

Journal of Management & Public Policy
Vol. 4, No. 2, June 2013, pp. 27-41
ISSN: 0976-0148 (online) 0976-013X (print)

Indian Federation and the Multicultural Context

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Abstract

Indian federation characterizes a dual polity, power sharing between national and state governments and majoritarian parliamentary democracy, a relatively rigid constitution, and a supreme court at the apex. Constitution tries to construct the multicultural reality within political-institutional framework following the basic principles of power sharing: grand coalition governments in which all sections have representations, protection of minority rights, decentralization of power, and decision-making by consensus. Power sharing in Indian federation is a combination of 'consociational' that ensures group interests, group autonomy, proportionality and minority veto and 'integrative' that eschews ethnic groups as building blocks of a common society. Few instances that kept the Indian federation far away from consociational are like (1) de-institutionalized politics of the Congress party that was transformed from an internally democratic, federal, and consensual organization to a centralized and hierarchical party; (2) frequent use of 'presidential rule' for partisan purposes; (3) rise of 'Hindutva' and the demand for 'uniform civil code' due to pressure from below; and (4) growth of demand politics and the rise of greater regionalization due to pressure from below. Cultural recognition, political participation-institutionalization paradigm, pressures from below and social and political discourses following the lines of Huntington, Raymond Williams, Rudolph and Rudolph, Partha Chatterjee and Foucault are important theoretical underpinnings here.

Keywords: Federalism, Institutionalization, Civil Society, Autonomy, Accommodation

Introduction

Federalism is as much a matter of process as of structure, particularly if process is broadly defined to include a political cultural dimension as well. Elements of a federal process include a sense of partnership on the part of the parties to the federal compact, manifested through negotiated cooperation on issues and programs and based on a commitment to open bargaining between all parties to an issue in such a way as to strive for consensus or, failing that, an accommodation which protects the fundamental integrity of all the partners. Only in those polities where the processes of government reflect federal principles is the structure of federalism meaningful (Elazar, 1985: 22). Lijphart has identified few favourable factors contributing to federalism or so to say consociationalism in plural societies. To this end I have to specify these factors in figure 1.

Federalism and Consociationalism

Lijphart's consociational theory is applicable to Indian integration pattern and Lijphart finds consociational character in Indian democracy, which has been criticized by Brass (1991) that India is not fully consociational, but it is highly competitive and has adopted some consociational devices, some permanently, some temporarily. Lijphart regards that India is basically consociational. With regard to power sharing India attains both consociational and integrative power sharing. During Nehru-era we find the prevalence of command polity rather than demand polity, which may be termed as ranked or controlled polity with the institutionalization of diffused power. Wilkinson's study is associated with the metaphor of 'tsunami' of Riggs (1994, 1995). The three tsunamis of Indian politics since independence are: (1) The first tsunami: a new post-independence division in to 'linguistic states'; (2) The second tsunami: regional movements with an ethno-nationalist element and (3) The third tsunami: the intensification of opposition (Sathyamurthy, 1996).

Lijphart's consociational democracy model emphasizes the importance of power-sharing. Horowitz's integrative democracy model emphasizes the importance of fostering multi-ethnic political coalitions. The grand coalition implies that the model of government and opposition is rejected. Consensual democracy replaces majoritarian democracy, and opposition is necessarily located inside government. Like consociationalists, centripetalists favour federalism in multi-ethnic countries, but for different reasons. So far as parties and elections go, consociationalists aspire to a post-electoral compromise—hence the grand coalition—whereas centripetalists aspire to a pre-electoral compromise—hence various incentives to induce parties to pool votes and form coalitions across group lines. According to the latter, pre-election compromise is superior, because it requires that parties make commitments to moderate their ethnic claims in order to secure alliances and electoral support across group lines, whereas compulsory postelection coalitions require no such commitments (Horowitz, 2008). Ultimately however, Sisk argues convincingly by striking a middle way between both approaches and attempting to solve the dilemma of having to decide on an appropriate formula for divided societies:

Scholars differ over whether the consociational power-sharing approach ... leads to better relations among ethnic groups in multi-ethnic societies than ... an integrative (or pluralist) approach... Neither approach can be said to be the best in all circumstances. Rather, the two approaches should be seen in contingent terms... The challenge is not to develop a singular model of conflict-regulating practices, but rather a menu of conflict-regulating practices from which policymakers can choose and adapt to the intricacies and challenges of successfully regulating any given ethnic conflict (Sisk, 1996).

The outcome is integrative-accommodative federal system. Additionally and more importantly, Horowitz's concept of integrative democracy is a fair account of an alternative approach to the rule of plural societies. The integrative power-sharing approach 'seeks to deal with ethnic conflict potential through fostering political arrangements that will lead to bridging or transcending ethnic group differences' (Grofman and Stockwell 2001). Though '...India was a consociational state before Independence, from 1947-64 it was a non-consociational state-what Horowitz would term a "ranked" society, or Lustick a "control" state-in which lower castes, religious minorities, and linguistic minorities within states were denied cultural rights and largely excluded from government jobs and political power. Since the late 1960s, far from becoming "less firmly consociational", as Lijphart claimed, India has in fact become more consociational.' (Wilkinson, 2000: 770, 787).

