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Foreign Affairs and Federal Actors in the Indian Democracy

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India is an emerging power. Its economic clout has increased substantially and on a more or less even pace since the late 1990s, partly as the consequence of this economic growth and partly as a prerequisite for it, India is an ‘emerging power’. Its economic clout has increased substantially and on a more or less even pace since the late 1990s. Partly as the country has acquired a higher international profile and ambition. The claim to a permanent seat at the UN Security Council and the increased military capability, both in air and at sea are but two expressions of this new thinking. However, in spite of these expressions and the advantages of a concerted effort, India lacks a clear international agenda and strategy for her international ambitions.¹ For instance, in certain areas New Delhi pursues a policy of support for the furtherance of democracy in the world. In other areas, New Delhi pursues a policy that effectively undermines these endeavours, as in its close collaboration with the undemocratic regimes of Sudan and Iran. Another example is the contradiction between India’s interest in close collaboration with its neighbours on the one hand, and its inability to pursue this in practice. Bangladesh is a case in point, which will be discussed later.

This chapter will argue that the lack of a coherent agenda and strategy is caused by processes of change in the practice of two interlocked yet separate constitutional provisions, namely, the division of power between the central government and the states, i.e. India’s federal structure, and its democratic setup. Thus, it counters and adds to explanations emphasizing causes such as the Hindu view of life, a lack of ‘instinct to power’, and continued support of non-alignment in international affairs.² The chapter will further argue that this political dynamic renders

1. George Tanham, *Indian Strategic Thought: An Interpretive Essay*, RAND Corp.: Santa Monica, California, 1992; Sunil Khilnani, ‘India as a Bridging Power’, in *India as a New Global Leader*, ed. Sunil Khilnani et al., London: The Foreign Policy Centre, 2006, pp. 1–15; Harsh V. Pant, ‘A Rising India’s Search for a Foreign Policy’, *Orbis*, vol. 53, no. 2, 2009a, pp. 250–64.
2. Harsh V. Pant, ‘Indian Foreign Policy Challenges: Substantive Uncertainties and Institutional Infirmities’, *Asian Affairs*, vol. XL, no. I, 2009b, pp. 90–101.

the prospects of a coherent agenda even less likely in the future as Indian states increasingly engage in foreign policy and, consequently, would actively contribute to the differentiation of India's external affairs.

THE CENTRE–STATE RELATIONSHIP AND FOREIGN POLICY

That the workings of Indian democracy are complex and paradoxical is an uncontroversial statement even within the passionate realm of writings on the politics of India. It is complex in terms of the number of voters, political parties and politicians. It is multifarious when it comes to vernacular approaches to democracy and tiers of administration. Added to this are divides of classes, castes, languages, religions, and the buying powers of the different communities. Complexity is also an inherent factor in India's constitutional framework. One aspect of the Constitution that is meant to counter the complexity is Article 3, which provides for the establishment of states, and the Seventh Schedule, which provides the distribution of powers between the Centre and the states.

The federal arrangement of the Indian union is in answer to the country's territorial size and the diversity of its population. It provides the various states with different rights and obligations, vis-à-vis, the Centre. As such, the asymmetric federalism is meant to accommodate each state's deep diversity.³ To what extent the arrangement simplifies, rather than complicates, is an open question. However, recent writings on the federal nature of the Indian union increasingly stress the growing independence of Indian states.⁴

This independence seemingly counters the constitutional power distribution, as Indian states engage in foreign policy issues on their own. This is particularly so within the sphere of the economy. Leading politicians of Indian states, competitive as they are on behalf of their constituencies, vastly benefit from working directly across the nation's borders in order to attract foreign investment and financial support of various sorts. Thus, the statement that most Indian states engage in activi-

3. Alfred Stephan, Juan J. Linz and YogendraYadav, *Crafting State-Nations*, Baltimore: Johns Hopkins University Press, 2011.

4. Kripa Sridharan, 'Federalism and Foreign Relations: The Nascent Role of the Indian States', *Asian Studies Review*, vol. 27, no. 4, 2003, pp. 463–89; Rafiq Dossani and Srinidhi Vijaykumar, *Indian Federalism and the Conduct of Foreign Policy in Border States: State Participation and Central Accommodation since 1990*, APARC, Stanford: Stanford University, 2005; Rob Jenkins, 'India's States and the Making of Foreign Economic Policy: The Limits of the Constituent Diplomacy Paradigm', *Publius: The Journal of Federalism*, vol. 33, no. 4, 2003.

ties that are not unambiguously sanctioned by the Constitution is also uncontroversial, if not as widely accepted as the first statement.

If we turn our gaze away from economic activities to other areas, it is less easy to find uncontroversial agreement. It is particularly so on issues of foreign affairs and security politics. However, provided the right focus, it seems palpable that the actual making of policies, to minimize threats to the nation-state's interests, and to further its interests in relation to its neighbours and internationally, is influenced by increasingly larger sections of the population through the workings of its democracy.

This chapter follows such a line of thought by arguing that the 'new' federalism seen evolving through the 1990s has given subnational actors like the Indian states an increasingly important role in India's international affairs. This statement is also valid for certain issues involving external national security concerns. There are certain limits here, however, and it seems that it is mainly states bordering other countries that can influence the national security policy towards those other countries, e.g. West Bengal can influence India's Bangladesh policy and Tamil Nadu can influence the Sri Lanka policy. To what extent the importance of the states that share a co-ethnic population with other countries will grow beyond the present day limitations is hard to predict. However, I will argue that the dynamics of the twin processes of decentralization and democratization make it likely that we will see more subnational actors influencing the country's foreign policy, including its national security policy, in the future. As such, this is *the emergence of a process of democratization of foreign policy in India*.

