

Autonomy Demand: A New Perspective

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Shifts in Identity

Professor Philippe Schmitter of Stanford University is right when he asserts that “we are condemned to live in intensely paradoxical times, that is to say, moments in which contrary movements and trends around common issues make it exceedingly difficult to understand the emerging properties”. While the future of the nation-state such as India is secure, even the most established liberal democracies are facing a legitimacy crisis which is at least as significant as the consolidation crisis faced by those neo-democracies that have more recently been trying so hard to adopt these very same institutions of representation and accountability. We are living in a dualistic world. For example, while the model of democratic governance is being embraced universally today as never before, democracy is already in trouble in many places. Similarly, there are shifts and exchanges in identity not merely beyond the nation-state, but beneath or below the nation-state. There are demands for a lesser role for the state but also the need for greater state capacity, precisely in order to scale down the eventual role or volume of state authority. While it is assumed in certain quarters that it is less appealing to use force as a means to attain national ends, others maintain that we live in a world of an increasing number of more and more intractable and deadly armed conflicts most of which are occurring within, rather than between the states.

India's Identity

India's identity is a saga of multiple dualities. India may be a young nation but it is an old civilisation. India may be a modest world trader but at the same time it is a potential world power. The reference to the millenium old Indian civilisation is not just inspired by unreasoned nostalgia, a memory of a past glory. It is very foundation of the Indian mind. In its prestigious history, enriched by the long anti-colonial freedom struggle and by the ambitious strides of the post-Independence years, lay the roots and the sap of present-day India, its strength, but also the source of its internal dissensions. India is a wounded country, which is yet to recover from the syndrome of the 1947 bloody partition. India has overcome many crises in the past and is capable of overcoming the existing ones as well.

Political scientists and party ideologues continue to debate whether India is an uni-national state or a multi-national one. There are differences on whether India is a nascent nation or nation-in-the-making or whether it is already a nation-state. Professor Alfred Stepan of Budapest's Central European University says that India is a “state-nation”. In more sophisticated accounts, there is recognition of the existence of a dual consciousness, of a pan-Indian identity as well as of regional, linguistic-based nationalisms. The national movement is said to have fostered and promoted both types of identity.

The Regional Assertions

Keeping all this in mind, in the context of regional assertions playing havoc with national unity, demands for greater state autonomy or the restructuring of the federal polity should be supported as a therapeutic measure. However, a distinction must be made between regional claims and movements and demands of secession backed by forces inimical to the country. The eighties and early nineties brought new challenges to the Indian State, which fashioned also, a part of present day India's identity. The succession of three secessionist movement, firstly in Punjab, then in Assam and finally in Kashmir sought to establish a causal link between the uneven impact of development and the rise of local sub-nationalism's. In each case one could easily lay the blame on the Congress Party running the Central Government, during this period, for having failed to keep regional disaffections within check by adopting correct political, economic measures, aiming at balanced regional development. However, after a protracted anti-terrorist struggle, the country has more or less contained the divisive forces in Punjab and Assam while Kashmir is still bleeding.

Autonomy for Kashmir

With the advent of the United Front Government led by H.D. Deve Gowda, the demand for greater state autonomy and the restructuring of the federal polity is likely to gain further currency. Given the broad national consensus on the need to restore the democratic process, the announcement of the Deve Gowda Government to go ahead with Assembly elections in Jammu and Kashmir has received all round support. Though the United Front has committed itself to granting "maximum degree of autonomy" to the state within the framework of the Indian constitution, it has left the decision to be taken after taking the new Assembly into confidence. The BJP has remained isolated as far as its demand for the abrogation of Article 370 is concerned. The short-lived Atal Behari Vajpayee Government advocated political pragmatism by deciding not to press ahead with that demand. Support for autonomy to Kashmir is nearly universal though; it varies from party to party. While no party is delineating to what degree it is willing to grant autonomy to the State, there is a near consensus that any advance towards autonomy would be welcome.

This brings to the fore the crucial question of the proposed autonomy package that is bound to be contentious and sensitive. It is being maintained in certain quarters that whatever the autonomy package, the demand for autonomy on the lines of Jammu and Kashmir is bound to be raised from other State as well and, once that happens, the plea of "historical reasons" is unlikely to cut any ice. An impression has also been created that Jammu and Kashmir is being treated as a special case even though similar demands have been raised in other parts of the country.

