

Politics and Governance in Contemporary India: The Paradox of Democratic Deepening

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On 15 August 1997, India celebrated fifty years as an independent nation. Except, for a brief eighteen months between 1975-1977, India has remained a democracy. What explains the resilience of democracy in India in the face of a low-income economy, widespread poverty, illiteracy and immense religious and ethnic diversity? How have democratic governance shaped political and socioeconomic change? What is the future of Indian democracy? This paper examines these intriguing questions. It argues that the "deepening of democracy" has tended to exacerbate the problems of governance. Specifically, the progressive empowerment of popular sectors has created new sets of problems. India's civil society and associational life, divided along narrow caste, ethnic, regional and religious divisions lacks "social capital" and "civicness" necessary for the articulation and aggregation of interests, effective political collaboration and good governance. Compounding these problems, the high levels of political mobilization in the absence of strong and responsive state institutions and political parties has served to fragment rather than unite society. Thus, instead of responding to the demands of an increasingly mobilized population, the country's weak and over-burdened political institutions have reinforced, if not, exacerbated socioeconomic and political cleavages. Not surprisingly, despite India's resilient democratic institutions and relatively long experience with constitutionalism, effective governance remains a major challenge. Given these challenges, what India needs is the resuscitation of its public institutions and the renegotiation of state-society relations. This paper concludes by illustrating that India's democracy is potentially self-correcting along these lines.

Keywords: *Democracy, Indian politics, Civil society, Governance*

1. INTRODUCTION

The triumph of democracy in a historically improbable environment such as India is nothing short of extraordinary. For over half a century India has been a constitutional democracy with a parliamentary system of government. Indians are justly proud to be citizens of the world's largest democracy and see it as a precious national accomplishment. Indeed, democracy has become such an indelible part of nation's political consciousness, that despite the disillusionment with "politics as usual" most Indians continue to maintain a deep philosophical commitment to democracy and embrace the fundamental democratic idea that the state's authority must derive solely from the uncoerced consent of the majority, tested regularly through open competitive elections. Between September and October 1999, India held its thirteenth general elections since gaining independence in 1947.¹ The elections, the fifth held within the past decade produced for the eight time since 1989 a coalition government made up of some eighteen disparate parties.

Yet, even as India has secured virtually all of the requirements associated with a mature and resilient democracy, the nation's ability to provide effective governance have hardly improved. Indeed, many believe that the problems of governability have actually worsened

¹ Between February and March of 1998, India held its twelfth general elections. Given the daunting logistics, the twelfth general election was held over 13 days in four stages, starting on February 16, 1998.

(Kohli 1990). Arguably, the progressive empowerment of popular sectors and the deepening of democratic practices have created new sets of problems. That is, paradoxically, even as India's subaltern sectors enjoy the rights to exercise popular sovereignty, and its parliament has become ever-more representative of society, this "deepening of democracy" also seems responsible for exacerbating political fragmentation and the nation's inability to produce stable and effective government and efficacious governance. In fact, rampant corruption and violence has infected the body politic. In 1999, former prime minister Narasimha Rao was found guilty of illegal financial transactions, while Laloo Prasad Yadav, a former chief minister of Bihar (India's most economically backward state), is out on bail after being charged with looting the exchequer in a state-run animal fodder scheme. Large numbers of elected legislators in Bihar and in Uttar Pradesh (India's most populous state), have criminal records or have criminal investigations pending against them. Moreover, participatory democracy has not translated into a compelling programmatic alternative to the top-down developmental models. Indeed, the accentuation of socioeconomic inequalities mock the formal political equality of democratic citizenship (Sharma 1999). What explains this? What explains both the resilience of democracy and the growing problems of governability in India? This paper provides a broad analysis of India's Janus faced democracy and its ramifications for governance and political economy. First, an overview of India's governing democratic structures and institutions is necessary.

2. THE DEMOCRATIC STRUCTURE

The Constitution of India, adopted in 1950 following three years of intense debates in the Constituent Assembly (elected indirectly from the various provinces in 1946), proclaimed India as a sovereign federal democratic republic. The Constitution's 395 articles and ten appendixes (known as schedules), make it one of the longest and most detailed in the world. Following the British parliamentary pattern, the constitution embodies the Fundamental Rights, similar to the United States Bill of Rights. The Fundamental Rights guarantee to all citizens basic substantive and procedural protection. These civil rights take precedence over any other law of the land, and include individual rights common to most liberal democracies -- such as equality before the law, freedom of speech, association, assembly and religion, the right to constitutional remedies for the protection of civil rights such as *habeas corpus*, and the right to property. In addition, the constitution outlaws the traditional Indian system of social stratification based on caste and prohibits discrimination on the grounds of religion, language, race, ethnic background, sex or place of birth -- including the right of minorities to establish and administer their own educational institutions and to conserve a distinct language, script and culture. An interesting feature of the constitution is the "Directive Principles of State Policy," that delineate the obligations of the state towards its citizens. The precepts of the Directive Principles are not justiciable, that is, they are not enforceable by a court, as are the Fundamental Rights. The Directive Principles admirable goals (some say platitudes) such as the injunction that the state "shall direct its policy towards securing... that the ownership and control of the material resources of the community are so distributed to subserve the common good," or that "the state shall promote the interests of the weaker sections of society" are there to guide the government in framing new legislation.

The key institutions of national governance are the executive, composed of the President, the Council of Ministers (headed by the Prime Minister), the Parliament and the highest judicial system in the land: the Supreme Court. It is important to note that, while under the Indian constitution, executive power is formally vested in the President (also the head of the state), the

President exercises these powers on the advice of the Council of Ministers headed by the Prime Minister.² Hence, both in theory and practice, power is concentrated in the hands of the Prime Minister, the *de facto* head of the Indian executive. Theoretically (and in practice), it is the Prime Minister who determines the composition of the council of ministers, and assigns departmental portfolios to the “inner circle” or the cabinet, made up of between fifteen to twenty individuals. In India, the nature and composition of the council of ministers and cabinet has varied according to the Prime Minister in power. The Prime Minister’s office is also supported by a “secretariat”, a large body (currently over 300 strong), headed by a principal secretary, senior bureaucrats, technocrats, economists, politicians and their assistants.³

India’s Parliament, the supreme legislative body of the country consists of a bicameral legislature made up of the *Lok Sabha* (or the House of the People -- the lower house) and the *Rajya Sabha* (Council of States-- the upper house). The *Lok Sabha* in 2002 constitutionally had 545 seats, and with the exception of two members that are nominated by the President as representatives of the Anglo-Indian community, all seats are popularly elected on the basis of “first-past-the-post” system, similar to that in the United States.⁴ Seats in the *Lok Sabha* are allocated among the states on the basis of population, each roughly divided into several electoral districts made up of around 1.5 million people. The usual term is five years, and under the rules of the constitution it must meet at least twice a year, with no more than six months between sessions. However, the President may dissolve the house and call new elections if the sitting government loses its majority in Parliament. The *Rajya Sabha*, on the other hand, like the United States Senate is a permanent body and meets in continuous session. It has a maximum of 250 members, and all but twelve are elected by the state legislative assembly for six year terms.⁵ The *Rajya Sabha* (like the British House of Lords) permits more extended debates. Home to a large number of elder states-people, it is designed to provide stability and continuity to the legislative process (that is, it is not subject to dissolution as is the *Lok Sabha*). Nevertheless, since it rests on the confidence of the popular assembly, the authority of the *Rajya Sabha* in the legislative process is subordinate to that of the *Lok Sabha*.

Decision making on public policy in India is concentrated at the highest levels of authority, with the Prime Minister, his inner Cabinet and high-level officials and bureaucrats via their control of the various ministries of government taking the initiative. The government of the day

² The President of India occupies in the Indian constitutional system the same position as the Crown does in the British Constitution. India's Presidents, with a few exceptions, have usually been distinguished elder statesmen (no women so far), who have generally performed their rather perfunctory duties with dignity. The President is elected by the elected members of the *Lok Sabha*, the *Rajya Sabha* and the *Vidhan Sabhas* for a five-year term (although they can stand for re-election) are also subject to impeachment by Parliament for violation of the constitution.

³ Malik (1993: 86), notes that “in some ways the prime minister's secretariat resembles the U.S. president's executive office. It is entrusted not only with preparation of the agenda for cabinet meetings and maintenance of the records of cabinet proceedings but also with coordination of the administration of different departments of the government headed by the members of the council of ministers.”

⁴ Under this system, political parties can gain commanding positions in the Parliament without gaining the support of a majority of the electorate. For example, the Congress Party that has dominated Indian politics till recently, never won a majority of votes in parliamentary elections. The best-ever Congress performance in parliamentary elections was in 1984 when it won 48 percent of the vote but garnered 76 percent of the parliamentary seats. In the 1991 general elections, Congress won 37.6 percent of the vote and 42 percent of the seats.

