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Introspecting India's Linguistic Federalism: Identity, Territory and the Limits of State Action

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Abstract

India's linguistic federalism implies the remapping of internal boundaries to accommodate the demands for federal self-determination of different linguistic groups. But the formation of linguistic state could eliminate the presence of linguistic minorities. This research paper aims to evaluate the role of language as a marker of identity in the accommodation of diversity in federal state-making and unmaking in India. It will examine the role of democracy and multiculturalism in strengthening the very process of linguistic federalism. It seeks to identify the limits of territorial determinism in such an accommodation as well. This research paper is both normative and exploratory. It is based on the analytical studies of primary sources, including reports, recommendations, data of several governmental committees and commissions, and political documents such as party reports and election manifestos of the Indian National Congress and regional parties set up on linguistic lines; secondary data viz. books, journal articles, etc. The history of federal exercise in India has remained a subject of considerable debate. This research paper has broadly three research findings: i) Indian federalism is basically territorial. Non-territorial groups (dispersed ethnolinguistic groups) remain underrepresented in the federal scene; ii) geographical congruity has been determined only on the basis of linguistic majorities while voices of linguistic minorities have gone unheard; iii) India's identity question instigates a tug-of-war between plural monoculturalism and multiculturalism. This research paper seeks to examine the Indian federal system in depth to identify the limits of territoriality in accommodating linguistic diversity. It would be relevant in particular to the scholars of federal studies and policymakers.

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Introduction

India, when uttered, reminds perhaps of the greatest example of heterogeneity in every sphere of life. It was justified for Rasheeduddin Khan, an expert on federalism, to title his book *Bewildered India*. A politico-economically deserted country after being freed from the clutches of colonialism, was anticipated by the Western intellectuals to return to medieval barbarianism as massive illiteracy and poverty would lead to corruption and pogrom, finally ending up with a civil war. It would be a Hobbesian state of nature where the root cause of such pogrom would be its diverse sectional interests. It is a matter of conceit that India, a developing country (I beg to avoid the term 'nation') has been successful in sustaining its diversity by means of politico-legal accommodation i.e., federal arrangements enshrined in the constitution. The concerned legal provisions were the outcome of prolonged debates in the Constituent Assembly while framing the Constitution. Elaborate presentations witnessed the making of federal arrangements where the primary question at the centre of the debate was- what should be the basis of multi-sectional accommodation in the national scene? Language, which had been established much earlier at the end of the nineteenth century and blossomed in Assembly deliberations, seemed to be the obvious answer. Dr. Jhumpa Mukherjee has briefly highlighted the history of linguistic identity discourse in India. Bal Gangadhar Tilak was the first to stand for linguistic determinism on the identity question. The Anti-partition movement of Bengal (1905), and the Home Rule movement (1916) were among the others to play a pivotal role to reinforce language as the criterion for accommodating regional diversities. Dr. Mukherjee has given a chronological account of the development of linguistic identity recognition ending with the establishment of States Reorganisation Commission (SRC) on December 29, 1953. She mentioned two very important expert bodies prior to the establishment of the SRC viz. the Dhar Commission (June 1948) and JVP Committee (December 1948). Her insightful and enriching descriptions help us make out the contribution of linguistic identity in identifying the federal

spirit of India.

India's linguistic federal discourse deserves some terminological clarification as well as a re-examination of the question of identity. Identity remains the rudimentary element which is inextricably related to the federal theoretical confluence of 'self-rule' and 'shared-rule.' Terms like 'multiculturalism,' 'pluralism,' 'identity crisis,' 'devolution,' 'autonomy,' 'sub-nationalism' need to be cultivated for obtaining a comprehensive outlook on Indian federalism. The ambiguous character of Indian federalism owes to the identity question and the somewhat improper addressing of diversity. This research paper is an enquiry to some of the challenges of India's lingo-federal journey. It seeks to understand the federal theories in the Indian backdrop and identify the paradigms of federal interpretation in India. With the purpose of making a comparative assessment of federal systems and pointing out Indian merits and demerits, it also seeks to understand how federalism contributes to the accommodation of India's linguistic diversities. Above all, explication of the role of democracy in strengthening federalism in India as well as its flaws are another aim of this research paper.