The Case of North East

The North-Eastern region of the country has perpetually witnessed ethnic stirs and sub-national uprisings. The region has also become a symbol of the crisis-ridden Indian polity. For these upsurges reflect not only breakdown of the political process but also a radical confusion and uncertainty about the nature of the Indian state. Different sections of people feel that they have been left out in the cold, by the process of development and have now declared their loss of faith in the present dispensation through militant movements. There is a revolt against age-old bondage, impatience with stagnation and a thirst for rapid development on the basis of their perceived new sense of identity.

The root cause of turbulence and violence in the North-East is economic and not political. For five decades, the economy has created far too few jobs leading to a feeling of insecurity among the youth and made them revolt. Regional movements and identity aspiration have become some sort of an anathema to the Indian State. The void in the polity has been sought to be filled over time by a variety of “causes” like independence in Kashmir and upper Assam, self-determination and the glory of the Panth in Punjab, autonomy in Gorkhaland, Jharkhand and Uttarakhand, social justice and Telugu pride in Andhra Pradesh and Swayattata (self-government) in Maharashtra. Young people, degraded by employment, go out actively to embrace them because belonging to a movement, whether chauvinist or parochial, gives them what society has failed to provide: a sense of pride and self esteem.

Article 371-A

While the fact of Article 370 of the Constitution providing special powers to the State of Jammu and Kashmir is well known, perhaps thanks to BJP’s well-oiled propaganda machine, not many people are aware that North-Eastern States too enjoy certain powers, more or less on the lines of Article 370. In fact, inner line permits are required for Indian citizens to visit Arunachal Pradesh, Mizoram and Nagaland. According to Article 371(A); “No Act of Parliament in respect of the religious or social practices of the Nagas, their customary law, administration of civil and criminal justice involving decisions according to Naga customary law, or ownership and transfer of land and its resources, shall apply to Nagaland unless the Legislative Assembly so decides”. The same has also been extended to Mizoram.

The Naga rebels raised the banner of independence even before the dawn of independence. The main reason for such assertion was fear of an uncertain future and a fear of exploitation. By independence they meant, as later explained by the moderate leadership, the right to continue their way of life, system of land ownership, traditions and culture. In 1946 Nehru had stated that in independent India, the tribal areas will “have as much freedom and autonomy as possible so that they can live their own lives according to their own customs and desires”.

Nehru had also reassured Phizo in 1948 that he would consider anything short of independence. While Phizo went ahead with violent movement, sections of Naga people later responded to Nehru’s assurance and pledged to work under the framework of the Indian Constitution. This is the background against which special provisions were created under Article 371-A.

Things, however, began to change during the regime of Indira Gandhi. While the Central Government accumulated all sorts of power, it paid scant attention to regional aspirations. Worse still, some of the Central leaders even attacked opposition parties as separatist and anti-national. Whenever the DMK raised the voice of state autonomy, it was branded as secession way back in 1962.

The DMK Phase

The advent of the DMK government in 1967 marked a new phase in Centre-State relations. The DMK Government, led by Mr. Karunanidhi, appointed a committee of experts to go into the question of Centre-State relations. This committee otherwise known as Rajmanna Committee

submitted its report in 1971. It was the first time that State Government had obtained a comprehensive and scientific enquiry on the subject of Centre-State relations. This report is considered a benchmark in the study of the working of the federal Constitution of India.

The Rajmanner Committee said that the Article 256, 257, 339 (2) and 344(6) empowering the Central Government to issue direction to the State government should be omitted. It further said that the Inter-State Council should be constituted consisting of all the Chief Ministers or their nominees, with equal representation for all the States, and the Prime Minister as its chairman. In respect of any action to be taken in any matter relating to defence, foreign affairs, inter-state communications and currency in so far as it affects the Centre-State relations or State or States, the Inter-State Council should be consulted. According to the Committee's recommendation, the council should also have the opportunity to discuss all economic, fiscal, monetary and financial measures undertaken by the Federal Government. The recommendations of the council should ordinarily be binding on the Centre and the States.

The 1971 DMK manifesto also raised the autonomy demand in forceful terms. It said: Though the Constitution of India is described as a federal one, the balance is more tilted towards the Centre and hence the States are not able to function freely in the administrative and financial spheres. Only such powers as are necessary for the Centre to preserve the strength of India should be assigned to the Centre and all the other powers should be left to the States: and for this purpose, the constitution should be amended".

