An India-China Comparative Perspective on Minorities:
Some Preliminary Explorations

Samir Sharma
Centre for Political Studies
School of Social Sciences
Jawaharlal Nehru University, New Delhi-110067
&
Research Assistant
Institute of Chinese Studies
E-Mail: 86samir@gmail.com

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ABOUT THE AUTHOR

Samir Sharma is currently a PhD Research Scholar at the Centre for Political Studies in Jawaharlal Nehru University, New Delhi. His work is titled 'Multiple Differences and Political Autonomy: Issues of Citizenship and Territoriality in North Bengal'. His MPhil was completed in 2011 from the same Centre and was titled 'Asymmetric Federalism and Differentiated Citizenship: Issues, Debates and Policy'. Samir is Associate Editor for the international online graduate journal 'Federal Governance' which is allied with the Forum of Federations and founding partner, Institute of Intergovernmental Relations at Queen's University in Canada. He is also part of the Centre for Multilevel Federalism at the Institute of Social Science, New Delhi in the capacity of Research Affiliate. At the ICS he is a Research Assistant working on the BCIM-EC Project. His research interest includes politics of accommodation, institutional frameworks for minorities and the practice of federalism and citizenship. His paper on minorities, women and federalism has recently appeared as a chapter in Kaustav Chakraborty (eds.), 2014. *Deconstructing the Stereotype: Reconsidering Indian Culture, Literature and Cinema* (Hamburg: Anchor Academic Publishing).

An India-China Comparative Perspective on Minorities: Some Preliminary Explorations[1]

Some Conceptual Concerns in the Comparison of India and China

Before we set out to undertake a comparative examination of autonomy and minorities in the two polities of India and China it is essential that we lay down, in brief, the approach towards it. The notion of 'territoriality' and 'citizenship' will serve as the conceptual core on which ideas of autonomy and minorities will be examined. 'Territoriality' here deals with the idea of 'space' both in its material and emotional manifestations (Penrose 2002:278-79).[2] This will allow us to access both material and non-material (or symbolic) dimensions regarding the multiple and contesting 'political projects of belonging' in the twin polities (Yuval-Davis 2011). Thus, on the one hand the notion of territoriality also includes power relations both among and within groups, and on the other hand, it also helps us to examine the various processes related to 'boundaries' along with notions of the 'other'. It is here that the insight provided by literature on citizenship is important for our purpose because it permits us to gauge the process by which such boundaries are (re)created, dissolved and maintained.[3] The comparative framework which is based on these two core conceptual categories, however, needs to be supplemented and spelled out more.

The Union of India and the People's Republic of China (henceforth India and China) are both vast and diverse countries located in the Asian continent which contain within themselves various economic and social inequalities among the constituent groups (Bhalla and Luo 2013). China defines itself as a 'unitary multi-national state' while the Indian

[2] Also see M. Amarjeet Singh, and Narender Pani, 2012. 'Territories beyond geography: An alternative approach to the demands for new states in India.' In *Commonwealth and Comparative Politics*, 50:1, 121-140. URL: http://dx.doi.org/10.1080/14662043.2012.642113 (accessed on 20th July 2012).

[3] See for instance the writings of Marshall (1950), Kymlicka and Norman, eds. (2003), Yuval-Davis and Werbner, eds. (1999), Yuval Davis (1997), Fong and Murphy (2006), Fraser (1997) and He (2007) to read about issues of culture, ideas of difference, justice and marginality which affects the manner in which citizenship is both practiced and experienced by groups in diverse polities.

Constitution declares that India is a 'Union of States'. This philosophy behind such a framing is crucial for our understanding of minorities and autonomy. The countries have different kinds of party system, administrative and institutional arrangements which affect the polity in divergent manners. [4] Interestingly, they are also emerging as powerful economies that increasingly influence global policies and world financial institutions. In comparison to many other countries they are young and became independent/new polities only in 1947 and 1949. In this regard the imperatives of nation-building have engendered varied responses from the respective states, which itself is often the prime catalyst and agent for nation-building. The state is however, not isolated from the larger normative, ideological and cultural milieu in which it operates. This milieu is also often not clearly intelligible as it contains numerous interacting and intersecting traditions. It follows that if the state is primary in such an exercise then it becomes important for us to critically examine the means through which the process of nation-building is performed. This is where laws, policies and statutes become relevant for our purpose because they are indicative of the direction of this very process.

Both polities emerged as independent/new but with unique socio-historical, political and cultural underpinnings. What were common to them with the West, however, were the modern ideas of 'nation' and the concept of state. This is not to suggest that Western models were replicated in an exact manner in their institutional arrangements but to indicate the percolation of some core philosophical ideas and concepts. To put it generally, in the case of India the British parliamentary system, constitutionalism, federalism, minority rights and certain ideas of liberalism were adopted while China drew upon selected ideas provided by Marxism-Leninism and the thought of Mao Zedong. Stalinist notions were also particularly important in the conceptualisation of select groups as 'minority nationalities' or '*shaoshu minzu*' in China. [5] It must be remembered that these

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[4] The administrative structure in China is unitary and is composed of the central government (Beijing), province or autonomous region, prefecture (in the Tibetan Autonomous Region that includes the Lhasa Urban District), county, *xiang* (town) and administrative village which could include one or several 'natural' villages depending on its population. See Rong Ma (2011:357). The Indian administrative structure is largely federal which includes elements of asymmetry and multi-level government. Thus, it is composed of a Union (Central) Government located in Delhi, various states and Union-territories. Additionally, there are local bodies (panchayats) and various typologies of district councils. See Arora and Mukarji (2002).