⁵ The members of the *Rajya Sabha* are elected indirectly, rather than by the citizens at large. As in the United States, the terms in the upper-house are staggered, so that one-third of the members stand for election every two years.

has primary responsibility to draft legislation and introduce bills into Parliament -- in either house -- albeit, financial bills for taxing and spending (known as money bills) can only be introduced in the *Lok Sabha*. The central government (or the Center) is aided in its activities by some 17 million central government employees (known as Public Services), around 5,000 of whom are officers of the elite Indian Administrative Service.⁶

Finally, an independent judiciary is an important component of the Indian state system. The Supreme Court as the highest legal tribunal is the ultimate interpreter and guardian of the constitution and the laws of the land.⁷ Headed by a Chief Justice and twenty-five associate justices, the Supreme Court oversees that all legislation passed by the central and state governments must be in conformity with the constitution, and the constitutionality of any enactment is determined under the power of judicial review by the Supreme Court -- which has original as well as appellate jurisdiction.⁸ While in practice, the executive branch of government has often prevailed (especially during Mrs. Gandhi's tenure) in limiting the Supreme Court's powers of judicial review, and while the Supreme Court has not always effectively adjudicated cases, including those dealing with religious minorities, or the rights of women, it is nevertheless, an institution of some significance -- and as will be discussed later -- in recent years once has begun to assert its authority.

While India's federal system has vested significant powers of legislation with the central government, the constitution has also provided for enumerated powers divided between the union or central government and the provincial or state governments. Below the central government are twenty-nine state governments and six union territories, with populations ranging from 400,000 for the union territory of Sikkim, to 140 million for the largest and most populous state of Uttar Pradesh. While states do not have their own separate constitutions, they are governed by the provisions of the constitution of India. The constitution specifies that all the states shall have similar governmental structures and provides for popularly elected bicameral or unicameral legislature in each state and territory, headed by a chief minister responsible to the assemblies.⁹ A governor is appointed by the central government with the power to dissent from a bill and refer it to the President of India and the power to appoint with the approval of the legislature, the state's chief minister. The strength of the central government relative to the states is further apparent in the constitutional provisions (laid down in the Seventh Schedule of the Constitution) for central

⁶ Officers of the Indian Administrative Service (IAS) are an elite corp, drawn primarily from the affluent and educated upper castes. In 1990, only about 150 out of a candidate pool of approximately 85,000 recruits received appointments in the IAS.

⁷ Unlike the United States, India has a single judicial system (not a system of dual courts), with the Supreme Court at the head of the judicial hierarchy, with High Courts in each of the states, followed by District Courts. According to the Constitution, the Supreme Court should consist of a Chief Justice and not more than seven other judges -- albeit Parliament is authorized to change the number of judges, and has done so.

⁸ It is important to note that India has a unified judicial system. That is, there are no separate state courts, but each state has a high court that is subordinate to the Supreme Court. The Supreme Court also covers the disputes arising between the central and the state governments, as well as cases involving two or more states. Hardgrave and Kochanek (1993: 101), aptly note that while "the scope of judicial review in India is not as wide as in the United States... the Court [has nevertheless] held more than 100 Center and state acts invalid, either in whole or in part, and most if its decisions have been unanimous."

⁹ Most states have unicameral legislatures, however Andhra Pradesh, Maharashtra, Tamil Nadu, Uttar Pradesh, Bihar and Jammu and Kashmir have bicameral legislatures, with the lower house or legislative assembly (or the *Vidhan Sabha*) is the real seat of power. The upper house or legislative council (or the *Vidhan Parishad*) serves as an advisory body. The largest *Vidhan Sabha* is for Uttar Pradesh, with 425 members, the smallest Pondicherry, with 30 members.

intervention into state jurisdictions. The central government has exclusive authority over matters of national importance -- the 97 items includes defense, foreign affairs, transportation, communications, interstate trade and commerce, and finances. Moreover, Article 3 of the constitution authorizes Parliament, by a simple majority vote, to establish or eliminate states and union territories or change their boundaries or names. The central government can also dismiss any state government through President's Rule. The center also exerts control over state governments through the financial resources at its command. In a real sense, it "acts as a banker and collecting agent for the state governments" (Hardgrave and Kochanek 1993: 130). Under the rules of the constitution, financial resources flows from the central government to the states through a system of discretionary divisible taxes and grants-in-aid -- making the states dependent on the center for their regular budgetary needs, as well as for their capital expenditures. The central government also allocates and distributes substantial "development funds and grants" through its Five Year Plans. The resources available under the plans are substantial given the center's exclusive control over taxable income and foreign financial flows.

Although India's federal government exhibits all features of a highly institutionalized modern unitary state, appearances can be deceiving. Despite the constitutional powers of the central government, the provincial governments are not without significant constitutional powers.¹⁰ In the words of Dr. B.R. Ambedkar, the chairman of the Constitution drafting committee, "the states of the union of India are as sovereign in their field which is left to them by the Constitution as the Center in the field which is assigned to it" (Palmer 1961: 97). Under the constitution, states have exclusive authority of 66 items, including public order, welfare, health, education, local government, industry, agriculture and land revenue. In regards to the agricultural sector and land revenue, the constitution in assigning primary responsibility to the state governments (while placing constitutional and legal limitations on the powers and jurisdiction of the central government), reduced the center to providing guidelines, leaving the actual task of translating rural development policies into legislation, including their implementation, to the state governments. In other words, the development of the rural sector has depended in large measure on the actions of the state governments. In fact, Professor Paul Appleby (1953), who at the request of the Government of India conducted a comprehensive review of the country's administrative system was astounded to discover how much the center was dependent on the states for the actual implementation of major national programs and how little real authority the center seemed to have in the vital areas of policy and administration. Appleby (1953: 21), lucidly captured this paradox:

"No other large and important government... is so dependent as India on theoretically subordinate but actually rather distinct units responsible to a different political control, for so much of the administration of what are recognized as national programs of great importance to the nation."

Below the state governments exist an array of formal and informal governance structures known simply as "Local Self-Government" -- ordinarily understood as the administration of a locality (a village, town, city, or any other area smaller than a state) by a body representing the local inhabitants. The idea behind local self-government, articulated most forcefully by the 1957 *Mehta Study Team Report*¹¹, argued that local-self-government or "democratic decentralization"

¹⁰ Some have argued that the "Indian union is not strictly a federal polity but a quasi-federal polity with some vital and important elements of unitariness". See Palmer (1961: 94).

¹¹ The team's report is named after its chairman, Balwantray Mehta, an ex-chief minister of Gujarat state. For the report's detail see (Government of India (GoI) 1957).

could play a vital role in the process of political legitimation and offer a means for developing a sense of participation in the citizenry. The Report (GoI 1957: 10-12) claimed that:

“So long as we do not discover and create a representative and democratic institution, which will supply the local interest, supervision, and care necessary to ensure that expenditure of money upon local objects conforms to the needs and wishes of the locality, invest it with adequate power, and assign to it appropriate finances, we will never be able to evoke local interest and excite local initiative in the field of development.”

The district is the principal formal subdivision within the state governments.¹² In 2000 there are 476 districts in India, varying in size and population -- the average ranging from 4,000 square kilometers, with average population of approximately 1.8 million. The district collector, a member of the Indian Administrative Service (IAS) and state government appointed district judge (who is in no way subordinate to the collector) are the most important government officials in district administration. Districts are further subdivided into *taluqs* or *tehsils* comprising anywhere between 200 to 600 villages. The *taluqdar* or *tehsildar*, and the occasional village *patwari* (accountant) are the most important government (state) representative at this level, responsible for overseeing government programs, maintaining land records and the collection of revenue. Finally, in order to provide effective channels of political and economic participation, Article 40 of the constitution directs all levels of government to engage in the “democratic decentralization of Indian administration” by reviving and creating “traditional village council for self-government” or *panchayati raj*, and to “endow them with such powers and authority as may be necessary to enable them to function as units of self-government” (GoI 1952: 6-7). Most states have since introduced a fairly institutionalized system of *panchayati raj*, a three-tiered system which has vested extensive responsibilities for community and rural development in three locally-elected bodies. At the base of the system is the popularly elected village council or *gram panchayat*; followed by village council chairs, elected by members to the village council, serve as members of the block council or *panchayat samiti*¹³, and the third tier, the *zila parishad*, congruent with the district, includes all the *samiti* chairs in the district. The *panchayati raj* received constitutional status following the passage of the 73rd Amendment in 1992. The Amendment stipulates that all *panchayat* members be elected for five-year terms in elections supervised by the election commission.¹⁴

3. GENERAL ELECTIONS IN THE 1990S

¹² Local self-government is divided into urban and rural categories. The Census Report of 1961 has laid down definite criteria for determining urban localities: a population of over 5,000 or more; density of not less than 1,000 persons per square mile and at least 75 percent of the working population being engaged in non-agricultural occupations.

¹³ A block is a large subunit of a district.

¹⁴ An independent Election Commission established in accordance with the constitution is responsible for the conduct of elections to parliament, the state legislatures and to the President. The Commission prepares, maintains and periodically updates the Electoral Roll which indicates who is entitled to vote, supervises the nomination of candidates, registers political parties, monitors the election campaign (including the candidates funding), organizes the polling booths, and supervises the counting of votes.

Overall, India's seemingly byzantine-like quasi-federal political system and its ability to hold, on balance, regular, free and fair elections, has for long provided a peaceful outlet for its citizenry's diverse aspirations and competing demands. For example, the recent twelfth general elections was aptly dubbed by the media as a "grand civic festival." However, it was also a daunting logistical undertaking. Roughly 63 percent of the 600 million eligible voters elected 790 representatives to the two legislative bodies of National Parliament and 4,100 members to the state legislatures. According to the former Chief Election Commissioner, M. S. Gill (1998: 165), approximately 4.5 million staffers supervising "no fewer than 900,000 polling stations from the high Himalayas to the desert of Rajasthan, including areas that can be reached only on the back of an elephant" were deployed to ensure that the elections were carried out in an orderly and fair manner. This remarkable exercise in democracy cost "the people" approximately Rs. 6.70 billion or about US\$165 million.