Review of Literature

Existing literature on this subject has mostly focused on territorial arrangements. They, however, have not focused on the aspect of non-territorial power sharing. Professor Harihar Bhattacharya in his *Federalism in Asia and Current Challenges to Multinational Federalism in India* (co-authored with Professor Katherine Adeney), has shown the limits of territorial federal management in India. He has referred to the concept of State-nation as a right to self-determination within the federal body politic. He has emphasized the issue of 'holding together' instead of 'coming together' of diversities. He has advocated a balance between self-rule and shared rule and has shown how territorial and very few non-territorial provisions of the constitution remain insufficient for accommodating diversity. Dr. Jhumpa Mukherjee in her *Conflict Resolution in Multicultural Societies* has shown language to be one of the elements of

society, a bond of communication. She is of the opinion that no federal democracy can be sustained if majority bypasses the minorities. Henceforth, she has argued for congruence between cultural identities and political institutions. One of the most crucial literatures is *The Ashgate Research Companion to Federalism* by Ann and Lee Ward where a couple of chapters on Kant and Tocqueville have contributed some pivotal insights like ‘township government’, ‘bottom-up federalism’, etc. Ronald Watts, often considered to be the father of federal studies, has emphasized the need to strike a balance between self-rule and shared rule in his writings such as *Comparing Federal Systems* and *The Federal Idea and Its Contemporary Relevance*. *An Immense and (In)Complete Democracy* by Nirja Gopal Jayal explains how Alexis de Tocqueville preferred citizens’ performance over having the qualifications for citizenship itself. Karmis and Norman emphasized the need for the federation of relatively small communities in order to prevent the disadvantages of being a small polity in their celebrated work *The Revival of Federalism in Normative Political Theory*.

Methodology

This research paper is normative as well as explorative. It is based on the analytical studies of primary sources, including reports, recommendations, data of several governmental committees and commissions, and political documents such as party reports and election manifestos of the Indian National Congress and regional parties set up on linguistic lines; secondary data viz. books, journal articles, etc.

Discussion

Federal Theories - Lessons Deserve Cultivation

Federalism is a wide-ranging term which encompasses a variety of related terms viz. ‘federal political systems,’ ‘federation,’ ‘confederation,’ ‘union,’ ‘constitutionally decentralized union,’ ‘federacies,’ ‘associated states,’ ‘condominium,’ ‘league,’ ‘joint functional authority,’

‘hybrids’, etc. To go with the lexicon, federalism implies the sharing of power between the centre and the periphery through the constitutional means of 3D- decentralization, delegation and distribution. Though these three terms are related to the idea of power sharing, federalist exigencies lead us beyond power sharing and toward the updated version of federalism. The question of belonging and authoritative allocation raises a more significant question than mere power sharing since it remains a top-down mechanism in India. The question of belonging and authoritative allocation is manifested by linguistic determinism. In this respect the terms comprising 3D need to be distinguished. Decentralization is a prevailing feature of Indian federal system that implies that power-sharing directive comes from the centre to the states, thereby creating a unidirectional process. Similarly, delegation appears somewhat like a representation of the central authority, thus compromising the true federal spirit. Distribution may walk on the same track, but can have the potential of equal say, thus shedding the compulsion of an authoritative Leviathan. Noted federal thinkers such as De Tocqueville and Daniel Elazar have enriched the notion of federalism but the most comprehensive definition has come from Prof. Ronald Watts who considers federalism as distinct entity which—

arises from the desire for smaller, directly accountable, self-governing political units, more responsive to the individual citizen, and from the desire to give expression to primary group attachments—linguistic and cultural ties, religious connections, historical traditions, and social practices— which provide the distinctive basis for a community’s sense of identity and yearning for self-determination. (Watts, 1999, 2006)

