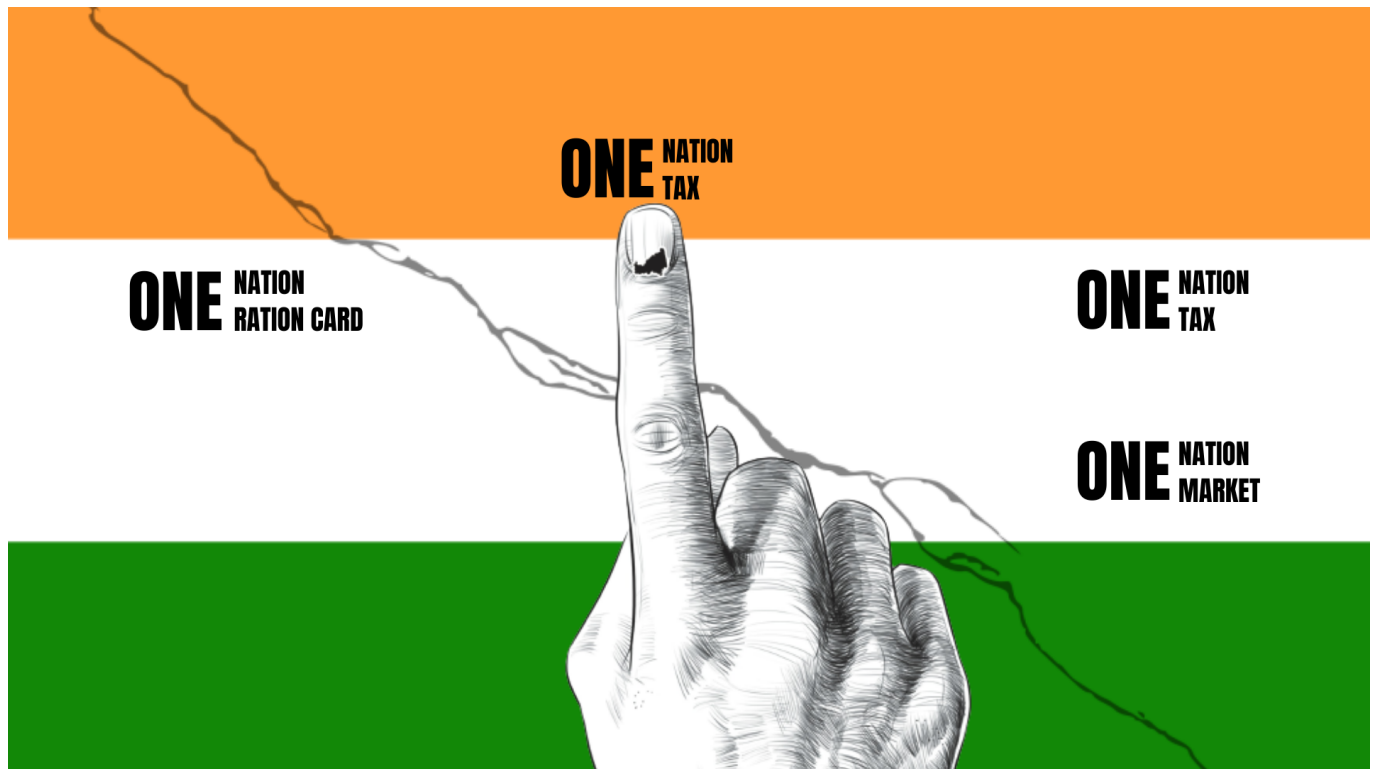


TIF - 'One Nation', New India and the Hollowing Out of the Federal Idea

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Since 2014, the BJP government has been steadily delegitimising federalism. It has been using soft & hard measures to realise its political & cultural vision of 'One Nation, One India', where diversity is discounted & the states' interests are seen as hurdles.

Since 2014, when "New India" was apparently inaugurated, we are in a remarkably similar phase of federalism as in the 1970s and early 1980s when the centre called the shots and state autonomy was constrained. With the "One Nation, One India" rhetoric now in the limelight, the era of "federalism without a centre" (Sáez 2002), when the states show initiative and pluck, now appears distant. Yet, this New India is also different. There is a concerted push to inaugurate a new project and reimagine the "idea of India" (Khilnani 1997).