[5] Stalin (1953:307) defines them as, "a historically constituted, stable community of people, formed on the basis of a common language, territory, economic life, and psychological make-up manifested in a common culture". Following this definition the recognized groups (nationalities) in China are Han, Mongolian, Hui,

ideas were creatively applied to suit the conditions and aspirations of the respective polities and that there are both convergences and divergences in the trajectories.

The notion of modern nation-building typically concerns the (re)creation and maintenance of certain national symbols which may include territories, flags, national anthems, national days and holidays, stadiums, airlines, languages, myths and also cultures (Smith 1986). This idea of nation is teleological in the sense that it constantly strives for unity, uniformity and integration. This is precisely where minorities and their rights gain salience. The notion of homogeneity corresponding to a definable national imagination was seen predominantly in the Western model of nation-building where due to certain historical, economic and social forces, (which we need not recapitulate in detail here) a homogeneity was achieved (sometimes hegemonically) which led to a universalization of particular norms, histories, cultures and beliefs.[6] These were then reflected in the legal and constitutional language of the state, in its representation – both literal and/or symbolic. For our purpose it would however be a fallacy to import the lenses of the Western model of nation-building unconditionally to examine the twin polities. Simultaneously, it is also not prudent to fully examine the twin polities on the strength of their own preferences (or terms) because that would lead to certain prejudices. The danger here is misrepresentation or misinterpretation of crucial issues. A fruitful comparative framework, therefore, must be dialectically creative. In other words, the framework first needs a marriage between the universal and the contextual in an informed manner.

When discussing issues concerning 'minority' a simple approach is to consider the population of various groups and then correlate them into numerically major and minor groups. In other words, the majority-minority differentiation is carried out depending upon the strength of their numbers. Religious, ethnic, and linguistic minorities are the ones which are most clearly discernible in this approach. With the idea of democracy in its various forms firmly entrenched in many polities (including India and China), this simple numeric division often attains a crucial relevance. Accordingly, in a multi-party (liberal) representative democracy like India, certain components of electoral processes have been

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Tibetan, Uygur, Miao, Yi, Zhuang, Bouyei, Korean, Manchu, Dong, Yao, Bai, Tujia, Hani, Kazak, Dai, Li, Lisu, Va, She, Gaoshan, Lahu, Shui, Dongxiang, Naxi, Jingpo, Kirgiz, Tu, Daur, Mulam, Qiang, Blang, Salar, Maonan, Gelo, Xibe, Achang, Pumi, Tajik, Nu, Ozbek, Russian, Ewenki, Deang, Bonan, Yugur, Jing, Tatar, Drung, Oroqen, Hezhen, Moinba, Lhoba and Jino.

[6] Crucial elements of this debate can be found in the works of Anderson (1991), Gellner (2006, reprint) and Hobsbawm and Ranger eds. (2012, reprint).

known to politicise this division which has its varied consequences. In China, by contrast, the dominance of the Communist Party of China (CPC) within the political spectrum allows it to exert a strong influence in the selection (and election) of candidates to various public bodies.[7] The notion of a 'United Front' also authenticates and reinforces the dominance of the CPC by involving other (minor) groups and associations in a cosmetic manner.[8] This means that in the latter, popular elections do not have the potential to politicize the majority-minority groups to the same degree. This politicisation is further regulated by ideological compulsions which complements and sustains the specific nature of party system in China. In effect, loyalties tied to diverse primordial identifiers seem to exert a much stronger influence in the political arena for India, while for China such influence is restricted if not completely absent.

The approach which is briefly discussed above will however be appropriate only if the various registers of minority and majority group identification are clearly marked and overt. For instance, a polity may contain minorities on the basis of religion, language, gender, race, ethnicity, caste and others. If that polity is divided along one or two registers of identifiers then the task of locating minorities becomes straightforward. However, this kind of ordering is rarely encountered in a polity. Even in Western countries which have achieved certain degrees of homogeneity in various manners, the division and definition of minorities, or rather who (or which group) is to be considered a minority, often encounters various complications. Given the nature and degree of diversities in India and China, we can safely assume that this task is highly compounded. In both the polities this

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[7] It must be remembered that the CPC is not the only party in China, but certainly the most powerful. There are eight other 'non-communist' parties in China which include China Revolutionary Committee of the Kuomintang, China Democratic League, China Democratic National Construction Association, China Association for the Promotion of Democracy, Chinese Peasants and Workers' Democratic Party, China Zhi Gong Dang, Jiusan Society and the Taiwan Democratic Self-government League. However, the scope of playing the role of 'opposition' as is understood in a representative form of democracy is absent which means that the relationship between these parties and the CPC is basically non-conflicting. See http://www.china.org.cn/english/archiveen/27750.htm for more details on the individual parties (accessed on 3rd June 2014).

[8] The United Front (UF) which is a conglomeration of mass organizations led by the CPC is a powerful symbolic tool as far as the party system in China is concerned. The United Front Work Department (UFWD) which functions under the Central Committee of the CPC is entrusted with managing the affairs of the eight minor political parties and the All-China Federation of Industry and Commerce.The purpose of UF is to garner support for the CPC from a broad based and diverse pool. For more details see http://www.zytzb.cn/publicfiles/business/htmlfiles/tzb2010/bbjs/201012/690111.html (accessed on 10th June 2014).

complication has resulted in the emergence of what Dirks (2001) refers to as the 'ethnographic state' which is tasked with the recognition (and therefore the creation) of 'minorities' along one or more registers. Such recognition is however contingent upon the satisfaction of certain conditionalities which is stipulated from time to time. In other words, these polities contain multiple minorities that can be mapped along numerous and intersecting lines that may include two registers simultaneously or display more complex configurations. It is worth noting that not all registers are recognized. To add to this, there may be cases where two (or more) minority groups may be (inadvertently) pitted against each other for various purposes and reasons; and finally, the role of the state itself is often paramount in the location, recognition and creation of minor groups.

