Aubja, compared with the current 109. Consolidation of States would thus serve the principle of ethnic conflict management, while making State government a more viable level of governance again and restoring some of the complexity to politics at the State level. Consolidation is thus a worthy and, we think, almost necessary goal for the effective functioning of federalism in Nigeria. However, it is one that would surely set off intense ethnic and regional mobilization and violence, as the communities that would be losing States and State capitals would also see themselves to be losing governors, civil services, and various types of resources. The Nigerian military has done a grave disservice to federalism and governance in Nigeria by creating so many States, but it is not a change that will be easily reversible any time soon. Institutional redesign must proceed with a sense of realism about what is possible in the near term.

Conclusions

Nigeria has demonstrated a capacity creatively to nurture 'unity in diversity'. It has also betrayed a vulnerability to disintegrative sectarian conflicts. The Nigerian experience shows that the establishment of a vertically and horizontally balanced system of federalism, and the implementation of both formal and informal strategies for national integration and ethnic accommodation, can help to contain the threats to institutional stability inherent in a multi-ethnic developing state. The same experience instructs that the distortion or decline of federalism, the transgression or abortion of basic democratic processes, and the general underdevelopment of institutions of political restraint could inflame the fissures of a plural society, and precipitate the disintegration of an otherwise reasonably manageable multi-ethnic state. The fortunes of Nigeria's Fourth Republic, launched with as much optimism as pessimism in May 1999, may determine which of the two historic tendencies finally prevails in the country.

Ethnic Diversities, Constitutional Designs, and Public Policies in India

David Stuligross and Ashutosh Varshney

Introduction

This[1] chapter deals with how India's constitutional provisions and public policies have dealt with the nation's ethnic diversities.[2] We concentrate on four such diversities, viewed as critical to nation building in India: religion, language, caste, and tribe. Nearly 40 per cent of the country speaks Hindi as its 'mother tongue', but 15 other languages are spoken as a 'mother tongue' by at least ten million people each (Table 15.1). Though having a Hindu majority, India has several other religions (Table 15.2). There are three meta-categories of caste: upper, middle, and ex-untouchables (Table 15.3).[3] Although the last two, viewed as historically deprived, constitute a majority by a huge margin, the upper castes have on the whole dominated the nation's political, social, and economic landscape. Tribes, constituting 8.1 per cent of the population, are the least known but an increasingly important category. Culturally quite distinct from the mainstream, they are mostly concentrated in the middle and north-eastern part of the nation (Fig. 15.1). On the whole, language and tribe tend to be geographically concentrated, whereas religion and caste are more evenly spread throughout the country.

[1] Following the recent shifts in social science discourse, we will use the term 'institutions' for both constitutional designs as well as public policies. By 'institutions' we mean a *formal* set of rules and norms in a polity. These can consist of constitutional rules, laws, or public policies.
[2] We use the term 'ethnic' in its broader sense, by which we mean any group-based *ascriptive* identity, actual or imagined. Why we should have this larger view is persuasively argued by Donald Horowitz (1985).
[3] Caste is essentially a local category, and there are thousands of castes in India. With some qualification they can, however, be grouped together in larger, meta-categories. The meta-classification is also known as *varna* classification.

TABLE 15.1: India's principal languages

Language	Spoken by % of India's population
Hindi	40.0
Bengali	8.3
Telugu	7.9
Marathi	7.5
Tamil	6.3
Urdu	5.1
Gujarati	4.9
Kannada	3.9
Malayalam	3.6
Oriya	3.4
Punjabi	2.8
Assamese	1.6
Other	4.7

Source: Census of India (2001: Table 25). Accessed 22 April 2001.

We ask the following three questions: (1) how did India's constitution-makers and founding fathers propose to deal with the problems of each category, as they went about building a nation?; (2) what has been the impact of such constitutional provisions, institutional frames, and public policies?; and (3) could constitutional and public policy engineering have achieved its objectives, or have some other factors crucially intervened in the processes that generate the outcomes we observe?

Our argument is that on linguistic diversity India's institutional design has been a great success, but on all other ethnic categories the record is mixed. We define 'success' as the realization of outcomes that the institutional designs set out to achieve. We would also like to argue that it could not but have been otherwise. While institutional designs are important, they do not entirely determine the outcomes we observe, at least in India. Political and social contexts have a great deal to do with the actual consequences of institutional designs. To resolve political problems associated with ethnic diversity, we should indeed seriously consider the appropriate institutional designs as we step into the next millennium, but we should see them one of several important variables determining the outcome we seek to achieve.

We start with a necessary background. In the first section, we outline the various models that India's politicians have employed concerning the relationship between ethnic diversities and nation-building, indicating which ones dominated constitution-making and
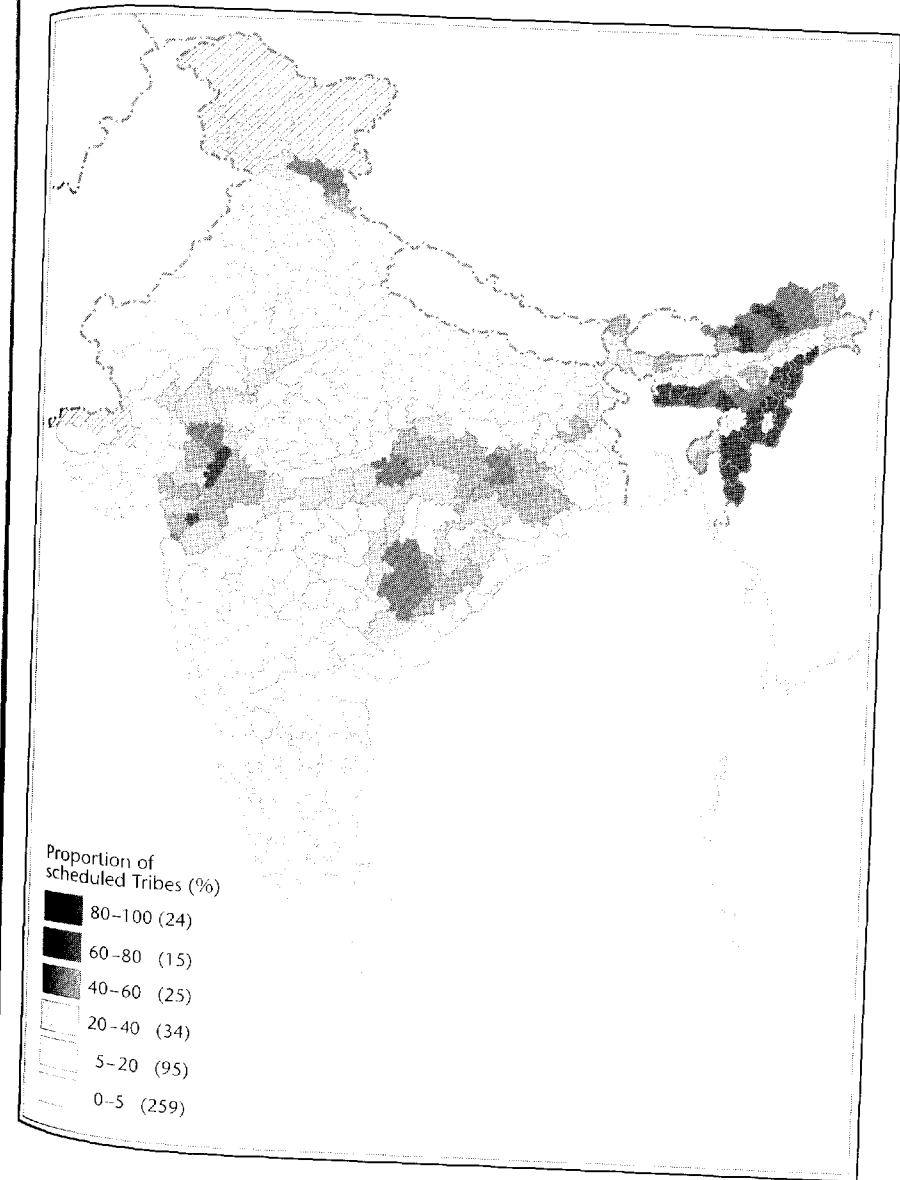

Proportion of
scheduled Tribes (%)

■	80–100 (24)
■	60–80 (15)
▓	40–60 (25)
	20–40 (34)
	5–20 (95)
	0–5 (259)

FIGURE 15.1: *Distribution of India's scheduled tribes*

whether the political context is changing. In the second section, we outline the constitutional and policy provisions concerning each ethnic category. In the third section, we assess the impact of constitutional and policy engineering. In the fourth section we ask whether institutional and policy variables, though important, are enough to explain the outcomes we see in India, and arguably elsewhere. We suggest that civil society—not only the number of civic institutions but also their qualitative relationships with one another—is also an important component to an explanation of political violence.

