UNIT 37 THE ESTABLISHMENT OF DEMOCRATIC POLITY IN INDIA

Structure

37.0   OBJECTIVES

After reading this Unit you will learn about:

- the evolution of the concept of democracy,
- the evolution of democratic ideas and institutions in India,
- the limits within which these ideas and institutions function.

37.1   INTRODUCTION

Democracy is the watchword of the developing nations today. All shades of political opinions equally proclaim their adherence to it. However, in practice, it might mean quite different things to different classes, groups and parties. Thus, there is no one agreed definition of democracy. In India too the ideas and institutions of democracy grew up in the context of different perceptions of different classes, groups and parties. The context of anti-colonial struggle and the post-independence developments gave these perceptions a definite direction.

37.2   THE CONCEPT OF DEMOCRACY: A HISTORY

As a concept, the word democracy originated probably in the fifth century B.C. to describe the system of government found among few of the Greek City States. The translation of Greek word provides us with a basic definition of democracy as 'rule by' or 'of the people'.

In the modern context, these views were first revived and articulated in the early modern Europe as a critique of precapitalist ideology and rule. Seventeenth and eighteenth century Europe witnessed the emergence of capitalism and the erosion of the existing feudal order. It was during this period that revived democratic ideas acquired their conceptual apparatus and practical social meaning in the principles of liberalism.

37.2.1 The Early Liberals

The early liberals, like the Levellers, John Locke and later Rousseau, Mill and others, rejected the hitherto dominant view that society constituted natural hierarchy. They rejected the paternalistic theory of authority and government based on the principle of the divine right of kings. These liberals located the ultimate source of authority in the consent of the people. The right to life, liberty and property were considered fundamental for human development. But they did not provide any blue-print for a society in which these rights could be enjoyed by each individual. The right to equality was to be only an abstract principle, and remains so to date, as a kind of formal equality before law. Most liberals, with the exception of Rousseau, upheld that the right to estate and property was of overwhelming concern for the growth of the individual personality and social prosperity. Whereas in Locke's and Mill's philosophy, consent based authority could be interpreted as the essence of bourgeois democracy. In Rousseau's thought it implied the Utopian notion of popular sovereignty and direct democracy under a small state system.

37.2.2 Limits of Liberal Democracy

Liberal democracy in practice has had its limitations. It does not provide us with a democratic model where all people can exercise equally the right to vote. One of the staunch protagonists of liberal democracy J.S. Mill, for example, advocated the system of plural voting for less numerous richer classes. This was intended to maintain a proper numerical balance in favour of the ruling capitalist class as opposed to the strength of the working people. It was only with the introduction of universal adult suffrage in this century that the ideas of democracy acquired a representative character. With this development, democracy indeed became a house-hold word to be defined (or actualized)in terms of the system of voting. Thus democracy is essentially identified today with a system of government installed in power through free and fair elections.

The Nature of Democratic Representation

Now the question arises, as to how representative these representative (or democratic) governments and their electoral systems are? Has the universal voting right made the governments they vote for more democratic? In this context, when we study the functioning of various political institutions of representative democracy, (i.e.- parliamentary or Presidential forms of government, the unitary or federal structures of political power and the pattern of franchise or voting), we find that their actual operation in modern politics is predominantly determined by the nature of the prevalent party-system. The growth of the political parties in the last two hundred years or so has been the most significant political development in the polities of modern democracies. It is only through the competition between the political parties for political power by the mechanism of electoral system that democracy is supposedly realized.

Political Parties and Democracy

Invariably, the ruling parties in modern democracies are based on the principle of leadership, centralization, discipline, and patronage-based power. This inevitably breeds bureaucratization of these parties, and thereby the elitist pattern of decision making. Thus, Joseph Schumpeter defines democracy as "that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of competitive struggle for people's vote." The struggle for the people's vote takes place not according to the will or interests of any ordinary sovereign voter, rather the ruling parties in liberal democracies represent the will of the dominant classes. Whenever, any party ceases to function in this way, it is projected as a threat to social order and peace.