Constitution – centralization and decentralization of power sharing

The Indian constitution introduces a federal system as the basic structure of government of the country, though there is a strong admixture of unitary bias and the exceptions from the traditional federal scheme are many. The Union of India is composed of 28 states and both the Union and the States derive their authority from the Constitution, which divides all powers, legislative, executive and financial, as between them. The judicial powers are not divided and there is a common Judiciary for the Union and the States. The result is that the states are not delegates of the Union and that, though there are agencies and devices for Union control over the States in many matters, - subject to such exceptions, the States are autonomous within their own spheres as allotted by the Constitution, and both the union and the states are equally subject to limitations imposed by the Constitution, say for instance, the exercise of legislative powers being limited by Fundamental Rights. As regards the subject of legislation, the constitution adopts from the government of India Act, 1935, a threefold distribution of legislative powers between the Union and the States.

There are provisions which don't make Indian Constitution to be a federal in the sense of American Constitution. Though, it is said that within India, neither the Union nor the states enjoys [absolute] internal sovereignty due to the division of powers between the Union and the States in which both the Governments have plenary power within their assigned sphere, there exist certain provisions in the Constitution which are considered to be going against the principle of federalism. For example, article 200 of the constitution in which it is said that certain bills passed by state legislatures may be reserved by the governors for the consideration of the president of India. The another article which is considered to be a deviation from the principle of federalism is Articles 356, 352 and 360 which gives the power to the president to declare emergency, which can transform federal system into a unitary system; however the provision is meant for temporary and can be used only under certain exceptional situations under certain restrictions created through judicial intervention, there are many circumstances in which the central government has used this power to dissolve the state governments of the opposite parties and to remain in power at the centre.

What is required for a federation is that there should be a division of power among the different co-ordinate and independent authorities/component units of a federation. When we analyse federalism in judiciary, then the same division of power should also be reflected in the judicial set-up or between the federal and the provincial courts. It should be demarcation in the fields of working of the federal and provincial/state courts. But in India, Supreme Court is the highest court of the land as established by Part V, Chapter IV of the Constitution of India. It is the ultimate appeal in all criminal and civil matters and the final interpreter of the law of the land, and thus helps in maintaining a uniformity of law throughout the country. Beginning with the Article 141 of the Indian Constitution which plays most determining role towards this, enacts that the law declared by the Supreme Court shall be binding on 'all courts' in the territory of India. With this article gets attached a value of superiority with the Supreme Court that its say has to be followed as a mandate by all the other courts of the country. Regarding appellate jurisdiction, the Supreme Court has appellate jurisdiction as provided by Art. 132 to 134A & Art. 136. "Appellate jurisdiction is the jurisdiction of a superior court to review the final judgment, order, or decree of an inferior court on the record made in the inferior tribunal & to affirm, reverse, dismiss, or modify that decision." Finally, Article 144 which provides that all authorities civil and judicial in the territory of India shall act in the aid of the Supreme Court. This entire constitutional scheme shows that more importance need be given to the Supreme Court, which is the highest court of the land. On

the basis of all these things, entire judicial set-up seems to be biased towards the one Supreme Court. Since in India, the freedom to cases is such that every case is capable of reaching the Supreme Court, the 'federalism' principle fades away.

Consociational arrangements in the Constitution

Indian constitution not only protects the rights of the state through the distribution of power, but also provides for the protection of rights and interests of the socio-cultural minorities and the disadvantaged groups, and decentralized and autonomous governance within the federal set up. The constitution recognizes cultural diversity, but does abolish communal representation. Article 29(1) says that any sections of the citizens of India with distinct language, script or culture of its own shall have the fundamental right to preserve their identity. Article 29(2) regards prohibition of discrimination on the grounds of religion, race, caste, or language with regard to admission into educational institutions maintained by the state. Article 30(1) specifies that the minorities can establish and administer educational institutions of their own choice. Further, Articles 330-334 and 336-337 categorically mention the advancement of the socially and economically backward classes and minority communities. The Constitution of India has provided, among other various protections and safeguards, safeguards for Public employment to the persons belonging to the Scheduled Castes and Scheduled Tribes, keeping in view the discrimination and disabilities suffered by these classes to catch up and compete successfully with the more fortunate ones in the matter of securing public employment. Specific provisions for reservations in services in favour of the members of Scheduled Castes and Scheduled Tribes have been made as follows in the Constitution of India:

Article 16(1): There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. Article 16(4): Article 16 provides for equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State, Nevertheless, "nothing in this Article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State". There have been two Constitution Amendments incorporated in Article 16(4), they are: Article 16 (4-A): Nothing in this article shall prevent the state from making any provision for reservation in matters of promotions, with consequential seniority, to any class or classes of posts in services under the state in favour of SCs/STs which in opinion of state, are not adequate by represented in the services under the state. The 77th Amendment to the Constitution has been brought into effect permitting reservation in promotion to the Scheduled Castes and Scheduled Tribes. Some of the constitutional provisions which aimed at positive discrimination are: Article 17: abolition of "untouchability" and making its practice in any form a punishable offence, Article 46: promotion of educational and economic interests, Articles 16 and 335: preferential treatment in matters of employment in public services, Articles 330 and 332: reservation of seats in the Lok Sabha and State Assemblies.