Empirically, the argument will be put forward through the analysis of two Indian states or 'subnational actors', Jammu & Kashmir and West Bengal. The analysis will also deal with a foreign policy sector often thought shielded from the dangers of democratic populism and left in the hands of professionals, namely security policy.

But first we need to contextualize the current affairs of federal actors and security politics.

SECURITY POLITICS AFTER COLONIALISM

The retired diplomat and writer Kishan S. Rana sums up India's external affairs after Independence as follows:

As the British Empire's jewel and hub, colonial India had a proto-organization for the external policy management of *its neighbourhood*. At Independence

that provided a nucleus, but in concepts and methods, India forged its own path. That mind set of operating *autonomously*, disregarding other models, has persisted. [emphasis mine]⁵

The civil servants engaged in external affairs before Independence belonged to the Political Department and the Foreign Department. The Political Department worked on neighbourhood affairs, especially the turbulent Afghan region and Tibet.⁶ The department's elite belonged to what was called the Political Service, a cousin branch of the famous Indian Civil Service (ICS). Officers in the Political Service came mainly from ICS and the Army. It was this institution that formed the core of the new Ministry of External Affairs (MEA), along with ad hoc appointments supervised by independent India's first Prime Minister and Foreign Minister Jawaharlal Nehru.⁷ Thus, the MEA was to a considerable extent built on British India's 'steel frame', even though the Indian National Congress and Jawaharlal Nehru had started to formulate an independent foreign policy as far back as the late 1920s.⁸ After the British had handed over external affairs and defence authority with India's Independence, Nehru changed the motivations and objectives of the service to suit his own thinking. An overarching objective in Independent India's external relations was to secure the country's autonomy (like most other countries) through non-alignment (unlike the majority of countries). Still, to argue that the mindset as such changed overnight, as Rana suggests, is wrong. Nehru was not altogether free from the legacy of the British rulers.

The new Indian federation run by Nehru had a highly centralized government, with a relatively autonomous federal bureaucracy rarely challenged by the Parliament (dominated by Congress), by the media or by individual politicians.⁹ In effect, Nehru would run the country's external affairs largely in accordance with his own visions.¹⁰ In the early days of Independent India the British legacy was still clearly visible in that Nehru continued what had been the British efforts of

5. Kishan Rana, *Asian Diplomacy*, Washington DC: Woodrow Wilson Center Press, 2007, p. 47.

6. *Ibid.*, p. 48.

7. *Ibid.*

8. The Indian National Congress established a small foreign policy department in 1925 to make contacts overseas and seek support for its freedom struggle (Balakrishnan 2010). Nehru himself formulated most of the Congress party's positions on international issues from the late 1920s onwards.

9. Walter Andersen, 'Domestic Roots of Indian Foreign Policy', in *Trysts with Democracy*, ed. Stig Toft Madsen, Kenneth Bo Nielsen and Uwe Skoda, Anthem Press, 2011.

10. S.D. Muni, *India's Foreign Policy: The Democracy Dimensions*, New Delhi: Foundation Books, 2009; Andersen, *op. cit.*

‘fortifying India’s defence and promoting, as well as protecting India’s security in the Himalayan region’.¹¹ The neighbourhood policy focus of British India was more important than what Nehru’s speeches suggested, to the extent that he was characterized as a ‘Democratic Curzon’ as he kept a Curzonian mindset on security issues.¹² Consequently, not only was the highly centralized and semi-autonomous MEA a British legacy, but the reading of the major security issues in the early phase of Independence was a continuation of the foreign policy outlook of the colonial government.

However, Nehru developed a larger framework for India’s foreign policy during his tenure. According to Walter Andersen, the key elements of Nehru’s foreign policy vision were:

- ▶ Strategic autonomy or no military alliances with other nations to ensure an independent foreign policy;
- ▶ A policy of non-alignment, with the major objective to end colonialism in Asia and elsewhere and guarantee no outside influence;
- ▶ A close relationship with China, as a means to develop Asia and fight neo-colonialism.¹³

Strategic autonomy and the policy of non-alignment were important elements in India’s ambitious international self-image. According to J.N. Dixit, the Nehru government felt ‘India had an ideological as well as an operational role to play in world affairs in order to eradicate imperialism, colonialism and all forms of discrimination’.¹⁴ To a certain extent this culminated in the leading role India had in establishing the Non-Aligned Movement (NAM) in 1960 and its key presence in NAM for the first few years.

The close relationship with China remained mainly a vision and not a practical reality, even if India supported China internationally on several occasions.¹⁵ And even if relatively friendly, the relationship with China was at the same time also somewhat ambiguous. While Nehru held that the colonial borders drawn during the 1914 Simla Convention were valid, China disagreed.¹⁶ In January 1959, Chinese premier Zhou Enlai wrote to Nehru explaining that China did not accept the

11. Ibid., p. 29.

12. A.G. Noorani, ‘Nehru: A Democratic Curzon?’, *Frontline*, vol. 17, no. 26, 2000.

13. Andersen, op. cit.

14. Jyotindra Nath Dixit, *Indian Foreign Service: History and Challenge*, New Delhi: Konark Publishers, 2005, p. 11.

15. India partially supported China’s rights to Tibet in order to avoid antagonizing China (Balakrishnan 2010).

16. T.K. Balakrishnan, op. cit., p. 154.

McMahon line of 1914 as legal. This did not immediately make Nehru change the course of his China policy, probably much to the chagrin of some of his advisors. However, the short period of optimism, encapsulated in the phrase ‘Hindi-Chini bhai-bhai’, came to a final end on 20 October 1962, when Chinese forces attacked India. Another victim of this war was the *Panch Shila* – principles of peaceful coexistence, which had been a basis for India’s non-aligned policy. After this brief war India, led by a disillusioned Nehru, turned to a more inward-looking foreign policy that focused on the immediate neighbourhood of South Asia.¹⁷

