

Unity through Difference: Asymmetric Federalism as a Constitutional Approach of National Integration in India

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Abstract

India represents a unique constitutional response through its federal structure to address the challenge of governing a diverse society with its linguistic, ethnic, tribal, cultural, historical and regional groups. The Indian Constitution portrays its inclusivity through the segregated arrangements for particular territories and communities, that is better understood as asymmetrical federalism. The very concept of asymmetrical federalism can be considered as constitutional strategy of national integration in India. It argues that the asymmetrical strategy is not drafted only to map the federal symmetry or as a concession to regional diversity. Instead, it establishes as an important instrument through which the Indian Union reconciles territorial unity, by identifying difference. The research gives an analysis of the Fifth and Sixth Schedules of the Indian Constitution. It discusses the former article 370 (repealed in 2019), the special provisions contained in article 371 to 371J. It conceptualises these arrangements according to their principal functions, including cultural and customary protection, tribal autonomy, political representation, historical accommodation, administrative and strategic differentiation, and developmental correction. The article argues that asymmetric federalism can strengthen national integration by providing constitutionally recognised space for communities to preserve distinctive identities and institutions while participating in a common political and constitutional order. At the same time, its integrative potential depends upon democratic accountability, constitutional trust, meaningful participation and protection against the domination of internal minorities. The Indian experience demonstrates that national unity does not necessarily require constitutional uniformity. In a plural society, unity may be secured more effectively through the constitutional recognition and accommodation of difference.

Keywords: Asymmetric federalism; Indian Constitution; national integration; constitutional asymmetry; constitutional accommodation; regional diversity; autonomy; federalism

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Introduction

Federalism is conventionally understood as a constitutional arrangement that combines self-rule with shared rule. It distributes governmental authority between a central government and constituent units while constitutionally protecting the autonomy of different levels of government (Elazar, 1987; Watts, 1999). Classical conceptions of federalism have often assumed a broadly symmetrical relationship among constituent units. Although federal units may differ in population, territory, economic capacity and political influence, their constitutional relationship with the federal authority is generally expected to be substantially similar. Asymmetric federalism challenges this assumption by recognising that constituent units may require different constitutional arrangements because of their distinctive historical, cultural, ethnic, territorial or developmental circumstances (Tarlton, 1965; Stepan, 1999).

The central problem addressed in this article is whether constitutional differentiation necessarily weakens national unity. The conventional assumption that national integration requires institutional uniformity is particularly problematic in deeply plural societies. To avoid political alienation and foster integration, identical constitutional arrangements are limited by diverse identities, customary institutions, and historical experiences. It is pertinent to look at the broader discussion on how constitutional recognition can address the accommodation of difference to achieve unity among the vast, diverse population.

India's Constitutional asymmetry has given a new dimension of diversity in the contemporary world. The common constitutional and federal framework created by the Constitution of India enhanced inclusivity through its diverse arrangements for particular territories and communities. These include the Fifth and Sixth Schedules, the former Article 370, and the special provisions contained in Article 371 and its related clauses. The Indian constitutional system therefore combines a common political order with differentiated institutional relationships (Arora, 1995; Tillin, 2007).

The Constitutional design that lies in Indian society portrays through the significance of administratively divided territories, with its distinctive linguistic, religious, tribal, ethnic, regional and cultural communities and different political histories and institutional traditions. Several communities possess customary practices, land systems and social institutions that cannot easily be accommodated through a completely uniform administrative structure. A constitutional system based exclusively on formal uniformity could therefore create tensions

between national integration and regional self-government. The Indian Constitution responded to this challenge by adopting differentiated forms of constitutional accommodation.

The central argument of this article is that asymmetric federalism can function as a constitutional strategy of national integration because it allows difference to be constitutionally accommodated rather than politically suppressed. The Indian constitutional design attempts to reconcile two potentially competing objectives: the preservation of the territorial and political unity of India and the recognition of the distinctive circumstances of particular regions and communities. In this sense, constitutional asymmetry is not merely an exception to the general federal structure. It represents a deliberate institutional response to the political management of diversity. India's asymmetrical provisions encompass arrangements relating to tribal areas, the North-East, Jammu and Kashmir, cultural and customary practices, political representation and intra-State developmental inequalities (Tillin, 2017).