Ethnic Diversities and Nation-building: Multiple Narratives

How did India's founding fathers and constitution-makers plan to deal with the nation's many diversities? The answer has much to do with the ideology of India's freedom movement, the principles it stood for, and the kind of nation it sought to build. The movement, becoming mass-based under the leadership of Mahatma Gandhi and later Jawaharlal Nehru during 1920–47, recognized diversities as central to India as a nation. The leaders of the freedom movement had what is now known as the 'salad bowl' as opposed to the 'melting pot' view of the nation.[4]

In India, the master narrative of nation building came to be called 'composite nationalism'. It guided the national movement under Gandhi and Nehru and was legitimized by the country's constitution after independence. This narrative evokes the image of nation as a family. According to this narrative, all religions, as well as languages and ethnic groups, would have an equal place in the national family and, in principle, none would dominate the functioning of the state. This narrative emphasizes that one's religious faith or one's linguistic, caste, or social background would not determine citizenship in the country and the rights that go with it. Birth in India and naturalization would be the sole legal criteria.

The rationale for this narrative came from a reading of Indian culture and history explicitly articulated by the leaders of the national movement. Ideas of tolerance, pluralism, and syncretism, they contended, have historically defined Indian society and

[4] For a longer treatment, see Varshney (1993), on which the discussion below heavily relies.

culture.[5] India is not only the birthplace of several religions—Hinduism, Buddhism, Jainism, and Sikhism—but in its history it has also repeatedly received, accommodated, and absorbed 'outsiders': Muslims, Parsis, Jews, and 'Syrian Christians'—followers of St Thomas, arriving as early as the second century, thus reaching India before Christians reached Europe—and, even earlier, waves of migrants from south-east Asia and central Europe that arrived so long ago that they are sometimes described as India's original peoples.

In the process, and partly as a consequence, the founding fathers argued that syncretistic forms of culture have become part of India.[6] Apart from syncretism, which means a 'coming together' and merging of cultures, pluralism and tolerance have been the other features: different communities always found their niche in India by developing principles of interaction with others while keeping their identity intact. India's constitution, as we will see later, is in large part a formal and institutional expression of this narrative.

Within this narrative, however, the focus of Indian nationalism has been directed clearly at the individual. India's early national leaders were keenly sensitive to the fact that, strong though each may be, the lines of social and cultural division do not cumulatively reinforce each other; they tend rather to cut across one another. Depending on need or situation, the same individual can choose from a shelf of markers for political purposes. She may highlight her regional identity (say, Bengali) or religious marker (say, Muslim) or a caste (Brahmin) or some other label to serve her purpose. Just as one may say that India is multicultural, individual Indians also either are, or prospectively can be, multicultural (Das Gupta 1988: 147). India's nation-builders sought to provide each citizen, whether as an individual or as a member of a politicized ethnic or social community, equal access to the offices of state. Such an ideology does not deny the

[5] The best source for the secular nationalist construction is Nehru's *The Discovery of India*. Syncretism, pluralism and tolerance are the main themes of Nehru's recalling of India's history: 'Ancient India, like ancient China, was a world in itself, a culture and a civilization which gave shape to all things. Foreign influences poured in and often influenced that culture and were absorbed. Disruptive tendencies gave rise immediately to an attempt to find a synthesis. Some kind of a dream of unity has occupied the mind of India since the dawn of civilization. That unity was not conceived as something imposed from outside, a standardization . . . of beliefs. It was something deeper and, within its fold, the widest tolerance of belief and custom was practised and very variety acknowledged and even encouraged' (Nehru 1989: 62).

[6] Urdu—a language combining Persian and Hindi, written in Arabic script—is a prototypical syncretistic language, developed under Muslim rule in medieval times.

existence of social communities; it denies the primacy of any one over the others and creates incentives for the development of political communities that cut across social boundaries.

Though the Congress Party, which led the national movement, has been the prime representative of this narrative in Indian politics, most political parties and currents have on the whole subscribed to this view of diversities and the nation. The main challenges to this narrative have clear implications for how India deals with ethnic diversity.

The first challenge came from what may be called 'religious nationalism'. It has primarily taken two forms: Muslim and Hindu.[7] Muslim nationalism emerged in the first half of the twentieth century. It led to the birth of Pakistan in 1947. The argument for Pakistan was simply that Hindus and Muslims were not two different religious communities but two separate nations. Hindu nationalism, which became quite powerful in India during the 1990s, is the mirror image of the Muslim nationalism that led to creation of Pakistan. Its view of the nation is embedded in a 'melting pot' model. Hinduism, according to this narrative, gives India its distinctive national identity, and other religions must *assimilate* to the Hindu centre. India, according to this narrative, is originally the land of the Hindus and it is the only land which the Hindus can call their own. Most of India's population is, and has been,[8] Hindu by religion—anywhere between 65 per cent and 70 per cent in early twentieth-century India and 82 per cent today.[9] A common faith in Hinduism brings India's diversity together. India thus viewed is a Hindu nation (Golwalkar 1939). Whether or not Hindus can enjoy legal primacy, they must, according to Hindu nationalists, have cultural and political primacy in shaping India's destiny.

As a conception of nation, religious nationalism has been the chief competitor of composite nationalism in the twentieth century. Muslim nationalism was the *bête noire* of composite nationalists. Muslim nationalism was the *bête noire* of composite nationalists left India during the national movement. Once Muslim nationalists left India for Pakistan, Hindu nationalists became composite nationalism's

[7] In the 1980s, Sikh nationalism, a third type of religious nationalism, led to a decade-long insurgency in the State of Punjab. Sikh nationalism is currently quiet. It seems to have settled for a place in the federal system as opposed to outright independence.

[8] Some historians disagree. They argue that a Hindu identity is at best a creation of the last 200–300 years. Before that there were different sects, but no Hindu identity as such. See Romila Thapar (1989).

[9] Most of the percentage change is accounted for by the creation of Pakistan. Two-thirds of the Muslim population of British India either lived in or migrated to Pakistan shortly after independence in 1947.

principal ideological adversaries. Within months after independence, in a highly symbolic act, a Hindu nationalist killed Mahatma Gandhi, the father of the nation, for practising tolerance especially towards the Muslims. Since 1947, the Bharatiya Janata Party (BJP), until 1977 known as the Bharatiya Jan Sangh (BJS), has been the principal patron of religious nationalism in politics.

The aim of Hindu nationalists, one should also note, is not only to emphasize the centrality of Hinduism to India but also to build Hindu political unity. The Hindus, after all, are a religious majority only in a manner of speaking. They are divided internally by multiple caste cleavages. As an ideology, Hindu nationalism is thus opposed to both composite nationalism and the other principal Indian ideology based on caste, as described below. On language, its position is not clear-cut. The reason simply is that its main concern is the relationship between religion and nation, not language and nation.