Article 335 provides that "the claims of the members of the SCs and STs shall be taken into consideration, consistently with the maintenance of efficiency of administration in the making of appointments in services and posts in connection with the affairs of the Union or of a State". What we find in India is a combination of compromise by segregation and compromise by negotiation. It is a compromise formula between the two alternatives: group building block approach relying on accommodation by ethnic group leaders guaranteeing

group autonomy and minority rights and integrative approach seeking to integrate society along the lines of division within a common society. The integrative approach tries to build multi-ethnic political coalitions, to moderate ethnic conflict and to enhance minority and disadvantaged groups' influence in the decision making. This can be explained in the following diagram (Fig. 2).

Consociational-integrative trends

Few instances that kept the Indian federation far away from purely consociational are like (1) de-institutionalized politics of the Congress party that was transformed from an internally democratic, federal, and consensual organization to a centralized and hierarchical party; (2) frequent use of 'presidential rule' for partisan purposes; (3) rise of 'Hindutva' and the demand for 'uniform civil code' due to pressure from below; and (4) growth of demand politics and the rise of greater regionalization due to pressure from below.

Rajni Kothari (1976) regards that '... institutional system provides for widespread diffusion of power. That this happened to a significant degree under Nehru, and that this trend even appeared to grow stronger in the later part of his career, is a tribute to the democratic values, vision, and self-confidence of one man.' (Kothari, 1976: 15-16). Lijphart puts emphasis on power-sharing and co-operation among elites rather than among the masses. Hence, it may be stated here that to him, elite culture is more important than mass culture. He regards India as a good example of consociationalism. Nehru era consolidated consensual power structure, which came to decline in post-Nehru era, which has been contradicted by Wilkinson as a transition from 'ranked' or 'controlled' structure to a more consociational structure with a view to give emphasis on large-scale socio-economic differences and divergences and mass participation. Large-scale socio-economic, religious, ethnic and linguistic differences induced the leaders or elites to negotiate with the differential interests and integrate them with the mainstream federal orientation of union, but not unity. However, the ranked or controlled structure of Nehruvian structure was based on consensus. '... consensus has deep roots in India. Village panchayats traditionally reached decisions in this way...' (Austin, 1966: 315).

Few words following Weiner (1989) and Varshney (1993) may be cited here, which I do agree with and regard them as examples of consociational-integrative structure of Indian federation. '... conflict management has become more difficult with the decline of the Congress party organization' (Weiner, 1989: 11), but not impossible and 'the attempt by the post-Nehru leadership of the Congress party to centralize an essentially diverse and federal polity has co-existed with some of the worst stresses that the polity has experienced, including the insurgencies in Punjab and Kashmir.' (Varshney, 1993: 17-18). Special provisions for Jammu and Kashmir and Punjab accord under Rajiv regime are instances of consociational-integrative nature of Indian federation. We have to accept both the theses of Lijphart and Horowitz. 'During the last four decades, independent India has undergone a transformation from a homogeneous polity in which power was shared between the centre and the states under the control of the ruling Congress party into one in which control is shared between a centre... and the states in which a variety of different parties have won executive power in legislative assemblies... India may well be on the verge of a new era of power sharing,... powerful states can benefit from a strong Indian state controlled at the centre by a coalition of parties representing diverse ruling class interests.' (Sathyamurthy, 1997: 269-70). This view is supported by Wilkinson as stated above.

De-institutionalized politics of the Congress party

Nehru provided the party organization with vigorous leadership. He followed the middle-of-the-road policy between two different models of party-government relations: bourgeois model of parliamentary supremacy and communist model of organizational supremacy. The period of divergence and de-institutionalization developed during the period from 1963 to 1967, when the 1969-split produced far-reaching consequences for the party heralding a new era of party de-institutionalization, overt factional quarrels and power conflicts between progressives and reactionaries. Indira Gandhi's victory over the 'Syndicate' in 1969 once again proved the process the process of party de-institutionalization. Individual-oriented leadership side tracked the collective leadership and politics of banality. It was reinforced by authoritarianism and 'pure politics', de-ideologised and a-moral craftsmanship.

Apart from a party of consensus, of open and democratic in the midst of intra-party competition, and influenced by opposition parties operating within the periphery of one-party dominance of the OPDS-I, the OPDS-II experienced a conflict-ridden and de-institutionalized operational environment. The party has failed to generate consensus, maintain legitimacy, reconcile conflicting interests and initiate national development policies, and therefore, has become a far less organized institution, and is in the process of 'institutional decay' (Kohli, 1991: 307). The greatest failure of the Congress lay in institution building. Political and institutional consensus requires most of all cohesion in the elite itself. Without cohesion larger identities are difficult to develop. Rajiv Gandhi was less oriented to party rebuilding than on managerial and professional style of handling party affairs. This style was more oriented to central co-ordination and control than on societal bottom-up circulation. Necessarily recognizing the newly emerging demand groups and their conflict with the existing social order, and the inability of the political elites and organization to cope with these conflicts, it can be evaluated that organizational decay and power conflicts among various leaders have contributed to institutional decline in the party and to the erosion of the established local authority, and to the decline of the emergence of new institutional patterns.