The present article gives an analytical understanding of asymmetrical federalism by giving a wider explanation of how unity and uniformity are not similar. Within a diverse society, treating identically, the diverse circumstances may not achieve equality and in turn it reproduces exclusion. Treating diverse circumstances with differentiation in constitutional pedagogy could serve the larger objective of political unity. Thus providing an institutional space for communities to protect their distinctiveness along with support to participate in a common political and constitutional order. Through this constitutional accommodation, this article reflects on asymmetry as a basic provision for inclusivity.

Based on this understanding, the paper poses the following questions on the relationship between asymmetric federalism and national integration; the constitutional forms of asymmetry; the accommodation of diversity within the Indian Union; and finally, the conditions in which asymmetry as a road map strengthens national integration.

The Constitutional manifestations of asymmetry in India need to be studied to understand the institutional purposes. It includes the protective arrangements for marginalised sections like tribal communities, cultural and customary autonomy, their political and territorial representation, and historical accommodation. Additionally, it includes the administrative and strategic differentiation and development challenges. This further classification is analytically significant due to the unique Indian constitutional asymmetry, which does not represent a single model. Various constitutional arrangements respond to the existing forms of diversity and political inequality.

It is pertinent to understand that asymmetry is neither integrative nor disintegrative inherently. By accommodating communities to preserve their identities and institutions to avoid the demand for political separation, it strengthens national integration. At the same time, it may generate institutional ambiguity, unequal constitutional relationships, internal exclusion, elite domination or further demands for autonomy (Hausing, 2014). The integrative value of asymmetry therefore depends upon the quality of its constitutional design, the credibility of constitutional guarantees, democratic accountability and meaningful political participation.

The article is organised as follows. The first substantive section develops the conceptual and theoretical understanding of asymmetric federalism and its relationship with national integration. The subsequent sections examine the principal constitutional arrangements of asymmetry in India, including the Fifth and Sixth Schedules, the former Article 370 and the special provisions contained in Article 371 and its related clauses. The article then evaluates asymmetric federalism as a strategy of national integration before considering its democratic and institutional limitations. It concludes that the Indian experience demonstrates the possibility of achieving national unity not through the elimination of difference but through its constitutional recognition and accommodation.

Conceptual and Theoretical Understanding of Asymmetric Federalism

Federalism is generally understood as a constitutional system that combines self-rule with shared rule. It distributes governmental authority between a central or federal government and constituent units while constitutionally protecting the autonomy of both levels of government (Elazar, 1987; Watts, 1999). The essential characteristic of federalism is therefore not merely the existence of multiple levels of government but the constitutional recognition of their respective spheres of authority. Federalism seeks to reconcile the advantages of political unity with the need for territorial self-government (Anderson, 2008; Burgess, 2006).

The classical understanding of federalism has generally been associated with the principle of symmetry. Symmetry implies that the constituent units of a federation possess broadly similar constitutional relationships with the federal authority. Although constituent units may differ considerably in population, territory, economic capacity and political influence, their formal constitutional status is ordinarily comparable. The principle of symmetry is therefore associated with uniformity in the constitutional treatment of constituent units. Comparative federalism, however, demonstrates that actual federations frequently depart from this ideal of

uniformity because political systems must respond to historically specific forms of diversity and territorial differentiation (Burgess, 2006; Watts, 2008).

Asymmetric federalism challenges the assumption that all constituent units must possess identical constitutional relationships with the federal authority. Tarlton (1965) was among the early scholars to distinguish between symmetrical and asymmetrical federal arrangements. In an asymmetrical federation, constituent units may possess different constitutional powers, responsibilities or relationships with the federal authority. Such differentiation may emerge because constituent units possess distinctive historical, cultural, ethnic, linguistic, territorial or developmental characteristics. Asymmetry therefore recognises that identical constitutional treatment may not always be appropriate for units that are situated in substantially different circumstances.