However, hopes that the twelfth general elections would end the political uncertainty and fragmentation that has plagued India over the past decade were dashed as the results produced yet another fractured verdict. While some 41 parties won at least one seat, the Hindu nationalist right-of-center Bharatiya Janata Party (BJP), with 179 seats (still far short of a majority) emerged as the largest single party in the *Lok Sabha*. Sticking to formal propriety, President K.R. Narayanan (a veteran Congress politician) invited Atal Behari Vajpayee, the BJP parliamentary leader to form the government and gave him ten days to prove his majority in parliament. This was a sharp reversal of role for the BJP -- which in its earlier incarnation, as the Jan Sangh, was considered a political pariah with which no mainstream party would actively cooperate. Obviously, Vajpayee, who represented the eloquent and moderate voice of the BJP was able to put much distance between the hard-line image projected by his predecessor as party leader, and with the often violent bigotry associated with the party's organizational base, a grassroots "cultural" organization known as the Rashtriya Swayamsevak Sangh (RSS), or National Volunteer Association. After a period of intense negotiations with, and making major concessions to an unruly collection of disparate parties, the BJP-led thirteen party coalition narrowly passed the test of a parliamentary vote and took over the reins of office. However, the government, a precarious coalition that together commanded a parliamentary plurality but not a majority remained hostage to the vagaries of utilitarian political calculations and to the extortive demands and threats to withdraw support, and potentially could be pulled down at any time.

It seems that even before the new BJP-led government took office, plots were already being hatched to bring about its downfall. Masterminding this move was the Congress (I), the party of the Nehru-Gandhi dynasty, and the main opposition party in parliament preceding the twelfth general elections. The Congress (I), now under the leadership of Sonia Gandhi (the widow of the slain former prime minister Rajiv Gandhi), set out to persuade some of Vajpayee's more mercurial partners to desert the coalition. Evidently, this task hardly proved difficult as some of the coalition partners began to air their dissatisfaction even before the new government took office. Most notably, the imperious and insulting behavior of Ms. Jayaram Jayalalitha towards the Prime Minister could hardly be missed. Jayalalitha, whose All-India Anna Dravida Munnetra Kazagham (AIADMK) held 18 critical seats was an indispensable component of Vajpayee's ruling coalition.¹⁵ However, Jayalalitha had joined the coalition on the basis that her two non-negotiable demands be met and met quickly. First, and implicit, was that Vajpayee intervene to prevent government lawyers from pressing corruption cases against her in the courts, and the

¹⁵ Despite its name, the AIADMK is confined almost entirely to one state: Tamil Nadu.

other, often voiced openly, was that Vajpayee use the power vested in him as prime minister dismiss the ruling party, the Dravida Munnetra Kazhagam (DMK) in the state of Tamil Nadu (Jayalalitha's arch nemesis) for alleged mis-governance. After months of constant tantrums and threats to pull down the government, Jayalalitha and her party finally exited from the coalition in a dramatic fashion. In mid-April 1999, the coalition government led by Vajpayee lost a vote of confidence in the *Lok Sabha* by just one vote. The Vajpayee government was history just thirteen months after it took office. Although Jayalalitha provided few reasons for her withdrawal, it was widely believed that her motive was to avoid standing trial for corruption -- something that her alliance with the BJP had not prevented. Sonia Gandhi's overtures may have persuaded the beleaguered Jayalalitha that a Congress-led government would be more supportive.

Despite frantic efforts to put together a majority coalition, Sonia Gandhi had to finally admit failure. The Congress (I) bid to reclaim power unraveled after the leader of the Samajwadi Party, Mulayam Singh Yadav, refused to back a Congress-led government headed by a "foreigner" like Sonia Gandhi.¹⁶ At the direction of the President of India, the cabinet requested the dissolution of the *Lok Sabha* and called for fresh elections. Because of the vagaries of the upcoming monsoons, the elections were postponed until September. In the interim, the BJP-led coalition was invited back as a "caretaker" government. Eventually, the elections were held over five separate polling days beginning on September 5, 1999. Some 60 percent of the more than 600 million eligible voters cast their ballots. The counting of ballots began on October 6, and the (almost complete) results were known within 48 hours. The elections returned the BJP-led twenty-five party National Democratic Alliance (NDA) back to power with 34 additional seats (from 265 to 299), giving it a more stable majority. However, the electoral outcome hardly represents a mandate for Hindu nationalism. That is, the NDA's expansion was the result of the BJP gaining new coalition allies, rather than the BJP broadening its mass support. Indeed, the BJP itself did not increase its tally of seats or votes. Nevertheless, the election signifies that the BJP has come of age. It is a party that has tasted power and apparently loves to govern. Unlike the Congress which clings tenaciously to the hope of returning to the good old days of "one-party dominance" with a member of the Nehru-Gandhi family at the helm, the BJP seems to have embraced the basic reality of modern Indian politics -- that alliance and coalition building with a host of political parties is key to electoral success. While for all practical purposes, the BJP and the Congress remain the only two national parties, arguably the BJP has emerged as a genuinely national political party, with a base in virtually all parts of the country -- and no longer confined just to the Hindi-speaking belt. Like the Congress of yore, the BJP has become the nucleus of party politics - - the central mass towards which other parties gravitate to, or from which they are repelled. To occupy this centrist position, the BJP has eschewed confrontation and worked shrewdly to shed much of its narrow doctrinal and jingoistic ideological baggage. To do this the BJP has increasingly focused on concrete programmatic issues rather than on overarching teleological visions of *ramrajya*. Indeed, the BJP's decision to seek popular support on the basis of a common manifesto of the NDA (which deliberately excluded controversial elements of its past platforms), illustrates the extent to which it has become pragmatic and instrumental in order to move to the mainstream. Yet, there are no guarantees given the inherent volatility of Indian politics. The thirteenth general election also underscores that India faces an indefinite period of unstable coalition governments. How and why amidst this "deepening" of democracy India has experienced simultaneous political fragmentation and instability, and the implications of all this for governance are issues discussed in the following sections.

¹⁶ Of course, political considerations were also at work. Mulayam feared an erosion of support from one of his core constituency, the Muslims, who seemed poised to return to the Congress.

4. STATE-SOCIETY AND THE CRISIS OF GOVERNABILITY

Changes in post-independent India's state-society relations are at the root of its governability problems. In order to better understand these complex processes, in particular, why it is more of a challenge to govern India today than during the Nehru years (1947-64), a brief historical overview is necessary.

Considering the high mortality rate of democracies in post-colonial settings, democracy in India for long appeared somewhat of an anomaly. At the time of independence it was widely believed that India was the least likely of the newly emergent nations to sustain democratic governance.¹⁷ To the skeptics, liberal democracy and the practice of representative government -- largely reflecting the hubris of the small westernized elite who had led the independence struggle -- was too alien a system to survive in the subcontinent nostalgic for "imagined traditions" and compromised by irreconcilable fissiparous and centrifugal forces. Indian democracy, they believed, superficially imposed from the top and lacking enduring roots in society would eventually succumb to the crushing inertia of traditionalism and destructive parochialism. Indeed, the bloody communal riots that followed partition and the subcontinent's ancient enmities and entrenched inequities lend credence to the view that India lacked the requisite "preconditions" in which the values, norms and institutions of liberal democracy could survive and flourish. Yet, this rigidly hierarchal social order whose population has already crossed the billion mark at the beginning of the new millennium has so far defied the odds. Not only has India maintained her national and territorial integrity, but for much of the four decades since independence has shown remarkable political stability -- like the veritable Himalayas -- standing virtually alone among the new nations in preserving a relatively open system of parliamentary government and holding on balance free, fair and competitive elections that have been premised on the idea of a secular nation state in which all the diverse groups and communities could aspire to dignity and ultimately share in economic prosperity and political power. What explains this Indian "exceptionalism"?

Perhaps the most compelling explanation has been provided by Sunil Khilnani (1997). In his eloquent book, *The Idea of India*, he explicitly argues that democracy in India is neither the result of deep-rooted Indian traditions, nor the legacy of British colonial rule. Rather, democracy in India arose from distinct elite choices. That is, a progressive segment of the Indian nationalist elite nurtured democratic norms and practices and inculcated a strong participatory democratic ethos in the party -- even as these clashed with internal party structures that were hierarchical and congenitally elitist. There is little doubt that India's success with democratic institution-building owes much to the collective wisdom of the nationalist leadership -- individuals like Mohandas Karamchand Gandhi, Jawaharlal Nehru, Rajendra Prasad, Babasaheb Ambedkar, Vallabhai Patel, C. Rajagopalachari and others that gave life to the Indian constitution, a document that not only enshrined the principles of parliamentary democracy, but did much to augment and transform the rudimentary political and institutional scaffolding of late colonialism into tools for democratic reconstruction. In practice, these founding fathers remained committed to the operative principles of parliamentary democracy, to the rules of civility, political accountability and respect for constitutional and judicial procedures of governance. This ultimately enabled them to forge a

¹⁷ The classic works on this topic include Eugene Staley (1954) and Selig Harrison (1960), in which they argue that "centrifugal pressures" could ultimately overwhelm the new state resulting in chaos and "balkanization".

united political community, to arouse popular passion and allegiance and assert solidarity with the masses that gave them the capacity to reconcile differences without precipitating political-institutional decline. Beyond this, they helped forge an intuitive awareness about India that did not exist earlier: that the Indian union was greater than the sum of its parts, its pluralism the source of its strength and its multitudinous problems best resolved through the domain of representative institutions and mediated politics. Leaders like Nehru even during the dark days following partition were unequivocal in their rejection of the ideology of religious exclusivism and the xenophobic demands of Hindu fundamentalists for a non-secular, theocratic Hindu *rashtra* (state). With consummate skill and resolve he assuaged the anxieties of the religious minorities and the so-called “weaker sections of society” and constructed a tolerant secular order that gave India a distinctive place in the international community.