The One Nation, One India thesis, which is one motif of the Narendra Modi government, takes a sharp turn away from the pluralist-democratic ethos. Couched in administrative language, the oneness thesis covertly pushes a narrow homogenising cultural and political agenda. It goes beyond routine centralisation, negates the benefits of a federal setup, reduces state autonomy, and strikes at the heart of the federal idea.

We can identify at least three values that motivate federalism (Elazar 1987). First, it encapsulates a vision that recognises people can be embedded in territorially-bound communities and simultaneously be members of the polity-wide community. It must be underlined that a federal order does not abandon the idea of a shared national identity. Second, there is no hierarchy of belonging, and one membership does not diminish the other. At the same time, there is no ranking of communities, all are equal. Third, it recognises the right to be different and this probably is at the heart of the federal idea. States can seek autonomy on particular issues while sharing the advantages of commonality. The federal idea realises that a one-size-fits-all policy will not work and there could be more than one solution to a problem.

It follows that federalism is agnostic to institutional design specifics as long as the federal spirit of celebrating togetherness amidst diversity finds expression. It is a political association that is invested more in the relationship between the different entities than in the architecture. Federalism, therefore, needs to be understood at a more abstract level as to how it forms the foundations of an institutional framework that allows togetherness and separateness to co-exist.

Uniformity is now preferred over diversity and political expressions of state-based interests are seen as hurdles to the making of One India.

When the Bharatiya Janata Party (BJP)-led National Democratic Alliance claimed in 2014 to inaugurate a new era of federalism, the gradual emptying of its meaning was not expected. By 2019, centralisation moved to a new level and was quite unlike anything in the past. There was little use for the traditional centralising elements like the use of the office of the governor and Article 356 of the Constitution (which previous governments in New Delhi used) as the BJP came to be in power in a number of states. Encouraged by the congruence of the party in power in the centre and the states, the union government began to treat states as line agencies or the delivery arms of central ministries and departments, constraining the states' political and financial autonomy. Along with this administrative centralisation, there is also a political and cultural homogenisation logic at play. This new phase of centralisation gets its legitimacy from an economic rationale, which pushes for particular delivery models and centralisation in specific services, ostensibly for the sake of greater efficiency.

The BJP's long-held ideas about the nation shape the contours of the new diminished federal order. The BJP subtly uses an economic and administrative justification as a vehicle to carry forward its political and cultural logic of a One Nation, One India. The central element in the federal idea of allowing differences to flourish has become an object of criticism and is systematically delegitimised. Uniformity is now preferred over diversity and political expressions of state-based interests are seen as hurdles to the making of One India.

Indian federalism

At independence, India adopted a "strong centre" model of federalism that was unlike the classical federations in many respects. Besides the circumstances and concerns of Partition and the demands of economic development, Madhav Khosla (2020, 22) reminds us that the Indian Constitution was "conceptualised as a pedagogic tool", an "instrument of political education" designed to build a "new civic culture". A strong centralised state was supposed to overcome the resistance of the social order and the "tendencies of a backward society" (ibid. 105) and achieve the substantial values enshrined in the Constitution. This drive to construct a more egalitarian society provides a strong normative underpinning for centralisation in the Indian Constitution.

Yet, as Stepan, Linz, and Yadav (2010, 53) tell us, this nation-building project was unlike other experiments. India did not adopt the classical nation-state model that privileged one single national ethnos but preferred a "state-nation" route that celebrated and safeguarded multiple socio-cultural identities. This political-institutional project incorporated asymmetrical and consociational practices by allowing some territorial units different cultural and political entitlements. These special privileges took care of the demands for "distinct linguistic-cultural aspirations, security situations, or historical identities".

Federalism was a key institutional mechanism for "holding-

together” India’s enormous socio-cultural and multinational diversity.

The state-nation policies protected and fostered socio-cultural diversities, even as they helped create a sense of belonging to a polity-wide political community. This “we-feeling”, or sense of belonging, came not from erasing differences in language and culture to create a more homogenous entity, but by defining tradition, history, and culture in a more inclusive manner. Rather than focussing on a so-called common cultural heritage as in a nation-state, the state-nation sought artefacts that united: common symbols and some form of “constitutional patriotism” to bring citizens together.