The inward-looking period lasted almost three full decades. In this period India saw two wars with Pakistan, the establishment of Bangladesh, and an increasing dependence on its relations with the Soviet Union. New Delhi continued to stress security concerns in the neighbourhood as its main focus. The impression of the ‘India which says no’ in international relations was born out of a conceited country that lacked economical, political and military capital or prospects of such. It was a period of defensive diplomacy.¹⁸

DEEPENING OF DEMOCRACY AND A NEW FEDERALISM

On the larger geopolitical scene, India continued to be a poor giant of little importance. Economically she developed at a rate more akin to countries in Africa than the tigers of the East and South-East Asia. However, three different processes took place in what was a more dynamic society than would appear from the outside, processes that would first become clearly visible in the second half of the 1980s, but which would, then, have significant consequences for the country’s foreign policy: a deepening of democracy, a liberalization of the economy, and mainly as a consequence of the above two, a ‘new federalism’.

On the political scene the ‘catch-all’ function of the Congress disappeared and it lost its national monopoly. Instead, regional, state-based parties received increased support in the elections. In addition, the number of political parties grew, and with them new groups of voters achieved some influence at the central level. Except for a brief period in the late 1970s, the Congress party formed all central governments until 1989. After this time all governments have been coalition or minority governments, consisting partly of national parties such as the Congress or its rival, the Bharatiya Janata Party (BJP) and a host of regional or state-based parties. It was a change in the political landscape ‘from one dominated

17. Andersen, op. cit.

18. Rana, op. cit.

by a single party, Congress, to a federalized multiparty system'.¹⁹ The term 'federalized' points to the rise of state parties that began with the coming to power of parties such as the Dravida Munnetra Kazagam (DMK) in Tamil Nadu and the Telugu Desam Party (TDP) in Andhra Pradesh. This new pattern of federalized political representation is a result of two trends. First, an increased proportion of poor and socially marginalized actually cast their vote, thus creating room for new parties and forcing existing parties to reconsider their appeal. The increasing proportion of poor and socially marginalized groups seemed to prefer parties that specifically claimed to represent them, thus eroding support for large 'catch all' parties.

A second development was the weakening of India's financial situation which forced a major rethink, and liberalization of the economy starting from the late 1980s. Throughout this decade, the Indian economy had been heading towards a crisis situation and action had to be taken to ward off a threat of bankruptcy.²⁰ At this point, the incoming Congress Government of Narasimha Rao appointed the economist and former Governor of the Reserve Bank of India, Manmohan Singh as Finance Minister. He opened up India's economy, and within a short period of time, the move showed results. The increased role of Foreign Direct Investment (FDI)²¹ and the boosted Indian self-confidence created an environment in which international relations became more important to the country's well being and to individual states and leaders.²²

The change in fiscal policy also entailed a transition from 'a federalism associated with Nehruvian planned development and Congress party domination . . . to a federalism associated with a multiparty system and a market-oriented economy'.²³ There was, in short, a shift in the balance of power from the Centre to the states, and increased power for the states and the state governments. The interesting aspect for our purposes is that this had consequences not only for the state government's ability to have a deciding voice at home, in their states, or at the national level, but also paved way for the states' increasing interest and willingness to engage in international arenas. It is mainly in the field of economy and investment

19. Lloyd I. Rudolph and Susanne Hoeber Rudolph, 'The Old and New Federalism in Independent India', in *Routledge Handbook of South Asian Politics*, ed. Paul Brass, London: Routledge, 2010, p. 151.

20. Stuart Corbridge and John Harriss, *Reinventing India: Liberalization, Hindu Nationalism and Popular Democracy*, Malden: Polity Press, 2000.

21. Ramkishan S. Rajan et al., *New Dimensions of Economic Globalization: Surge of Outward Foreign Direct Investment from Asia*, Singapore: World Scientific Publishing, 2008.

22. Rana, op. cit.

23. Lloyd I. Rudolph and Susanne Hoeber Rudolph, op. cit., p. 149.

that this shift was visible. State governments competed in order to attract foreign investment and convince international companies to establish production units or buy services. John Kincaid has argued that the label 'constituent diplomacy' may be used for situations in which subnational political units, like the Indian states, to a large extent engage in national policy formulation.²⁴ This implies that the states function as 'co-sovereign constitutional polities with the federal government [. . . and that states are not] below or inferior to national governments'²⁵ in terms of engaging in international relations.²⁶ The ability of the states, or constituencies, to work on their own in the field of foreign affairs is again based on their new prominence that came into being with the end of the Congress' monopoly in governance.

Given this apparently new role of the Indian states in external affairs, one also needs to ask to what extent this affects India's larger foreign policy, including its security policy, a field that traditionally is extremely centralized in most countries. This topic will be investigated by looking at, first, the political contestations surrounding India's nuclear programme, and, second, confrontations between the central government and state governments in two different states: Jammu & Kashmir in the north-west, bordering both China and Pakistan, and West Bengal in the east, bordering Bangladesh.

A NUCLEAR DEMOCRACY

India has succeeded in becoming an international partner in the nuclear trade, and as such an internationally accepted nuclearized nation, without signing the Non-Proliferation Treaty. It succeeded in circumventing the Treaty by using its democracy as an argument, but the road was long and arduous, and democracy turned out to be a double-edged sword.