However, over the past three decades the sense of optimism that accompanied independence has dissipated. The previous commitments to the ethics and conventions of parliamentary democracy: the respect for the rule of law, the accountability of leaders, the norms of political civility, tolerance, consensus building and reasonableness have given way to an ugly arbitrariness, arrogance, corruption and violence at all levels of the polity. The causes of this decline are complex and interrelated, often occurring in tandem with each other.

While the Nehru era nationalist leadership planted and nurtured the seeds of democracy, the post-Nehru leadership did just the opposite. A large volume of literature documents how and why the narrow self-serving (and destructive) actions of power-hungry political elites, in particular, former prime minister Indira Gandhi (1966-77; 1980-84), and their loyalist apparatchiks squandered away the political-institutional capital assiduously build by an earlier generation of Congress leaders. The basic argument is that as centralized, autocratic and confrontational style of personal rule became the norm during Mrs. Gandhi's sixteen-year tenure, the decision-making institutions and procedures of governance such as the cabinet, the parliament, the judiciary and the civil service were consistently bypassed, their capacity to amplify their authority and legitimacy greatly weakened. For example, the once proud judiciary was subordinated to the executive as increased administrative discretion removed administrative actions from judicial review and made fundamental rights non-justiciable via laws providing for preventive detention and arbitrary arrests. Also, as the bulk of the strategic positions in these institutions became rewards for obsequiously loyal flunkies and palace courtiers the consequence was predictable: these institutions and their managers not only lost their legitimacy (and earned the enmity of many) but also became emasculated losing its professionalism and elan. The Rudolphs (1987: 84) bluntly sum up the two contrasting political eras since independence, one associated with Nehru and the other with his daughter, Indira:

“Unlike her father, Mrs. Gandhi depleted India's political capital by eroding the autonomy, professional standards, and procedural norms of political institutions and state agencies. She tried to make those responsible for Parliament, the courts, the civil services, and the federal system answerable to her. The effort succeeded, to varying degrees, in orienting their conduct to her personal will. A paradoxical consequence was to diminish the legitimacy and effectiveness of the state. Centralization based on personal loyalty and obedience to a monocratic executive lessened the state's capacity to amplify itself through multiple agencies extending beyond the limited control and attention of one person. Jawaharlal Nehru was the schoolmaster of parliamentary government, Indira Gandhi its truant.”

Perhaps the most egregious legacy of Mrs. Gandhi's long reign was the progressive weakening or the deinstitutionalization of the Congress Party. Since the 1920s when Mahatma Gandhi transformed the Congress into a mass organization, the prodigious “Congress system” has

dominated Indian public and political life. As the hegemony of the dominant-party in a competitive party system, it served, to use Rajni Kothari (1970) term as the “ordering mechanism” providing the organizational and normative linkages between the political center and the sprawling periphery, its “accommodative politics” and centrist consensus bringing a measure of coherence and stability to an otherwise fragmented and “unaggregated” polity. Although the Congress never won an absolute majority of the popular vote, India’s system of plurality elections in single-member districts enabled the party to win consistently large parliamentary majorities, especially during the first two and half decades following independence, allowing the party to rule continuously at the center and in most states for all but six years since independence.¹⁸ The Congress Party’s unquestioned dominance in the first two and half decades after independence rested in part on the prestige it retained as India’s premier anti-colonial and nationalist organization, and in part on the formidable administrative-organizational capacity of local, state and national level Congress committees, and the intricate patronage networks and factional alliances (both within the party and between party factions and non-party interest groups), that stretched from New Delhi to the tens of thousands of rural hamlets and villages.

The emasculation of the federal and coalitional pillars of the venerable Congress system that began imperceptibly in the mid-1960s was the result of forces emanating from both the state and society. As the head of the Indian state, Mrs Gandhi’s machiavellianism, her obstructionism and intransigency and the criminalization of politics under her son and putative heir Sanjay (who died in a 1980 plane crash), contributed greatly to the Congress’s organizational decline. As prime minister and later as Congress party president, Mrs. Gandhi repeatedly demonstrated cavalier disregard for both constitutional and legal constraints, winking at the violations and transgressions of her coterie and using her position to centralize power in order to perpetuate her cult of personality and further dynastic ambitions. Further, as the Rudolph’s (1987: 134), have aptly noted, Mrs. Gandhi’s “imperious, self-righteous” and inquisitorial governing style, in particular her reliance on “populist waves” to secure electoral majorities and pervasive habit of reconstituting party committees through ad-hoc appointments of the presidents of the leading bodies of the Congress resulted in the erosion of intra-party democracy and accelerated the trend towards political and institutional decline. Under this arbitrary system Congressmen no longer entered the state or national politics by getting elected to local party committees and then moving up through the party ranks by distinguishing themselves in *sarvodaya* (community work) or by building and eliciting the confidence and support of their colleagues, rank and-file members and their constituencies, but by demonstrating their allegiance and deference to the prime minister. Similarly, the process of selecting candidates to stand on party tickets in contests for election to the district and state legislative assemblies and to the *Lok Sabha* became centralized in New Delhi and stage-managed under the directorship of the prime minister and her coterie. In many instances individuals chosen

¹⁸ The Congress was in power at the center from independence in August 1947 to March 1977, from May 1980 to November 1989, and from June 1991 to May 1996. Its share of the vote has declined steadily from around 47.8 percent at its peak in 1957 to 37.6 percent in 1991, barring the unusual “sympathy vote” of 48.1 percent in 1984 after Indira Gandhi’s assassination. As noted earlier, under India’s first-past-the-post electoral system, elections do not yield representation in proportion to votes received, rather a candidate wins by obtaining the greatest plurality of votes, not necessarily the majority of votes. Hence, 40 to 50 percent of the popular vote can produce legislative majorities of 60 to 75 percent in Parliament, plus polls can result in a large majority of seats, especially if political parties divide constituencies among themselves, as they often do, rather than compete with each other directly. For example, in the years of Congress dominance, from 1947 to 1967, when the Congress held more than 70 percent of the seats in parliament, it never received more than 50 percent of the vote in parliamentary, or in aggregate, in state assembly elections.

to run on the Congress party tickets had no grass-roots base and only a *pro forma* affiliation with the party, yet they were selected because they could collect large sums of money (usually by dubious means) for the party and campaign coffers and proved to be Mrs. Gandhi loyalists. In fact, nepotism, corruption and venal personal conduct became such a pervasive part of the political culture that the new breed of Congress politicians engaged in an orgy of self-aggrandizement and manipulation of the political process. From using their offices to enrich family members, thwarting the democratic process by enrolling bogus members in order to produce fictitious majorities, arming gangsters and criminals and colluding with the police to capture polling-booths during elections, protecting businessmen and even known criminals from prosecution for possession of “black money” as well as colluding with them in elaborate kickback schemes. Indeed, the thoroughness of the Congress's degeneration was made vividly manifest with the imposition of a twenty month long authoritarian “emergency regime” in June 1975, and in 1978 when its name was changed to Congress (I) for Indira Gandhi -- sadly epitomizing the transformation of one of the twentieth-century’s great political organization into a family dynasty.¹⁹

The most systematic empirical investigation of how the organizational decline of the Congress party have exacerbated the problems of governability not only at the political center, but also in the provinces and districts is Atul Kohli's (1990) masterful study *Democracy and Discontent: India's Growing Crisis of Governability*. To illustrate the dynamics in the districts, Kohli returned, in the mid-1980s, to five districts (Madurai, Guntur, Kheda, Calcutta and Belguan) first surveyed by Myron Weiner in the early 1960s.²⁰ Whereas, Weiner attributed the existence of “stable and good government” in these districts to the Congress's “integrative” organizational structures, in particular, its ability to regulate conflict and accommodate competing interests within its intricate patronage networks, Kohli some twenty-five years later found the Congress system mired in factional bickering, institutional ineptitude and “virtually defunct” in some districts. According to Kohli the decline of the Congress and the failure of other political parties to generate imaginative and viable alternative organizational and authority structures capable of arbitrating the competing imperatives of an increasingly mobilized and assertive demand groups has created a “vacuum at the core of India's political space” (p. 6) making effective governance difficult. In particular, the decay of formal party structures, namely the mechanisms of dispute settlement and arbitration have made peaceful and democratic resolution of differences “impossible” resulting “in nearly all districts... dissensions internal to the parties quickly [spilling] outside the party boundaries and ... fought to a decision on the streets” (p.188). Also, in the absence of an accepted legal-rational basis for generating “responsive leadership”, efforts (albeit intermittent) to revive the party were not successful with the void been filled by “low quality leaders with demagogic rather than programmatic appeal, the growing significance of toughs and hoodlums as de facto brokers of local power, [and] ineffective and corrupt local governments” (p.385). By juxtaposing local trends with that of the states and the center Kohli lucidly demonstrates how the fragmentation of the state's linkages with society have exacerbated hitherto latent sociocultural and political cleavages and encouraged undisciplined political competition and mercenary behavior as politicians connive with local “bosses” and criminals to engage in all manner of surreptitious activities for self-aggrandizement. Kohli carefully documents how the politicization of law-and-order institu-

¹⁹ Not surprisingly, from 1969 to 1977 the Congress had five presidents, a turnover, no doubt, aimed at preventing institutional consolidation of power by any potential challenger.