Karmis and Norman suggest federalism as the panacea to keep away inter-ethnic conflict. A very legitimate question is bound to arise - if a small political or ethnic community is largely self-sufficient and is capable of self-governance, then what is the rationale behind its decision to federate itself? They come with the answer- by federating they can enjoy the

advantages of a homogeneous polity and avoid the disadvantages of being too small a polity at the same time (Karmis and Norman, 2005, pp. 3-22). Thinkers like Rousseau, Kant, and Tocqueville have their distinct contribution in the federal discourse. Rousseau began with the notion of social federalism where the association between the centre and the constituent units depends on mutual respect and not binding upon each other. He imagines a small and homogeneous entity where federalism is based on inclusivity that arises from spontaneity. His federalism becomes political when manifested through a contract where 'men' (noble savage) become 'citizens.' Rousseau's federal view appears handicapped in a multi-ethnic country like India. The Kantian version of federalism is somewhat moral in character. Kant believes in a paradox of 'unsocial sociability' where people seek community living, but there is a threat of fragmentation owing to the absence of a common principle to attain happiness for all. He develops his concept of moral politicians in a 'Kingdom of Ends' where mutual respect prevails throughout. Tocqueville's exemplification of 'Township Government' as a federal icon deserves accolades. What amazes him about the American federal order is the bottom-up mechanism by which the states or regional units become more pivotal in the decision-making process, unlike India which operates a top-down federal system directed from the center. His advocacy of a regional or state directed federalism against central bureaucratic subordination made him an admirer of the American federal system. He emphasized the "necessity of studying what takes place in the states before speaking of the government of the union" (Schaefer, 2018, p. 198). He found that America maintains a distinction in the question of maintaining federal democratic order. He identifies spontaneous citizen participation in the legislative and decision-making process directly or indirectly as the backbone of a successful federal system. Consequently, different sections of citizens may be a linguistic majority or minority (Indian states began to be reorganized after independence on the basis of linguistic identity) must involve themselves with the governance actively. The performance of citizens

enthralled Tocqueville more than the criterion for obtaining citizenship (Jayal, 2012, pp. 119-125).

There are some theoretical inputs that the Indian federal system needs to nurture-

1. Rousseau's contractarian federalism which affords to retain the regional identities.
2. Kantian model of 'Kingdom of Ends.' Though it sounds utopian, but it is not impossible if the compulsive nature of Indian top-down federalism is transformed into a spontaneous co-operative system.
3. Complementary to the above, Tocqueville's model of 'Township Government' in favour of state or regional empowerment appears a feasible lesson.

Why Federalism?

So much has been written, researched, reviewed and commented on studies of federalism but still the necessity of examining the Indian version has been obviated for a long time. Indian federalism is largely based on linguistic territorialism. It involves multilayered complexities, socio-cultural cleavages and identity politics. Still there are many shades of Indian federalism that deserve research attention.

Professor Ronald Watts in his *Comparing Federal Systems* adopted a somewhat historical-comparative approach, marked by a dual orientation. Theoretically, it seeks to analyze definition, features, and varieties of federalism while carrying an empirical outlook by penetrating the federal systems of different countries across the globe. Professor Ann Ward and Professor Lee Ward have written *The Ashgate Research Companion to Federalism* which is a recent arrival in federal studies. It contains a dynamic collection of several thinkers. It seeks to portray an evolution of federal thought from ancient Greece to the contemporary era. The last segment dealing with diverse regional experiences makes it more interesting and

indispensable. Professor Harihar Bhattacharyya's book *Federalism in Asia* is of great relevance, particularly for researchers and policy makers of Asia and other decolonized federations. His book primarily deals with the successes and failures in adopting a federal system specifically in India, Pakistan, and Malaysia. Terms like 'ethno-nationalism' in this book can have an indelible effect on pioneering new horizons of federal studies (Bhattacharya, 2021).