While it can be argued that the 1998 Pokhran II test explosions were targeted at a domestic audience, they received negative responses internationally.²⁷ The demand was for India to sign the Non-Proliferation Treaty and in effect, give up

24. John Kincaid, 'Constituent Diplomacy in Federal Politics and the Nation State: Conflict and Cooperation', in *Federalism and International Relations: The Role of Subnational Units*, ed. Hans J. Michelmann and Panayotis Soldatos, London: Clarendon Press, 1990.

25. *Ibid.*

26. Lloyd I. Rudolph and Susanne Hoeber Rudolph, *op. cit.*; Jenkins, *op. cit.*; Andersen, *op. cit.*

27. Kalpana Sharma, 'The Hindu Bomb', *The Bulletin of Atomic Scientists*, vol. 54, no. 4, July/August 1998; Harsh V. Pant, *Contemporary Debates in Indian Foreign and Security Policy: India Negotiates its Rise in the International System*, New York: Palgrave Macmillan, 2008.

its desire to be a nuclear power. India, under the leadership of the Hindu nationalist-dominated government, declined. While the domestic majority hailed the (Hindu) bomb, threats of trade embargo loomed internationally. The nuclearization threatened to create an obstacle to India's economic growth.

In this context, the 11 September 2001 attacks in the United States gave India new room for manoeuvre. The Indian support to the United States after this attack was both moral and material. Morally, India expressed strong sympathy with the United States, having been a regular targets of terrorist attacks. Materially, India supported the US with access to airports and air space over India for launching attacks against Afghanistan. India was clearly 'with us'.

Alongside this development, and probably as a consequence of new income-generating trade relations with the West, India once again took on the role of a champion of democracy. The difference between the situation in the 1950s and now is in the close relationship with a number of primarily Western countries. India and the Hindu nationalist-dominated government coalition depended on good relations with rich countries to continue the economic growth curve, and had to demonstrate to the world that their nation was a responsible international player.²⁸

In 2000, India became a Member of the Community of Democracies, a newly formed group initiated by the US Secretary of State, Madeleine Albright.²⁹ By extension India also became a member of the United Nations Democracy Fund when it was founded in July 2005.³⁰ With this engagement India showed its willingness to contribute financially to promote democracy in the world. The UN Democracy Fund officially 'supports democratization efforts around the world'.³¹ India is the fund's second-largest donor, and contributed in 2011 the same amount as the largest donor, the United States, and almost three times more than the third-largest donor, Germany.

The UN Democracy Fund membership, in the context of the thaw that followed 11 September 2001, suggested to many, and perhaps especially to the United States, that India could become something more than an important trading partner. The country could also become an important partner in general on the international scene and in Asia in particular, not least in order to balance China's growing

28. Ibid.

29. S.D. Muni, *India's Foreign Policy: The Democracy Dimensions*, New Delhi: Foundation Books, 2009, p. 5.

30. Ibid., p. 168.

31. *UN Democracy Fund, About UNDF*, 2010. 32.

importance.³² It seemed that India, during both the BJP-led and the Congress-led governments, had managed to raise the country's international standing.

An important result of the thaw was the agreement on civilian nuclear trade. India became an accepted customer at the international market for civil nuclear technology and fuel through a 'clean waiver' in 2008 from the Nuclear Suppliers Group's existing rules.³³ The agreement meant that India was to reclassify 14 of its 22 nuclear reactors from military to civilian and open them up for international control. By opening up the reactors, India, in return, received access to trade in nuclear fuel supply to its civil reactors from the United States.³⁴ It was India's participation in international forums like the UN Democracy Fund that worked as preconditions for the West's ability to ignore the fact that India resisted signing the Non-Proliferation Treaty.³⁵ The close relationship with the US created, however, problems, even as the new line of foreign policy introduced by the BJP was continued by the Congress after they and the UPA coalition came into power in 2004.

For the UPA, the support from the Communist Party of India (Marxist) CPI(M) was crucial for its parliamentary majority. However, the CPI(M) strongly disliked close relations with the United States.³⁶ They saw the future nuclear agreement with the US as forming an alliance that would give the world's biggest imperialist power too much influence over India. Not only did the CPI(M) threaten to leave the government coalition, they followed through with their threat and left the government. This was the most serious threat to the UPA coalition government before the 2009 elections. The Government survived, by a slimmer majority and some hefty cajoling, but the case was the first in which a foreign policy issue had almost brought a government down in India. It was a special case of a more general trend. State-level parties appeared increasingly as key political actors nationally.³⁷ It is

32. Pant, *op. cit.*, 2008, pp. 19–37.

33. During a plenary meeting of the Nuclear Suppliers Group in June 2011, the group 'agreed to strengthen its guidelines on the transfer of sensitive enrichment and reprocessing technologies [and] continued to consider all aspects of the implementation of the 2008 Statement on Civil Nuclear Cooperation with India and discussed the NSG relationship with India' (NSG 2011). While media and opposition politicians in India, in general, understood this as a rollback of the clean waiver, the Indian government held that the US, France and Russia in the aftermath of the NSG's plenary had assured India that the 2008 exemption would not be affected by the new rules (*The Hindu* 2011).

34. Pant, *op. cit.*, 2008, p. 29.

35. *Ibid.*, p. 37.

36. Baldev Raj Nayar, 'India in 2005: India Rising, but Uphill Road Ahead', *Asian Survey*, vol. 46, no. 1, 2006, pp. 95–106.

37. Yogendra Yadav, 'Electoral politics in the time of change: India's Third Electoral System, 1989–99', *Economic and Political Weekly*, vol. 34, nos. 34/35, pp. 21–8.

clear that the foreign and security policy is no longer something that only interests a small elite in Delhi.