To address this lacunae the conception of intersecting minorities collapses the neat majority-minority framework which was based predominantly on numbers.[9] Here the idea of minorities includes more broadly the disadvantaged sections of the population rather than just numerically small groups. The conception of minority in this case is also not territorially and/or geographically bounded. Such de-territorialisation allows us to address disadvantaged groups that are on the move from one location to another. It follows that a person may be a member of a group which is numerically strong but is disadvantaged in other respects. This approach also includes the minority-*within*-minorities which seeks to interrogate groups *within* minority groups.[10] Finally, the idea of intersecting minorities also takes cognizance of gender dimensions which otherwise remain unaddressed by the 'minority-majority' framework.

One has to remember that approaches and concepts must also be tempered by an understanding of history which certainly has a crucial relevance for our study. Given this premise, it is only apt that we have a broader understanding of the various historical forces which have worked to produce issues that we now consider as relevant. Given such a background where does the notion of 'minority' figure in this approach and what is its relevance to historical and contemporary imaginations of autonomy concerning the minorities? What is its relationship to the modern ideas of the 'nation' or that of the state? Why is a critical examination of minority policies important to evaluate the process of

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[9] This approach draws from the works of Yuval-Davis (1997, 2011a and 2011b) who in turn has developed her insights from various facets of feminist theory.

[10] See Eisenberg and Spinner-Halev, eds. (2005) *Minorities within Minorities: Equality, Rights and Diversity* (Cambridge: Cambridge University Press) for a discussion.

nation-building? Additionally, what is the nature of citizenship (concerning the minorities) that emerges in the twin polities given their specific historical and socio-cultural locations? And finally, is there a possibility to address the intersecting, conflicting and contesting ideas of territoriality that operate within them? It is to these questions that we must now turn our attention towards.

Historicising the Fundamental Issues: Borders and Minorities

The idea of 'borders' as we understand it is a relatively modern innovation. 'Naming and claiming physical space' Sonntag (1999:416) reminds us, 'is a modern project'. The notion of 'marginality' that is associated with borders in the contemporary period was not always so. Rather these regions were spaces of 'civilizational interference'[11] and only with the modern state project did borders in its contemporary sense acquire relevance. When the new polities of India and China emerged in 1947 and 1949 leaders like Nehru and Mao were fully committed to the ideas of modernization. China adopted what is referred to as 'socialist modernization' while India experimented with certain liberal ideas while at the same time retaining certain core socialistic elements. Both the polities also favoured a strong central government which would be able to carry forward the centralized plan process.

The historical moments in which these two polities emerged perhaps set the early stage on which minorities and their aspirations would be located. For India, this involved intense political parleys among the British, Indian National Congress (INC), the Muslim League including various caste, tribal and religious groups. Following the partition particularly crucial were the issues presented by the integration of the princely states, Jammu and Kashmir and the Northeast region. In the case of China the present regions of Xinjiang and Tibet gained prominence particularly with regard to issues of independence and autonomy. The question of autonomy and independence was common to both and this is also the major issue which has not been fully reconciled. The ideas of sovereignty and suzerainty remained as the major plank on which these issues were highlighted. For instance, historical regions like Xinjiang and Tibet had a certain sense of '*defacto* independence' which is not the same as the Western understanding of sovereignty. Xinjiang was also proclaimed as the East Turkestan Republic in 1944, while Tibet under the 13th Dalai Lama

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[11] See Patricia Uberoi's Preface in Col. Gautam Das. (2007). 'Tawang Border Trade: Problems and Prospects', *Occasional Papers,* No. 11, Institute of Chinese Studies, New Delhi.

was proclaimed as independent.[12] The result of this is the creation and solidification of seemingly irreconcilable binaries seen in the juxtaposition of imaginations of Xinjiang Uyghur Autonomous Region (XUAR) and East Turkestan on the one hand; and Tibet (all three traditional regions) and the Tibetan Autonomous Region on the other.[13] The fact that many Tibetans commemorated the 100th anniversary of the 1913 declaration and came together to inaugurate the 'Tibetan National Congress' [14] (TNC) declaring that the restoration of a 'sovereign and independent Tibetan nation state' was its main target is a direct consequence of the binary split mentioned above. Similarly, many of the contemporary issues of minorities which we consider relevant, whether they are territorial or non-territorial, stem or draw from this fundamental lacuna of binaries.

History, or its interpretation, has been a major cause of disagreement in both the polities. From the perspective of China, areas of Tibet were the frontiers regions which were suspect and vice versa. Similar is the case with the erstwhile North East Frontier Agency (NEFA) and the some of the present areas of the Northeast in India. Both these regions were however located similarly at the margins of the great colonial empire. With the coming of colonial modernity in both India and China, these areas were differentially integrated into the world system primarily because modernity is antagonistic to unregulated spaces. For our purpose the various historical processes of border demarcations, cartography and regulations then becomes an indication of fault lines that would reopen when new and/or independent polities set out on the march towards modernization with the chant of 'nation-building' in their hearts. Thus, moments like the Inner Line Permit (ILP)[15]

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[12] See the English translation of the Tibetan text titled "Proclamation Issued by His Holiness the Dalai Lama XIII (1913)", which is available at URL: http://www.tibetjustice.org/materials/tibet/tibet1.html (accessed on 3rd June 2014).