A second challenge to the master narrative of secular nationalism has come from a caste-based narrative.[10] This narrative is not directly opposed to secular nationalism; rather, it challenges the composite premises of which diversity are politically important and which should be central to nation-making. Instead of talking about the nation in general and the placement of religious or linguistic groups therein, the caste narrative speaks of the deeply hierarchical and unjust nature of the Hindu social order, where the lower the caste has historically been in the ritual hierarchy, the weaker have also been its political rights and the greater its oppression. An egalitarian restructuring of Hindu society is the chief goz`al of the caste narrative: caste should not determine whether an individual is treated as an inferior or superior human being.

This narrative thus, concentrates on India's religious majority, the Hindus. When it speaks of non-Hindu groups, it does so by arguing that both religious minorities as well as lower Hindu castes suffer from discrimination by the higher castes. An alliance of lower castes and religious minorities, therefore, is natural. Moreover, according to this narrative, to make up for centuries of caste oppression, affirmative action favouring the lower castes in government jobs and education should be the primary vehicle of achieving social justice. On linguistic diversity, this narrative takes no position. Its main concern, with respect to Hinduism, is intra-religious, not inter-religious or linguistic.

The 'lower caste narrative' has, by and large, risen to all-India prominence of late. It was a south Indian narrative to begin with,

[10] For an account by one of the founders of the narrative, see Lohia (1964).

used as it was to mobilize the masses in the first half of the twentieth century in south India (Ross Barnet 1967; Hardgrave 1969). Capitalizing on their numbers in a democracy, the lower castes of south India ended the political and social dominance of the Brahmins in the 1960s and 1970s. In the 1980s and 1990s, this narrative of politics finally spread to the north and the west. By now, relying heaving on the opportunity given by democracy to organize and express their interests, the lower castes have come of political age in much of India, pressing the polity in new directions and achieving significant public policy successes. The changes in, and the broadening of, India's affirmative action programme, as it was originally conceived in the 1950s, has a great deal to do with the rise of lower castes in politics.

The third challenge focused on how India's tribal communities ought to be incorporated into the new Indian nation. Both composite nationalists and religious nationalists, whether of Hindu or Muslim stripes, acknowledged that tribal communities occupied, at best, awkward places in India's dominant social networks. Composite nationalists saw tribes people as yet another ingredient for its salad bowl; Hindu nationalists sought to emphasize the somewhat uncomfortable place Vedic Hinduism granted to practitioners of indigenous animist religions;[11] Muslim nationalists sought to generate a parallel separatist movement by tribal communities that adopted their 'separate religion, separate state' narrative. Unlike the other narratives, however, the 'tribal narrative' was conducted almost exclusively 'from above'. Although tribal concerns were an important topic of many political discussions, very few tribal leaders themselves were directly engaged in these debates.

For the purposes of this chapter, the discussion above not only provides the necessary background of ideas underlying constitution-making in India but also suggests how some shifts in politics and political power, if achieved, may produce very different pressures, as public policies are re-engineered in changing political contexts. The first narrative, composite nationalism, continues to be the bedrock of the Indian Constitution. Its biggest opponents, the Hindu nationalists, have come to power in India, but only in a coalition. They have substantially, though not totally, changed India's

[11] This place has two sources of inspiration. First, the Hindu epic *Mahabharata* includes one story about tribal assimilation into the Hindu fold: a Hindu archery guru agrees to accept a tribesperson named Eklavya as his student, but only after Eklavya agrees to cut off his thumb. Second, Hindu nationalist philosophy that evolved in the late nineteenth century included in the definition of Hinduism all religions that are indigenous to India, including tribal religions.

political culture, but they do not yet have the electoral or legislative numbers to alter the basic properties of the Constitution, nor does it appear that they will be able to do so.

Constitutional amendments require a two-thirds parliamentary vote in India and support from half of the States. The Congress Party had the ability to deliver these at one point. During the 1990s, the political space became highly pluralized and is likely to remain so for the foreseeable future. No party is likely to replace the Congress both at the centre *and* in the States, making constitutional amendments aimed at changing India's official view of diversities rather difficult. Many of the BJP's coalition partners are supporters of composite nationalism. If the BJP were to press its assimilationist view of the nation, the coalition would break and the party would be thrown out of power. The compulsions of ruling India, thus, have pushed the BJP to put its melting-pot view of the nation on the back burner.

Constitutional Provisions and Public Policies

Language

When India gained independence in 1947—indeed, during the half-century preceding independence—its political institution-builders faced a pair of now familiar challenges. First, they had to make political sense of a population divided by social, religious, political, and linguistic traditions. Nehru and other senior Congress Party leaders were firmly committed to crafting state institutions that would enable all Indians to be represented equitably, regardless of social background. Second, they had to make administrative sense of more than 600 semi-sovereign units within the subcontinent, including largely autonomous frontier areas and princely States, in addition to the provinces governed directly by the British rulers.[12] The two challenges were addressed in part by creating federal States whose boundaries correspond to populations with important cultural similarities.

But which federating logic was to be used? The founding fathers faced this question immediately after independence. As it turned out, language in most of India and tribe in the seven small north-eastern States became the key principles. Because language was

[12] Despite the common perception of a subcontinent wholly united by the British, in fact the Raj had no direct administration and limited influence in nearly one-quarter of the subcontinent's landmass.

the rationale for statehood for most parts of India, the federal scheme came to be called 'linguistically based'. Each State has its own official language; central government business is conducted either in Hindi or in English.[13]

An overwhelming majority of people in their speak one of 15 languages in their respective States. These 15 'state languages' are included on the Eighth Schedule of the Indian Constitution and are the basis of most Indian State boundaries.[14] With the exceptions of Hindi, which is the main language in six States, and Bengali, which is the main language in two, each of the 15 languages is both the main language in a single State and is rarely spoken outside that State.[15]

Language was chosen as a boundary arbiter for several reasons. Although initially critical of language-based States, Nehru used a four-step argument to explain how such States could help people to bridge cultural differences: language is a prerequisite to communication; communication makes interaction possible; broader and deeper interaction leads to greater understanding; greater understanding leads to peace in modern times (Brass 1974). Major language groups were simultaneously given a direct stake in the Indian system and separated from one another. Their stake came in the form of politically legitimized regional subnationalism, but such subnationalisms, by institutional design, cut across religions and social diversity *within* the regions.

[13] The choice of the term 'official language' implied that it was not to be confused with the much wider implication carried by the term 'national' language. An official language in India refers to a designated language approved for official transactions of the State mainly at the administrative levels and for formal political communication. A national language implies a much wider range of communication.

[14] English, Sanskrit, and Sindhi are also included in the Eighth Schedule for political or historical reasons. Beyond the 15 official languages, an additional seven languages are spoken by more than one million people (Breton 1997: 192–6).

[15] *Ex post facto*, 15 looks natural. *Ex ante*, it was not so. The 1951 census reported 845 languages and dialects in India, but the designation of a language or dialect is both subjective and political. The 1961 census mentioned 1,642 'mother tongues' as reported by Indian citizens, but did not clarify the meaning of 'mother tongue'. Citizens sensitive to the political meaning of language enumeration have used the census strategically. During the 1950s and beyond, upper-caste Sikhs pressed for a revision of the Punjab State boundary such that a majority of the population spoke Gurumukhi— rather, they claimed to write it, for script is the main difference between Gurumukhi and Hindi. In response, Hindus and lower-caste Sikhs who were opposed to the proposed State reported in the 1961 census that they spoke Hindi. The central government has also made political choices regarding linguistic categories: in 1981, the Census Bureau arbitrarily decided not to enumerate languages spoken by fewer than 10,000 citizens. The number of languages reported dropped to 106.

A political party in Tamil Nadu, or in Gujarat, or in Karnataka would be hard pressed to come to power in that State without invoking commonly held notions of Tamil, Gujarati, or Kannada cultural pride. But language groups are also separated because claims supporting Tamil heritage, for example, are meaningless outside the State of Tamil Nadu. Hindus, Muslims, Christians, and castes can be found in most States, but not speakers of Tamil, Gujarati, or Kannada. Political power is gained one region—indeed, one legislative seat—at a time. Linguistic federal logic added a hurdle to politicization according to other logics, such as caste or religion.