Frequent use of 'presidential rule' for partisan purposes

Centralization of power under Congress regime began to grow between 1972 and 1975. Mrs. Gandhi was reluctant to allow the state leaders to emerge as independent power centres and so heavily relied on single person personal popularity, which virtually has created a political vacuum, which needs to be recuperated by means of institutionalization, consociationalisation, integration and negotiation. Declaration and prolongation of Emergency or 'presidential rule' had unfolded the growing and deep crisis of bourgeois-landlord system in India. After the promulgation of 'presidential rule' Mrs. Gandhi snatched the citizen's right to move a court under detention. Human rights were put into deep freeze. Judicial review was at the dictates of executive's whim. NSA and MISA were passed to prevent the disadvantaged from revolting, in spite of poverty and ignorance. The socially and economically disadvantaged positions were caused by erosion of institutions of democracy. The 42nd Constitution Amendment Act has subverted the basic feature of the Constitution by denigrating the importance of fundamental rights in the name of giving priority to the enforcement of directive principles which were never sought to be implemented. It attacked all basic rights. Power sharing between the executive and judiciary was subverted. 'Mrs. Gandhi's authoritarian and corporatist version of command politics ended the 1965-75 period of demand politics by banning strikes and demonstrations, arresting opposition leaders, censoring the press, and depriving citizens of their civil and political rights.' (Rudolph and Rudolph, 1987: 240).

Rise of 'Hindutva' and the demand for 'uniform civil code'

The 'Hindutva' movement is based on a system of religion which derives its strength from 'primordial attachments' and 'the assumed "givens" of social existence' (Geertz, 1973: 259). The Hindu middle classes provide the support for the rising tide of Hindu nationalism from the fear of losing their dominance. They mobilized the lower ranks of the Hindu society for their dominance. Politicization and mobilization of the voters and the on-going process of modernization have resulted in the revival and reassertion of religious identities. But this movement did not come into fruition due to the political market needs of the politicians and the heterogeneous character of the Hindu society in particular and Indian society at large. In fact, liberal parliamentary democracy is a kind of market mechanism where the voters are conceived as mere consumers and politicians as entrepreneurs seeking to bag votes for securing office (MacPherson, 1977). Again, the Hindu society and its organization is fragmented into various castes, hence it becomes impossible to develop a unified and homogeneous society based on Hindu religion and ideology.

The vision of the 'Hindutva' movement that the non-Hindus must adopt Hindu culture and religion, must respect Hindu religion, give up the attitude of intolerance and live in this country under the hegemony of Hinduism deserving no special privilege and preferential treatment – this seems difficult to entertain and attain. The 'Hindutva' movement and the crisis of the Indian state are closely associated characterizing the crisis of legitimacy of the regime, *i.e.* crisis of regime efficacy and regime effectiveness, and the crisis of hegemony of the Congress party. The 'Hindutva' movement is a semi-loyal opposition to the Congress regime. It is like Gramscian 'war of position' with elements of 'war of movement' with the goal of 'passive revolution' or 'revolution-without-a-revolution' or 'revolution-restoration' as the 'Hindutva' movement has to modify status quo without fundamentally changing the social relations. (Fig. 3). BJP demands that the 'Hindutva' movement will replace the failed regime formula of national unity and integration. It is like the fascist formula of organic unification of all reactionary forces within a single political organism. '... fascism... modifies the program of conservation and reaction... It replaces the tactic of agreements and compromises by the project of achieving the organic unity of all the forces in a single political organism under the control of a single centre.' (Forgacs, 1988: 147-48). As a Hindu nationalist party BJP is anti-consociational representing a serious danger to power sharing in Indian federation, which disregards consociational power sharing techniques like separate personal laws, Jammu and Kashmir's constitutional privileges and educational autonomy for the minority communities. But these were not seriously attained by the homogenisers. Supreme Court's decision regarding Muslim personal laws in *Shah Bano* case was reversed due to the multicultural integration of the Indian society. For the purposes of modernization and development and to ensure a consociational-integrative nature of the Indian federation educational autonomy for the minority communities is preserved so far with due respect.

Growth of demand politics and the rise of greater regionalization

India's consociational federal structure in its purest form is in danger due to personal centralization of power during Indira regime and the growing strength of regional or sub-national nationalisms and success of regional parties. The growing strength of demand politics has made the Indian federation consociational-integrative, rather than purely consociational. This type of demand politics is more spontaneous and less organized type of collective action. These demands are expressions of movements and issue politics, more spontaneous and less organized. These demand groups negotiate with the state, affect policy agendas and garner bargaining advantages. The state, on its part, performs conflict resolution

functions. The demands are more participatory than that of institutionalized in character. They agitate first and bargain and negotiate later on. New social movements in India like feminist movement, human rights movement, environmentalist movement, and tribal movements are few examples of this type of demand politics. Religious communities, caste associations, cultural, linguistic and ethnic groups are not closely regulated by the state. In this sense, they are more autonomous, but they revolve around the consociational-integrative structure of the Indian federal system. The masses in post-colonial India are unorganized and less dominated by the state. Despite constant protest and movements they lack autonomous political space. 'The poor, the minorities, those outside the stream of main civil society – the tribals, the forest people, large segments of the women – all suffer from this state of deep disorganization.' (Kothari, 2002: 83).

These movements are participatory in nature, but this is not sufficient for a just consociational-integrative pattern. To this pattern what is needed is self-empowered order through which the masses can be really empowered. Decentralization should not be the mere territorial division of functions and resources to lower levels, but decentralization should be people-centred. This practice is taking place, but it should be actually realized and expedited, so that it can be easily and properly identified. This is to be achieved in four simple ways: the transformation of Indian federation is to be achieved through the proper recognition and transformation of the civil society; the role and functions of centralized federal structure must decline and have to operate in concert with the sharing of power with other centres as well as other institutional spaces in civil society; the state should maintain its autonomy from dominant interests and its character as mediator in civil society; and the nation state syndrome of statehood must be changed.