²⁰ Weiner (1967) after consultation with Congress leaders selected these districts because they were deemed to represent areas of Congress strength and provided a good cross-section of India's diversity. Weiner's findings were subsequently published in his book.

tions and the resultant decline in the state's reach and ability to project its legal-judicial authority has greatly undermined its capacity to maintain peace and social harmony. In particular, the politicization of the police and the paramilitary by the self-serving political elites and excessive reliance on these organizations to solve all manner of civil law and order problems has served to erode the autonomy, organizational norms and professionalism of these organizations.²¹ The breakdown and abuse of the instrumentalities of law and order has also meant that an important arm of the state cannot be counted upon to insure the security of persons and property or to enforce equal justice. Indeed, in some states such as Bihar where the boundaries between the state of nature and civil society have long blurred random violence, politically motivated acts of murder and terrorism and "unofficial civil wars" have become a way of life.

By the 1980s India's political-institutional structures were already deeply fractured and polarized. The personalization and centralization of power had taken its toll, not only eroding the polity's professional and institutional autonomy, but also reducing the once ubiquitous Congress system and its intricate transactional networks that had underpinned the nation's political consensus into a shell of its former self. In effect, the Congress came to resemble a lame Leviathan, a party omnipresent, but hardly omnipotent, that reacted but could not effectively govern or promote economic development. Under these conditions, Mrs. Gandhi even as she returned to office had to rely even more on populist and plebiscitary appeals and demagogic manipulation to consolidate her political base and to keep the opposition at bay. But, in the absence of structured and dependable institutions operating within accepted rules of political conduct and established legal-judicial procedures, populist waves were too ephemeral and superficial to respond to the demands and needs of a complex and variegated society. Under such conditions politics became even more personalized and erratic with provocative slogans and hard-to-fulfill promises becoming a substitute for performance. Unwilling (and now lacking the political-organizational tools) to engage in meaningful conciliatory dialogue with a growing array of disaffected and restive groups, Mrs. Gandhi in characteristic fashion met challenges (real and perceived) with callous disregard for democratic rules and procedures substituting draconian fiat for a government of laws. Mrs. Gandhi's strident appeals to explicitly pro-Hindu religious or communal themes (which reentered the political vocabulary with a vengeance after a hiatus of some three decades), and her partisan and reckless misuse of governmental and constitutional powers: from exercising discretionary control over financial grants to the states, arbitrarily dissolving state governments and assemblies, toppling popularly elected opposition ministers often on the flimsiest of excuses and replacing them with handpicked sycophants and loyalists (who were often political nonentities) -- had the tragic effect of aggravating factionalism within the party, widening the gulf between the Congress and the wider society and exacerbating communal and secessionist demands.

Nowhere was this more visible than the tragedy that became the Punjab and Kashmir. To the myopic political elites the growing social unrest and violence was more evidence of "anti-national" forces trying to destroy national unity. Quick to equate any form of popular opposition (especially by ethno-religious and regional groups) with disloyalty and treason, they sought harsh authoritarian measures to "protect" the country's integrity from anti-national forces. The deadly, self-perpetuating cycle of violence in the Punjab, Kashmir, Assam and elsewhere became the sad harvest of this *modus vivendi*. It is important to reiterate that minority and

²¹ Justice Anand N. Mulla in one of his celebrated judgments called the police "the single biggest lawless group in the country" (cited in Baxi (1982: 86). The fact that the police openly abetted the armed Hindu mobs in the Bombay carnage last January only further illustrates its degeneration.

regional grievances were accommodated successfully during the Nehru era because the political-institutional environment during that period was open and accessible favoring what one analyst has called “inclusionary strategies” of nation building (Dasgupta 1998). However, Mrs. Gandhi's high-handedness, her favor of administratively manipulated solutions, her need to shore up her political base among the Hindu majority and tendency to view even reasonable and legitimate minority and regional demands and aspirations with suspicion -- as giving in to foreign agents or to fifth columnists within the country -- prevented her government from coming up with prudent and constructive solutions to these complex problems. The sequence of events that culminated into the Punjab tragedy is instructive: starting in the late 1970s Mrs. Gandhi and her son Sanjay began to incessantly meddle in the internal affairs of Punjab politics in an effort to impose their will over the ruling moderate Akali Dal party. They harnessed the support of the arch “Indira loyalist” Giani Zail Singh who brought the militant Sikh fundamentalist preacher Bhindrawale into the forefront of Punjab politics in order to weaken the Akali Dal's leadership by dividing Punjab politics along religious lines. However, this game of political brinkmanship in the deadly byzantine world of Punjab politics set off instead the well-known series of tragic events culminating in the assault on the Golden Temple, the rise in support for the separatist movement for Khalistan, the assassination of Mrs. Gandhi and the intensification of violence against the Sikhs that quickly spread throughout the country. Similarly, it was Mrs. Gandhi's many foibles, most notably her exclusionary self-serving tactics aimed at enhancing personal power as well as over-reliance on coercive and draconian means to solve delicate political problems that paved the way for the rise of murderous agitations in Assam and Mizoram. Paul Brass (1988: 212), bluntly states, “the relentless centralization and ruthless, unprincipled intervention by the center in state politics have been the primary causes of the troubles in the Punjab and elsewhere in India since Mrs. Gandhi's rise to power.” In a sense then, dispossessed of its ideological and moral suasion the Indian state and its interlocutors once seen by society as the mediators of conflict soon became the source of conflict.

When Rajiv Gandhi assumed office of prime minister in 1984 the political legacy he inherited was so compromised that the entire process of intra-party democracy at the local, district and state levels, including the All India Congress Committee and the Congress Working Committee (two of the party's highest organs) had ceased to function effectively or have any voice independent from that of the prime minister. Yet, as scion of the Nehru family combined with the sympathy for his tragic loss, Rajiv Gandhi received 48 percent of the popular vote and 77 percent or 415 of the 545 seats in the *Lok Sabha*. However, his five year term (1984-89), characterized by numerous political blunders (largely the result of his over dependence on a small coterie of bungling urbanite “back-room boys”), the Bofors scandal,²² his widely perceived pro-rich and pro-urban economic liberalization policies (his preference for Gucci loafers and Porsche sunglasses did not help), and his failure to redeem one of his election pledges: to clean up the Congress party and “return it to the people” saw him squander away the initial advantages he enjoyed as the legitimate inheritor and rejuvenator of the Congress party.

India's ninth general elections (held in 1989), saw the Congress(I) spin into a precipitous political free-fall, dropping from 415 to 197 seats. However, the new minority National Front government, a coalition of several disparate parties led by V.P. Singh, a former Congressmen

²² In 1987, Rajiv Gandhi's government was rocked by charges that the Swedish arms manufacturer, AB Bofors had paid an illegal commission to win an artillery contract. The government's stonewalling on a full-scale inquiry, and press exposes of illegal transactions involving the prime minister's closest friends, including evidence that came perilously close to directly implicating the prime minister himself contributed to the government's defeat in 1989.

(who along with other prominent dissidents was expelled by Rajiv Gandhi), was overwhelmed by factionalism within its constituent units and irreconcilable policy differences with its coalition partner, the BJP, collapsed after a little over two years. Rajiv Gandhi's assassination by Tamil separatists during the 1991 election campaign decidedly helped to tilt the electoral balance in favor of the Congress party, now under the leadership of the veteran P. V. Narashima Rao. While to its credit the minority Rao government (sustained by its alliances with an array of regional parties), served its mandate (1991-96) and introduced a long overdue economic liberalization program, the hopes that the 70 year old Rao might try to revive the earlier Nehruvian rules and reverse the party's organizational decline were soon dispelled. Beset by scandal after scandal, the Rao administration soon fell into disrepute. It also became apparent that competing factions within the Congress party continued to have both a vested interest and great devotion in the continuation of dynastic rule. The "courting" of the Italian-born widow Sonia Gandhi, by various factions and the party *illuminati* showed a paralyzed Congress party. Indeed, the simultaneous devotion of the Congress factions to democratic secular principles and dynastic monarchy is one of the great puzzles of contemporary Indian politics.

5. INDIA'S DEMOCRATIC PARADOX

The 1996 (or eleventh) general elections marked a talismanic moment (to use a Nehruvian phrase) for Indian politics. H. D. Deve Gowda, a self proclaimed "*humble-kisans* (peasants) son" from the southern state of Karnataka became the first Indian prime minister who could speak neither Hindi nor English. While Deve Gowda's United Front government (a loose agglomeration of leftist, regional and caste based political parties regrouping around the center-left Janata Dal), governed India for only 18 months, the poignancy of the moment was hard to miss.²³ It seemed that at last power had slipped from the hands of the upper-caste westernized elites to India's popular subaltern majorities. However, the complex processes that brought Deve Gowda and his ilk to the pinnacle of power was not new.