[13] An important development here was the change of the Dalai Lama's position on 'genuine autonomy' under the PRC rather than complete independence for the three traditional provinces of Tibet following what was referred to as the 'Middle Path'. The approach stressed on 'peace and non-violence' and equality and 'mutual co-operation'. See document titled, 'The Middle-Way Policy' at URL: http://tibet.net/the-middle-way-policy/ and also the English translation of the document titled, 'Memorandum on Geniune Autonomy for the Tibetan people' available at URL: http://tibet.net/important-issues/sino-tibetan-dialogue/memorandum-on-geniune-autonomy-for-the-tibetan-people/ accessed on 3rd June 2014).

[14] The TNC was formed in 2012. It describes itself as 'a freedom movement established in the tradition of the great freedom movements of the United States of America, India, and South Africa'. See their website URL: www. http://www.tibetnc.org/ (accessed on 3rd June 2014). Also see Chonzom (2013:2) for more details.

[15] The Inner Line Permit or the Bengal Eastern Frontier Regulation (1873) and the Chin Hill Regulations (1896) promulgated by the British colonial administration provided special protection and safeguard for the peaceful existence of the indigenous tribal people of present day Arunachal Pradesh in Northeast India. The

in Northeast India or the 'Simla Accord' in 1914 (involving the British, Tibetan and the Chinese) have time and again been invoked or critiqued by various groups. Of the many actors who are involved, the minorities are important because their contemporary existential dilemmas are often aided and abetted in and through such exercises. The Tibetans (both within China and those in exile) and the various tribal groups in the Northeast have, in many respects, had to bear the direct consequence of such exercises.

The Simla Accord (1913-14) and Contesting Ideas of Territoriality in Tibet

In the case of India and China through the demarcation of the McMahon Line there was a change from the earlier idea of 'civilisational' frontiers to the modern nation state which did not take into account the cultural and primordial realities on ground. This also has been a strong basis on which China presently stakes claim over Tawang and Arunachal Pradesh in India. The Accord also divided the region of Tibet into 'Inner Tibet' and 'Outer Tibet', with the latter placed under the administration of the Dalai Lama and comprising roughly of the present day Tibetan Autonomous Region. Inner Tibet, which comprises of Kham and Amdo regions, was placed under nominal Republican Chinese control, which to a certain extent was justified as these regions were not under the then Lhasa government. However, they were also not under the Republicans but were instead divided into small kingdoms and chiefdoms which had autonomy, but were still populated by ethnic Tibetans. The present day demand of the Central Tibetan Administration (CTA) of a single 'genuine autonomy' for the whole of 'Tibet' includes these areas which are consequently a major point of discord between China and CTA.[16] This to a certain extent is a lasting legacy of the Simla Accord. Following from this, it can be seen that moments like the Simla Accord can be seen as an uncritical advocacy and implementation of the Westphalian model on China and Tibet. It is an adventure in modern cartography that was initiated and implemented by the British colonialists.

Given such positions one can clearly discern the divergent ideas of territoriality in the imagination of 'Tibet' by the Chinese state on the one hand, and most prominently by the

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Government of India has continued and extended this policy to include the states of Nagaland and Mizoram while demands from other states (like Meghalaya and Manipur) are growing. Interestingly, all these states are border regions and contain a sizeable concentration of religious and ethnic minorities. Also see Bodhisattva Kar, 2009. 'When was the Postcolonial? A History of Policing Impossible Lines.' in Sanjib Baruah, ed. (2009) for an excellent discussion.

[16] See the English translation of the CTA titled 'Memorandum on Genuine Autonomy for the Tibetan people' available online at URL: http://tibet.net/important-issues/sino-tibetan-dialogue/memorandum-on-geniune-autonomy-for-the-tibetan-people/ (accessed on 28th May 2014).

Central Tibetan Administration (CTA) on the other hand. For the latter 'Tibet' denotes the regions of Cholka-Sum (U-Tsang, Kham and Amdo) which in modern day China includes contemporary Chinese administrative areas of the Tibet Autonomous Region (TAR), Qinghai Province, two Tibetan Autonomous Prefectures and one Tibetan Autonomous County in Sichuan Province, one Tibetan Autonomous Prefecture and one Tibetan Autonomous County in Gansu Province and one Tibetan Autonomous Prefecture in Yunnan Province. For China, as is evident in the conceptualizations above, the scope for 'autonomy' is restricted only to the areas that fall under the TAR. The stress by Lhasa during the 1913-14 meeting on the issue of 'independence' and its claim over 'all the Tibetan people' is an early indication of the solidification of imagination in the modern period.[17]

Conceptualizing Minorities and Autonomy in India and China

One must note that not all minority groups or forms of minority rights assertion are conflicting. As Mackerras (2011:16) has pointed out, some groups in China like the Tuija, Manchu, Koreans of northeast China and the Kazakhs do not share conflicting ethnic relations with the majority Han community. The exceptions in this case are the Uygurs and the Tibetans. It must also be noted at the outset that the numerically major groups in India and China (Hindus and Han) are not a homogenous entity and there is considerable differentiation within them (ibid:15). Similar is the case with many groups that are designated as 'minorities'. For instance, in India many groups which are recognized as ST in the Northeast are conglomerate entities. Prominent among them are the Nagas and Kukis who have various sub-tribes within them.[18] These conglomerate groups also pull apart and come together due to various cultural factors, political considerations and insurgency.

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[17] Mehra argues that the phrase 'all Tibetan people' included regions 'up to Tachienlu and Kokonor'. See Mehra (2012:8) for more details.