The concept of asymmetry must, however, be understood broadly. It does not refer to a single constitutional arrangement. It may take several forms. Constitutional asymmetry exists when the Constitution expressly grants special powers, protections or institutional arrangements to particular constituent units. Political asymmetry may arise from differences in political influence, party systems or patterns of intergovernmental relations. Economic or fiscal asymmetry may result from unequal levels of development, differences in revenue capacity or differentiated financial arrangements (Watts, 1999; Watts, 2008). Anderson (2008) notes that federal systems must frequently accommodate differences among constituent units, while Burgess (2006) emphasises that federal institutions are shaped by the political and historical circumstances within which they develop. The present article focuses primarily on constitutional asymmetry because the Constitution of India expressly establishes different institutional arrangements for particular territories and communities.

Asymmetry may also be classified according to its purpose. Some forms are designed to protect cultural and customary practices. Others provide territorial autonomy or special administrative institutions. Some arrangements are intended to protect tribal communities from exploitation, while others seek to address regional developmental inequalities. This diversity is particularly important in the Indian context because the Constitution does not employ a single model of differentiated federalism. Instead, it adopts different forms of asymmetry to respond to different sources of diversity and political inequality. The existence of different forms of asymmetry also suggests that constitutional differentiation should be analysed according to its purpose rather than simply measured by the extent of powers granted to a particular constituent unit.

The theoretical justification for asymmetric federalism is closely connected with the problem of governing plural societies. The uniform constitutional structure may be observed by some communities as a majoritarian domination in such societies where significant ethnic, linguistic, cultural or historical divisions are present. The problem is particularly acute where a territorially concentrated community possesses a strong collective identity and distinctive political institutions. The constitutional arrangement in a balanced or uniform system may not address the diverse issues at various levels and might restrict the space for the particular identity. Comparative federalism demonstrates that the institutional design of federal systems often reflects attempts to manage precisely these tensions between common political authority and territorially concentrated identities (Anderson, 2008; Burgess, 2006).

An alternative approach is given by asymmetric federalism, by allowing a political system to identify and recognise various diverse communities. Since they require different institutional arrangements to participate in a common political order. The minority national communities may demand institutional arrangements for having a space for their distinctive yet collective identities. Thus, it is considered federalism as an accommodative scope for national and cultural diversity (Kymlicka, 2001, 2005).

Federalism can therefore provide institutional space for collective identities without necessarily requiring political separation. Similarly, Stepan (1999) suggests that multinational democracies may require differentiated institutional arrangements because the assumption that all constituent units must possess identical constitutional relationships can itself generate political instability.

The relationship between asymmetry and national integration is therefore central to the theoretical framework of this article. Integration should not be equated with uniformity or assimilation. A political community may remain constitutionally united while preserving considerable cultural, institutional and regional diversity. From this perspective, national integration refers to the creation of political arrangements through which different communities can participate in a common constitutional and political order. Federalism becomes particularly significant in this context because it can provide institutional mechanisms through which diversity is accommodated rather than suppressed (Anderson, 2008; Kymlicka, 2001).

Asymmetric federalism may contribute to integration through three related mechanisms: recognition, accommodation and participation. Recognition involves the constitutional acknowledgement of distinctive identities, customary practices or historical circumstances.

Accommodation involves the creation of institutions through which communities can exercise a degree of self-government or receive special protection. Participation ensures that communities possessing differentiated arrangements remain connected to the wider political system rather than becoming isolated from it.

The integrative potential of asymmetry therefore derives from the possibility of reconciling collective identity with common citizenship. A community may preserve its distinctive cultural or institutional practices while simultaneously participating in national political institutions. In this sense, asymmetry can transform difference from a potential source of conflict into a constitutionally recognised component of political unity. The argument is particularly relevant to multinational and multicultural political systems in which the denial of collective difference may generate stronger demands for separation than the constitutional recognition of diversity (Kymlicka, 2001, 2005).

This argument is particularly significant in the context of India. The Indian Union contains considerable diversity in language, ethnicity, religion, tribal identity, customary practices and regional history. A constitutional system based exclusively on uniformity could potentially intensify conflicts between the demand for national unity and the desire for regional autonomy. Asymmetric arrangements offer a constitutional mechanism through which particular identities and circumstances can be accommodated within the wider framework of the Union (Arora, 1995; Tillin, 2007). The Indian experience is therefore significant for comparative federalism because it demonstrates how a single federal system may employ different forms of asymmetry to respond to different varieties of diversity.