Four pivotal events were made responsible for the demand for decentralization of power in Indian federal set up. The collapse of Soviet Union and the fall of Berlin Wall made socialist argument for centralized federalism meaningless and insignificant. Secondly, the extension of affirmative actions opened up the opportunities to the lower castes and proliferated state-based parties that made coalition government as inevitable inconsistent with centralized federalism. Thirdly, the 'Hindutva' movement struck at the root of the powerful secular state at the Centre. Fourthly, liberalization era produced regional disparities and states' responses to this policy were uneven. Liberalized economy encouraged private sector, empowered state governments, and decentralized decision-making in Indian federal set up. 'Change in India's federalism has come about less through the adaptation of formal institutions than through the proliferation of state-based political parties, aggregating varied interests based on region, language, caste, class, or views on secularism.' (Singh and Verney, 2003: 1).

In classical federalism the emphasis is on restraining the federal government through checks and balances, in India it is more on regional redistribution and political integration. Partha Chatterjee (2008) has found that 'Civil society is where corporate capital is hegemonic, whereas political society is the space of management of non-corporate capital. I have argued above that since the 1990s, corporate capital, and along with it the class of corporate capitalists, have achieved a hegemonic position over civil society in India. This means that the logic of accumulation, expressed at this time in the demand that national economic growth be maintained at a very high rate and that the requirements of corporate capital be given priority, holds sway over civil society – that is to say, over the urban middle classes. It also means that the educational, professional and social aspirations of the middle classes have become tied with the fortunes of corporate capital. There is now a powerful tendency to insist

on the legal rights of proper citizens, to impose civic order in public places and institutions and to treat the messy world of the informal sector and political society with a degree of intolerance. A vague but powerful feeling seems to prevail among the urban middle classes that rapid growth will solve all problems of poverty and unequal opportunities.' (Chatterjee, 2008: 58).

Stepan (1999) has made a useful distinction between "coming-together federalism" like the US, where previously sovereign polities gave up a part of their sovereignty for efficiency gains from resource pooling and a common market, and "holding-together federalism" as in multinational democracies like India (or Spain or Belgium), where compensating transfers keep the contending nationalities together. It is like market federalism in bargain. India is an example of market-preserving federalism. Manor (1998) regards that federal-state relations remain generally manageable because India's formal and informal political institutions can still make the politics of bargaining work. All political parties have enough people and support bases with appropriate skills and attitudes to sustain the bargaining process. A veritable legion of political activists and "fixers" gives India a major resource that is unavailable in most less developed countries. With their help, the politics of bargaining works well enough to keep socio-cultural heterogeneities from sowing political chaos. As against the American 'Melting Pot' democratic model where all the identities get subsumed under the major American nationality, Indian democracy has come to be defined as 'Salad Bowl' (Ashis Nandy quoted in Atal, 2001).

Paul Brass (2000) described the initial phase of Indian governance under Nehru as 'constitutional governance' since it was based on secular commitment, centralized economic planning and peaceful social revolution. The late 1960s, however, witnessed the dismantling of this linkage between the grassroots and the upper party stratum resulting into the regionalization of the democratic institutions and the emergence of authoritarian trends. Kohli (1992) attributed this crisis mainly to the role of the interventionist state and the failure of political parties. The decentralizing trends in Indian democracy got reflected in the pattern of governance which became more operationalized with the onset of coalition government in the mid-1980s onwards. The restoration of the processes of democratization and federalization since the era of Rajiv Gandhi has, however, checked the drift from federalism to strong centre.

The regionalization of Indian politics, federalization of party system since 1989 has also been functional for democracy and federalism. Even the attempts of the BJP led NDA regime too failed to derail these processes. the installation of UPA government and strengthening of the forces of secularism in 2004 parliamentary elections have further reinforced democracy and federalism by weakening the forces of communalism which has been threatening these twin processes. The return of UPA power in 2009 only strengthens Indians conviction that the future of democracy and federalism are safe in it. It may not be out of context to infer that it was the spirit of federalism and democracy which paved the way for the evolution of coalition politics in India. India has solved the dialectics between majoritarian parliamentary democracy and federalism. In Indian federal set up we generally follow the policy of accommodation and integration, rather than denial or replacement in the dilemma of recognition. Accommodation through affirmative action only extends further and greater inequalities, categorical proliferation and cognitive resonance in exponential manner.

Conclusion

By federalism, I mean a system that divides political authority between a nation-state and sub-national polities within its territory so that both the national and sub-national polities directly govern individuals within their jurisdiction, and that confers both national and sub-national citizenships. 'In this turbulent new world, federation and sub-national citizenship, in their many variants, will be increasingly attractive modalities for resolving entrenched political, legal, psychological, and sociological conflicts - while of course engendering new but hopefully more tractable ones. Only a federal system can hope to exploit the advantages of both scale and decentralization in order to adjust the contending interests and perspectives of center and periphery.' (Schuck, 2000: 225-26). The involvement of citizens in the associations of civil society is a major pathway to the development of a commitment to negotiation and compromise. In fact, 'the freedom of the individual, which is his self-realization, lies in identifying himself with the whole, belonging to which endows him with reality.' (Kedourie, 1993: 30).