One can argue with some strength that India's foreign policy since the 1990s is to a lesser extent ruled by a small elite group of ministers in Delhi. 'Internal diversity' has sometimes led to 'external diversity', even when this seems to threaten national unity.³⁸ Indeed, some would even argue that regionalization of the national political arena has taken place, in the sense that various state governments are increasingly involved in setting the framework for the national foreign policy.³⁹

We now turn to the role of the Indian states in relation to the Centre's day-to-day enactment of the nation's foreign and security policy. State governments, as subnational actors, it is argued, can both work with and against the incumbent government at the Centre to enforce their priorities, even when it is about foreign affairs and national security concerns.

JAMMU & KASHMIR: UNCONSTITUTIONAL AND DEMOCRATIC

Jammu & Kashmir epitomizes the secular ideals of the Indian constitution, being a Muslim majority state in a Hindu majority nation. But it is also a state of religious conflict and ethnic diversity. Internationally, the state is contested territory, not least testified to by the overwhelming literature that deals with the state. As a conflict zone since Independence, Jammu & Kashmir probably is among the most discussed, described and debated conflict zones in recent South Asian history. There are several significant points of contention. Pakistan claims the entire state of Jammu & Kashmir. Insurgent groups function in support of this claim. There is probably not a very widespread popular support for this claim, although vote on the matter has never been held, of course. But there is probably a widespread support for independence or at least a large measure of autonomy from the Indian state. A last point of contention is Aksai Chin, the huge, largely empty mountain region now occupied by the Chinese, but claimed by India.

Subnational units' involvement in security politics is not entirely new. Jammu & Kashmir is an obvious example of how a state government's policy intentions and ambitions, as well as non-government groups (in this case insurgents) become of consequence for national security concerns over many years. Another example

38. Sridharan, op. cit.

39. Subrata K. Mitra and V.B. Singh, *Democracy and Social Change in India: A Cross-sectional Analysis of the National Electorate*, Thousand Oaks, CA: Sage Publications, 1999, p. 156.

with reference to the same state is Nehru's policy towards China before the Sino-Indian War of 1962. It has been suggested that Nehru could not accept the offer proposed by Chinese Premier Zhou Enlai, whereby China would 'relinquish its claim to most of India's north-east in exchange for India's abandonment of its claim to Aksai Chin [in Jammu & Kashmir]'.⁴⁰ Nehru's refusal was mainly due to domestic public opinion.⁴¹

Public opinion is something that should and does matter in democracies, even in foreign and security-related matters. In these early cases from Jammu & Kashmir, however, the Centre easily overcame or accommodated these concerns. The ambitions of the state government were dealt with by direct interference and *inter alia*, the arrest of the political leader, Sheikh Abdullah. More recent events, however, suggest that the state government's scope for independent manoeuvre has increased, suggesting a reorientation in the relationship between the state and the central government.

Due to circumstances around Jammu & Kashmir's inclusion into the Indian Union, constitutional provisions ensured a special status for the state. Introduced in October 1947 and affirmed by the Constitutional Order of 1950, Article 370 gave Jammu & Kashmir powers that were denied to other states.⁴² The state government has wider powers to legislate on matters of land settlement rights pertaining to, for instance, property, immigration and political titles than other states, while only defence, foreign affairs and communications policy, and legislation were retained by the central government.⁴³ However, by the mid-1950s and increasingly in the years to follow, the national Parliament extended its jurisdictional powers. Between 1953 and 1986 forty-two constitutional amendments were passed which increased the power of the Centre.⁴⁴ For many in Kashmir, *azadi* (freedom, independence) implies a return to the pre-1954 agreements between the Centre and the state. The amount of autonomy, thus, forms a major part of the dispute between the Centre and the state, and the issue of the autonomy of the state government is a central one in the political life of Jammu & Kashmir.

The stunning 62 per cent turnout in the 2008 assembly elections paved the way for the pro-India political party, National Conference, to gain prominence. Some interpreted this 'as a sign that the people of Kashmir have endorsed Indian rule in

40. T. K. Balakrishnan, *op. cit.*, p. 154.

41. *Ibid.*

42. Vernon Hewitt, *Towards the Future? Jammu and Kashmir in the Twenty-first Century*, Cambridge: Granta Editions, 2001, pp. 142–3; Dossani and Vijaykumar, *op. cit.*

43. *Ibid.*

44. *Ibid.*, p. 14.

the state'.⁴⁵ Others point out that *azadi* is still desired by a majority, and that years of emergency legislation and paramilitary presence have created anti-Indian sentiments that run deep in the region.⁴⁶ This is the background against which contention between the state government and the central government must be read. The state government at the time was a coalition government, and the nationally dominant party, the Congress, was a partner in that coalition. The main partner was a state party, the Jammu & Kashmir People's Democratic Party (PDP).

The coalition exercised autonomy in a number of cases. One case, the year after taking office, concerned the release of militants and the disbanding of the Special Operations Group (SOG). The Centre sought to prevent this, because both the release and the disbandment involved national security. But the state government did not budge under the pressure. The state government ordered the release of the militants, both home-grown terrorists and cross-border infiltrators. This was contrary to the aim and ambition of the centrally administered Prevention of Terrorism Act.

A little later the SOG was dissolved. While the SOG was a Jammu & Kashmir state creation and thus, under its control, it was an organization that worked against terrorism and, as such, the Centre had strong grounds for opposing the move. The Centre sought to do so before the actual disbanding in 2003, but to no effect. As pointed out by Rafiq Dossani and Srinidhi Vijaykumar, '[here] again is an example in which the Centre was justified in intervening, but instead allowed the state to have autonomy'.⁴⁷

The status of Jammu & Kashmir within the federal arrangement of India is both special and highly disputed. Still, it is evident that the various actors at state level, both governmental and non-governmental, have strongly influenced the Centre on issues concerning foreign affairs and security in ways that go against the constitutional arrangement of the federation. West Bengal, even without any secessionist ambitions, whatsoever, is another example of how subnational governmental actors working within the frameworks of constitutional democracy are able to exercise powers in areas where the Centre seemingly should be in full control.