The relationship between autonomy and integration is nevertheless not necessarily straightforward. Tillin (2007) demonstrates that asymmetrical arrangements may evolve over time and that the relationship between constitutional autonomy and political integration depends upon the broader political context. Constitutional differentiation may contribute to integration when it creates a credible relationship between the constituent unit and the federal authority. Conversely, when constitutional guarantees are perceived as uncertain or vulnerable to unilateral alteration, asymmetry may lose its capacity to generate political trust.

The theoretical justification of asymmetry must therefore be approached critically. Asymmetric arrangements may generate unequal relationships among constituent units and raise questions concerning the fairness of differentiated constitutional treatment. More importantly, collective autonomy may create internal inequalities within the communities that receive special

protection. A political arrangement designed to protect a community from external domination may permit dominant groups within that community to marginalise women, smaller communities or other internal minorities (Hausing, 2014).

This creates a fundamental democratic dilemma. The protection of collective identity and the protection of individual equality may not always coincide. Asymmetric federalism must therefore be assessed not only by examining whether it protects communities from domination by the centre but also by examining whether it permits democratic participation and equality within those communities. Collective autonomy cannot become a justification for abandoning constitutional accountability. The central challenge is to reconcile the protection of collective identities with the democratic rights of individuals who live within those communities.

The durability of asymmetric federalism also depends upon political trust. Constitutional asymmetry is more likely to serve integrative purposes when the affected communities regard the constitutional arrangement as legitimate and credible. If constitutional guarantees are perceived as temporary, uncertain or vulnerable to unilateral alteration, the integrative value of asymmetry may decline (Stepan, 1999; Tillin, 2007). Consequently, the success of asymmetry depends not merely upon the formal existence of special provisions but also upon the political relationships within which those provisions operate.

The theoretical framework adopted in this article therefore understands asymmetric federalism as a form of constitutional accommodation. It is neither inherently integrative nor inherently disintegrative. Its political consequences depend upon the relationship between autonomy, recognition, participation and constitutional accountability. Asymmetry can strengthen national integration when it enables distinctive communities to preserve important aspects of their identity while participating meaningfully in a common political and constitutional order.

The Indian experience is particularly significant because it demonstrates that asymmetry may serve several different constitutional purposes. It may protect tribal communities, recognise customary law, provide political representation, accommodate historical circumstances, respond to strategic conditions or correct regional developmental inequalities. These arrangements should therefore not be treated as deviations from an otherwise uniform federal model. They may instead be understood as components of a flexible constitutional strategy for governing diversity. This understanding is consistent with comparative approaches to federalism, which emphasise that federal institutions are shaped by the specific political

circumstances and diversity-management challenges of individual states (Anderson, 2008; Burgess, 2006; Watts, 2008).

The central theoretical proposition of this article is consequently that national unity in a plural society may be strengthened rather than weakened by differentiated constitutional arrangements. Where diversity is politically significant, the constitutional recognition of difference may provide a more stable foundation for integration than the imposition of uniformity. As Kymlicka (2001, 2005) demonstrates, the accommodation of collective identities can be compatible with common political membership, while the comparative literature on federalism suggests that differentiated institutional arrangements may be necessary for the effective management of diversity (Anderson, 2008; Burgess, 2006). The Indian constitutional design therefore provides an important example of how federalism can pursue unity through difference.

The Constitutional Design of Asymmetry in India

The Fifth Schedule: Protective Asymmetry

The Fifth Schedule is one of the principal constitutional mechanisms for addressing the distinctive circumstances of Scheduled Areas and Scheduled Tribes outside the areas governed by the Sixth Schedule. Its central purpose is to protect tribal communities from land alienation, exploitation and the erosion of traditional social and economic institutions. The Fifth Schedule establishes a differentiated administrative framework in which the Governor possesses special responsibilities concerning Scheduled Areas. It also provides for Tribes Advisory Councils to advise on matters concerning the welfare and advancement of Scheduled Tribes. This arrangement reflects the constitutional recognition that formal equality of administrative treatment may not adequately protect communities facing historically unequal social and economic conditions.