[18] The Nagas are a conglomerate tribe of more than forty individual tribes and are currently concentrated in the Northeastern state of Nagaland. Cultural and political considerations have sustained the identity of the Nagas as a single entity the location of which cuts across state and international boundaries. Similar is the case of the conglomerate Kuki (Chin or Zomi) tribe who number around forty. It might be noted that the Kukis and the Nagas have been embroiled in insurgency among themselves and the Indian state concerning the conflicts of their 'territorialities'. The classification of these various groups was initiated under the aegis of the British colonial policy which has been vague and ambivalent at times. Also see Sajal Nag. (2002). *Contesting Marginality: Ethnicity, Insurgency and Subnationalism in North East India* (New Delhi: Manohar) and S.R Tohring. (2010) *Violence and Identity in North-east India: Naga-Kuki Conflict.* (New Delhi: Mittal) for more details.

Others include umbrella groups that contain both caste and tribal communities.[19] In the case of Tibetans in China there is the presence of distinct Tibetan dialects in different areas (Rong Ma 2011:18).

The Common Program of 1949 which was adopted by the First Plenary Session of the Chinese People's Political Consultative Conference (CPPCC) provided for autonomy institutions that were corresponding to the size of the 'nationalities' (Article 51). Further, it also laid down the freedom for linguistic development and certain cultural rights (Article 53). The Common Program (CP) is important because it provides principles that served as the *defacto* constitution for the years between 1949 and 1954. In that particular respect, it was akin to the Constituent Assembly (CA) which drafted the Constitution for India between 1946 and 1950. While the CA could be seen as the first acting parliament (post-independence), the CPPCC also served as a constitutional convention. However, what was also common to the two bodies was the nature of representation therein.

The debates in the CA were perhaps much more detailed and laid the blueprint for constitutional protection of minority rights. The concept known as 'multiculturalism' is not alien to the Indian scenario as the provisions of Fundamental Rights contained in the Indian Constitution show. Among other things, Articles 29 and 30 which protect the 'cultural distinctiveness of the minorities' were debated in the CA in and around the years of 1946-49 where the issue of cultural difference and minority rights 'presaged' the liberal concern for multiculturalism in the West by a 'good three decades' (Ali 2000). For the CPPCC that was convened in 1949, the Communist Party of China (CPC) dominated the body with over one third members while in the CA the Indian National Congress (INC) had an overwhelming presence. Both parties' had a historical legacy and role in the emergence of the twin polities as new/independent and this unique facet allowed the parties to garner support and influence the respective constitution-making process in a manner that can only be described as pervasive. For our purpose, the address of Mao Zedong at the First Plenary Session of the CPPCC makes an initial remark on the 'nationalities of the country' [20]

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[19] The Nepali or the 'Gorkha' community as they are known are an example of this kind of conglomeration. See Subba, T.B et al, 2009. *Indian Nepalis: Issues and Perspectives*. Concept Publishing House, New Delhi for a discussion.

[20] See Mao's' Opening address at the First Plenary Session of the Chinese People's Political Consultative Conference' available at URL: https://www.marxists.org/reference/archive/mao/selected-works/volume-5/mswv5_01.htm (accessed on 2nd June 2014).

without specifying who they were and it was only the CP that made certain concrete references to them.

The idea of a 'minority' is not static. This is seen clearly in the manner in which groups claiming minority status are growing across the globe. In India and China this trend is visible in the open-ended official lists which recognize certain groups as 'minorities'. The idea of 'recognition' as ST has been a source of great politicization of ethnicity in India with the number of groups demanding such status increasing considerably.[21] Recognition as ST for some has also meant an alternative possibility for 'juridical and symbolic purchase in the nation-state'.[22] In India minorities are recognized along multiple registers that include various combinations of caste, religion, ethnicity and gender.[23] As recent as 2014 the Central government notified the Jain community as a minority (religious) community in addition to the five existing communities of Muslims, Christians, Sikhs, Buddhists and Zoroastrians (Parsis).[24] Among the various registers perhaps ethnicity (or 'tribalness') has been the most dynamic with groups (new and old) striving for recognition. More than 573 communities have been recognized by the Union (Central) government as ST. Interestingly many tribal groups in the Northeast region of India have been granted self-governing institutions, recognition of tribal institutions and customary rights through the provisions contained in the Sixth Schedule of the Indian Constitution which was a crucial debate that the CA conducted.[25] However, problems concerning issues of insurgency, territoriality and sovereignty have eluded reconciliation.

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[21] The latest addition in this list is the Marati tribe of the Hosdurg and Kasargod Taluks of Kasargod district in the state of Kerala. See the Constitution (Scheduled Tribes) Order (Amendment) Act, 2013 (No. 24) available at URL: http://tribal.nic.in/WriteReadData/userfiles/file/22%20-%20Act%202013%20No_24%20of%202013.pdf (accessed on 2nd June 2014).

[22] See C. Townsend Middleton.(2011). 'Across the interface of state ethnography: Rethinking ethnology and its subjects in multicultural India', *American Ethnologist*, May, Vol. 38, No. 2, pp. 249–266 for an excellent discussion on facets of recognition focussing on the Darjeeling region of North Bengal in India.

[23] Other registers include the category of the Other Backward Class, Primitive Tribal Groups, Religious minorities, Linguistic Minorities, Scheduled Tribes and also women and children in general. Due to the working of the federal system there is differentiation in the nature and degree of recognition accorded. Thus, various state governments also have their own official lists which may or may not include groups from the Union (Central) list.

[24] The National Commission for Minorities (NCM) recommended that the Jains be included in the list. The declaration was notified via Ministry of Minority Affairs vide F.No.1-1/2009-NCM dated 27.1.2014. See URL: http://pib.nic.in/newsite/PrintRelease.aspx?relid=102782 (accessed on 3rd June 2014).