Specifically, while the political elite which assumed power at Independence were drawn almost exclusively from the upper castes, several factors mitigated against the perpetuation of political power by the. First, and most importantly, they lacked the numbers: despite regional variations, at the All-India level, upper castes made up only 15-20% of the population. Second, as early as the 1920s, under Mahatma Gandhi's leadership, the leading nationalist party, the Congress had become a "catch-all" party with support from all caste and socioeconomic groupings. By the late 1930s, although the Congress elite remained predominantly upper-caste, many of the presidents of the state, district and *taluka* Congress committees were increasingly drawn from the middle and lower castes. Third, intra-party factionalism and rivalries among potential leaders forced them to create "vote-banks" among particular castes. Indeed, the Congress was not the only party that sought to mobilize along caste lines. In North India, the Praja Socialist Party, following the lead of its leader, Ram Manohar Lohia set out to mobilize the backward castes, while Charan Singh, a Jat and former Congressman was able to successfully mobilize large numbers of the middle peasant castes into his new formed political party, the Bharatiya Kranti Dal. While these processes were slow and hardly uniform throughout India, these dynamics, nevertheless, served to bring the

²³ The United Front produced two prime ministers in its less than two years of power -- both from the Janata Dal -- a party which has since dissolved and regrouped under the Janata Dal (United).

previously excluded social groups into the political process.

The universal franchise instituted in 1951 had one very powerful effect: it empowered the subaltern masses as it made their numbers count. After half a century of practice, democracy has acquired a mass base in India -- as Indians from all walks of life have come to understand the power and utility of democracy. The “deepening of democracy” reflected in the spread of democratic ideas, competitive politics and universal suffrage has helped spur unprecedented political activism among formerly acquiescent groups and has served as an effective vehicle for the political empowerment of the country’s hitherto excluded and subordinate groups. In fact, over the past two decades, a broad yet expedient alliance of the lower castes and classes collectively referred to as the “Other Backward Castes”²⁴ (estimated to constitute between 40 to 45 percent of the populace), the “Scheduled Castes” or *dalits* (between 20 to 25 percent²⁵), Muslims (12 to 15 percent) and other non-elite groups and communities mired in generations of neglect and oppression have gate-crashed their way into the political arena translating their numerical preponderance into political power. Today their representatives, usually quintessential personalist leaders well versed in the vernacular and the rustic idioms, mores and manners of their constituents occupy influential positions, including some of the highest offices in the land. Their political organizations and parties -- such as the Bahujan Samaj Party, the Samajwadi Party, the Rashtriya Janata Dal in the northern “Hindi belt” and the DMK (Dravida Munnetra Kazagham) and the AIADMK (All-India Anna DMK) in the southern state of Tamil Nadu are formidable political machines -- forming governments, or determining the nature and fate of governments. As the old certitudes of the Hindu order -- where the low caste “inferiors” were expected to show ritualized deference to their propertied upper-caste “superiors” have crumbled into dust, so has the days of top-down mobilization by the upper-castes and classes of the passive low caste subaltern vote banks. This sharp erosion of upper-caste/class political dominance is nothing short of a quiet revolution.²⁶ Given this, it is instructive to keep in mind that the deinstitutionalization of the Congress have deeper causes than simply the centralization of power under Mrs. Gandhi. Rather, it is this fundamental readjustments in the relations between the state and society that eroded the aggregative capabilities of the Congress. Mrs. Gandhi's political response was as much a symptom as the cause of the progressive breakdown in the consensual Congress system -- which, after all worked well so long as the level of politicization was low, the distribution of patronage narrowly directed and upper-caste power-brokers “above politics” available to settle factional disputes.

However, why has this transformation of the political system into a truly representative form of majority rule not resulted in stable and effective governance? Moreover, why has the extension of popular sovereignty not translated into an effective challenge to the structural foundations of

²⁴ The term “backward castes” (also referred to in the 1950 constitution as “Other Backward Classes”) is used to refer to an inchoate range of *sudra* sub-castes of intermediate ritual status in the Hindu caste hierarchy between the elite upper or “Forward Castes” and lower Scheduled Castes (SC) (consisting of the erstwhile “harijans” or “untouchables” or *dalits*) and the Scheduled Tribes (ST). The Indian constitution recognizes the “backwards” and the SC/ST's as “disadvantaged lower castes” or “weaker sections” and has allowed remedial solutions such as reserving for these groups legislative seats, government posts and places in educational institutions. Yet, it is important to note that the low castes are not a monolithic group. Divided into literally thousands of *jatis* or (sub-castes), they like the upper-castes are governed by strict rules of endogamy and other rituals taboos.

²⁵ The *dalits*, or the former “untouchables” in the Hindu caste-order are referred in Indian officialese as the “Scheduled Caste.” They represent the most exploited and the poorest sectors in society.

²⁶ For a detailed analysis across regions of the emergence of the Other Backward Castes as a political coalition, see Frankel and Rao (1989; 1990).

socio-economic and political domination in India? A distinguished body of scholarship building on Alexis de Tocqueville's classic, *Democracy in America* have long championed the idea that a flourishing civil society is the foundation of a healthy democracy. In Tocqueville's view, hierarchically ordered institutions (from churches to private associations) served American democracy by strengthening the society's capacity to check the dictatorial powers of the state, and by producing "large schools" for the development of democratic values such as trust, tolerance and the art of political compromise. Following this reasoning it is argued that the sustained exercise of popular sovereignty and empowerment of the masses under democratic auspices would "liberate" them from their debilitating parochial identities and interests and facilitate the development of greater social cohesion and common civil consciousness and solidarity. Furthermore, organized "power from below" would enable civil society to more effectively collaborate for mutual benefit (and overcome collective action problems), and compel regimes (especially democratic ones) to more expeditiously advance the interests of the larger society by promoting balanced self-reliant and sustainable development models -- variously labeled "human-centered development", "participatory development" and "basic-needs development."

Yet, as noted earlier, India's mobilized and empowered civil society -- the ultimate agency and guarantor (in the Tocquevillean sense) of public accountability and civil probity -- have on the whole failed to perform its anticipated progressive mission. What explains this anachronism? Part of the problem stems from the fact that Indian society -- what Mohandas Gandhi once called that layer upon layer of inbuilt resentment, inequality and oppression -- is sorely lacking in what neo-Tocquevilleans like Robert Putnam (1993), in another context has termed "social capital." In other words, although India is blessed with a robust civil society and a rich and vigorous associational life, the patterns of associationism usually correlate to the narrow caste, ethnic, regional and religious-communal chauvinism, including patriarchy, class domination and other tyrannies which are deeply embedded in civil society. As a result, such potentially divisive tendencies towards particularism and localism tend to define India's associational life. These cleavages have prevented the development of the ancillary networks of civic reciprocity and engagement, or what Putnam calls "civic community" or "civicness" necessary for the articulation and aggregation of interests, effective collaboration and good governance. Not surprisingly, despite India's resilient democratic institutions and relatively long experience with constitutionalism, political participation (especially voting) still continues to be a largely collective behavior rather than the exercise of individual choice as envisioned by liberal theory. Thus, to the neo-Tocquevilleans, the shallowness of social capital has prevented the representatives of the state and civil society to create forums in and through which they can identify and agree to common goals.²⁷

However, neo-Tocquevilleans only provide part of the answer. It was Samuel Huntington (1968) who long ago recognized that societies with highly active and mobilized publics and low levels of political institutionalization often degenerate into instability, disorder and violence.²⁸ In India, the high levels of political mobilization in the absence of a strong and responsive state and political parties have served to fragment rather than unite society. Instead of responding to the demands of an increasingly mobilized population, the country's weak and overburdened political institutions have reinforced, if not, exacerbated socioeconomic and political cleavages. Given this

²⁷ Social capital refers to the institutions, relationships and norms that shape and determine a society's social interactions.

²⁸ As Huntington (1968: 82-3) succinctly notes, a well-ordered civic polity requires "a recognizable and stable pattern of institutional authority... political institutions [must be] sufficiently strong to provide the basis of a legitimate political order and working political community."

unpropitious social reality, the efforts of a plethora of voluntary associations and non-governmental organizations (NGOs) to build durable and inclusive representative institutions to enable those sharing common interests to unite politically to pursue collective interests have not been very successful. The record is unequivocal: the resilience and manipulation of the pernicious sensibilities based on idiosyncratic and parochial conceptions of class, caste, kin, community, region and religion, combined with weak political institutions, have worked in tandem to undermine the ability of the state and civil society to act as constituent parts of a common civic realm or public sphere.

Hence, India's democratic renaissance has a dark side. While the new political awakening has provided unprecedented opportunities to a diverse society once tightly regulated and governed by westernized political elites and by the strict rules and taboos of Brahminic Hinduism to explore its multifaceted and checkered histories, the problem is that society seems to have become prisoners of their own discursive frameworks and narrative accounts. The nostalgia for the "politics of identity" has spawned controversial and acerbic "inventions of traditions" and of "imagined communities" that have reawakened and incited parochial emotions and pitched "communities" against each other, especially in the Hindi speaking northern and central states. Mirroring this jaundiced social reality, political party competition has become increasingly along caste, religious-communal and ethno-regional lines, with such loyalties the most significant determinant of electoral outcomes.²⁹ Not surprisingly, political parties of all stripes today place partisan interests above the public good, often pathetically outbidding each other (through promises of costly state entitlements and other guarantees), to consolidate their base and garner new support.