The political parties do not exist in a vacuum. They are not created just for the sake of their own leaders and the rank and file. They essentially survive with the support of the social force of certain classes, whose interests they protect and further. In all class-divided societies this class-bias is evident in their policies and programmes. It is by studying the ideology, policy, programme and the character of the dominant political parties, which alternately or regularly came to power that the actual nature of democracy or its representativeness can be understood. Such analysis also testifies that ruling class parties usually win elections by working out highly populist strategies for the mass manipulation of the voters.

Participatory Democracy?

In the foregoing context of elitist, bureaucratic and populist distortion of democracy, some authors have suggested the alternative of 'participatory democracy' as a way out.

According to them, the real essence of democracy can be captured only if there exists an institutional arrangement of decision-making, based upon various levels of people's participation. Such political framework of democracy is possible, only if the people realize that they are equally enjoying the fruit of socio-economic development. In other words the actual democracy can exist only under a participatory socialist polity, where people become their own political master or genuine sovereign voters.

Check Your Progress 1

1) Liberal democracy's theorists (Locke, Rousseau etc.) said that:

   i) society was divided into various classes and groups because one group or class was biologically more fit than the others.

   ii) authority to rule came from the consent of the people.

   iii) authority to rule was given by God

   iv) none of these

2) Politics in majority of the modern day democratic states

   i) is determined by the nature of the prevalent party-system

   ii) is determined by 'participatory democracy'

   iii) is determined by divine right of the king

   iv) None of the above

37.3 THE EVOLUTION OF DEMOCRATIC IDEAS AND INSTITUTIONS IN INDIA

Democratic ideas and institutions grew up in the context of the impact of British rule, the national movement and the development of post independence polity.

37.3.1 The Impact of the British Rule

In the evolution of the modern democratic ideas and institutions in India, the experience of British Colonial rule and of the anti-colonial freedom struggle was decisive. It was only when the pre-Colonial Indian Society was put into the melting pot of colonial rule that the ideas of democracy and nationalism started to take shape, in the beginning of nineteenth century. Colonial exploitation required a new economic and administrative infrastructure, which in turn set new social forces of production into motion. Out of these came a new social mobility, which allowed the growth of reformist, nationalist, liberal and democratic ideas.

Indian Renaissance and Democracy

The demand for the introduction of democratic and representative institutions in India dates back to the days of Raja Ram Mohan Roy and Indian Renaissance. However renaissance in India marked only a half-hearted advance towards a liberal democracy. It lacked a radical self-critical appraisal of India's social structure and its value system. .

Even this half-hearted advance through Renaissance the movement lacked the support of any prominent social class. It was confined to a tiny section of educated people. Thus it lacked a revolutionary will and the power for the social and ideological transformation of Indian society. Unlike the social movements of antifeudal revolution in the west, and transition to capitalism the democratic movement in India took place without any break with pre-capitalist ideologies. Thus democracy and capitalism in India always remained impregnated with a strong sense of revivalism and with local parochial traditions of caste, language, region and religion.

The introduction of Western education in India was the most significant development in the growth of liberalism, democracy and nation-building in the modern Indian context. It provided the educated manpower to organise business and industry along scientific lines. It produced the leadership of the national movement. The organization of the Congress-nationalist platform was achieved with the initiative of the educated elite. In fact, according to the early nationalists, the unity of the educated elite signified Indian national unity (Surendranath Banerjee).

The Early Nationalists and Democracy

The success of the early nationalists lay in the spread of the message of democracy and nationalism among educated Indians. In the beginning, they demanded the introduction of representative institutions within the framework of British overlordship over India.

Even the political message of the slogans like 'Swaraj' and 'Swadeshi' did not go beyond the confines of British rule.