In an earlier formulation, Huntington (1968: 420-423) had focused on the adaptability of party organizations and systems as a key criterion of institutionalization of parties in rapidly changing societies. He contended that the older and stronger parties were, the more adaptable they and the party system would have to have been, and the higher the level of institutionalization would have to be. Following Foucault we may say that civil society is a set of practices which renders human beings governable. A self must possess the capacity of being open to discursive persuasion and deliberation, and be able to see his or her interests not as pre-given and pre-defined. Power is everywhere says Foucault (1998), however, not because it embraces everything, but because it comes from everywhere. Foucault does not only illustrate this agonistic character of power, but also stresses that power must not be conceived as something negative or repressive. Relations of power need to be distinguished from states of domination. Power produces regimes of truth, the individual and his knowledge being the product of this production (Foucault, 1995, 1997, 1998). Power is more a question of government, *i.e.* direction of conduct. Governmentality is associated with rationality and capability of governmental actions to satisfy the needs and interests in civil and political spheres. Huntington sees in *Clash of Civilizations?* (1993) that (1) free and fair general elections and the continuous political participation of the citizens; (2) freedom of association, for example to establish political parties and trade unions; (3) a free and open public debate in which all opinions may be expressed, even unpopular or shocking opinions, but with the exception to calls for hate and violence.


References

- Atal, Yogesh. 2001. 'Managing Multiplicity: The Insider-Outsider Duality', *Economic and Political Weekly*.
- Austin, Granville. (1966). *The Indian Constitution* (Bombay: OUP).
- Brass, Paul R. 1991. *Ethnicity and Nationalism* (New Delhi: Sage Publications).
- Brass, Paul R. 2000. 'The Strong State and the Fear of Disorder' in Francine R Frankel, Zoya Hasan, et. al. (eds.), *Transforming India: Social and Political Dynamics of Democracy* (New Delhi: Oxford University Press).
- Charterjee, P. 1999. 'The Nation and its Fragments', in *The Partha Chatterjee Omnibus* (New Delhi: OUP: Originally published in 1993).
- Chatterjee, Partha. 1998. 'Beyond the Nation? Or Within?', *Social Text* (No. 56).
- Chatterjee, Partha. 2004. *The Politics of the Governed: Reflections on Popular Politics in Most of the World* (New York: Columbia University Press).

- Chatterjee, Partha. 2008. 'Democracy and Economic Transformation in India', *Economic and Political Weekly* (April 19).
- Elazar, Daniel J. 1985. 'Federalism and Consociational Regimes', *Publius* (Vol. 15: No. 2).
- Forgacs, David. 1988. *An Antonio Gramsci Reader* (New York: Schocken Books).
- Foucault, M. 1995. *Discipline and Punish: The Birth of the Prison* (A. Sheridan, Trans.) (New York: Vintage Books).
- Foucault, M. 1997. 'The Ethics of the Concern for Self as a Practice of Freedom' in P. Rabinow (ed.), *Ethics: Subjectivity and Truth* (London: Allen Lane).
- Foucault, M. 1998. *The Will to Knowledge: The History of Sexuality: Vol. 1* (R. Hurley, Trans.) (London: Penguin Books).
- Geertz, C. 1973. *The Interpretation of Cultures* (New York: Basic Books).
- Gupta, Dipankar. 1999. 'Civil Society or the State', in Ramchandra Guha and Jonathan Parry (ed.), *Institutions and Inequalities* (Delhi: Oxford University Press).
- Gutmann, Amy. 1994. 'Introduction' in *Multiculturalism: Examining the Politics of Recognition* (Princeton: Princeton University Press).
- Horowitz, D. 1985. *Ethnic Groups in Conflict* (Berkeley CA: University of California Press).
- Horowitz, Donald L. 2008. 'Conciliatory Institutions and Constitutional Processes in Post-conflict States', *William and Mary Law Review* (Vol. 49: No. 1213).
- Huntington, S.P. 1968. *Political Order in Changing Societies* (Chicago: Chicago University Press).
- Huntington, S.P. 1993. 'Clash of Civilizations?', *Foreign Affairs* (Vol. 72: No. 3).
- Kedourie, E. 1993. *Nationalism* (Oxford: Blackwell).
- Kohli, Atul. 1991. 'State-Society Relations in India's Changing Democracy' in Atul Kohli (ed.), *India's Democracy* (New Delhi: Orient Longman).
- Kohli, Atul. 1992. *Democracy and Discontent: The Crisis of Governability* (London: Cambridge University Press).
- Kothari, Rajni. 1976. *Democratic Polity and Social Change in India: Crisis and opportunities* (Bombay: Allied Publishers).
- Kothari, Rajni. 2002. 'Masses, Classes and the State' in Ghanshyam Shah (ed.), *Social Movements and the State* (New Delhi: Sage Publications).
- Lijphart, A. 1979. 'Consociation and Federation: Conceptual and Empirical Links', *Canadian Journal of Political Science* (Vol. 12: No. 3).
- Lijphart, Arend. 1969. *The Politics of Accommodation: Pluralism and Democracy in the Netherlands* (Berkeley: University of California Press).
- Lijphart, Arend. 1977. *Democracy in Plural Societies* (London: Yale University Press).
- Lijphart, Arend. 1979. 'Consociation and Federation: Conceptual and Empirical Links', *Canadian Journal of Political Science* (Vol. 12: No. 3).
- Lijphart, Arend. 1985. 'Non-Majoritarian Democracy: A Comparison of Federal and Consociational Theories', *Publius* (Vol. 15: No. 2).
- MacPherson, C.B. 1977. *The Life and Time of Liberal Democracy* (New York: Oxford University Press).
- Mahajan, Gurpreet. 1999. 'Civil Society and its Avatars', *Economic and Political Weekly* (May 15).
- Manor, James. 1998. 'Making Federalism Work', *Journal of Democracy* (Vol. 9: No. 3).
- Riggs, F. W. 1994. 'Ethno-national Rebellions and Viable Constitutionalism', Paper presented at the Congress of the International Political Science Association (IPSA) (forthcoming in *International Political Science Review*) August, Berlin.