[25] Along with the Sixth Schedule (which will be discussed in the following sub-sections) another instrument is the Fifth Schedule which however does not provide self-governing institutions to tribals. Similarly, many

By contrast, as of 2013 officially recognized minorities ('minority nationalities') in China number fifty five following the Stalinist definition where the Hans are the largest ethnic group. Similarly, in India the Hindu religious group comprise the majority population. Important leaders in China like Yuan Shikai, Sun Yatsen and Chiang Kaishek all recognized only five groups[26] as 'nationalities' but the number started to increase since 1935 with Mao Zedong recognizing groups like Miao and Yao. The November 1931 Constitution also allowed the nationalities to secede from China, however this content was removed in the subsequent Constitutions.[27] In that respect, politicization of ethnicity is restricted in the China polity as compared to that in India. The minority policy in China heavily emphasizes the idea of equality or egalitarianism among the various ethnic groups. It stresses that,

> 'regardless of their population size, their level of economic and social development, the difference of their folkways, customs and religious beliefs, every ethnic group is a part of the Chinese nation, *having equal status, enjoying the same rights* and performing the same duties…" (emphasis added).[28]

The upshot of this is relevant in the manner in which citizenship is practiced and experienced by minorities in China. In other words, the scope regarding practice of a differentiated conception of citizenship is restricted. Article 7 of the Regional Ethnic Autonomy Law of the PRC (1984) also categorically states that the various institutions of self-government in the ethnic autonomous areas 'shall place the interests of the state as a whole above all else and actively fulfil (sic) all tasks assigned by state institutions at higher

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Articles in the Indian Constitution grant the recognition of traditional practices, exception in application of Parliamentary laws and recognition of customary rights. Some examples are 371A, 371B and 371C which contain Special provisions for States of Nagaland, Assam and Manipur respectively.

[26] The five groups were Hans, Mongols, Tibetans, Muslims (Turks) and Manchus. See Mackerras (2003:19).

[27] The 1931 Constitution stipulates that, "The Soviet government of China recognizes the right of self-determination of the national minorities in China, their right to complete separation from China, and to the formation of an independent state for each national minority. All Mongolians, Tibetans, Miao, Yao, Koreans, and others living on the territory of China shall enjoy the full right to self-determination, i.e. they may either join the Union of Chinese Soviets or secede from it and form their own state as they may prefer." Document available at URL: https://sites.google.com/site/legalmaterialsontibet/home/communist-constitution-1931 (accessed on 3rd June 2014).

[28] See the document 'Adherence to Equality and Unity Among Ethnic Groups' which recapitulates the policy towards 'national minorities' available at URL: http://www.china.org.cn/e-white/4/index.htm (accessed on 2nd June 2014). Also see Article 4 of the Chinese Constitution, Article 9 and Article 50 of The Common Program of The Chinese People's Political Consultative Conference (CPPCC), 1949 which lays stress on the equality principle.

levels'. China therefore is conscious of its diversity 'yet insists on its unity' – this is what Fei Xiaotong (1988) termed the ''dualistic'' unity (*duoyuan yiti*) of the ''Chinese nation'' or *Zhonghua minzu'*.[29] To this another important dimension is added by the stress on ideology which according to Mackerras (2003:21) 'negates' the idea of ethnicity. The overall stress of the policy is therefore on equality, economic development and unity.

Sixth Schedule in India and Regional Autonomy in China: Some Explorations

The autonomous regions in both the polities are mostly located in the 'peripheries' of the territory of the state. This particular point is crucial as ideas of 'sovereignty', 'loyalty', 'and distrust 'and' national security' are frequently invoked to thwart the autonomy of the regions. In China the Muslim minority regions of Xinjiang and Tibet share international boundaries while in India many of the Northeast states like Manipur, Assam and Nagaland share international boundaries. Protests, sometimes violent ones, have been growing in Chinese regions of Xinjiang and Tibet as well as in the Indian regions of Assam, Nagaland and Manipur. The Central governments in both the countries have responded with state repression and increased surveillance. In the case of India, perhaps the operation of the Armed Forces Special Powers Act (1958) and increasing militarization to clamp down on both civil and armed insurgent groups have been the prime factor for the undermining of autonomy. Many have held similar views for the Chinese state response of *yanda*, or "strike hard", exemplified in the construction of the dreaded 'Three Evils' which include 'separatism, terrorism and religious fundamentalism' virtually making any form of dissidence dangerous.

The frameworks emerging from both the Sixth Schedule in India for tribal regions in the Northeast[30] and the notion of Regional Autonomy in China exist as instruments of 'self-government' for 'minorities' in the respective states. In that regard there are many continuities as well as discontinuities in the conceptualization of 'autonomy' in both the

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[29] Fei, Xiaotong (1988). The dualistic unified structure of the *Zhonghua minzu* (*Zhonghua minzu de duoyuan yiti geju*), in *Culture and cultural consciousness*(*Wenhua yu wenhua zijue*) (2010), pp. 52–83 (Beijing: Qunyan Press) cited in Grose (2012:369).

[30] The areas specified by the Constitution of India in Parts I, II, II (A) and III of its Sixth Schedule are referred to as 'tribal areas' within the states of Assam, Meghalaya, Tripua and Mizoram. Part I consists of the North Cachar Hills District, Karbi Anglong District and the Bodoland Territorial Area District. Part II consists of Khasi Hills District, the Jaintia Hills District and the Garo Hills District. Part II (A) consists of the Tripura Tribal Areas District. Finally, Part III includes areas of the Chakma District, the Mara District and the Lai District.

countries. Historically during the British colonial rule in India the various tribes of the present Sixth Schedule region were isolated through the exercise of "excluded" or "partially excluded" administrative mechanisms and the colonial laws did not apply in these areas. Post-independence the philosophy of maintaining status quo and isolation was replaced by the policies aimed at development, accommodation and subtle integration. The Sixth Schedule therefore is entirely focused at the protection of these tribal areas and interests by allowing certain forms of both self and shared government through various constitutional institutions at the district or regional level. These institutions are entrusted with the twin task of protecting tribal cultures and customs and undertaking local development tasks. The philosophy behind such an approach was not to achieve homogeneity in terms of the experience of citizenship, but to have a more nuanced understanding of specific historical and cultural locations of the people.