Federalism was a key institutional mechanism for “holding-together” India’s enormous socio-cultural and multinational diversity. It has been a key factor in conflict management and democratic stabilisation, and has provided tools for constant adjustment to accommodate multiple and diverse demands. To counter centripetal movements and motivate greater participation in the democratic processes, India experimented with a variety of mechanisms and practices, including granting special status to states with subsidies and fiscal incentives, putting constitutionally protected asymmetries in place, creating centrally administered territories, elevating centrally administrative territories to statehood, carving out new states from existing ones, and forming sub-state autonomous councils (Arora 2010). In India’s federal experiment, there was an implicit understanding that nation-building is a work in progress that required innovation and even the disruption of given templates.

The BJP and the One Nation idea

Both the Congress and the BJP are closet centralisers and reluctant federalists, with one significant difference. While both justify centralisation in the name of economic development and national unity and integrity, for the BJP there is also an ethnic, religious or cultural dimension at play. The Congress centralisation married liberalism with the demands for pluralism. This allowed Congress-led regimes to accept — albeit grudgingly — linguistic reorganisation of states, adopt a three-language formula, defer official language provisions and so on. The Congress position recognised that individuals could have multiple identities derived from simultaneously being members of different groups. Therefore, despite or alongside the centralising tendency, the Congress appeared to be committed to recognising multiple identities as legitimate markers in political life. The acknowledgement of a plurality of communities within a territorial unit is probably what distinguishes the Congress from the BJP.

The Jana Sangh was unsurprisingly critical of special and asymmetrical provisions to particular regions.

The One Nation project of the BJP derives from a pre-occupation with national unity and territorial integrity. The theme of unity was central to BJP’s forerunner, the Bharatiya Jana Sangh, a party born in the wake of Partition. The theme cashed in on the memories of Partition and the religious divide, which allowed for claims on behalf of a so-called “threatened majority” (Appadurai 2006). Taking this idea forward, the Jana Sangh rejected the state-nation arrangement and pushed for the nation-state model where “people of a country become a nation only when they are united by one common culture” (Bharatiya Jana Sangh 1973). Related to this idea was a constant call for “Indianisation” to achieve and maintain unity. Accordingly, people were encouraged to identify with a common cultural identity and voluntarily assimilate into the dominant culture and give up their distinctive, ‘foreign’ ways of life. The existence of alternate identities was seen as a shortcoming in the building of a nation.

In this framework, there would be no minorities and majorities based on religion, and special privileges in the

name of "protection" were seen as means of "appeasement". The Jana Sangh was unsurprisingly critical of special and asymmetrical provisions to particular regions. It held that when fair procedures (which treat everyone equal) were in place, the popular will would be expressed, and that the political outcomes of this expression of popular sovereignty were not only desirable but also fair. Contrary to the demands of substantial equality, there was an implicit belief that the majority community had the legitimate right to advance itself, lest it turned into a minority.

[T]he Jana Sangh's successor, the BJP, is naturally more invested in federalism as an administrative device than as a key element in the democratic project.

The Jana Sangh believed that all states should be treated similarly and therefore, there should be no distinctive provisions. Article 370 was seen as a hurdle to the "integration" of Jammu and Kashmir with the rest of India. Article 370 has prominently featured in every election manifesto of the party and was a subject of numerous resolutions of the Jana Sangh. Similarly, the Jana Sangh was also not in favouring of creation of the state of Nagaland and believed that it would encourage similar demands of recognition in other parts of the country as well which would "endanger the unity and integrity" (Bharatiya Jana Sangh 1973, 54).

Following from this logic, the Jana Sangh's successor, the BJP, is naturally more invested in federalism as an administrative device than as a key element in the democratic project. Since it came to power in 2014, the BJP has pushed its One Nation agenda using a mix of both soft and hard techniques. The soft measures primarily rode on the back of the already existing administrative and economic logic of centralisation. In the absence of opportunities to use soft measures, the party has not hesitated to use hard practices to make space for its One Nation goal. The hard measures include both legislation and constitutional changes that attacked the roots of federalism by pushing for limits to recognising diversity and differences, and by intruding into the space reserved for states. These include, for instance, the Citizenship Amendment Act (2019) and the scrapping effectively of Article 370 and Article 35A of the Constitution, and the legislating of the Right to Information (Amendment) Act (2019), Unlawful Activities (Prevention) Amendment Act, 2019, and the National Investigation Agency (Amendment) Act 2019.