With more than thirty-five demands for the creation of new states, India's traditional policy of linguistic territorialism, better understood as determining and recognizing the claims to self-rule of a particular territorial population on the basis of its linguistic homogeneity, is facing serious challenges. Professor J.C. Johari identified territorialism as one of the main features of Indian federalism (Johari, 2001). Language has been the dominating factor for identifying a homogeneous community. India has been politically mapped by this calculation since the first dawn of independence. Ideas like 'Dravidistan,' 'Sikh Suba' bear the testimonials of India's lingo-ethnic federal history. Demands for the reorganization of states on the basis of linguistic homogeneity have not been a proactive, rather a reactive stance of the Indian Government. The overlapping use of terms such as 'linguistic territorialism' and 'linguistic determinism' owes much to the 'sons of the soil' doctrine. With the emerging demands for new states, it seems linguistic homogeneity is basically composed of linguistic majorities. Linguistic minorities form a substantive portion of India's ethnic demography. A populace that treats a common language as its mother tongue and is relatively small or next to majority is a linguistic minority. The prolonged dereliction of these minorities and consequent inter-ethnic dissension in different parts of this country attests to the fallacy of our federal exercise. It has become an imperative for federal studies to address the issue of linguistic minorities and the federal prospect of India.

India's Identity Question - An Infected Pandora's Box

It is normally believed that a composite culture marked by centuries-long precedence of different dominating sub-cultures has set the Indian tune of 'unity in diversity.' Even the Constitution of India stipulates our fundamental duties vide article 51A, maintaining that it shall be the duty of every citizen of India to "value and preserve the rich heritage of our composite culture" (Basu, 2007, p. 136).

Here, two pertinent questions need to be discussed. Firstly, how can a single language be the foundation of a multi-ethnic multilingual country? Secondly, even if so, what is the reason for making it binding in a country that epitomizes unity in diversity? The tenacity of confusing 'unity' with 'harmony' can be a possible reason for this legal error. The concept of 'Salad Bowl' represents multiculturalism where it would be prudent to revisit the Indian essence of diversity. The Indian salad bowl contains a salad designed in a particular order where sliced pieces of every ingredient are placed together in the form of distinct rows or circles. A purely vegetarian (Jain) person can ask to separate the onions. It would not be difficult to identify it and separate it from the bowl. Their being served together in a bowl does not at all symbolize their harmony and any of them can be separated when demanded. Indian unity in diversity can be identified with the salad bowl where every ethnic group carrying a distinct culture lives together, but largely under compulsion.

It implied that since federal India was not an outcome of any agreement between the component units (states), they do not have any right to secede from the union. It is manifested in subsequent two articles where state reorganization has been allowed without disturbing the international boundary of India. India's ethno-lingual multiplicity has formed a strange paradox. It is likely a salad bowl as much as it is unlikely since it does not afford the multicultural element of 'right to exit.' Even a debate can be facilitated on whether India

maintains a multicultural tradition or constitutes a form of plural monoculturalism. In a desperate effort to distinguish between these two terms, Dr. Amartya Sen disagrees with calling India multicultural where cultures merely pass each other like vehicles. He argued that mere co-existence of different cultures side by side cannot build multiculturalism but rather produces plural monoculturalism. In a similar fashion, India can be said to exercise plural monoculturalism and not multiculturalism. Moreover, Sen has provoked the need to distinguish between ‘contrasting’ and ‘non-contrasting’ identities. He is of the opinion that the latter may not have any territorial dispute whereas the former refers to different groups of the same category “dealing with the same kind of membership” like citizenship (Sen, 2006, p. 28). Perhaps our constitutional ancestors had the foresight of the challenges of having such diversities and many social cleavages associated with various forms of identities, most importantly language. That is why they had to guarantee a system of compulsive unity. The first article of Indian Constitution thus maintains- “India, that is Bharat, shall be a Union of States” (Ministry of Law and Justice, 2024).

India’s Federal Conundrum - From Compulsion to Propulsion

Apart from Amartya Sen’s masterpiece, there are scholars like Professor Katherine Adeney and Professor Harihar Bhattacharyya who have added impetus to the need to focus on linguistic federal arrangement through their several writings. Though implicit it was in Sen’s argument, later couple of scholars have made it explicit and empirically showcased the drawbacks in federal arrangements with case studies, particularly in the North-East India. They have shown how the recognition of factors other than language stood as an imperative and its offshoot was the creation of Nagaland, Meghalaya, Mizoram, and Arunachal Pradesh. They have attempted an academic autonomy of India’s multinational federal arrangement by introducing a debate over the plausibility of India being a state-nation rather than a nation-state. The initial bludgeon of language ostensibly kept aside religious bigotry and saved India from becoming an illiberal