In the beginning, therefore, the Indian National Congress lacked the militancy and programme essential for a decisive struggle for independence and democracy in India. The English educated elite was too deeply drawn into the charm of the colonial ethos and its value-system to seek any real radical break with the British rule. In the process, early Congress politics, during the moderate era, were hampered by its incapacity to seek mass support for its policies and action outside the narrow circle of the English educated elite. This limitation was sought to be overcome by the extremist leadership. They tried to achieve this goal not on the basis of a specific socio-economic policy of mass-mobilization against colonial exploitation, but with the help of the religious ideology of Hindu revivalism. Instead of achieving a democratic consenses of all communities on the basis of a common socio-economic programme of nationalism, Hindu revivalism led to communal division between Hindus and Muslims. The religious extremists therefore strengthened the Muslim fear that Congress was an essentially Hindu party. Thus the alienation of Muslims from Congress led to the weakening of the movement of democracy and nationalism in India.

Democracy in the Age of Mass Movements

In the twentieth century the movement of nationalism and democracy registered significant advances. The Minto-Morley Reforms of 1909 permitted a minority of indirectly elected members to the central legislative council and majority of directly elected members to enter the provincial council. The 1919 Act introduced the system of dyarchy in India. The 1935 Act was passed in the aftermath of the Khilafat, the Non-cooperation and the Civil Disobedience Movements. During these movements large section of Indian people were drawn in the struggle for democracy and freedom. This included a section of capitalist class, the middle classes, the working class and peasantry. The participation of the working people in these movements immensly enhanced the stature and strength of the nationalist movement and its leadership. Finally as a result of the Quit India Movement and post-World War II social situation, power was transferred to the Indians. However, the independence of India witnessed the worst communal holocaust and the partition of the country.

25. Newspaper Report on Partition and Independence.

37.3.2 The Perception of the Constituent Assembly

The establishment of the 385 members Constituent Assembly by the colonial government in 1946 was the culmination of the struggle for democratic government and independence in India. It represented various shades of opinion including Hindus, Muslims and Sikhs. But this body of Constitution-makers was not fully representative in character. 292 members of it were chosen by the legislative assemblies of 11 provinces (ruled directly by British) elected on a restricted franchise of about one-fifth of the adult population. 93 members were nominated by the rulers of the native states under the overall hegemony of the British. The partition of the country in August 1947 reduced the size of this body to 298 of which 208 owed their loyalty to the Congress party.

The Constituent Assembly gave direction to the establishment of democratic institutions in India. It functioned, both as the Parliament as well as the Constitution making body until January 1950. The Congress Party being the most influential section, naturally had a direct impact on the philosophy of the Indian Constitution. The real shape of the Indian Constitution was determined not by an autonomous body of legal experts, but by the liberal creed of the Congress party. The Constitution was, above all, a legal form of the political philosophy upheld by the Congress party. And, all the decisions about the establishment of liberal-democratic institutions in India: The form of government, federalism, securalism and democratic rights were taken at the level of the Congress party and its high command. This was confessed in the floor of the Assembly by the Chairman of the Drafting Committee of the Indian Constitution Dr. Ambedkar himself by saying that: "They had to go to another place to obtain a decision and come to Assembly".

However, there was nothing wrong in such an overwhelming influence of the Congress per se in the making of the Constitution. Constitutions are never made entirely within a legalistic framework. Both the Philadelphia convention of 1787 and French National Assembly of 1778-91 also went far beyond the legalistic terms and references. However, there was a major difference between them and the Indian Constituent Assembly. They marked a radical liberal revolutionary break in their social situation while this was not the case in India. The independence of India highlights a compromise with the social situation that has imposed the reality of Partition . This historical situation appeared beyond the control of the Congress party and its leadership. The division of the country, however, gave a free hand to the Congress party in the Constituent Assembly to evolve a constitutional framework of its own choice. Earlier it had lacked this freedom while negotiating with the Muslim League.