While in the Indian case the exercise of 'autonomy' through the Sixth Schedule is a constitutional provision, the concept of which was heavily contested during the CA debates, in China provisions concerning the same are seen to be scattered over multiple but unified sources.[31] For China the basic principle of autonomy is laid down in its Constitution and is then further supplemented by various statutory provisions and executive policies. Many laws and policies concerning the ethnic autonomous regions are at times highly ambiguous. Accordingly, in the Indian case any change in the conception of this autonomy necessitates a Parliamentary Constitutional amendment which is often mediated by the powers of the Supreme Court of India. In China any change in the notion of autonomy seems to operate through the measures of Central government (Executive) policy.

In China autonomy or regional autonomy is territorial in nature as is exemplified by the divisions of ethnic autonomous areas into three territorial levels ---- regions, prefectures and counties. China has a total of 155 ethnic autonomous areas which is in turn supplemented by 'ethnic townships'. The Constitution and related laws seeks to achieve a

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[31] Among the various sources the major ones include the the 1954 and 1982 Constitution, Common Program of the Chinese People's Political Consultative (CPPCC, 1949),Program for the Implementation of Regional Ethnic Autonomy (1952),Law on Regional Ethnic Autonomy adopted by the Second Meeting of the Sixth NPC (1984), Revisions to the Law on Regional Ethnic Autonomy made by the Standing Committee of the NPC (2001), and Provisions of the State Council on Implementation of the Law of the PRC on Regional Ethnic Autonomy (2005).

holistic approach that includes religious[32], 'cultural' and 'linguistic'[33] considerations. There are also protections for 'folkways and customs' of the various ethnic groups.[34] The Legislation Law (2000) also has the potential to respond to the contextual needs of the local ethnic groups in matters of marriage, inheritance, land rights and others.[35]

Interestingly, the Regulations on Ethnic Work in Areas and Regulations on Administrative Work in Ethnic Townships lays down provisions which guarantee legal rights for minorities living in places other than ethnic autonomous regions. These contain certain dietary provisions, cultural rights and rights regarding rituals of some ethnic groups.[36]In respect of education there are minority institutes set up by the state which is supplemented by the Law on Regional Ethnic Autonomy as well as the Compulsory Education Law. The Decision on Deepening the Reform and Accelerating the Development of Education among the Ethnic Minorities (2002) passed by the State Council implemented educational policy aimed at ethnic minority regions. Since 2004 the policy of "Two Exemptions and One Subsidy" was started which included exemptions from fees, subsidies in payments and lodging. For Tibet the "Three Offers" of free meals, free lodging and free schooling was also implemented. The 'Population Boom' policy in the 1950s encouraged childbirth with

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[32] Article 36 of Constitution provides for the freedom of religious belief and non-discrimination. This is further supplemented by the Decree of the State Council of the People's Republic of China (No.426) which is titled 'Regulations on Religious Affairs'. It was adopted at the 57th Executive Meeting of the State Council on July 7,2004 and became effective from March 1,2005. See the State Administration of Religious Affairs of PRC website for the text of the regulation at URL: http://www.sara.gov.cn/gb/zcfg/20100423-01-37d8114b-0a1c-11da-9f13-93180af1bb1a.html (accessed on 3rd June 2014).

[33] For instance, Article 11 of the Civil Procedure Law lays down the right to use native spoken and written languages in matters of civil proceedings. Similar provisions can also be found in the Administrative Procedure Law, the Criminal Procedure Law and the Organic Law of the People's Courts. Also, bilingual teaching methods are adopted in areas with strong ethnic minority population. However, Article 19 of the Constitution also lays down that that "The state promotes the nationwide use of Putonghua (common speech based on Beijing pronunciation)".

[34] Article 10 of the Ethnic Autonomy Law provides freedom (among other things) to preserve or reform the folkways and customs of nationalities.

[35] The Legislation Law which was adopted at the third Session of the Ninth National People's Congress on March 15, 2000 lays down that 'specific local conditions and actual needs' may be responded to through Local and/or Autonomous Regulations.

[36] For example, *halal* foodstuffs have been made available in 16 provinces for the Muslim population. Also, the state has preferential policies for the production of cultural and customary products (special commodities) like saddles for the Kazak herdsmen, riding boots and brick tea for minorities like the Tibetans, Uyghurs, Mongolians and others. In addition to this there are other preferential policies with regard to loans and exemptions from taxation for the minorities.

improved fertility rate. It also strove to lower the mortality rate and increase labour force population. However, the Tibetans and the administrative regions of Hong Kong and Macau were exempt from the policies of family planning legislation and the 'One-Child Policy'.

The National People's Congress (NPC) and the local people's congress are the chief instruments through which the ethnic minorities are sought to be involved in the exercise of power. At all levels of the NPC's a proportionate number of deputies from ethnic minorities are sought to be elected. Ethnic groups whose population is very small have the provision to send one deputy[37]. The chairperson of an autonomous region, the prefect of an autonomous prefecture and the head of an autonomous county are required to be members of the ethnic group(s) that is exercising regional autonomy in the concerned area. The various Constitutional provisions and the supplementary statutes dealing with the minorities in China are applicable to all Chinese citizens. In effect, this means that these provisions guide individual obligations of citizens throughout the territory of China as well as temper intergovernmental relations, including those of inter-ethnic groups. By contrast, and this seems to be one of the crucial difference to the Indian case, the provisions of the Sixth Schedule are specifically limited to the selected tribal groups in the four Northeastern states.