45. Sheikh Saaliq Fayaz, 'Kashmir Conflict', *The Daily Rising Kashmir*, 2011; Reeta Chowdari Tremblay, 'Kashmir's Secessionist Movement Resurfaces: Ethnic Identity, Community Competition, and the State', *Asian Survey*, vol. 49, no. 6, pp. 924–50.

46. Voice of America, 'Regional Party Enters Talks for Coalition Government in Jammu & Kashmir', 2009; Arpita Anant, 'The 2009 National Elections: Signals from the Kashmir Valley', *IDS Comment*, 2009; Tremblay, op. cit.

47. Dossani and Vijaykumar, op. cit., p. 17.

WEST BENGAL: VILLAINS, VOTERS AND WATER

India's relation with Bangladesh is influenced by West Bengal is but obvious. Issues involving illegal immigration, border patrol, deportation and the national identity card system, and trade policy are also areas where West Bengal has been able to influence the Centre's policy.⁴⁸ These are all important issues of national security at the federal level. The West Bengali influence on these concerns has ranged from invited involvement where the Centre sees a benefit from representatives of the state mediating contact, to instances where the state government has worked against the outspoken policy of the Centre.

In terms of security politics, India's national policy towards Bangladesh is informed by concerns 'typified by the broader fear of Bangladesh's potential to produce destabilizing conditions in the subcontinent which, in the long term, could invite external meddling and perhaps, ultimately, the disintegration of the Indian Union'.⁴⁹ Padmaja Murthy mentions four other areas of Indian concerns, vis-à-vis, Bangladesh:

- ▶ The porous Indo-Bangladeshi border, insurgents take refuge in Bangladesh; illegal immigration and its implications for West Bengal politics as immigrants tend to support the CPI(M) – the former state ruling party;
- ▶ Pro-Pakistani elements holding influential positions in Bangladesh;
- ▶ Bangladesh's strong political and defence links with China and Pakistan.⁵⁰

In several of these issues West Bengal's Left Front government led by CPI(M) for more than three decades until 2011 had influenced national policy, and when the Centre has disapproved the state's actions, West Bengal has successfully pursued its own policy. Three such cases of independent policy concerning border issues will be discussed here, namely, illegal immigration, border patrol and deportation.

The massive migration of people from Bangladesh to West Bengal has many consequences.⁵¹ While the states have an uncertain constitutional role to play to control illegal immigration, the Centre has wanted to hand the matter entirely over to the states. At the same time, during the time of the BJP-led NDA government, there were fierce allegations from the Centre that there was an increase of Paki-

48. Ibid.

49. Kathryn Jacques, *Bangladesh, India and Pakistan: International Relations and Regional Tensions in South Asia*, New York: St Martin's Press, 2000.

50. Padmaja Murthy, 'India and Its Neighbours: The 1990s and Beyond', *Strategic Analysis*, vol. 24, no. 8.

51. Anand Kumar, 'Illegal Bengladeshi Migration to India: Impact on Internal Security', *Strategic Analysis*, vol. 35, no. 1, 2011, pp. 106–19.

stani-inspired terrorist infiltration into West Bengal from Bangladesh. (Further, insurgency in India's north-eastern states has shown a use of Bangladesh as sanctuary.) There have also been tensions between the Centre and West Bengal concerning 'regular' illegal immigration. The Centre has suspected the Left Front government of West Bengal of turning a blind eye to illegal immigration to increase its voter bank. Thus, illegal immigration, often connected to terrorist infiltration, was a subject of contention between the Centre and the state concerning both means and ends.

Given this tension, it is even more surprising that the national government has allowed the state government the scope to pursue its own border politics. In India it is the paramilitary Border Security Forces (BSF), run by the Centre, which plays the main role in border patrol. This is especially so in West Bengal, Kashmir and the north-eastern states. The BSF is responsible for 'protecting India's land border during peace time and for preventing transborder crimes and it has an extensive intelligence network'.⁵² The West Bengal government has in theory little control over the BSF, even as the BSF monitors and works with anti-insurgency and counterterrorism units within West Bengal. In practice, however, the state has been able to successfully control the BSF. In 2004, the West Bengal High Court was able to force the BSF to hand over members in a criminal proceeding, even as the Centre protested and argued that the state had nothing to do with BSF investigations. After the High Court granted jurisdiction to the state government, the Centre did not pursue the case.

Another area where West Bengal has been successful is in influencing the deportation policy. The shared ethnic background of people in West Bengal and Bangladesh has made deportation a tricky area for the Centre. If the state opposes a deportation, it is easy for it to argue that it is an Indian Bengali who has been wrongfully accused. Further, West Bengal has been largely successful in regulating deportations of alleged illegal immigrants to Bangladesh from other states, since the actual deportation happens on their soil.

In all these three interrelated West Bengali cases, we see an ability of the state through state-level ruling parties, such as the CPI(M), to influence policy that forms an important part of the security portfolio of the central government. They include influence on the use and control of armed forces to protect the nation's autonomy. Thus, we see that when tension between the Centre and the periphery arises over external issues, it is not certain that the Centre will be given the upper hand, despite Constitutional stipulation to the effect.

52. Dossani and Vijaykumar, *op. cit.*, p. 10.

It may be mentioned here that West Bengal is to some extent a special case. The situation is quite different in other large border states, such as Uttar Pradesh, Uttarakhand and Himachal Pradesh (all bordering on Nepal) or Rajasthan and Punjab (bordering on Pakistan). One difference between these last states and West Bengal is that Bangladesh is peopled by co-ethnics – Bengali speakers.