federal state. India's federal journey from a nation-state to a probable state-nation has propelled the need to focus on the rumpus arising from different sections of linguistic minorities in different states. These linguistic minorities form a considerable portion of demography, evident with the existence of Garo linguistic community in Meghalaya (Khasi remains the linguistic majority), Tamil in Maharashtra, Hindi in West Bengal, etc. The inter-ethnic difference seems proliferating the contusion owing to the emerging bellicose in favor of more involvement of the hostile populace in decision-making process. The notion of a state-nation in India is evident with the territorial claims of linguistic majorities as it seemingly challenges the happy marriage between nationality and the spirit of the state. The bond of nationality is questioned with the rise of so many strong sub-national majoritarianism.

Adeney and Bhattacharyya, has sought to distinguish between nation-state and state-nation while the later deserves more academic attention implying federal institutional arrangement of a state to accommodate multiple nations (identity groups). Since Max Weber gives the most comprehensive definition of nation comprising a particular community having a common sentiment of homogeneity or togetherness which seeks to create its own state, Indian federal system falls under a dichotomy- multinational federalism or multi-sub-national federalism. Though Adeney and Bhattacharyya have identified it with the first one, different ethnic communities have developed a contumacious relationship with the existing politico-legal arrangements evident with the creation of Uttarakhand, Jharkhand and more recently Telangana in contrast to the more prosaic examples of Kashmir and Punjab. Many more demands of separate regional self-determination are in the pipeline e.g., Uttar Pradesh is being demanded to be divided into four parts in the form of Harit Pradesh (west), Poorvanchal (east), Oudh Pradesh (central), Bundelkhand (south); Vidarbha in Maharashtra; Bodoland in Assam; Gorkhaland in West Bengal, etc. Though Bodos and Gorkhas are separate lingo-ethnic communities, the case of Uttar Pradesh is particularly striking. Telangana exemplifies the need

to look beyond linguistic determinism. The reports of the Commission for Linguistic Minorities on the demographics of north-eastern India indicate the argument carried forward so far. They show that, barring the exception of Nagaland, almost all the states have an average of fewer than three linguistic groups. This sort of widespread ramification appears obvious when said, “This high level of diversity meant that the redrawing of boundaries did not produce particularly homogeneous states and even in cases where one identity was recognized, other identities became more prominent” (Adeney and Bhattacharyya, 2018, p. 415).

The debate on multinational versus multi sub-national federalism is the outcome of the constitutional arrangement of compulsory unity ensured by Articles 1 to 3 where it is directed that no state or region has the right to secede from India. Therefore, high hopes for a ‘Dravidastan’ or ‘Sikh Suba’ was belied and confined to a regional sub-national movement. It has become an imperative to deconstruct the federal discourse beyond linguistic territorialism and look for the accommodation of non-territorialism.

Federalism – Pre-constitutional and Constitutional Response

The dominating linguistic discourse was subject to review by a host of lawmakers in the initial days of independence where several issues including the purpose, nature, process, structures and language (medium of structure determination) of federal state formation were part of a prolonged debate and discussion. Constituent Assembly engaged in two main debates. First, regarding the nomenclature of the federating units in which ‘state’ was finally recognized amidst multiple choices like ‘Pradesh,’ ‘Province,’ ‘State’ etc. Second, nature of the federal union i.e., how centre-state relations would operate the system. Like the first one, this was also determined after a series of arguments put forward by various schools of thought represented by terms like ‘provincial autonomy,’ ‘statehood,’ etc. (Mukherjee, 2014, pp. 16-18). Given the vast array of India’s diversity it was necessary to design her federal structures accordingly to

cope with the exigencies of time. Therefore, the federal union sought to serve certain specific purposes. A strong unitary federalism, fiscal federalism and the most pivotal among these was the recognition of cultural autonomy to regions with strong linguistic or religious orientation. Statehood was subject to fulfilment of three conditions, e.g. 1. proximity between people and their representatives, 2. techno-economic viability, and 3. homogeneity in terms of tribes, language, or even dialect.