26. Nehru Signing the Constitution (24.1.1950).

37.4 THE QUESTION OF FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES

Both the leadership of the Congress Party and an overwhelming majority of the Constituent Assembly members were deeply influenced and impressed by the western liberal tradition of democracy. From the beginning of the freedom struggle itself, their advocacy of basic human rights and political freedom of individual citizens epitomized the liberal democratic creed. The Congress Party was duty bound to incorporate these promises in the Indian Constitution. The Fundamental Rights were therefore declared as the most sacred part of the Constitution. The individual, rather than the village, family, caste or community was regarded as the basic legal unit. In the background of a highly communal structure characterised by social division around local-parochial particularistic ties and an inward-looking social outlook, this was a great step forward in the direction of bourgeois justice and equality.

Further, the right to freedom of speech and expression, religion and faith, assembly and association, occupation, and the acquisition, holding or disposing off property were made enforceable by the system of courts. In this context the process of judicial review and the independence of the judiciary were regarded as sacred. A hierarchical system of courts was, therefore, provided with the Supreme Court of India standing at its apex. The objective of judicial review and the independence of judiciary was to defend the rights and property of individual citizens. The courts were vested with absolute powers to interpret the Constitution in this context of bourgeois democracy in India.

On the other hand the Directive Principles of the Constitution (as enunciated in the Part IV of the Indian Constitution) were declared to be fundamental, but not enforceable by any court, in the governance of the country. Therefore, these directives have not been realized in practice. In fact recent trends in policy and programme of the Indian state point towards the reversal of these directives.

Check Your Progress 2
Tick (✓) the correct statement:
1) The early nationalists
    i) were able to take democratic ideals and values to the people.
    ii) were not able to take democratic ideals and values to the people.
    iii) tried to take democratic values to the people through the vehicle of religious revivalism.
    iv) None of the above.

2) The hall mark of the achievement of Indian democracy in the post independence period was that
    i) caste and community came to be regarded as the basic legal units.
    ii) the individual came to be recognized as the basic legal unit.
    iii) both (i) & (ii) are correct.
    iv) None of the above.

37.5 TOWARDS A DEMOCRATIC STATE STRUCTURE

The evolution of liberal traditions of authority has a long history in India. It was not established overnight by the decision of the Constituent Assembly. From the period of the Indian Renaissance upto Independence in 1947, the Indian political elite had become familiar with the working of British system of governance. The influence of this experience with the working the English model was naturally overwhelming in the choice of the state structure to govern Indian polity in the future. Therefore, when the Constituent Assembly was entrusted with the task of creating a formal institutional network of state-power in India, they willingly opted for the Parliamentary system of government patterned on the Westminster model.

37.5.1 Parliamentary System at the Centre

The Parliamentary system of governance envisages the collective responsibility of the executive (i.e. the Council of Ministers) to the Legislature. The decision-making authority here rests with the Council of ministers led by the Prime Minister. The Prime Minister is not only the leader of the majority party or coalition of parties in the Parliament, but he is also the spokesman of the nation and the state. His influence is overwhelming in shaping the policy of the state and government. Therefore, it is argued by some that it is neither the Parliamentary nor the Cabinet form of government that is in operation in the contemporary period. According to many political scientists and commentators (in India and Britain), what exists in reality is the Prime Ministerial form of Government. The institution of presidency is merely nominal. It is created for five years by an electoral college consisting of the members of both houses of the Union Parliament and the legislative assemblies of the states. The President of India acts on the aid and advice of the Council of Ministers led by the Prime Minister.

37.5.2 The State

Like the Centre, at the state level also the real executive power is vested in the Chief Minister by virtue of his position as the leader of the majority party in the state legislature. The role of the Governor has been the major bone of contention from the beginning. It has become very controversial, as on the one hand he acts as the nominee of the Centre by virtue of his being appointed by it, and on the other hand according to the Constitution he is supposed to act in accordance with the will of the majority party and its leadership in the state legislature. Thus, there always exists a conflict in his role as centre's loyal nominee vis-a-vis his loyalty to the Constitution. This conflict becomes far more prominent if the ruling party at the state level happens to be in political opposition to the ruling party at the Centre.

