territorial state units and confronted with a variety of regional pressures.

The Communist Party of India, as a matter of fact, has never accepted the new Indian political system. It has been eager to see India organised either on the Soviet or the Chinese model rather than on the democratic model of the West. The Second Congress of the CPI which met in March, 1948, took a decision for a determined democratisation of India and its conversion into a Union of national people's democratic republics on the basis of the principle of national self-determination and the abolition of princely states<sup>[16]</sup>.

In sophisticated Marxist accounts, there is recognition of the existence of a 'dual consciousness', of a pan-Indian identity as well as of regional, linguistic-based 'nationalism'. The National Movement is said to have fostered and promoted both kinds of identities. It is believed that behind these regional, nationality or national movements are not distinct regional bourgeoisie but different sections of ruling class alliance or bloc, as well as sections of the working class and peasantry with their specific democratic aspirations. In general, the Marxists support demands for greater state autonomy because it is said to enhance democracy<sup>[17]</sup>. However, they make a distinction between regional claims or movements backed by the oppressed classes and those backed by oppressor classes. This divergence reveals itself largely through the kind of opposition parties leading these movements or making claims, or in the character of the party in government in the states. Thus, CPI and CPI (M) led states by definition express the aspirations of the working class and oppressed peasantry just as bourgeoisie parties in the states represent the interests of segments of the ruling class or bloc<sup>[18]</sup>. In other words, the Communist Parties in India judge regional demands as well as demands of nationalities on the basis of their class character and support or oppose these demands accordingly, at least from the theoretical point of view.

But the dichotomy in the Communist stand becomes evident when in specific situations like the Assam Movement or the Gorkhaland

Movement, the Communists failed to live up to the aspirations of smaller nationalities.

## Conclusion

It is evident from the above discussion that a number of ethnic groups and communities in contemporary India have been asserting their rights as nationalities because they perceive a threat to their identity and seek to protect the same by trying to extract as many concessions as possible from the central political authorities. It is this process of bargaining with the Centre for a better deal which appears to be associated very often with the politics of assertion of nationalities in India. To sum up, it may be argued that in order to achieve a genuine political integration of India, it is essential for the Indian state to appreciate the aspirations of these nationalities. An understanding of the nationality question in India will, therefore, require an enquiry into these processes.

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