THE WATER DISAGREEMENT

On the evening of Sunday, 6 September 2011 the Indian Prime Minister Manmohan Singh attempted in vain to call West Bengal's Chief Minister Mamata Banerjee. She plainly refused to entertain the call.⁵³ The reason for PM Singh's attempt was to convince the chief minister that she should not withdraw from joining the prime minister's official visit to Bangladesh. The chief minister had refused to be part of the delegation since the Trinamool, a party in alliance with the Congress both in West Bengal and at the Centre, and she was unhappy with the draft of the Teesta Water Sharing Agreement with Bangladesh. The draft crafted by the Centre and the Bangladesh government envisaged an equal split (50/50) of the water between the two countries. West Bengal and Banerjee had been kept out of much of the process and would not settle for more than a 25 per cent share to Bangladesh. They felt that the 'draft would mean that the rain-starved areas of West Bengal would be parched to keep up with the obligation to Bangladesh'.⁵⁴

Not only had West Bengal's chief minister been kept out of the process, but also the Railways Minister Dinesh Trivedi from Trinamool, who was part of the then Government at the Centre, was told at a meeting of the Cabinet Committee on Political Affairs 'that a bilateral water-sharing agreement was a "constitutional prerogative" of the Centre, when he raised his party's concerns'.⁵⁵ Further, the Mamata Banerjee-led Trinamool was shown the prospective water deal only two hours before it was intended to be discussed in the Cabinet on 2 September 2011.⁵⁶ At that point, a Trinamool leader requested Manmohan Singh to amend the draft in keeping with the party demand that the water share for Bangladesh should be 25 per cent, but 'all he got in return was a lecture and a scolding on the state's

53. *The Economic Times*, 'PM's Visit to Dhaka for Key Water-Sharing Agreement Cancels, Shows Political Mismanagement', 6 September 2011.

54. *OneIndia News*, 'Mamata Stands Ground, Opts out of Bangladesh Trip with PM', 5 September 2011.

55. *The Economic Times*, op. cit.

56. Jyoti Malhotra, 'Where Did India-Bangladesh Talks Go Wrong?', *The Wall Street Journal*, 14 September 2011.

duties and the Centre's responsibilities by finance minister and Congress stalwart Pranab Mukherjee'.⁵⁷ Mukherjee is supposed to have said 'that foreign policy was the preserve of the Centre, not the state'.⁵⁸ To journalists the anonymous Trinamool leader explained:

I had to tell him, you have no right to rebuke me. I am duty-bound to represent my state's interests. . . . The federal government may have the right to run the country's foreign policy, but the state has the right to protect its assets. . . . If Delhi could show us the draft treaty on the land boundary ahead of time, which we had no problem with, why didn't they do the same with the water treaty? I think Delhi was trying to hoodwink us.⁵⁹

But the hoodwinking was not a success, and without Banerjee as part of Singh's delegation and the consent of the Trinamool, the Prime Minister's visit to Bangladesh partly failed. Despite the National Security Advisor Shivshankar Menon being sent to Kolkata to negotiate with Banerjee, a new Teesta Water Sharing Agreement could not be ratified. Thus, the breakdown in the river water talks happened not because of differences between Delhi and Dhaka, but between the federal government in Delhi and the West Bengal state government in Kolkata.

Even as the Indian Constitution gives only the Centre the power to engage in foreign affairs and amend treaties with other countries on sensitive security issues such as water sharing, the role of states is increasingly important.⁶⁰ This should not have surprised the Prime Minister the way it did in the autumn of 2011. In the case of India-Bangladesh relations the use and the influence of prominent people within the West Bengal government have been important for a long time. The role of the West Bengal former Chief Minister Jyoti Basu in earlier water sharing agreements is not only well known, but is also hailed as a good example of how leaders from border states that share an ethnic and/or cultural relation with neighbouring countries can be instrumental in facilitating foreign affairs. In negotiations resulting in the 1996 Bangladesh-India treaty on the sharing of Ganga water, Jyoti Basu became involved because of a request from the Bangladeshi Prime Minister Sheikh Hasina.

57. *Ibid.*

58. *Ibid.*

59. *Ibid.*

60. Chandran, 2010; Punam Pandey, 'India-Bangladesh Water Relationship: A Renewal of Trust', Institute of Peace and Conflict Studies, Article no. 3342, 12 March 2010.

There is an interesting difference between the three cases represented by the Communist-dominated Government of West Bengal and the case of the Teesta Water Sharing Agreement, opposed by the new government of the state. When the West Bengal Chief Minister Mamata Banerjee publicly explained her decision not to join the Prime Minister's delegation to Bangladesh, she did so with reference to the interests of the people of West Bengal. She spectacularly embarrassed her coalition partner and the Prime Minister of the country, and rationalized this with reference to the interests of the people of her state, ignoring the more general interest of the people of the nation.

More importantly, perhaps, the CPI(M)-led governments in West Bengal always had a more or less tenuous relationship with the central governments, whether dominated by the Congress or by other parties. Mamata Banerjee, on the other hand, was closely tied to the dominant party in the government. She had recently stepped down as a minister of that government, and the party she led was still a member of the coalition. The fact that she was able to undermine the Prime Minister and a coalition partner, and get away with it, points strongly to the new vulnerability of the central government.

Interestingly, the communists in the CPI(M), who had recently lost power to her, could only agree on her opposition to the water sharing agreement and support her decision. A little earlier they had supported Mamata Banerjee when she proposed to change the name of the state from West Bengal to Paschimbanga, which basically means West Bengal in Bengali. This ethnically conscious decision is another example of a populist bend in the state. It is difficult to imagine that once the populist *djinn* is out of the bottle, it shall be possible to put it back in. Decisions will increasingly be legitimized with reference to the 'interests of the people', meaning the people of the state, and less with reference to the interests of the nation.