- Riggs, F. W. 1995. 'Turmoil among Nations, A Conceptual Essay: Ethno-nationalism, Authoritarianism Anarchy, and Democracy', Paper presented at the International Studies Association Conference, February 22-25, Chicago.
- Rudolph, L.I. and Rudolph, S.H. 1987. *In Pursuit of Lakshmi* (New Delhi: Orient Longman).
- Sathyamurthy, T.V. 1996. 'Centralised State Power and Decentralised Politics: Case of India', *Economic and Political Weekly* (Vol. 31: No. 13), pp. 835-843.
- Sathyamurthy, T.V. 1997. 'Impact of Centre-State Relations on Indian Politics: An Interpretative Reckoning 1947-1987' in Partha Chatterjee (ed.), *State and Politics in India* (New Delhi: Oxford University Press).
- Schuck, Peter H. 2000. 'Citizenship in Federal Systems', *The American Journal of Comparative Law* (Vol. 48: No. 2).
- Singh, Mahendra P. and Verney, Douglas V. 2003. 'Challenges to India's Centralized Parliamentary Federalism', *Publius* (Vol. 33: No. 4).
- Sisk, Timothy. 1996. 'Power sharing in multi-ethnic societies: principal approaches and practices' in Gail Lapidus & Svetlana Tsalik (eds.), *Preventing Deadly Conflict Strategies and Institutions*. Proceedings of Conference in Moscow, Russian Federation, 14-16 August 1996.
- Stepan, A. 1999. 'Federalism and Democracy', *Journal of Democracy* (Vol. 10: No. 4), pp.19-33.
- Varshney, Ashutosh. 1993. 'India's Democratic Exceptionalism and Its Troubled Trajectory', Paper presented in American Political Science Association meeting.
- Weiner, Myron. 1989. *The Indian Paradox* (New Delhi: Sage Publications).
- Wilkinson, Steven Ian. 2000. 'India, Consociational Theory, and Ethnic Violence', *Asian Survey* (Vol. 40: No. 5).

Figure 1: List of Favourable Factors: Lijphart and Wilkinson

Lijphart (1969, pp. 216-22)	Lijphart (1977, pp. 53-101)	Lijphart (1985, pp. 119-28)	Lijphart (1996, pp. 262-63)
Multiple balance of power among the subcultures	Multiple balance of power among the segments of plural society	No majority segment	No solid majority
A relatively low total load on the decision-making apparatus	Small country size	Small population size	Small population size
Distinct lines of cleavage between subcultures	Segmental isolation	Geographical concentration of segments	Geographical concentration of segments
External threats	Multiparty system	External threats	External threat
Internal political cohesion of the subcultures	Tradition of elite accommodation	Segments of equal size	Segments of roughly equal size
The length of time a consociational democracy has been in operation	Overarching loyalties	Small number of segments	Small number of groups
Widespread approval of the principle of government by elite cartel	Crosscutting cleavages	Tradition of elite accommodation	Tradition of compromise and accommodation
	Representative party system	Overarching loyalties	Overarching loyalties
		Socio-economic equality	Absence of large socio-economic differences 
Theorists	Pre-Independence India (1919-1947)	Nehruvian Era India (1947-1964)	Post-Nehru Era India(1965-1999)
Lijphart (1996)	N/A	De facto consociational state	Less firmly consociational
Wilkinson (2000)	Consociational	Non-consociational "ranked" state	Increasingly consociational

Sources: Lijphart, A. 1969. 'Consociational Democracy', *World Politics*, 21 (2); Lijphart, A. 1977. *Democracy in Plural Societies: A Comparative Exploration* (New Haven: Yale University Press); Lijphart, A. 1985. *Power-Sharing in South Africa* (Berkeley: Institute of International Studies, University of California); Lijphart, A. 1996. 'The Puzzle of Indian Democracy: A Consociational Interpretation', *American Political Science Review*, 90.