The logic of the Fifth Schedule is protective rather than separatist. It does not establish a separate sovereign political order. Instead, it creates a differentiated institutional mechanism within the Indian Union. Its constitutional objective is to combine integration with protection. The underlying assumption is that the political incorporation of tribal communities is more likely to be durable when their distinctive circumstances are constitutionally recognised. The Fifth Schedule therefore represents a form of protective asymmetry. Its purpose is not primarily to provide extensive legislative autonomy but to protect communities from the consequences of unequal economic and political power. Land alienation and the loss of control over resources

can generate political alienation and conflict. Special constitutional protection may consequently serve as a preventive mechanism by addressing some of the structural sources of alienation (Tillin, 2017). Nevertheless, constitutional protection alone cannot guarantee successful integration. If administrative institutions fail to prevent land alienation, if development policies exclude local communities, or if decision-making remains controlled by external actors, formal asymmetry may not produce meaningful autonomy. The effectiveness of the Fifth Schedule therefore depends upon implementation and participation.

The Sixth Schedule: Autonomous Tribal Governance

The Sixth Schedule represents a more extensive form of constitutional asymmetry. It provides for Autonomous District Councils and Regional Councils in specified tribal areas of Assam, Meghalaya, Tripura and Mizoram. These institutions possess legislative, executive and judicial functions in specified areas and provide constitutional recognition to distinctive customary institutions and social practices. The historical rationale of the Sixth Schedule was closely connected with the recognition that tribal societies in the North-East possessed distinctive customary laws, social structures and cultural institutions. A uniform administrative system could potentially undermine these institutions. The Sixth Schedule therefore institutionalised a form of self-government within the broader constitutional structure of India. Its significance lies in the fact that autonomy is not merely administrative. The constitutional framework recognises institutions connected with customary practices, land relations and community life. This creates a relationship between cultural recognition and political integration. Communities are not required to abandon their distinctive institutions as a condition of belonging to India.

Dasgupta (1997) demonstrates the importance of community, authenticity and autonomy in the development of political institutions in India's North-East. The Sixth Schedule illustrates how constitutional recognition of collective identities can become a mechanism of political accommodation. The objective is not necessarily to create complete political separation but to provide sufficient autonomy to reduce pressures for separation. The Sixth Schedule therefore represents autonomy-based asymmetry. Its integrative logic is based on the proposition that communities may be more willing to participate in a wider political union when they possess institutional space to govern aspects of their collective affairs.

At the same time, the Sixth Schedule illustrates the democratic complications of asymmetric autonomy. Customary institutions may raise questions concerning gender equality, representation and the participation of internal minorities. Hausing (2014) therefore argues that

asymmetric federalism must be evaluated not only in terms of relations between the Union and regional communities but also in terms of democratic justice within those communities. The integrative value of the Sixth Schedule consequently depends upon a delicate balance. It must protect collective identity without permitting collective institutions to become immune from constitutional principles of equality and democratic accountability.

The Article 371 Series: Differentiated Constitutional Accommodation

The provisions contained in Article 371 and its related clauses constitute another major dimension of Indian constitutional asymmetry. Unlike the Fifth and Sixth Schedules, which are primarily concerned with tribal administration and autonomy, the Article 371 provisions respond to a variety of historical, cultural, administrative, political, strategic and developmental circumstances. The importance of these provisions is that they demonstrate that Indian asymmetry is not a single constitutional model. It is a flexible constitutional instrument capable of responding to different forms of diversity.

Cultural and Customary Asymmetry: Articles 371A and 371G

Article 371A provides special protection for the religious and social practices of the Naga people, Naga customary law and procedure, and matters relating to ownership and transfer of land and its resources. Article 371G provides comparable constitutional protection in relation to Mizoram. These provisions represent cultural and customary asymmetry. They recognise that the relationship between political identity and customary institutions may be particularly strong in certain communities. A uniform legal framework imposed without adequate consideration of local institutions may be perceived as an assault upon collective identity. Constitutional asymmetry provides an alternative by recognising difference within the constitutional framework of the Union. The integrative significance of such arrangements lies in the distinction between cultural recognition and political separation. Constitutional protection of customary practices may enable communities to preserve distinctive institutions while participating in the larger Indian constitutional system (Arora, 1995; Tillin, 2017).