Language made great sense from a regional perspective, but what about language communities that do not speak the State's official language? Such groups are protected under the Constitution in two ways. First, Arts 29 and 30 guarantee that all children may receive primary education in their mother tongue and that the State government may not discriminate against educational institutions on the basis of the language of instruction. Second, Art. 351 mandates a Special Officer for linguistic minorities who will serve as a watchdog over these communities' social and cultural rights. Despite these cultural protections, great pressure for regional assimilation remains.

From an all-India perspective, too, multiple languages as a basis of State communication seemed problematic to begin with. For greater national cohesion, Art. 351 directs the central government to promote Hindi 'so that it may serve as a medium of expression for all the elements of the composite culture of India', and Art. 343 provides for the English language only for a period of 15 years (Government of India 1994). In practice, however, the challenge of several official languages was not as intense as the challenge of quelling social mobilization that followed attempts to delegitimize regional language groups. To date, the central government has limited its efforts at Hindi evangelism and, every 15 years, Parliament reinstates English as an official language. Basically, a multilingual India has been accepted as a reality, especially after it became clear that the linguistic formation of States led to a decline in language-based violence. Arguably, the choice to demarcate linguistic States also reduced the political relevance of other social categories, thereby reducing other politically motivated social violence as well.

The choice of linguistic identities as a basis for statehood in the federation has had an overwhelmingly positive effect on the ability of Delhi to peacefully mediate many political conflicts, but, as is clear from the description above, the choice was not simply an act of far-sighted statesmanship. Many of India's most violent social

mobilizations in the pre- and post-independence periods were organized along linguistic lines. Regional language guarantees, for both education and government service, were implemented only in response to major riots, particularly in the southern States. The first linguistic State, Andhra, was created in 1953 following riots inspired by a 'fast unto death' by a linguistic promoter.[16] Fuel was added to the fire of statehood demands by several current north-eastern States in 1966, when Assam declared an 'Assamese only' language policy. In Assam at the time, language and religion over-lapped: Hindus overwhelmingly spoke Assamese, Muslims gener-ally spoke Bengali, and the sizeable tribal population spoke a variety of languages. For reasons discussed below, the tribal groups successfully lobbied the central government to redraw State bound-aries around themselves, thus limiting both the linguistic and reli-gious influence of Assamese Hindus.

In short, as it finally emerged, the linguistic basis of federalism was a synthesis of principles, pragmatism, and learning through experimentation. Though the Congress Party had agreed in theory that language would be the federal principle as far back as the 1920s, this principle was given concrete institutional and adminis-trative form only following linguistically based social mobilization in the 1940s and 1950s. And the first round of successful linguistic organization generated support for additional linguistic States.

Religion

Though India is a land of multiple religions (Table 15.2), Hindu-Muslim relations dominated the thinking of its founders and con-stitution-makers. The reasons were historical and political, rooted in the most traumatic period of India's twentieth-century history. In 1947, as the British left, India was partitioned and Pakistan was born as a Muslim homeland in the subcontinent. Partition was accompanied by between 250,000 and a million deaths—no one knows exactly how many. Moreover, anywhere between 12 million and 15 million people migrated across either side of the border. Not all Muslims, however, became citizens of Pakistan. Of the 100 mil-lion Muslims in the undivided India of 1947, 65 million acquired the

[16] Andhra was comprised of the Andhra-speaking portion of Madras province. It evolved into Andhra Pradesh in 1956, when the Andhra-speaking portion of neigh-bouring Hyderabad was added. That portion, known also as Telengana, was the site first of a violent communist secessionist struggle and then of a violent Muslim secessionist one. Linguistic statehood effectively reduced the Telengana problem to a simmering level, where it has remained—unresolved but by and large non-violent.

citizenship of Pakistan. About 35 million Muslims stayed behind, becoming citizens of India, whether because they wished to or because they were too poor to migrate. Numbering 110 million today, constituting 12 per cent of the population, and scattered over most of India,[17] the Muslims are India's largest religious minority.

Table 15.2: *India's religious profile*

Religious group	% of population
Hindus	82.0
of whom	
a) Caste Hindus	67.2
b) Scheduled castes	14.8
Muslims	12.1
Christians	2.3
Sikhs	2.0
Buddhists and Jains	1.2
Others	0.4

Source: Census of India (2001: Table 23). Accessed 22 April 2001.

On religion, India's constitution-makers were faced with four big issues: (1) what the relationship should be between religion and the state; (2) whether religious communities should continue to have 'separate electorates' and reservations in government posts, as they did under the British; (3) whether they should have their religiously given personal laws or a unified body of civil code for marriage, divorce, property inheritance, and so forth; and (4) whether reli-gious minorities should continue to have educational institutions.

Looking at the relationship between religion and nation-building in post-independence India through the prism of the movement for Pakistan in the pre-independence period, the constitution-makers struck a middle ground between what they called the 'divide and rule' policies of the British and a genuine concern for the protection of the religious identity of minorities. Their aim was to give minori-ties a stake in the new nation, allay their fears of identity loss, and end the communal, Hindu-Muslim, violence that had so rocked India before independence. Constitution-makers saw a response was necessary especially to Muslim anxieties, but they did not want to craft a response that would end up deepening the Hindu-Muslim divide instead of bridging it. This principle led to the following answers to the questions above:

[17] For how the Muslims are geographically spread, see Weiner (1989: Ch. 2).

1. The state would not have an official religion and would allow religious freedom, including freedom to propagate religion,[18] but the state would not be secular in the French-American sense. The state would reserve the right to interfere in religious matters, but it would do so with equidistance. Instead of a radical separation between the state and church, the state would practice neutral involvement, that is, interfering if necessary but not displaying favouritism towards any religion.[19]

2. The British system of separate constituencies for religious communities would be abolished altogether, to be replaced by joint constituencies where all citizens would vote and all could contest for power. The only exception was made with respect to the ex-untouchables and tribes, for whom the Constitution created 'reserved', though not 'separate', constituencies. In these reserved constituencies, all would vote but only the ex-untouchable and tribal people could run for office. Separate constituencies, the constitution-makers argued, were an expression of the divide-and-rule policy. They were the primary reason that, according to them, a separate Pakistan emerged, for in separate constituencies only the Muslims could vote and contest for office. Such constituencies created institutional incentives for Muslim politicians not to appeal to Hindus, created Hindu-Muslim divisions, obstructed the evolution of common and composite nationhood, and led thereby to the frequent Hindu-Muslim riots and the eventual vivisection of the country. Similarly, religiously based quotas in government jobs, another British practice, were also disbanded. These decisions stemmed from the belief that religiously driven politics, called 'communalism' in India, was the biggest enemy of nationalism, or nation-building. All attempts were to be made to undermine electoral incentives for the use of religion in electoral politics and public policy.

3. Religiously prescribed personal laws would be allowed so long as the communities themselves wished to keep them.[20] Such a posture was, however, seen as a second-best policy, the first-best being the evolution of a common civil code for the entire country regardless of religious differences. The first-best ideal was presented as a 'directive principle of state policy' (Art. 44), normatively prescribed for the future but not legally required. The second-best was given the status of a legally enforceable fundamental right.

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[18] This principle is enshrined in Art. 25(1) of the Constitution.
[19] The best guide to the constitutional debates over this matter is Smith (1963).
[20] For a fuller discussion, see Verma (1997).

4. Minority educational institutions would survive if religious minorities thought they were necessary for the protection of religious or cultural identity. The state, moreover, would provide financial assistance to such institutions.

The objective of these provisions was both to create a deeper sense of common nationhood and to allay minority fears of a loss of identity. It was also expected that this approach would promote peace and end communal rioting, a big concern after the carnage at the time of India's partition.