However, despite this comprehensive list the thrust of minority policy is much more towards 'equality and unity' and an economic modernization is seen as the primary means through which this can be achieved. Indicative trends can be located in both the polities.[38] There are also certain integrationist policies in China like the Outline on the Education of Ethnic Unity in Schools (Trial) in 2008 and the Ethnic Unity Month in Autonomous Regions like Xinjiang, Inner Mongolia, including autonomous prefectures like Jilin Yanbian, Guizhou Miao and Dong. What this means therefore is that the conception of

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[37] This is according to the Electoral Law of the NPC and the Local People's Congress.

[38] National Integration Conference (1961) in India was convened by the then Prime Minister Nehru with the objective to 'uphold and protect the idea of India'. Conference decided to set up a National Integration Council (NIC) to review all matters pertaining to national integration and to make recommendations. The initial meeting talks about the 'cause of national unity' and 'national integration'. The government also designated the birthdate of Indira Gandhi as 'National Integration Day' on 19th November where programs like Inter State Youth Exchange Programme (ISYEP), National Integration Camp (NIC), National Youth Festival and National Youth Award are conducted. For more details see http://mha.nic.in/sites/upload_files/mha/files/pdf/NICBackG.pdf (accessed on 4th June 2014).

citizenship flowing from the nature of autonomy in China is not differentiated to the same degree as is the Indian conception. In India, the tribals in particular and minorities in general enjoy differentiated citizenship which is practiced through various territorial as well as non-territorial means (Rodrigues 2005). Non-territorial mode of recognition includes those provided through language, religion and to a certain extent gender. To a certain degree, but not fully, it also includes caste, tribe, ethnic and 'backward class' recognition. Territorial mode of accommodation includes primarily the asymmetry present in the federal structure while at the same time including state and sub-state territorial institutional arrangements. The Sixth Schedule then, is a case of sub-state constitutional autonomous arrangement taking as its pivot the category of ethnicity manifested in the notion of 'tribe'. This is not to suggest that the Chinese idea of autonomy and the consequent nature of citizenship are entirely homogeneous. What it does point towards however is the strong tendency towards a legal uniformity of all citizens irrespective of their ethnic (minority) location. In this respect, the Chinese understanding of autonomy and self-government does recognize ethnic laws passed by the autonomous areas.

A crucial difference in the conception of autonomy in the Indian and the Chinese case as far as the Sixth Schedule and the Ethnic Regional Autonomy Law is the intermediary role of supplementary laws. While in China all the laws are unified to confirm to the broad philosophy laid down in the Chinese Constitution, in India the Sixth Schedule permits the autonomous area under it to be exempted from the laws passed by the Union Parliament on the recommendation of the Governor. Additional powers are also given to the District/Regional councils in Assam and Meghalaya in certain cases to create exceptions to state laws. However, all local and state laws must confirm to the provisions laid down in the Constitution of India.

A related aspect for both the polities in this regard is the crucial issue of migration and settlement. Despite the broad ranging protections, statues, institutions and policies land loss and migration has been a recurrent theme in minority assertions. This has been true for Tibet and Xinjiang in China as well as for many tribal areas in the Central India as well as

in the Northeast. [39] Movements/protests against migration have been constant feature in many of the ethnic assertions in both these regions. For Tibet and Xinjiang Han migration has been the major cause for increased opposition to China's policy in the said regions. For India, there are issues which concern internal migration within the Northeast, as well as those to and from the rest of India. Here policies like the Inner Line Permit become crucial as many tribal groups feel the need to protect themselves and their land from the consequences of unmitigated migration. This situation is also aggravated by the territorial imaginations of various insurgent groups who locked in a dual struggle against the state as well as against rival groups.

Conclusions

The modern project of nation building and its relation to the minorities in India and China has not been smooth. Although both the polities seem to eschews the import of Western notions, in respect of minorities this exercise continues through both overt and subtle means. Conflicts in the ideas of territorialities and the practice of citizenship have led to political problems and violence which have not been reconciled. Given the logic of the market which has made deep inroads in both the polities through liberalization, minorities are likely to be adversely affected. In both the polities, resolving political problems through economic modernization seems to have gained a prominent foothold as far as policies and programs for the minorities are concerned. In India visions like the 'Look East Policy' or the various Constitutional institutions for self-rule do not sufficiently take into account the nature of contestations that cut across local, regional and many a times international boundaries. In China rapid modernization and militarization of minority areas have not had the desired effect of negating political problems. Similarly, in India militarization in the border areas has led to a routinized violence which manifests itself in custodial killings, rape, murder, extra-judicial killings and extortion. The need of the hour therefore is to bring the 'political' back into the focus.[40] Economic modernization may provide a short-

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[39] See Virginius Xaxa (2007:188-189), Arun Kumar (2006:203-217) and Kripa Shanker (2006:169-181) in Govinda C. Rath. 2006 (ed.) for land loss and issues of migration in tribal areas of Central India. See Rong Ma (2011) and Bhalla and Luo (2012) for Tibet. For discussions on the Northeast see Monirul Hussain (2008).

[40] For the debates regarding the idea of the 'political' see the work of Carl Schmitt (2007). *The Concept of the Political*. (Chicago, IL: The University of the Chicago Press. Also see Chantal Mouffe, (ed). (1992).

term safety valve but they cannot be a substitute to concrete efforts towards a political resolution, the roots of which can be traced in moments like the Simla Accord.

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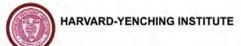**CHINA INSTITUTE OF INTERNATIONAL STUDIES (CIIS), Beijing**

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