37.6 THE ELECTORAL SYSTEM

The introduction of the representative system of government based on universal adult franchise was one of the most significant advances towards the democratization of the Indian political system. For this purpose, the Election Commission (Article 324) was created to supervise the entire procedure and machinery for national and state elections.

37.6.1 Towards a democratic representation

India's experience with elections on the whole has been positive. They have become the chief system by which the strength of any leadership or a party is tested. Although, the introduction of universal suffrage strengthened the already established caste-class authority in terms of economic power, social position and political authority, but it also gave a voice to the hitherto disenfranchised sections of society. In this way the elections have become central to the legitimacy of political authority in India. In case they cease to be the key instruments of political legitimation the political system of India itself might be threatened. Whenever electoral choices were seen as being critically important in the health of democracy, the Indian voters have utilized their right to franchise with wisdom.

Elections, in this way, have become a part and parcel of India's political life. They are more or less taken for granted for the solution of any crisis. This is evident in case of Jammu and Kashmir, Assam, and Tamil Nadu. The functioning of the electoral system in India then has been central for the continued health of its democratic system. According to Morris Jones, therefore, miraculously the elections are "one of the things Indians — do well".

37.6.2 Limits

However, within the context of Indian politics, we find that elections have not revolutionized the situation. They were not introduced with any revolutionary aim either. They were utilised as a vehicle for legitimizing the existent social and economic power of the dominant castes and classes. Therefore, with few exceptions, they have not been helpful to the toiling people as a weapon to diminish the socio-economic and political hold of vested interests. For example a Survey of the Panchayat Samitis in Andhra Pradesh in the mid-1960s, for instance showed that "high caste, more land, more money and more education" continued to be "the requisite for political success".

Finally, it can be said that in certain cases the vested interests have manipulated the institution of elections to maintain their hold. This was sought to be done even by resorting to caste, communal, linguistic and regional chauvinism. There is also an ongoing debate on the use of radio, television and electronic media for meeting political ends. No small party or individual social workers can easily reach to the mass of the voters without adequate media network and the funds to fight elections.

37.7 FEDERAL POLITY VS. CENTRALISM: OPTIONS OF A DEMOCRATIC STATE

One of the strongest features of democracy in the contemporary world is the decentralization of decision-making, resource mobilization and its allocation. This is a requirement of any modern large-scale society, its politics and economy. Federalism provides an adequate organizational structure for the administration of the large-scale societies of modern nation-states.

37.7.1 Historical Background To Federalism

In the context of a highly diverse society like that of India, federalism exists as the sole medium of satisfying the political and cultural aspirations of its distinct communities. The first major democratic consensus towards this direction was taken in 1916, when both the Congress Party and the Muslim League reached an accord known as the Lucknow Pact. The basis of this consensus was the federal character of the future Indian state. However, this consensus was not followed upon in the best spirit as a necessity for Indian unity. From the very beginning therefore, while the Congress Party was motivated by achievement of maximum extent of centralization, the Muslim League worked for the utmost possible decentralization.

In the conflict between these two perceptions, the question of residuary power was keenly debated. While the Congress nationalists and various other Hindu majority factions fought for vesting these powers with the Centre, the Muslim League and other minority groups wanted them within the orbit of the state governments power. This debate about the demarcation of powers between centre and states was a stumbling block facing the All Parties Committee headed by Pandit Moti Lal Nehru, the Round Table Conference and all subsequent negotiations, leading to the two Missions sent by the British Government to India between 1942- 47. While the nationalists led by the Congress made compromise after compromise to avert the partition of India, the Muslim League stood finally for the partition of India rather than for a strong federal polity.

37.7.2 Federalism after the Partition

After the partition of India, instead of going for federal polity a strong case of a unitary centre was therefore made by the Constitution makers. Yet the need to organize India along federal principles could not be ignored. So, what we have in India is a federal form of government with unitary essence. The Constitution itself provided innumerable provisions by which the centre and a strong ruling party at the centre could easily infringe upon the powers of federating units. For example, the Constitution empowers the governors of the state (nominated by the centre) to dismiss the elected state governments. The power of the centre to give direction to the state and its power to declare emergency also tended to strengthen the forces of centralism.