Caste

Of all Indian social categories, caste has befuddled the observers most. A brief description of what caste has historically meant would therefore be in order.

Caste, simply put, has been a defining principle of Hindu social order. In its pristine purity going back centuries, the Hindus developed a hierarchy based on birth, and birth also became the basis of professional specialization. Born to a particular caste, a person had little choice but to practise the profession assigned to that caste. The Hindu social order was, thus, an ascriptive division of labour, to which notions of pollution and purity were also added. Some professions—cleaning, working with hides, alcohol-making, and so on—were considered 'polluting' and the castes assigned to them also deemed 'polluting'. Other professions—scholarship, priesthood, business, war-making—were deemed superior and reserved for the higher castes.

The social order was, broadly speaking, tripartite. At the top were the priests and scholars, the *Brahmins*; the warriors, the *Kshatriyas*; and the businessmen, the *Vaishyas*. Peasants, artisans, and servicemen constituted the middle, the *Sudras*.[21] And the third category, the untouchables, stood at the bottom and their jobs, according to tradition, consisted of cleaning all forms of waste, crafts based on hides and other 'polluting' materials, and production of crude forms of alcohol. Each caste, needless to add, had different social and economic rights and privileges: the lower the caste, the fewer the privileges. In addition to the untouchables, the middle castes were also subjected to social condescension and discrimination by the upper castes.

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[21] Over time, some rich landed castes, initially viewed as peasants, achieved a higher caste status because their landholdings gave them considerable social and political power. They were called 'dominant castes': not ritually high but powerful due to landholdings.

The description of some of these caste categories has changed by now. The term 'upper caste' has more or less always covered the first category: *Brahmins*, *Kshatriyas*, and *Vaishyas*. At independence, untouchability was outlawed, and the third category—the ex-untouchables—came to be known as 'scheduled castes'. There was political consensus among the constitution-makers that the scheduled castes had been victims of centuries of prejudice and discrimination. The middle category was also given a new name after independence: the 'other backward castes' (OBCs). While it was recognized that the OBCs had suffered at the hands of the upper castes, there was no consensus on whether the discrimination practised against them by the upper castes was as vicious and debilitating as that against the scheduled castes.

It was also believed that the OBCs, a large meta-category, had numbers on their side. The upper castes at this point are estimated to be about 16 per cent of India's population, the scheduled castes about 15 per cent, and the OBCs 44 per cent (Table 15.3). The OBCs could clearly use their numbers to influence the distribution of political power in a democracy. Finally, since the case that the OBCs had suffered historically from upper-caster discrimination was ambiguous, it was left to the States to formulate affirmative action programmes for them. The central government did not believe that the rationale for a nationwide affirmative action policy was strong.

The first States to respond to the discretionary provisions were all south Indian. Benefiting from a history of mobilization, the OBCs had already organized themselves in the south prior to independence. As a consequence, they could apply strong pressure on

Table 15.3: *India's caste composition*

Religious group	% of population
Upper castes	16.1
'Other backward castes'	43.7
Scheduled castes	14.9
Scheduled tribes	8.1
Non-Hindu minorities	17.2

Since no caste census has been taken since 1931, these figures can be seen as best guesses, not exact estimates. They are, however, sufficient to show the overall magnitudes. Also, the upper castes in this calculation include the dominant castes that are no longer considered deprived, even though they were ritually not placed in the upper category (see n. 21).

Source: Government of India (1980: 56).

southern State governments. Since the 1960s, close to 50 per cent of State government jobs have been reserved for OBCs in the State of Karnataka; in Tamil Nadu, OBC reservation was 25 per cent to begin with and was increased to over 50 per cent later; in Kerala, the OBC quota has been 40 per cent; and in Andhra Pradesh, 25 per cent.

In the early 1990s, the OBCs were finally added to the *federal* list of beneficiaries of affirmative action as well. Reserved today are 27 per cent of public sector jobs and seats in government-funded institutions of education, a policy initiative the Supreme Court has upheld as consistent with the spirit of the Constitution.[22]

The rise of the caste-based narrative in north Indian politics propelled the change in policy. Political parties based among the lower castes rose to prominence in the 1980s and 1990s. In a pattern roughly similar to what happened in south India between the 1920s and 1960s, the OBCs in north India used their electoral clout to organize themselves horizontally, breaking their vertical dependence on upper castes.[23] Once having achieved electoral weight, they successfully pushed for an enlargement of affirmative action programmes beyond the scheduled castes—and tribes. About 50 per cent of federal jobs and seats in government-funded educational institutions are thus reserved now on the grounds that past discrimination undermines the ability of some castes to compete. Only the remaining half is fully competitive.

Tribe

Scholars and policy-makers have never agreed on a definition of a 'tribal person' or 'tribe', let alone the appropriate relationship between such communities and the Indian state. Most commonly, the 'tribal' category has been conceived as an amalgam of otherness: the tribespeople traditionally do not practice high-tradition Vedic Hinduism, they are not Muslim, not economically or ritually stratified, and not integrated into the 'modern economy or civilization' that surrounds them. Each of these attributes is contested (Beteille 1997). Indeed, in 1991, as many scheduled tribes people reported their religion as Hindu, Muslim, or Christian as reported their traditional religion; and more reported their state's official language

[22] For an overview of the issues involved, see Beteille (1992). For a comparison of affirmative action programmes in the US and India, see Weiner (1989: Ch. 6).
[23] For how horizontal and vertical caste mobilizations differ, see Rudolph and Rudolph (1967).

as their mother-tongue as reported their customary language.[24] The Commission for Scheduled Tribes and Scheduled Castes has, on occasion, expressed frustration at the futility of such definitional exercises.

The Commission's basic approach, like that of the central and State governments and the British Raj before them, has been to devise lists rather than definitions. Those communities whose names appear on the schedule of tribes, which varies by State, are scheduled tribes; those whose names do not appear are not. The lists are only occasionally contested and, with the exception of a substantial amendment in 1976, have remained quite stable (Galanter 1984: 135).[25] From a political perspective, once a tribe is placed on the schedule, that tribe's particular social and cultural attributes become politically irrelevant. Scheduled tribespeople are set in competition with one another for concrete governmental resources designated to benefit 'the scheduled tribes' in general.

Some features of the institutional relationships devised for the tribes are worth noting. First, six 'tribal' states, all in north-east India, are drawn around territories that include 'tribal' majority populations.[26] This means simply that a majority of citizens in these states is tribal, but it should be noted that no single tribe comprises the majority in any Indian State.

Second, in some north-eastern States,[27] constitutionally mandated Autonomous District Councils (ADCs) ensure numerically small but geographically concentrated tribal populations a voice in both developmental choices and legal protections. ADCs have limited rights of taxation and legislation as well as rights to judicial and developmental administration. They make their own laws, run

[24] Census of India (1991: Schedule D). A fascinating example is the Rabha tribe, whose population was divided first by a cartographer's pen between Assam and Meghalaya and later by migration to West Bengal. In the 1991 census, those who identified themselves as Rabha tribespeople in Assam, Meghalaya, and West Bengal respectively returned Assamese, Bodo, and Bengali languages as their mother tongues (Singh 1993: 12).

[25] Today, 4,635 tribes are included on the schedule. This number overstates the number of tribal communities because the list is a composite of 25 State lists and several tribes have populations that cross State boundaries *and are recognized* as scheduled tribes in several States (Singh 1994: 4).

[26] Nagaland (1963), Manipur (1972), Meghalaya (1972), Tripura (1972), Mizoram (1987), and Arunachal Pradesh (1987). Language also—differently—unites a majority of the populations in Manipur and Tripura. While Tripura was a tribal-majority State when it was created in 1972, emigration, mainly of Bangladeshi Muslims, has reduced the tribal population to minority status (Census of India 1991: Table SC/ST-1(F)).