Political Representation and Regional Accommodation: Articles 371B and 371C

Article 371B provides for a committee of the Legislative Assembly of Assam consisting of members elected from specified tribal areas. Article 371C establishes special arrangements concerning the Hill Areas of Manipur. These provisions represent political and representational asymmetry. Their purpose is to ensure that territorially concentrated communities possess institutional mechanisms through which their distinctive concerns can be articulated within the

State's political structure. Such arrangements are significant because political integration requires more than administrative inclusion. Communities must also possess meaningful channels of political representation. Differentiated institutional arrangements can therefore reduce the perception that political power is concentrated exclusively in dominant regional groups.

Historical and Transitional Asymmetry: Article 371F

Article 371F relates to Sikkim and reflects the distinctive historical circumstances through which Sikkim became part of the Indian Union. Its constitutional design demonstrates that asymmetry may be used as a mechanism of historical accommodation. The importance of historical asymmetry lies in the fact that political integration often involves the incorporation of territories with different institutional and constitutional histories. A uniform constitutional model may not adequately address the conditions under which such integration occurs. Differentiated provisions can provide transitional and institutional accommodation while establishing participation within the Union.

Strategic and Administrative Asymmetry: Article 371H

Article 371H relates to Arunachal Pradesh and reflects the distinctive administrative and strategic circumstances of the State. This illustrates that asymmetry may also respond to geographical and strategic conditions. Such provisions demonstrate that asymmetric federalism is not confined to ethnic or cultural accommodation. Geography, security and administrative conditions may also justify differentiated constitutional arrangements. The broader integrative objective is to ensure that exceptional circumstances can be addressed without treating constitutional differentiation as a threat to the unity of the Union.

Developmental Asymmetry: Article 371J

Article 371J provides special provisions for the Hyderabad-Karnataka region, now known as the Kalyana Karnataka region. Its importance lies in demonstrating that constitutional asymmetry can also address regional developmental inequality. This form of asymmetry differs from cultural or ethnic autonomy. Its primary objective is to address historical developmental backwardness and regional imbalance. It demonstrates that constitutional differentiation may be employed not only to protect identity but also to promote substantive equality. The inclusion of developmental asymmetry expands the conceptual understanding of Indian federalism. It shows that equality may sometimes require differentiated treatment. If regions with historically

unequal levels of development are treated identically, existing inequalities may be reproduced rather than corrected.

Taken together, the Article 371 provisions reveal several distinct functions of asymmetry:

1. protection of customary law;
2. protection of land and resources;
3. recognition of cultural identity;
4. political representation;
5. historical accommodation;
6. administrative differentiation;
7. strategic adaptation; and
8. reduction of regional developmental inequalities.

This diversity is crucial to understanding Indian federalism. A provision designed to protect customary law cannot simply be replicated in a region where the principal problem is economic inequality. The Constitution responds to different sources of political discontent through different institutional arrangements (Tillin, 2017).

Article 370 as a Historical Case of Constitutional Asymmetry

The former Article 370 represented the most prominent historical example of constitutional asymmetry in India. Its original design established a distinctive constitutional relationship between Jammu and Kashmir and the Union of India. The provision emerged from the particular historical circumstances surrounding the accession of Jammu and Kashmir and created a differentiated constitutional relationship (Tillin, 2007). The significance of Article 370 for the study of asymmetric federalism lies in the fact that it demonstrated how constitutional asymmetry could be used to accommodate a politically sensitive and historically distinctive region. It also illustrates the limits of asymmetrical federalism. The erosion of autonomy over time complicates any simple assessment of asymmetry as a mechanism for conflict management (Tillin, 2007).

The former Article 370 therefore provides an important lesson for the broader argument of this article. Constitutional asymmetry may contribute to integration when the relationship between the Union and the constituent unit is based upon constitutional trust and political accommodation. If asymmetry is progressively weakened or becomes politically contested, its integrative potential may also be undermined. The experience also demonstrates that the relationship between autonomy and integration is not linear. A higher degree of autonomy does

not automatically produce national unity, just as a reduction in autonomy does not automatically produce integration. The relationship depends upon the perceptions of the affected population, the credibility of constitutional guarantees and the quality of democratic institutions. Article 370 should therefore be understood not simply as evidence for or against asymmetric federalism. It is better understood as a case illustrating the conditions under which constitutional asymmetry can succeed or fail as an integrative mechanism.