The DMK party appointed a committee to study the recommendations of the Rajmanner Committee. Based on this report, Karunanidhi moved a resolution in the State Assembly on State autonomy on 16 April 1947 which urged the Central Government to accept the views of the Tamil Nadu Government on State autonomy and bring about change in the Constitution.

The Akali Dal

The Shiromani Akali Dal in Punjab too made a demand for State autonomy. Even though the Akali Dal did not put forward any specific demand of a secessionist nature, its ambiguity on the concept of Sikh separation and its keenness to play a second fiddle to the militants at the height of militancy provided a cover for subversive forces. The Anadpur Sahib Resolution is another benchmark in the Centre-State relations.

The original Anandpur Sahib Resolution was put forth on 16, 17, October, 1973. It said:

"The areas which have been taken away from Punjab or have been intentionally kept apart e.g., Dalhousie from District Gurdaspur, Chandigarh, Pinjore, Kalka and Ambala city in district Ambala, whole Una Tehsil of Hoshiarpur district, Desh Ilaqa of Nalagarh, Shahbad block of District Karnal, sub Tehsile of Guhla and Tohana, Rattia Block of District Hissar and Sirsa Tehsil, 6 Tehsils of District Ganganagar of Rajasthan and the continuous Punjabi speaking Sikh-populated areas, should be immediately merged with Punjab under one administrative unit".

The Resolution further states:

“In this new Punjab, the Central intervention should be restricted to defence, foreign affairs, posts and telegraphs, currency and railways”.

A different version of the Anandpur Sahib Resolution was put forth by the Akali Dal Talwandi Group) and a World Sikh convention in Anandpur Sahib in April 1981. This Resolution states inter alia:

“An Autonomous region in the North of India should be set up forthwith wherein the Sikhs’ Interests are constitutionally recognised as of primary and special importance and the Sikh Autonomous Region may be conceded and declared as entitled to frame its own constitution on the basis of having all powers to and from itself except foreign relations, defence and general communications”.

Yet another version of the Anandpur Sahib Resolution authenticated by Sant Harchand Singh Longowal was issued in November 1982. This version asks for the merger of all Punjabi-speaking areas “to constitute a single administrative unit where the interests of Sikhs and Sikhism are specially protected”.

On 24 March 1983, Mrs. Indira Gandhi, responding to the growing demand for greater devolution of powers to the States, announced in Parliament the proposal to appoint a commission under the chairmanship of R.S. Sarkaria to “review the existing arrangements between the Centre and the State while keeping in view of the social and economic developments that have taken place over the years”. While the Sarkaria Commission in its report maintained that Article 356 should be used very sparingly, in extreme cases, as a measure of last resort, when all available alternatives fail to prevent or rectify the breakdown of a constitutional machinery”, it felt that “it is neither advisable nor necessary to make any drastic changes in the basic character of the constitution”. The Commission also rejected the demand of various States to abolish the concurrent list as a “retrograde step”. The commission also rejected the demand of certain State Governments and political parties to dilute the supremacy clause. It said: “if the principles of Union supremacy are excluded from Articles 246 and 254, it is not difficult to imagine the deleterious results. There will be every possibility of our two-tier political system being stultified by interference, strife, legal chaos and confusion”.

The Growing Demand

The rise of regional parties and the growing demand for state autonomy underline the general dissatisfaction over the progressive centralisation of authority. If the country is weak, inchoate and drifting today, it is not the result of regional demand for autonomy, a bogey has been raised over the years that strong States entail a weak Centre and vice versa. As professor Rajni Kothari maintains, “This bogey is based on a theory about the nature of power relations that is not just phoney; it is downright fraudulent. For it refuses to face up to the central issue in any democratic set up: distribution of power”.

As is apparent from the above analysis, that despite the particular historic context that granted to the State of Jammu and Kashmir the special status there are several States where similar demands

have been made and that many of the apprehensions of the State of Jammu and Kashmir against Central domination are shared by other States as well.

The emergence of United Front Government at the Centre marks a new phase in Indian politics. Those parties who have raised the demand for state autonomy today hold the levers of power. The UF's emphasis on the devolution of greater economic and administrative autonomy to the States has already set the tone for a change in the federal polity. India is too large and complex country to function as a unitary state. Common sense and the need for national survival demand a course that should lead the country towards a polity which permits the emergence of strong states with a strong centre, that is to say, a Union of States, in which both the Central and State Governments are meaningful entities, rather than one being a mere appendage of the other. Ironically, even political parties that clamour for real and co-operative federalism are themselves quite unitary in their organisation and functioning.