[27] Meghalaya, Tripura, Mizoram, Arunachal Pradesh, and Assam.

their own courts, and use money they collect on developmental projects designed by them. ADCs established in 1952 evolved into the present States of Meghalaya, Mizoram, and Arunachal Pradesh; each of these States, as well as Assam and Tripura, contains ADCs within its boundaries today (Stuligross 1999: Ch. 3). The north-east ADC experience has shaped political actions elsewhere in India. In recent years, autonomous areas based on the ADC model have been created for the Nepali portion of West Bengal, the tribal portion of Bihar, and the Buddhist area of Kashmir.[28]

In addition to the federal arrangements for tribes, the Indian Constitution allows for several other means of tribal incorporation. The most important consociational device is the reservation system. Tribespeople comprise 8.1 per cent of India's population; they are guaranteed 8.1 per cent of higher education admissions, 8.1 per cent of government jobs at all levels, and 8.1 per cent of Parliament and State assembly seats. Central positions are guaranteed on a national basis, while State positions are guaranteed in proportion to the tribal population in each State.

The Constitution also mandates three direct institutional linkages of tribes to the State and central governments. The Fifth Schedule of the Constitution mandates a Tribal Advisory Council (TAC) in every State outside north east India. The TAC was designed to advise both the governor and the chief minister regarding tribal and regional developmental issues. Moreover, Article 339 mandates a commission that would regularly report on the welfare and administration of policies affecting the scheduled tribes. Third, Article 164 mandates a State ministry of tribal welfare for Madhya Pradesh, Orissa, and Bihar, the central Indian States with the largest tribal populations.[29]

Thus, the institutional arrangements for the incorporation of India's tribal population into the polity are comprehensive. Where tribespeople comprise a majority of a State's population, parties

[28] These councils are called the Darjeeling Autonomous Area Council, the Jharkhand Autonomous Area Council, and the Ladakh Autonomous Council, respectively. These councils in turn, like their north-eastern predecessors, have provided political legitimacy to previously unrecognized cultural groups and a political forum through which statehood demands can be voiced. In August 2000 the central government redemarked India's state boundaries to create three new states: Jharkhand (formerly southern Bihar), Chhattisgarh (eastern Madhya Pradesh), and Uttaranchal (northwestern Uttar Pradesh). The rest of this section draws heavily from Stuligross (1999: Ch. 5).

[29] All States with more than 3% tribal populations added a tribal component to their administrative structures following the 1967 central government introduction of a 'Tribal Sub-Plan' to the national budget.

that appeal directly to tribal sentiments can and do win election to the State assembly and directly influence their own social and economic development. Where tribes are a minority, they are guaranteed not only limited representation and economic opportunity but also a direct lobbying link to the State government and constitutionally mandated device—the commissioner's reports—with which to press their case. As we shall see below, the plan has been implemented imperfectly.

What Have Been the Consequences?

Language

Linguistic federalism is one of India's great successes in its experiments with multicultural nationalism. Language riots, endemic in India in the 1950s and 1960s, have for all practical purposes disappeared from the political scene after the formation of linguistic States. Regional, linguistically based cultures have gained legitimacy in the Indian state *as regional cultures*. Indeed, they have been thriving and no significant political force favours any longer the imposition of a single language—it used to be Hindi—all over the country.

This has led to pressures for assimilation within States, which have been countered by constitutional and other institutional structures designed to safeguard India's multicultural heritage. It has also inhibited political action on the basis of groups whose populations cross State boundaries. Religion and tribe are the most notable among such prospective political groupings; caste, on the other hand, is at its most meaningful both socially and politically in relatively small territories. Political entrepreneurs have used each of these three categories to mobilize their constituencies, yet they have for the most part had to work within the institutional incentives and constraints inherent in federal states.

Religion

On religion, the results are mixed. Religious minorities have maintained their religious identity in India; minority educational institutions continue to flourish; and their personal laws have not been disturbed by the state.[30] Moreover, especially for the Muslims, no

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[30] In the famous Shah Bano case in the mid-1980s, the state had an opportunity to intervene in Muslim personal laws. The Supreme Court did intervene, but the executive, after some vacillation, restored the status quo ante. See Verma (1997); Varshney (1993).

separatist political party, paralleling the pre-partition Muslim League, has re-emerged. Most Muslims have voted for multi-religious parties or, in States where Muslim parties have been successful, they have been on the whole moderate and involved in the give and take of democratic politics. This was an important objective of the decision to go for joint constituencies and, conversely, a reason the British-style separate constituencies were abolished.

However, riots have continued to erupt. On the whole, Hindu-Muslim riots may be concentrated only in some cities, but, even though locally concentrated, the overall level of violence has been quite high, especially in the 1980s and 1990s. If ending communal riots was one of the key objectives of abolishing separate electorates for Muslims, that objective of institutional engineering remains unrealized. We return to this theme in the fourth section.

Caste

On caste, too, the record is mixed. Affirmative action was originally envisioned as a temporary measure, necessary only for a decade, perhaps two. It has, however, become deeply embedded in politics and has often been highly contentious. Nearly five decades after the promulgation of the Constitution, affirmative action programmes are not only alive and well but have also been enlarged to include more and more castes.

The success story has to do with the empowerment of lower castes. A substantive objective of affirmative action programmes was to empower the weak by giving them state protection to begin with, while hoping they would come into their own eventually. Remarkable progress towards that goal has been made, though there remains considerable room for the greater empowerment of the ex-untouchables and the lower castes.

How this has happened makes for an interesting story. The indirect effects of affirmative action have been most important. India's affirmative action concerns only government jobs, not the private sector. In 1992, of the nearly 300 million people in the workforce, only 20 million were in the public sector. Affirmative action in the public sector could directly have benefited only a small proportion of the deprived.

How does one assess the impact, direct and indirect, of reservations in government jobs and educational institutions? This question can be split into two parts: (1) affirmative action for the OBCs—in addition to the scheduled castes—which has taken the form of quotas in much of south India since the 1950s; and (2) affirmative action

for the *scheduled castes*, implemented all over India since the 1950s, to which the OBCs have been added outside the south only after 1990. Clearly, it is far too early to evaluate the impact of affirmative action for the OBCs beyond southern India. For the scheduled castes, however, our empirical judgements can be national in scope.

No detailed caste-wise breakdown of State bureaucracies in the South is available, but the reason partly is that there is no mystery left about the results. It is widely known that Brahmins simply migrated out of south India as the OBC quotas were instituted. Once access to government jobs, their traditional stronghold, was substantially reduced, some Brahmins went into the private sector, becoming businessmen for the first time, but a large number migrated to Delhi, Bombay, the United Kingdom, and the United States. Indeed, so large was the flight and so capable were the Brahmins of getting jobs that their migration to, and rise in, Bombay led to a serious anti-southern movement in the late 1960s and early 1970s (Katzenstein 1979). By now, bureaucracies of southern states have become remarkably, though not entirely, non-Brahmin.[31] Moreover, though systematic empirical studies have not been undertaken, it is also widely recognized that southern States are governed better than north Indian States like Bihar and Uttar Pradesh. Large-scale affirmative action in bureaucratic recruitment does not appear to have undermined governance in the south. The confidence all of this has given to southern OBCs is demonstrated by the fact that it is possible today for OBC parties to have Brahmin leaders once again, for the lower castes know they have arrived politically and socially.

Let us now turn to the impact of reservations for the scheduled castes. Kanshi Ram, the leading scheduled-caste politician of India today, argues that affirmative action has 'now done enough for the scheduled castes', noting that in the state of Uttar Pradesh, of the 500 officers in the elite Indian Administrative Service, 137 are from the scheduled castes. However, affirmative action, Kanshi Ram adds, is 'useful for a cripple but a positive handicap for someone who wants to run on his own two feet'. The scheduled castes should now focus on winning power through elections, for 'the capture of political power will automatically transform the composition of the bureaucratic elite' (Mendelsohn and Vicziany 1998: 224). Thus, in a new sign of political confidence, he says that it is time now to play the game of democratic politics more equally. His politics are

[31] And the faculties of science and engineering in many American universities, as well as software companies, have a lot of south Indian Brahmins!

premised upon the assumption that non-elected institutions do not trump the elected institutions; rather, capturing elected institutions will transform the bureaucracy and police much more fundamentally.