Apart from above pre-constitutional responses, there were reactive yet fruitful (ostensibly) responses arrived in the federal platform after independence. Among others were the establishments of five Zonal Councils, Finance Commission and Planning Commission (now Niti Aayog). Basic provisions are enshrined in the constitution in the form of centre-state relations and three lists involving sector allotment for legislation i.e., Union List, State List and Concurrent list. Zonal Councils perform certain duties of national importance: 1. they seek to mitigate regional sectarianism and help build psychological integration of the country, 2. help both kinds of governments to arrive at unanimous policy decisions, and 3. extend co-operation in the implementation of various development projects (Majeed, 2018, pp. 503-514).

Notwithstanding, these responses different scholars have addressed Indian federal arrangement in distinct terms. Professor Akhtar Majeed and Professor Granville Austin have advocated for 'Co-operative federalism', while Professor Morris-Jones has maintained that India operates 'Bargaining federalism', as is evident from his words, "State governments will each attempt to maximize benefits and minimize costs. Each will stress its own needs and, even more, its potential for development, while hinging this firmly on to central aid" (Morris-Jones, 1974, p. 151). The system works in tandem with the legal directives. Penetrating into these rich although discrete definitions without looking into its flaws and possibilities would be an otiose affair.

Vehemence of State Voices

The latest development in India's federal direction can be identified with the re-emphasis being laid on the possible role of states, marking more involvement in policy decisions. There are several reasons invigorating a bottom-up federal structure. They are:

1. Identity politics and the consequent emergence of diverse social groups that run on the line of religion, language, and sometimes dialect perhaps are the driving forces to recuperate state directed federalism.
2. In contrast to the Indira Gandhi's era, the federalization of party structures has made them invincible in the national scene.
3. States' geographic federalism- borderland states have a say in building concerned foreign and security policies (Kumar, 2017, pp. 1-3).

Policy Suggestions/Recommendations

The presence of linguistic minorities in large numbers in almost all the states except Kerala demonstrates the impossibility of homogeneous linguistic states. Conceding to the creation of one linguistic state gives birth to a new similar demand. This ever-persisting trend was well predicted by the Linguistic Provinces Commission (Dhar Commission) and the Linguistic Provinces Committee (JVP Committee) established by the Indian National Congress in the first decade after independence. Both these ad-hoc bodies cautioned about the risk of territorial solution in their reports (Linguistic Provinces Commission, 1948; Nehru, Patel and Sitaramayya, 1949). Even the largest national political parties have only adhered to the territorial solutions. While the Indian National Congress has mostly sought to uphold the constitutional rights of the linguistic minorities, the Bharatiya Janata Party has only sought to preserve the languages of linguistic minorities with the help of technology. A comparative assessment between the election manifestos of the INC and the BJP in recent years provides evidence that the political stakeholders are yet to think beyond territorial solutions to redress

the grievances of the linguistic minorities (Indian National Congress, 2019; Indian National Congress, 2024; Bharatiya Janata Party, 2019; Bharatiya Janata Party, 2024). The Constitution of India is itself the result of a comparative study among different constitutions.

Concluding Observations - Redecorating the Interiors

India, a fertile example of a polyglot country, has been successful in maintaining its legal-institutional federal exercise. Ironically the legal scopes for involving states in the federal system seem abysmally low causing an encomium to emerge in favor of a bottom-up mechanism. The federal conundrum seems to be a complicated game of chess where inter-ethnic acrimony is likely to recur if not properly addressed. It is evident with the existence of belligerent linguistic minorities whose grievances have long been neglected. The limitation of territorial determinism in India's linguistic federalism indicates a need to move beyond territorial representation and look for a consociational solution. Countries like Belgium have been successful in accommodating linguistic diversities through non-territorial representation. This mechanism may potentially exert more influence on policymaking than bodies like cultural or linguistic councils do owing to India's vast area blessed with a bursting population. The pursuit of extensive research on the limits of India's federal state action in accommodating linguistic diversities necessitates further exploration on the field of comparative federalism.

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