The trend is unambiguous: the response of the upper-castes (who constitute between 20 to 25 percent of the population), including sections of the traditionally stoic business and commercial elites has been to gravitate towards the one time obscure pro-Hindu nationalist Bharatiya Janata Party (BJP), whose commitment to "good governance" and "traditional values", not to mention the goal to transform India into a ascetic and disciplined Hindu nation state has struck a particular chord with the besieged upper-castes and the propertied classes, especially in the Hindi speaking heartland.³⁰ The Samajwadi Party, confined mainly to Uttar Pradesh, is avowedly a party of the state's "backward castes" while the Bahujan Samaj Party represents the interests of the *dalits*. On the other hand, while the secular or "modernist" Indians who fear the BJP's capricious *Hindutva* or militant Hindu nationalism continue to cling to the incorrigibly "top-down" Congress party, its traditional Muslims and "backward caste" and *dalit* "vote banks" have long shifted their allegiance away from this widely perceived decrepit and corrupt party -- whose secular

²⁹ The Hindi satirist Harishankar Parsai captured this reality in a telling literary piece. He claimed that he had convinced Lord Krishna to contest a seat in the state assembly. He writes, "We talked to some people active in politics. They said, "Of course. Why shouldn't you? If you won't run in the election, who will? After all, you are a Yadav [a dominant OBC], aren't you? Krishna said, "I am God, I don't have a caste." They said, "Look sir, being God won't do you any good around these parts. No one will vote for you. How do you expect to win if you don't maintain your caste?"

³⁰ While the upper-caste Hindus were gradually eased out of political power in the major southern states in the 1960s and 1970s, this process did not take place in the Hindi speaking heartland until the 1980s. Squeezed by the assertiveness of the lower castes, the upper-castes, traditionally supporters of the Congress have flocked to the BJP because it is widely perceived as the true protector of their interests. The BJP also provides therapeutic support to the besieged upper-castes. It is important to note that the BJP is part of a larger "Hindu family." The parent organization, the RSS (Rashtriya Swayamsevak Sangh), founded in 1925, stands for the consolidation of all Hindus into a united community. The BJP, its political arm, main goal is to unite Hindus politically to achieve national power and to transform India into a Hindu nation-state. The VHP (Vishwa Hindu Parishad) is involved in mass-mobilization activities, while the Bajrang Dal serves as the armed wing -- often using violence and intimidation against opponents.

credentials have become badly tainted by its short-term political expediency and ingenious reliance on the “communal card” to garner electoral support. The heterogenous, vertically segmented low castes and classes, unified largely in their desire to settle scores with their former upper-caste “masters”, suffer from many internal contradictions of particularism and localism that have made common cause extraordinarily difficult. Backward caste and *dalit* politics exhibits what Lloyd and Suzanne Rudolph (1987) have termed “involved pluralism.” That is, deeply fragmented and factionalized from within it faces serious collective-action problems. Indeed, in their strident campaigns against the *manuvadis* or upper-caste pieties and exploitation, the low caste political nomenclature rarely invoke universal principles of rights and justice. Instead of demanding that the state accord universal rights, protections and provisions to all its citizens, especially the “weaker sections,” they often insist that their particular communities and groups are most deserving of state entitlements, be it “caste reservations” or other special benefits. As a result the various constituents of the erstwhile lower-castes, in any given time are engaged in making a multiplicity of claims and in the perverse game of pursuing and jealously guarding their own prerogatives and narrow sectarian and clientelist interests. Such cavalier pursuit of parochial interests have further weakened the already fragile social and political institutions that can mediate and assist in the reconciliation of particularistic demands. Not surprisingly, such an environment has produced a motley array of mediocre quasi-autonomous and self-serving regional chieftains, machine politicians, political fixers (including criminal gangs of *goondas* and *dacoits*), local power-brokers and political freelancers. These leaders typically pose as the embodiment or savior of their “communities”, promising to sweep away the detritus of the past and usher in a new order. Yet unchecked by institutional constraints enjoy broad discretionary powers. Suffice it to note, that these political operators are often all too ready to circumvent the institutional-legal procedures, and if need be, maliciously engage in political demagoguery to inflame their communities and clients sectarian and factional sentiments. While, it is important to reiterate that social pluralism is not necessarily antithetical to the formation of an inclusive political community and a generalized public sphere, in contemporary India weak political institutions and chauvinistic politics has engendered societal fragmentation and alienation rather than integration.

Ironically, from the start, the Indian state became an unwitting accomplice in creating and reinforcing particularistic caste-based identities at the expense of common or “national” citizenship. In its effort to correct the systematic injustices and deprivations suffered by the low castes and other underprivileged communities, the Constitution abolished “untouchability” and outlawed discrimination on the basis of caste and religion. The first amendment of the constitution (which became law in 1951), also introduced a wide array compensatory discrimination programs (India’s version of affirmative action) by “reserving” 22.5 percent of all central government employment for individuals belonging to Scheduled Castes and Tribes.³¹ Similar reservations was made for admissions in educational institutions, including provisions for privileged access to public entitlements. Over time these reservations have been extended to the OBCs. In 1980 Report of the Backward Classes Commission (also know as the Mandal Commission), chaired by B.P. Mandal, a former chief minister of Bihar and himself a member of a backward caste recommended a even wider ranging “compensatory discrimination” program for 52 percent of the population, including Muslims, classified as “backward.” Its recommendations included that 27 percent of all posts under the central and state governments, and 27 percent of all spaces in government universities and affiliated colleges should be reserved for the 3,743 castes

³¹ Comparable reservations for the SC/ST was also made by state governments.

and sub-castes identified as “Backward.” For over a decade this report lay shelved. In 1990 the new OBC dominated Janata Dal coalition government under then Prime Minister V. P. Singh announced his administration’s intention to implement the Commission’s recommendations.³² The decision aroused strong passions, convulsed Indian society (including self-immolations by higher caste students), fueled internecine “caste wars” and was instrumental in causing the government’s downfall. While implementation was stayed by the Supreme Court pending a ruling on the constitutionality of the measure, no political party has publicly opposed “reservations” since none wants to alienate itself from the large “Backward caste” base. In 1991, the newly elected Congress Party under Prime Minister P. V. Narasimha Rao sought to mollify opposition to the reservations issue by adding a 10 percent reservation for the poor of the higher castes. In November 1992, the Supreme Court upheld the reservation for OBCs, with the vague provision that it be “need-based”, but struck down the additional 10 percent as constitutionally impermissible. Such public policies and decisions have only served to sharpen caste enmities. In fact, in what has become a classic case of how noble intentions can turn sour -- as the contest around over these prized state entitlements and patronage intensified, a host of political entrepreneurs have emerged not to share the benefits amongst the disadvantaged brethren, but to explicitly corner as much of the largesse and special privileges only for themselves and their narrow circle of cronies. The late 1980s onwards has ushered in an era of renewed religious and communal discord and inter-caste fratricide -- as the juridically defined “Forward” or elite classes and castes, the Scheduled castes, the “Backward,” the “Other Backward,” the “More Backward” castes and classes, including the competing religious and regional-focused demand groups fiercely contested and sometimes violently fought over every scrap of the state’s largesse and perks. Indian society and polity, it seemed had been irreversibly realigned in ways as to strengthen caste, communal and ethno-regional identities.

To summarize: even as India’s national parliament and some two dozen state assemblies have become more pluralistic and representative of the diversity and numerous cleavages in society, it has also raised enormous challenges for India’s political and economic development. The devolution of power and resources to the states, districts and “local communities”, however salutary, do not ensure efficacious democratic governance and programmatic national development. The current wave of devolution or decentralization taking place amidst institutional fragmentation and politics based on shifting alliances, splits, mergers and unstable and precarious political coalitions (even as it corrects the excessive centralization at the center over the last two decades), does not portend well for efficacious governance and national development -- especially reformist and distributive development. Specifically, contrary to the facile equations of decentralization with participatory governance, the decentralization and devolution of power from the national to the provincial and local levels have hardly brought the government any closer to the people, or improved the quality of government and governance. No doubt, while the fragmentation and devolution of power away from New Delhi has empowered a myriad of constituencies to frustrate and constrain the state’s arbitrary prerogatives by simultaneously pursuing what Hirschman (1970) has termed “exit, voice and loyalty,” it has also provided greater rent-seeking opportunities to the established and emergent sovereignties, as well as enabled them to devise a repertoire of stratagems to modify and delay, if not surreptitiously jettison the state’s “unfavorable” reformist and distributive measures. More than ever before crucial decisions regarding the allocation of resources, at all levels of the polity are heavily influenced by political

³² While Singh declared that the implementation of the reservations were to correct social injustices, his political opponents saw it as a cynical move to shore up his support among the backward castes.

considerations, rather than on sound technical and developmental criteria. With considerable fanfare, politicians of all hues make regular visits to “their” constituencies to inaugurate projects as well as receive petitions for new ones. Ruling parties routinely, and often with reckless candor, distribute governmental resources and perks to reward supporters, supplicants and create new bases of support, while running roughshod over the opposition, including withholding resources from opposition supporters and perceived and real “hostile” groups and communities. Such a system has accentuated deep-seated communal and caste allegiances and antagonisms, and produced widespread graft and corruption, with little resources left over for meaningful human development. Given the prevailing patterns of state-society relations, how can India resolve its pervasive developmental dilemma. While observers are engaged in animated debate, there is little scholarly agreement on what constitutes a feasible “political-economy of development.” If anything, this study has suggested that the resuscitation of public institutions and the renegotiation of state-society relations -- in essence building a democratic developmental state is an imperative for India.