State-level ruling parties, both influencing foreign and security policy and undertaking foreign policy-related actions, seems to be quite common, at least in border states.⁶¹ The cases of Jammu & Kashmir and West Bengal prove that the states can be both integrated into the Centre's policy and act independently in what constitutionally are fuzzy borders. In short, domestic issues do matter in security and foreign affairs in India, even as the constitution seemingly gives the Centre full powers in such matters. Federal arrangements are never easy. On the contrary, it is perhaps as James Manor states 'the virtues of accommodation [that work] as both the oil and the glue of federalism' in India.⁶² But 'the politics of bargain-

61. Dossani and Vijaykumar, *op. cit.*

ing⁶³ is not an easy one, and during the last decade even domestic views on foreign affairs have surfaced as a potential threat to incumbent governments.

DEMOCRATIZATION OF SECURITY POLICY

In conclusion, the reconfiguration of Indian politics has affected both the country's foreign policy and security policy. The main reason why the reconfiguration of Indian politics and economy in the 1990s spilled over into security policy was coalition politics. Coalition governments create a space for smaller state-based parties to play a role in national politics at the centre, which are still moved by compulsions that are state-based.

The lack of a coherent agenda and strategy in India is described as a result of various variables, such as a specific Hindu life-world, lack of 'instinct to power' and/or continued support to Nehru's non-alignment and the third way.⁶⁴ George Tanham, in his widely cited study of Indian strategic thinking, refers to how the life and world of the Hindus to a great extent is unknowable, and exists in external time to explain the lack of a coherent and systematic strategic thinking.⁶⁵ Another more recent approach stresses the lack of a sophisticated understanding of power in the international arena of strategic competition, and the absence of 'an instinct for acquiring it' among India's elites.⁶⁶

Harsh Pant builds upon both George Tanham and Sunil Khilnani, and further emphasizes the continued heritage of the elite's choice to opt for a non-aligned foreign policy during the Cold War. Despite the end of the Cold War it is still debated and, according to Pant:

The reiteration of the alleged relevance of NAM by India's foreign policy elite is merely the clearest sign of the intellectual sloth that has infected the foreign policy discourse in the country, an attitude that refuses to see non-alignment as a strategy that does not apply now that the Cold War bipolar international system has collapsed.⁶⁷

62. James Manor, 'Parties and the Party System', in *State and Politics in India*, ed. Partha Chatterjee, Oxford: Oxford University Press, 1998, pp. 33, 92–124.

63. *Ibid.*

64. Pant, 2009b, *op. cit.*

65. Tanham, *op. cit.*

66. Khilnani, *op. cit.*, p. 3.

67. Pant, 2009a, *op. cit.*, p. 253.

To a large extent there is agreement concerning India's lack of a coherent foreign policy agenda, wherein, it faces a 'fundamental crisis'.⁶⁸ There has never been any 'general consensus across political parties on major foreign policy issues', except that of 'intellectual laziness and apathy'.⁶⁹

However, the lack of coherence and census is also caused, as argued earlier, by processes of change in the practice of two interlocked constitutional provisions: India's federal polity and its democratic setup. Overlooking the changing practices of federal relations and the workings of democracy will render efforts to contribute to India's claim for superpower status through grand strategies and power-oriented strategic thinking, if not worthless, then at least partial.

Such maps correspond poorly to the territory and prove navigation difficult.

The cases presented here suggest that India's foreign and security policy has been conditioned by economic liberalization and the new realignments in federal-state status quo. In certain areas powerful and/or influential states have been able to play a part as engaged constituents with the ability to inform, and in some cases challenge and directly oppose the Centre's security policy. India's apparent lack of a coherent foreign policy agenda and strategy stems in large part from this dissonance. Sunil Khilnani seems to agree with this reading, even though he does not provide a substantial discussion of subnational actors like the Indian states, when he states that India's place in the world will depend on more than economic growth, namely 'its ability to nurture internal diversity and pluralism through the structures of liberal constitutional democracy'.⁷⁰ It is no longer the case that India's foreign and security policy is formulated by a small elite. On the contrary, we may today talk about 'constituent diplomacy' and the presence of several more or less equal subnational actors. This can best be described as the emergence of a process of democratization of foreign policy in India.

Two last questions to be posed are: is this an emerging trend, meaning that in the future will the states have a more important role to play? And to what extent will India benefit from such a development, or is it rather a threat to India as an autonomous nation?

Even if the federal arrangement of India and powerful state-level parties may frustrate initiatives at the Centre, as was evident in the efforts to amend the Teesta treaty, the politics of bargaining and accommodation might still be the glue and oil of India as a nation state, even after the BJP won the right to form a majority government in 2014. A return to the more centralized federal practices is probably

68. Pant, 2009b, op. cit.

69. Ibid., p. 100.

70. Khilnani, op. cit., p. 12.

impossible. The deepening of democracy and the connected fracturing of the political landscape force governments to be sensitive to state interests and politics in the foreseeable future.

The combination of a new federalism and economic growth, on the one hand, and the deepening of democracy in a way that may open up for more populist decision-making (ignoring for now whether this is good or bad) on the other has fractured India's ability to pursue a coherent foreign policy. Still, accommodating the multitude of voices and views in the largest democracy in the world through political bargaining may in the long run benefit the unity of the country and in fact, strengthen the basis on which decisions are taken, even if on occasion the Prime Minister is embarrassed, and even if on occasion the nation's external voice is less coherent than what one could expect.

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