Between independence and the 1980s, the scheduled castes had primarily supported the Congress Party in India. Though the leaders of the Congress Party typically came from the upper castes, they were able to garner scheduled caste support partly because the Congress Party was the first architect of the affirmative action programme and partly because traditional patron-client relationships in villages were on the whole alive and robust.

In 1984, a new political party of the scheduled castes—the Bahujan Samaj Party (BSP)—was launched. Receiving 4.0 per cent, 4.7 per cent, and 4.3 per cent of India's vote in the 1996, 1998, and 1999 national elections respectively, the BSP may not yet be a powerful force in national Parliament but, viewed in terms of share of the national vote, it has become the fourth largest party in India, following the Congress, the BJP, and the Communist Party Marxist (CPM).[32] More importantly, the BSP has developed a substantial political presence in almost all north Indian states. In Uttar Pradesh, India's largest State, the party has been twice in power, though each time briefly and with the support of other parties. By 1996, the BSP had started receiving as much as 20 per cent of the Uttar Pradesh vote, crippling the once-mighty Congress in its citadel of great historic strength. In the 1996, 1998, and 1999 national elections, the Congress polled less than BSP's vote in Uttar Pradesh. Well until the mid-1980s, such scenarios for the Congress in Uttar Pradesh were altogether inconceivable.

How did the BSP break the dependence of the scheduled castes on the Congress? New research shows that the BSP's success was built upon two factors.[33] First, affirmative action for the scheduled castes has led to the emergence of a middle class among them. *The new middle class is almost entirely made up of government officers and clerks.* Despite experiencing upward mobility, these officers have continued to face social discrimination. Endured silently earlier, such discrimination has by now led to a firm resolve to fight for respect and dignity.

[32] However, the number of seats the BSP wins is not as high as some smaller parties, such as the Samajwadi Party and Telegu Desam Party, for its vote is not as geographically concentrated.

[33] The analysis here is based on new research conducted by Kanchan Chandra for her doctoral dissertation at Harvard University. The first publication based on that research is Chandra (2000). The analysis below relies heavily on Chandra's methodologically well-grounded and empirically thorough research.

Second, the scheduled castes within the Congress experienced a 'representational blockage'. Upper caste politicians dominated most district committees of the Congress. Scheduled caste leaders were mere tokens and symbols in the party structure. Since the early 1990s, such meagre rewards of clientelism have been considered largely insufficient by the newly mobile scheduled castes.

The new middle class eventually took over as local BSP leaders. Their strategy was to argue that *humiliation*, rather than economic deprivation, was the main problem of the scheduled castes; and greater political representation, instead of material advantage, was the principal solution. The scheduled castes had to be horizontally mobilized, had to have a party of their own, and win assembly seats. Financed by the new middle class, the BSP took off in much of north India and developed a large group of cadres.

In short, the most telling evidence of the impact of affirmative action on the scheduled castes is *indirect*, not direct. Only a small proportion of the scheduled castes has, and could have, benefited from the quotas in government jobs, given how small the proportion of public sector jobs in India's labour market is. But the small middle class created by affirmative action led to the birth of new community leaders and a new political awakening, both in tandem producing a vibrant and strong political presence of scheduled castes in Indian electoral politics.

Tribe

North-east India, where India's tribes have a big concentration, continues to be a political 'hot spot'. Reports of ethnic violence of every stripe—Hindu-Muslim, Hindu-Tribal, Tribal-Tribal—appear regularly in the newspaper headlines. However, two positive notes must be made about political development in north-east India. First, since the 1947–71 period, the level of violence has subsided tremendously; notable pauses occurred at each stage of statehood formation. Second, violence in the first 25 years of India's independent history was directed toward secession; violence in the second 25 years has been directed toward inclusion. Virtually all groups in the north-east buy into the idea of India; their violent competition is over the terms of incorporation.

In central India, the other region of tribal concentration, the tribal population has failed to receive developmental benefits from linguistic States; or perhaps it only seems to be so because, unlike other groups that have faced representational and developmental challenges within India's federal system, tribal communities

relatively concentrated geographically. Cartographers might have drawn a State boundary around a central Indian region that contained a majority tribal population at the time of Independence; such a State would have been of comparable size to many existing States. This region was instead divided among West Bengal, Bihar, Uttar Pradesh, Madhya Pradesh, and Orissa.[34] Meaningful participation of the central Indian tribal population in Indian governance continues to be elusive, but the scattering of this population among five States has hampered tribal mobilization for either institutional or concrete developmental benefits.[35]

Further, the non-federal aspects of tribal incorporation have been less than fully implemented.[36] Tribal Advisory Councils have failed to aggressively promote tribal issues, for two reasons. First, chief ministers—the elected heads of government at the State level—took advantage of an ambiguity in the Constitution's language to make themselves chairpersons of the TAC in their State. The chief ministers, then, set the agenda of the council. Thus, a council that was designed to be a check on the chief minister's authority has come to reinforce that authority. Second, the council is comprised of elected scheduled tribespeople. Such representation is guaranteed under the tribal reservations system, and, to be sure, tribespeople are elected to national Parliament and State assembly in proportion to their population. Every citizen who lives in a 'scheduled tribe constituency' may vote for his or her preferred candidate, but only members of the scheduled tribes may run for office from that constituency. Thus, several tribespeople are competing for votes and appeals to non-tribal populations often tip the electoral balance. This had led to considerable non-radicalization of tribal leaders. Other aspects of institutional incorporation of tribespeople into the Indian polity have been incompletely implemented. Employment and education reservations have been severely under-filled and, to the extent that the employment quota is filled, it is filled overwhelmingly at the lowest wage levels. The national Commissioner for Scheduled Castes and Scheduled Tribes produced reports on nearly an annual

Once again, Census politics come into play. Bihar's tribal population reported in 1941 census was 53%; the proportion in 1951 was 41%. Quoted in Stuligross (p. 505).

It is hampered also by a strategic dilemma: a demand for a new State requires an argument that the existing State does not—cannot—represent sub-state interests. A demand for greater developmental benefits requires working with that same State. Factionalization along this strategic line weakens the abilities to mobilize of constitutionalists and developmentalists.

The rest of this section draws heavily from David Stuligross (1999), especially Jharkhand I: The Making of a Politicized Region'.

basis from 1957 to 1986, and these reports provided a wealth of statistical and qualitative data that criticized government policies vis-à-vis the tribal population. Since 1986, however, no report has been published. The Commission still exists and reports have been prepared, but a series of short-lived governments over the course of the 1990s has made it possible for the formal presentation of the report to be stalled repeatedly. Finally, tribal ministries are up and running in most States and both central and State governments include 'tribal sub-plans' in their budget calculations. However, a strongly held perception persists that, although the tribal budget is spent in tribal areas, non-tribal populations benefit disproportionately from such expenditures.[37]

In central India, as peaceful, institutionalized political discourse continues to fail to generate developmental benefits, tribal communities sporadically engage in violent political expressions directed against the institutions that were designed, but failed, to serve them. Violence against bureaucratic headquarters, police stations, railways, and transportation infrastructure is a means of expressing their demand for genuine political inclusion. In parts of Bihar, Orissa, and Madhya Pradesh, the concrete demand is for redrawing State boundaries in a way that will ensure a greater proportion of tribal representatives.