6. THE RESILIENCE OF INDIAN DEMOCRACY?

A narrow conception of democracy sees it as a set political institutions and procedures, usually reduced to the “procedural minimum” required to ensure associational rights, universal adult suffrage and open competition for electoral office. India’s democracy is more elastic and dynamic phenomenon -- where the logic of deepening democracy has meant an intensifying popular sovereignty in the political sphere. Moreover, democracy provides the mechanism for managing pluralism and regulating conflict by establishing formal guidelines and boundaries for political competition. Indeed, competing projects are made compatible through procedural mechanisms which ensure that losers will not be deprived of their basic rights or their capacity to challenge winners in the future. Hence, the centrifugal tendency towards intense competition, conflict, and even fragmentation within existing coalitions and organizations is matched by a centripetal tendency toward cooperation, coordination and compromise. Indeed, for all its limitations, India remains the world’s largest constitutional democracy, with a functioning parliament, a political regime of laws and institutions, civilian control of the military, a free press, numerous political parties and free elections for which millions of voters turn out to vote. Moreover, democracy has provided the glue that holds together the ployglot nation with a population of some one billion and twenty major languages. No doubt, while a palpable sense of concern exists regarding the future of good governance in India, there is nevertheless a silver lining. Some developments, if not emerging undercurrents, augurs well for India’s democracy and democratic governance.

First, despite the fact that voting still takes place along parochial lines and caste and communal loyalties still the most significant determinant of electoral outcomes, the proliferation of political parties has also given the Indian voter a wide menu of choices. This has enabled the largely illiterate Indian electorate, on critical occasions, to demonstrate an uncanny wisdom and sophistication. Since 1947, only a quarter of incumbents have been returned to power. In elections since 1987 for state-level governments, less than 15 percent of incumbent administrations have been returned to power. Moreover, the Indian electorate is increasingly splitting its vote among different parties in elections for both state assemblies and the national parliament -- as if to show their preference for hung parliaments. If the emerging trends holds, the message is clear: the volatile voter with a strong preference against incumbents has a low threshold for ineffective or

bad governments, and that no party can take its rule for granted. This also means that ideologically polarized parties must shed their extremism, or modify their platforms if they are ever to be successful. Bluntly stated, electoral success is now contingent on a party's ability to reach out to individuals in diverse social settings while articulating a political agenda with generalized rather than sectoral appeal. It also underscores the fact that fears about the Hindu nationalist BJP may be exaggerated. As noted earlier, while not to downplay the serious ideological and programmatic differences within the BJP -- between moderates like Atal Behari Vajpayee and the orthodox Rashtriya Swayamsevak Sangh, the BJP's parent organization, the BJP has assiduously softened its Hindu chauvinism and moved increasingly to occupy the "political centrism" -- the traditional mainstream of Indian politics.

Second, while Indians often bemoan the recurring governmental instability associated with coalition governments, it is important to recognize that India's mind-boggling diversity can be effectively reflected in a broad-based coalition government. Indeed, it is the very deepening of democracy that has made the national parliament and state assemblies more representative of civil society. While building durable and stable political coalitions remains an imperative, contrary to the conventional view, the various coalition governments have not necessarily worsened governability. Rather by facilitating a measure of the much-needed decentralization or devolution of power away from New Delhi to the states, the various coalitional configurations have restored some vitality to regional grass-roots democratic institutions. Moreover, under today's coalition governments, politics remains highly pluralistic. Since, the Prime Minister and cabinet are chosen by multiple political actors, their power is also constrained by multiple constituencies.

Third, the essence of democracy is that on one is above the rule of law. As noted earlier, while, like the many other of India's institutions, the Supreme Court lost much of its autonomy, not to mention its prestige (as it failed to uphold even the right of *habeas corpus* during the later part of Mrs. Gandhi's rule), in recent years India's judiciary, including the Supreme Court and the high courts in a number of states have reasserted their authority. This can be attributed in large part to the changes in electoral behavior. Specifically, the fragmentation of the party system since the late 1980s has weakened the executive branch by preventing governments from controlling the two-thirds parliamentary majority necessary to amend the constitution -- a weapon that was frequently resorted to in the days of Congress dominance to overturn unfavorable Supreme Court decisions. Today, the complexity and fragility of the coalition governments, their rapid turnover, and their dependence on region and state-based parties have sapped the executive capacity of governments. As ministerial executives and legislatures have receded, it has encouraged national institutions such as the Supreme Court, the Election Commission and the Presidency to assert their constitutional roles and to be more assertive in their relations with the government. In early 1990, the Supreme Court moved to assert the independence of the Central Bureau of Investigation (CBI), the Indian government's principal investigative agency. It overturned the government directive that had barred the CBI from investigating a department or its minister without prior consultation and with the concurrence of the secretary-to-government of the ministry concerned. The Supreme Court, in placing the CBI's investigations under its own supervision greatly enhanced the agency's independence from the government of the day. In 1993, the Supreme Court usurped the government's control over the appointment and transfer of Supreme and High Court justices by requesting the President to follow the counsel of a panel of the five senior most Supreme Court justices instead of that of the Prime Minister. The courts have sought to weed out corruption at all levels of the polity -- pursuing with some vigor civil and criminal cases involving several former ministers in the union government and in the states, including

former prime minister P. V. Narashima Rao and the former chief minister of Bihar, Laloo Prasad Yadav. In fact, since the early 1990s, an unprecedented number of national and state ministers have been indicted for taking bribes.

The fragmentation of the party system have also enhanced the powers of India's President. As a constitutional head of the state, the President must stand apart from and above the partisan and bureaucratic politics. Since the early 1990s, Presidents have acted in ways that stress the autonomy of their office. Not only have the rise of 'hung' parliaments since 1989 given Presidents much discretion in the formation of governments (albeit, President's normally ask the party with most seats in the *Lok Sabha* to form the government), in sharp contrast to President Fakhruddin Ali Ahmed who quietly acquiesced to Prime Minister Indira Gandhi's "request" and signed the proclamation of national emergency under Article 352 of the constitution in 1975, the president's today openly challenge perceived "unconstitutional" ruling by the governments. Most importantly, President's have ably resisted political pressure to invoke Article 356, the "president's rule" clause as part of a plan to unseat a state government for partisan advantage. For example, in 1997, President K. R. Narayanan rejected the United Front government led by Prime Minister, Inder K. Gujral proposal to dismiss the BJP government in Uttar Pradesh. Also, on 27 January 2000, President Narayanan, in an unprecedented address to the nation questioned the efforts of the BJP-led government at the center to change the constitution by replacing an executive responsible to parliament with a directly elected president and protecting parliament against dissolution by fixing its term.

Similarly, India's once compliant Election Commission has undertaken an energetic and unprecedented campaign to make political parties and their leaders accountable. The Election Commission as an autonomous central agency is constitutionally responsible for federal and state elections, while the chief election commissioner's fixed term make it theoretically independent of the political executive. The appointment of a former senior civil servant, T. N. Seshan as the chief election commissioner in 1991 greatly rejuvenated the body. Under Seshan's leadership, the Commission imposed a strict code of conduct on all political parties. Besides demanding that political parties must file returns of their expenditure both as parties and as individual candidates, or face disqualification, the Commission also clamped down on the egregious use of money to influence voters. In the process many of the country's seemingly invincible rulers have been humbled. In order to limit election violence and vote fraud, the Election Commission has judiciously used its authority by sending observers equipped with video cameras, and if necessary deployed security forces to polling stations. Indeed, the renewal of constitutionally mandated bodies such as the Supreme Court, the Presidency and the Election Commission bodes well for the future of Indian democracy.

Fourth, shortly after the *Lok Sabha* was dissolved, the army discovered the presence of "intruders" from Pakistan well beyond the "Line of Control" in Kashmir, along the road connecting Srinagar and Leh, near the town of Kargil. It took the army two months of hard fighting to expel the intruders. During this period of "state of war" the caretaker government was hardly paralyzed. Rather, it performed its duties remarkably well reminding all citizens that it is their patriotic duty to defend the nation's territorial integrity. With the opposition pledging their support for the military action, political maneuvering quickly receded into the background. Finally, while it belies conventional logic, it seems that India's political instability has little effect on the country's overall macroeconomic performance. Indeed, India's economic performance in recent years has been remarkable. After slowing down in 1997/98 (in response to a weak harvest and the effects of the Asian financial crisis), GDP growth averaged 6.25 percent in the subsequent

two years -- among the highest in the world. Moreover, the balance of payments has remained comfortable despite the regional slowdown, turmoil in international capital markets, international sanctions and the sharp increase in oil prices.

While in many countries the issues revolve around democratic transition and consolidation, in India, the dominant issue on the political agenda is no longer whether democracy can survive but whether it can become a meaningful way for diverse sectors of the populace to exercise collective control over the public decisions that affect their lives. Indeed, there is growing recognition that although democracy cannot guarantee the complete fulfillment of its socioeconomic and political objectives, it is nevertheless, seen as a precondition for their pursuit and thus as an intrinsic value in its own right.

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