Figure 2

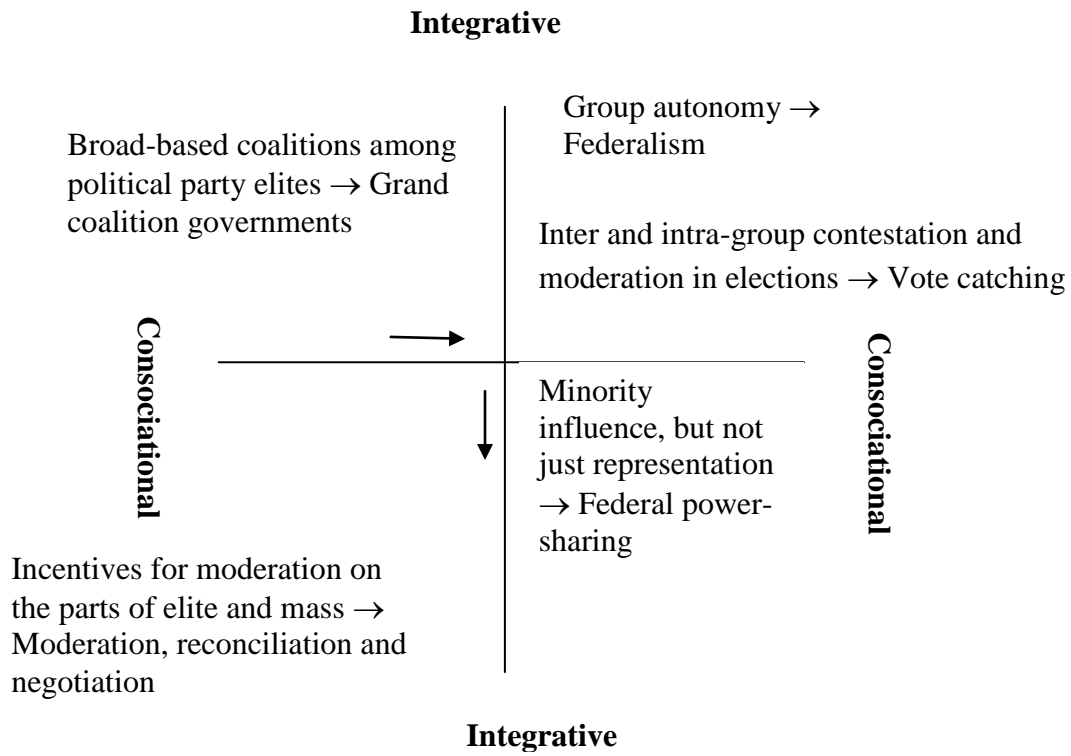
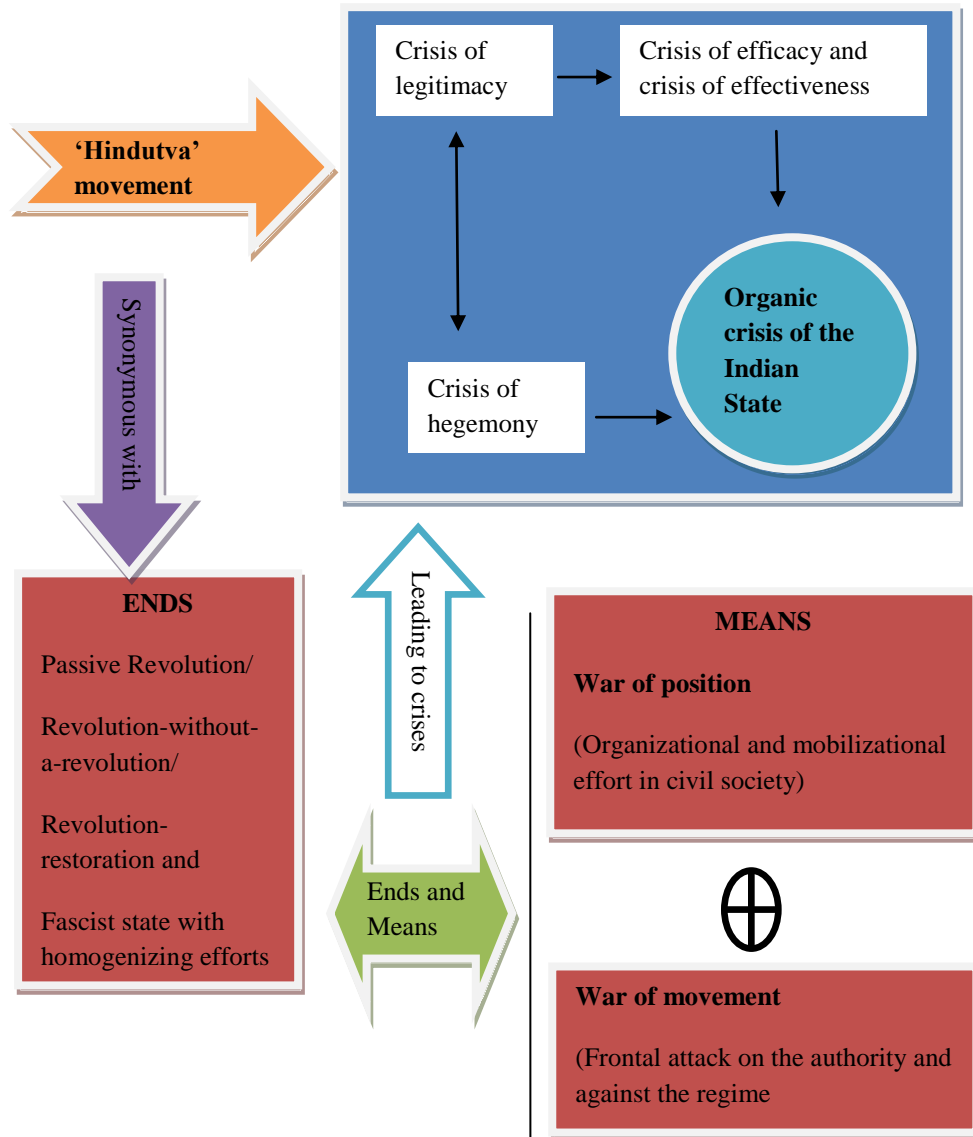


Figure 3



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