37.7.3 The Constraints of the Administrative and Financial Structure

The administrative and financial structure of Indian state, its economy and its organization also leads to the strengthening of the centralized political structure in India. The resources for various development plans in agriculture, industry, education and health had to come through arrangements with the Planning Commission established in March 1950. In the process the Planning Commission became biased in favour of centralization and the activities of socio-economic development became central subjects.

Finally, bureaucracy in India existed as a legacy of the colonial state. Of approximately, 1,000 ICS Officers serving at the time of independence, 453 were Indians and became the policy makers of Indian state. Not everyone in the Constituent Assembly was convinced

about their overwhelming importance to the independent Indian state. Many democrats, reformers and the nationalists even wanted to get rid of them. But, the votaries of the centralized state prevailed ultimately. Patel, for example, defended their utility by saying that:

> "I have worked with them during difficult period ... Remove them and I see nothing but a picture of chaos all over the country". Even the radical Nehru concurred in their continuance by saying that: "the old distinction and differences have gone... In the difficult days ahead our service and experts have a vital role to play and we invite them to do so as comrades in the service of India".

In addition to the bureaucracy, the role of para-military forces like the Central Reserve Police Force (CRPF), the Border Security Force (BSF) and the Central Industrial Security Force (CISF) is also instrumental in strengthening the centralized political power structure in India.

Check Your Progress 3

Tick (✓) the correct statement:

1) The weakness of the electoral system in India is that

   i) it has come to be manipulated by national and regional elite by using caste, communal and regional chauvinism.

   ii) it has no weakness at all.

   iii) it has given effective representation to the toiling poor and depressed classes.

   iv) None of the above.

2) What are the constraints in making India a truly federal structure?

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37.8 LET US SUM UP

After reading this unit you were able to know:

● about a brief history of the concept of democracy.
● about the way in which the idea of democracy and its institutions have shaped up in India.
● about the limits of both the concept of liberal democracy as well its practise, mainly through the Indian experience.

37.9 KEY WORDS

Plural Voting : A system of voting in which one person gets more than one vote.

Disenfranchised sections: Those sections of a society who do not have the franchise i.e. right to vote and elect a representative.

Consensus: Complete agreement on an issue.

Universal Suffrage: right to vote and elect representative for every individual.

Political legitimation: Political recognisation that certain art or idea is legal.

Paternalistic theory of authority: a theory that gave the king, the authority to rule since he had to look after his subjects as a father looks after his son.

Pre-capitalist ideologies: ideologies i.e. world views which existed prominently before capitalism. In Indian context they can be identified as religion or caste. These world views in contrast to capitalism's global spread were local in nature.

Concept of natural hierarchy: a concept which talked of society being divided into rich and poor because of natural reasons i.e. reasons of biology. So biologically the fittest man became rich and the unfit became poor.

Westminster Model: The parliamentary form of government which has evolved in Britain. Westminster is the place where the British Parliament is located.

37.10 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1
1) iii) 2) i)

Check Your Progress 2
1) iii) 2) ii)

Check Your Progress 3
1) i) 2)   See Section 38.7. Your answer should include
        a) role of historical factors.
        b) constraints of administrative and financial structure.

SOME USEFUL BOOKS FOR THIS BLOCK

Amit K. Gupta (ed)   Myth and Reality,
         (Manohar, New Delhi-1987)

Bipan Chandra   Communalism in Modern India
         (Vikas, New Delhi, 1986)

D.N. Panigrahi (ed)   Economy, Society and Politics in Modern India
         (Vikas, New Delhi, 1984)

Sumit Sarkar   Modern India
         (Macmillan, New Delhi, 1983)

—   Indian Constitution (NCERT)

—   Democracy in Practice (NCERT)