The conventional wisdom is that economic liberalisation encourages decentralisation and pushes central governments to cede greater powers to the states. However, it may be useful to nuance the proposition by distinguishing between political and fiscal decentralisation. There are studies which show that there is a strong link between globalisation and fiscal centralisation. For instance, Garrett and Rodden (2006) use large cross-country data to demonstrate that the demands for macroeconomic stabilisation and the need to manage market risk may lead to centralised fiscal arrangements. So, it is not surprising to see political decentralisation happen alongside financial centralisation.

Likewise, in the Indian context, the fiscal federalism scholarship underlined the need for tax reforms like Value Added Tax (VAT) and Goods and Services Tax (GST) reforms to strengthen fiscal stability and prepare different levels of government to meet the challenges of globalisation (Rao 2011). It would not be wrong to say that over time, Finance Commissions, in the name of financial consolidation and efficiency, enabled the central government to enforce greater fiscal discipline on the states. Notwithstanding the benefits of greater efficiency and consolidation, these reforms strengthened the centre's position vis-à-vis the states and reduced the space for states to pursue their distinctive economic and political plans.

These fiscal measures and the consequent migration of power towards the centre began at the turn of this century and therefore pre-date the BJP's current stint at the centre. However, the fiscal centralisation that has been taking place helped the BJP push forward with the political and cultural logic of its One Nation project.

The One Nation idea began with the proposal to have simultaneous elections across different levels using a single electoral list. Continuous elections, according to the central government, constituted a hindrance to development and a waste of resources. The NITI Aayog attempted to legitimise this idea in a discussion paper that supported the “One nation, One election” thesis, stating that frequent polls impacted “policy making” by encouraging “politically safe” measures over “difficult structural measures” that are (ostensibly) more beneficial (Debroy and Desai 2017).

[I]n the 2019 election campaign, the BJP blamed the states for the poor delivery of various welfare programmes, making it appear as if centralisation was a solution to the problem of leakages...

Subsequently, the One Nation idea has been prefixed to a host of policies like the GST (One Nation, One Market, One Tax), reforms in the Public Distribution System (One Nation, One Ration Card), electricity reforms (One Nation, One Grid) and so on. The logic behind them is often economic and administrative, including the need to streamline procedures, ease movement and integrate markets and people, remove information asymmetries, promote transparency, increase efficiency and competitiveness, prevent leakages, and reduce costs.

The BJP has intelligently used the One Nation idea to weave these diverse policies together and justify them. For instance, the GST was marketed around the theme of one market. It was argued that though India was a political union it did not have one market and that the GST would take us closer to that goal. Further, in the 2019 election campaign, the BJP blamed the states for the poor delivery of various welfare programmes, making it appear as if centralisation was a solution to the problem of leakages, even as it packaged the prime minister as a leader of the poor. (Deshpande et al. 2019).

The abrogation of the special provisions under Article 370 is an example of the hard push. Given the numbers the BJP has in Parliament and its lack of dependence on other parties, it is not surprising that the special provisions applicable to the state of Jammu and Kashmir have been overturned (Bhatia 2019).

The hollowing out of the federal idea

The BJP’s vision is indifferent to the normative spirit of federalism and its links with democracy. The party sees federalism only in functional terms, as an administrative mechanism for division of power. The One India project is antipode to the constitutional vision that recognises multiple identities within a single polity (Arora and Verney 1995). What makes the BJP (and the Jana Sangh before it) stand apart from the constitutional consensus is its deceptively simple conception of equality, that all citizens carry equal weight. The party has consistently stated that it stands for the equal rights of all Indian citizens irrespective of caste, creed, community and so on, with no special privileges to and promotion of any particular group.

At times it might be useful to have differential treatment or have different starting points to reach a substantive version of equality.