Asymmetry as a Strategy of National Integration

The central argument of this article is that Indian constitutional asymmetry has contributed to national integration through three principal mechanisms: recognition, accommodation and participation.

Recognition

Political communities are more likely to accept membership in a wider political union when their distinctive identity is constitutionally recognised. Constitutional recognition communicates that national unity does not necessarily require cultural assimilation. The Fifth and Sixth Schedules and the provisions of Article 371 demonstrate this principle. By recognising customary practices, tribal institutions, regional conditions and cultural distinctiveness, the Constitution creates space for multiple identities within a common political framework (Arora, 1995; Tillin, 2017). This approach differs fundamentally from a model of integration based on uniformity. In a country of India's diversity, uniformity may generate resistance when it is perceived as cultural domination. Recognition can instead transform difference from a source of conflict into a constitutionally acknowledged feature of the Union.

Accommodation

Recognition alone is insufficient. Constitutional asymmetry must also provide institutional accommodation. Communities must possess meaningful mechanisms through which their distinctive interests can influence governance. Autonomous District Councils under the Sixth Schedule, special legislative and administrative arrangements under Article 371 and protective institutions under the Fifth Schedule all represent attempts to provide such accommodation (Dasgupta, 1997; Tillin, 2017). The underlying principle is that political unity can be sustained by creating institutional mechanisms through which conflicts can be managed within the constitutional order. Federalism in this sense becomes a system of conflict management rather than merely a division of administrative powers. Stepan (1999) argues that multinational democracies often require institutional arrangements that recognise the distinctiveness of

constituent communities. The Indian experience supports this insight. The constitutional design does not assume that all communities can be integrated through identical institutions.

Participation

The third mechanism is participation. Asymmetric federalism can strengthen integration only when differentiated institutions enable communities to participate in the larger constitutional system.

Autonomy without participation can produce isolation. Similarly, recognition without meaningful political influence can become symbolic. The integrative potential of asymmetry therefore depends upon the relationship between regional autonomy and participation in national institutions (Elazar, 1987; Watts, 1999). India's constitutional system combines regional self-government with participation in national institutions. The differentiated arrangements do not generally establish separate sovereign states. Rather, they seek to create a balance between regional self-rule and participation in the Union. This is the central constitutional logic of unity through difference. The objective is not to eliminate difference but to ensure that difference does not become a reason for political separation.

The Limits and Democratic Challenges of Asymmetric Federalism

The argument that asymmetry can strengthen national integration must not obscure its limitations. Constitutional differentiation creates several important challenges. First, asymmetry may produce unequal relationships between constituent units. If some regions receive special protections while others do not, questions of fairness may arise. The legitimacy of asymmetry therefore depends upon identifiable historical, cultural, territorial or developmental reasons for differentiated treatment (Tarlton, 1965; Watts, 1999). Second, collective autonomy may produce internal inequalities. A constitutional arrangement designed to protect a community may not necessarily protect all individuals within that community. Women, smaller tribes, religious minorities or politically marginalised groups may remain excluded from institutions governed by dominant customary or ethnic elites (Hausing, 2014).

Third, asymmetry may create institutional ambiguity. The coexistence of Union authority, State authority, autonomous councils and customary institutions can generate conflicts over jurisdiction. The effectiveness of asymmetry therefore depends upon constitutional clarity, judicial interpretation and intergovernmental cooperation (Watts, 1999). Fourth, the durability of asymmetrical arrangements depends upon political trust. If communities believe that constitutional guarantees can be altered without meaningful consultation, the integrative value

of asymmetry may decline. Constitutional accommodation must therefore be accompanied by institutional credibility (Stepan, 1999; Tillin, 2007).