On the other hand, many individual tribespeople are forsaking their tribal identities in favour of alternative identity markers; a majority now report their State language as their mother tongue, substantial minorities have converted to another religion, generally either Hinduism or Christianity. Indeed, much of the 'tribal' violence of recent years has been perpetrated by 'traditional' tribal communities against those who, for developmental or other reasons, have rejected aspects of their tribal past. Similarly, much 'anti-Christian' violence has been perpetrated against recent tribal converts to Christianity by other tribals who have also converted—to Hinduism.

In short, institutional designs for India's tribes, though comprehensive and wide-ranging, have not been entirely successful. The extent to which institutional objectives have been realized has depended, in significant part, on the quality of tribal political mobilization. Yet we must keep in mind that the institutions themselves

[37] The perception came through clearly through extensive interviews in tribal regions of Bihar, Orissa, and Madhya Pradesh in 1996. Hard data is much more difficult to come by. The only study to address the issue, conducted in 1984, strongly supported the continuing perception. See Singh and Singh (1984).

were compromises among proponents of three competing national narratives. A 'failure' to retain a politically autonomous tribal culture and psyche—to the extent that such ever existed—is simultaneously a 'success' at generating institutional incentives toward assimilation and national cohesion.

Institutional Designs in Perspective

That political institutions and public policies matter is beyond doubt. But can they explain the outcomes we observe? Let us show how other factors intervene by concentrating on Hindu-Muslim riots. We will argue that the whole panoply of institutional interventions—joint constituencies, separate personal laws, Muslim educational institutions—has failed to achieve an important objective, namely, stemming communal violence by encouraging greater integration. As argued at length elsewhere, the rhythms and concentrations of Hindu-Muslim riots have depended on civic, not institutional, factors.[38] Moreover, the relationship between civil society and political institutions is on the whole indeterminate.

By 'civil society', we refer to that space which (1) exists between the family on the one hand and the state on the other, (2) makes interconnections between individuals or families possible, and (3) is independent of the state. Business associations, professional organizations, reading clubs, film clubs, sports clubs, festival organizations, NGOs, trade unions, and cadre-based political parties are some of the examples of civil society organizations. Unlike institutional designs—electoral rules, personal laws, and public policies—that tend to be national or at the very least State-based in their coverage, civic factors tend to have locally varying texture and intensity. In specific cities and towns, Hindus and Muslims may be integrated in civic life, but that may not be true of the entire state or the nation. Where they are integrated, riots do not on the whole take place; where they are not, riots erupt.

Generally speaking—and this is true beyond India—communal or ethnic violence tends to be locally concentrated. Short of nationwide civil wars, it tends not to be evenly spread across a country. Pockets of violence and stretches of peace often coexist.

Consider the patterns of Hindu-Muslim violence in India. First, the share of villages in communal rioting has been remarkably small. During 1950-95, rural India accounted for a mere 3.6 per cent of

[38] This entire section is based on Ashutosh Varshney (2000).

the country's deaths in communal violence. Hindu-Muslim violence is, primarily, an urban phenomenon. Second, within urban India, Hindu-Muslim riots are highly locally concentrated. Eight cities account for a hugely disproportionate share of communal violence in the country: a little over half of all urban deaths, and 49 per cent of all deaths, in Hindu-Muslim violence. As a group, however, they represent a mere 18 per cent of India's urban population and about 5 per cent of the country's total population, both urban and rural. Eighty-two per cent of urban population has not been 'riot-prone'.

Thus, *India's Hindu-Muslim violence is city-specific, not State-specific. State—and national—politics or institutions provide the context within which the local mechanisms linked with violence get activated*. To understand the causes of communal violence, we must investigate these local mechanisms.

Civic linkages across communities constitute these mechanisms. The key lies in realizing that such links tend to differ locally or regionally. Electoral institutions—joint constituencies, first past the post—or public policies with respect to Muslims—personal laws, minority educational institutions—do not differ locally. Such institutions or policies thus cannot explain the patterns of peace and violence. National factors are, by definition, constant across local settings. To explain variation with what is constant would be methodologically fallacious. National-level factors may provide a *context* for the violence, but unless they are joined with local variables they cannot constitute the *cause* of locally concentrated violence.

Of course, one should not overstate the importance of civic links and dismiss the existing institutional arguments as entirely irrelevant. The level of analysis is a key issue here. Because political or electoral institutions are typically system-wide—an entire polity is either federal or unitary, consociational or liberal, parliamentary or presidential—institutional factors can explain why violence in a given country on the whole goes up or down once the new institutions are introduced, or older ones abrogated. If the comparison is at a *national* level, such system-wide institutions can be a helpful tool in our understanding.

Reconsider an example already given. Despite early anxieties, a linguistic reorganization of Indian federalism in the 1950s and 1960s significantly reduced the level of violence between linguistic groups in India (Weiner 1989). Each linguistic group got a State of its own in the federal polity, which in turn diminished the anxieties and fears of most language groups. Compared with the political passion and rioting associated with it in the 1950s and 1960s, language has by now become a minor issue in Indian politics.

In contrast, triggered by language issues, Tamil-Sinhalese relations in Sri Lanka moved from bad to worse after the late 1950s (for a brief overview, see Daniel 1997: Ch. 2). It is suggested that, unlike India, the absence of federalism made Sri Lankan conflict more and increasingly violent.[39] Much of the Tamil minority is concentrated in the northern part of the country and could therefore have found a limited measure of self-governance, provided by federalism, a moderating force. However, the political elite of the Sinhalese majority continued to insist on a unitary political system, offering federalism far too late as a solution to the political aspirations of the Tamil minority.

In other words, when we compare national-level aggregation of ethnic violence in India and Sri Lanka,[40] a hypothesis based on the effects of a federal versus unitary polity is likely to go very far. But if we were to move from national-level variation in violence to one *within* a nation, an explanation that invoked system-wide institutional factors would be quite inadequate. Such a hypothesis would not be able to explain, for example, why ethnic riots in Sri Lanka were concentrated repeatedly in some parts of the island, when they did erupt. To explain the latter, we have to rely on factors that vary locally or regionally.

Being highly local in its intensity and texture, civil society begins to explain how connections between groups provide a city, town, or region with, as it were, an immune system that can take exogenous shocks—or 'viruses'—emerging from outside. Conversely, the absence of such links makes a city or town highly vulnerable to such shocks. Local-level factors can not be read off the system-wide institutions. They have a life of their own, and may, depending on what is at issue, be more decisive.

If civic factors were not so spatially differentiated and were also constant through time, they would play roughly the same role as system-wide political institutions. That is why in societies where civic organizations are repressed by the state and no autonomous public space for human organization and deliberation exists, almost the entire society can go up in flames when the state begins to weaken. Alternatively, the entire society may look very peaceful when the state is strong. A totalitarian polity, opposed to autonomous non-state spaces, is thus typically a clay-footed colossus, as so many states of the former Soviet bloc discovered after the

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[39] Tamil activists in Sri Lanka have often made this argument.
[40] This is not to say that language was the only issue in Tamil-Sinhalese conflict, only that it was very important and could have been handled through federalism.

late 1980s. Civil society, if present and especially if vibrant, can provide self-regulating mechanisms, even when the state runs into a crisis.

India's repeated encounters with ethnic violence of all kinds—religious, linguistic, caste—and its equally frequent return from the brink have a great deal to do with the self-regulation that its largely integrated and cross-cutting civil society provides. Local structures of resistance and recuperation, as well as local knowledge about how to fix ethnic relations, have ensured that even the worst moments—1947–8 and 1992–3—do not degenerate into an all-out collapse of the country into ethnic warfare. A Rwanda, a Burundi, a Yugoslavia are not possible in India unless the state, for an exogenous reason such as a long-protracted war, kills all autonomous spaces of citizen activity and organization.

To conclude, constitutional or policy engineering undoubtedly has partial validity in explaining outcomes of peace and violence in India, but a large part of the explanation for what we observe has to come from the character and pattern of civil society, which tends to be locally or regionally differentiated, whereas institutional or policy factors have been common across States or the whole nation.

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