This formulation has elements of three dominant but limited conceptualisations of equality. In his study of equality, Beitz (1989) notes that frames of equality, including “best results”, “popular will”, and “fair procedure”, fail to reach the egalitarian ideal of democratic citizenship. A more substantial ideal of equality, he argues, requires “recognition” as an “equal member of the polity,” “equitable treatment” which protects members

against political outcomes that jeopardise one's prospects, and "deliberation" that allows space for discussion of public affairs.

It follows that this framework, even if fair and treating people as equals, does not necessarily lead to equal outcomes. While the procedures may be democratic, they are not necessarily egalitarian. Putting unequals on the same starting line would not necessarily further the cause of equality. At times it might be useful to have differential treatment or have different starting points to reach a substantive version of equality. Furthermore, expressions of popular will should not disadvantage or harm sections of the population. Claims to legitimacy based on majority support may be sufficient for claims to procedural fairness, but not necessarily so for equality, especially if alternative positions do not find space in the public sphere or do not have an equal chance of winning.

The BJP can claim that the abrogation of Article 370 and the so-called full integration of Jammu and Kashmir was on its manifesto, and its electoral majority gave it the right to fulfil its agenda. This logic refuses to recognise that states could be different and might need particular provisions to make them full members of the Republic. It also fails the test of substantive equality as it ignores that alternate perspectives do not necessarily have an equal chance of being heard or considered when it comes to the final outcome. Article 370 was specific to Jammu and Kashmir and yet the state had little opportunity to defend its interests and was made to accept a decision.

The One Nation One Election idea attempts to change the electoral logic of different states and artificially manufacture a uniform electoral agenda.

The One India framework has allowed the BJP to simplify and rationalise complex tax and reform policy measures and frame them in terms of being universally beneficial. While they are supposedly based on sound administrative and economic judgement, this goes against the principle that in federations states could be the 'laboratories of democracy'. The framework has a top-down agenda and does not necessarily allow the best solutions to emerge since it assumes that the centre knows best. As states are always looking for money, they are incentivised into accepting central schemes even if they have other ideas. Policy centralisation reduces the space for innovation at the state level and ignores the possibility that states have better information about what works locally. To make matters worse, consultations between the centre and states have been few and far between.¹

Similarly, the idea of simultaneous elections is a unitarian proposal piggybacking on economic logic. It ignores the fact that in a federation, states have their priorities and, as autonomous units, are definitely not subordinate to the central government. The One Nation, One Election idea attempts to change the electoral logic of different states and artificially manufacture a uniform electoral agenda. Simultaneous elections are a technocratic solution that disrespects democracy by viewing elections as a burden and an impediment to efficiency and "good governance". The One India thesis fits with the party agenda on national unity, uniformity and homogenisation. But it is a frontal assault on the federal idea and does not live up to the multiple values that federalism seeks to achieve.

Conclusions

The One Nation idea rides on an economic and administrative rationale that favours greater centralisation in particular domains. It should however be seen as another element of what Palshikar (2004) underlined as the

shift of the majoritarian middle ground to the right. It is an attempt to reimagine the nation in the majoritarian vision, where uniformity is preferred over plurality.

What makes the majoritarian shift more potent is the fact that almost all parties, barring those on the left, are not invested in the federal idea. They make noises favouring federalism when away from the centre, but when in a position to act they do almost nothing to remove the potential for abuse of federalism. This would explain why the nearly two decades of federalisation from the mid 1980s onwards did not lead to any significant institutional transformation that would have reinforced the federal idea. Consequently, despite the reduction of autonomy and the looming possibility of a 'One Nation, One Leader', the dangers of the One Nation thesis are not necessarily on top of the opposition's agenda.

Going against received wisdom, independent India traversed an unusual path, beginning with the writing of the Constitution. India embraced democracy, which unleashed forces towards the transformation of an exclusionary and deeply inegalitarian society. Instead of seeing diversity as hindering democracy, it was seen as a source of strength. The One Nation idea, while undermining the federal idea, also diminishes India's democratic achievements and successes.

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Footnotes:

1. The Inter-State Council last met in July 2016. The Governing Council of the NITI Aayog has met five times, and the last meeting was in June 2019. Information on the NITI Aayog website shows that most of the subgroups of chief ministers were constituted during the government's previous term. Though there was greater interaction between the centre and the states during COVID-19, here again, chief ministers have complained that it was often one-way communication, and they were not allowed to speak.