Finally, asymmetry cannot substitute for broader political and economic development. Special constitutional arrangements may provide institutional protection, but they cannot alone resolve poverty, unemployment, infrastructural deficits or political alienation. Developmental asymmetry, such as that associated with Article 371J, demonstrates that constitutional accommodation may need to be combined with substantive developmental policies. These limitations do not invalidate asymmetric federalism. Rather, they demonstrate that asymmetry is a constitutional instrument whose success depends upon implementation. The question is therefore not whether asymmetry is inherently good or bad. The more important question is whether a particular asymmetrical arrangement produces democratic inclusion, meaningful autonomy and continued participation in the common constitutional order.

Conclusion

India's constitutional experience demonstrates that national integration need not be based upon constitutional uniformity. In a deeply diverse society, the attempt to impose identical institutional arrangements upon communities shaped by unequal historical, cultural, social and developmental circumstances may generate alienation rather than unity. Federalism, as a system combining self-rule with shared rule, provides a constitutional framework through which such tensions can be managed (Elazar, 1987; Anderson, 2008). The Indian Constitution responded to this challenge through a differentiated federal design that combines a common constitutional framework with constitutionally recognised variations in institutional relationships.

The Fifth Schedule provides a protective framework for Scheduled Areas and Scheduled Tribes, while the Sixth Schedule creates autonomous institutions for several tribal areas of the North-East. The provisions contained in Article 371 and its related clauses respond to distinctive cultural, customary, political, historical, strategic and developmental circumstances. The former Article 370, before its constitutional transformation, represented a particularly significant example of historical asymmetry and also demonstrated the political complexities involved in sustaining differentiated constitutional arrangements. Taken together, these provisions reveal that Indian federalism cannot be adequately understood through a rigid model of symmetry. Its constitutional architecture is better understood as a flexible system of differentiated accommodation (Arora, 1995; Tillin, 2007, 2017).

The central argument of this article is that asymmetric federalism can function as a constitutional strategy of national integration precisely because it recognises that unity and uniformity are not synonymous. Constitutional asymmetry provides communities with institutional space to preserve important aspects of their identity, customary practices and regional interests while remaining within a common political and constitutional order. The accommodation of collective identities within multinational and culturally diverse political systems can, under appropriate conditions, strengthen common political membership rather than necessarily undermine it (Kymlicka, 2001, 2005; Stepan, 1999). Recognition, accommodation and participation therefore constitute the principal mechanisms through which constitutional difference may contribute to political unity.

The integrative success of asymmetry, however, is neither automatic nor guaranteed. Constitutional differentiation may produce institutional ambiguity, unequal relationships among constituent units or demands for further autonomy. Collective rights may also become instruments for the exclusion of internal minorities if autonomy is not accompanied by democratic accountability. The protection of cultural or community identity must therefore remain compatible with constitutional equality, individual rights and meaningful political participation (Hausing, 2014). Asymmetric federalism must consequently be evaluated not only in terms of the relationship between the centre and constituent units but also in terms of the quality of democracy within the communities that receive special constitutional protection.

The durability of asymmetric federalism also depends upon constitutional trust. Differentiated arrangements are more likely to perform an integrative function when the communities concerned regard them as legitimate, credible and capable of providing meaningful protection. The experience of asymmetric arrangements in India demonstrates that constitutional differentiation is not merely a matter of formal institutional design; its political consequences also depend upon the credibility of constitutional guarantees and the broader relationship between regional communities and the Union (Tillin, 2007; Stepan, 1999).

The broader lesson of the Indian experience is that federalism in a plural society need not seek to make all constituent units constitutionally identical. Different communities may require different constitutional relationships with the centre because their histories, identities and circumstances are not identical. Comparative federalism demonstrates that differentiated institutional arrangements may be necessary for accommodating diversity within a common political framework (Burgess, 2006; Watts, 2008). The objective of constitutional design

should therefore not be uniformity for its own sake, but the creation of institutional arrangements capable of reconciling diversity with common political membership.

Asymmetric federalism, when constitutionally negotiated, democratically accountable and supported by meaningful political participation, can transform diversity from a potential source of political fragmentation into a basis for constitutional integration. The Indian constitutional experience consequently demonstrates that national unity may sometimes be secured more effectively not by eliminating difference, but by recognising and accommodating it. Unity through difference is therefore not a contradiction in federal constitutionalism; it may constitute one of its most important strategies for governing diversity.

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