

DEMOCRATIC INTENTION: PROBLEMATIZING INDIAN DEMOCRACY*

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The Problem

It is a common political knowledge that the citizens of democracy, by and large, doubt their democracy; they wonder about the true purpose of the government they themselves have consented to constitute. They lament that their democracy is bereft of any democratic intentions. It becomes particularly so obvious when those who expected much from democracy are grossly disappointed because the things they associate with democracy are found missing from the agenda of democracy, as it operates. This does not mean, of course, that there is a preference expressed here for throwing the baby out with the bath water, in favour of any authoritarian, military or autocratic system. What puzzles them is why democracy fails them. Or, to put differently, why is democracy failed? If your dignity as a human being is impaired and dishonoured because you belong to a certain social group, such as the *dalits* and women in India, in a country which boasts itself as being the world's largest democracy, then one quite naturally begins to doubt the true intention of Indian democracy. It is even a greater paradox that no democratic intention is displayed, let alone proven, in the activities of those who proudly declare themselves to be democrats, and fight, ostensibly, resolutely for democratic restoration. It is no less perplexing to note that very often, in the whole morass of institutional arrangements designed ostensibly to establish and sustain, democracy itself is found to be on a sticky wicket when it comes to ensure effective popular participation, or for fulfilling some very minimum needs of the people. The lack of fit between democratic ideals or principles, institutions, and practices has been noted by scholars.¹ Shapiro and Hacker-Cordon argued that much is expected of democracy: democratic participation in public decision making, public deliberation, accountability most often to be ensured by periodic elections, diminished injustice and oppression, less likelihood of war and more chances of economic growth.² This is

apparently enigmatic though as to why so much is expected of democracy compared to earlier regimes. But on closer critical scrutiny, it might seem that it is connected with social consequences of democracy itself compared to earlier regimes in that democracy's association with liberty, equality, participation and so on is responsible for generating expectations in conditions where the latter are in short supply.

To be sure, democracy disappoints: in its operation and consequences, in producing only 'fleeting participation and only nominal accountability, and the obscure mechanism of 'democratic decision'.³ What accounts for this lack of fit? Why does democracy disappoint more the people, the real beneficiaries and upholders of democracy, than the so-called 'democratic politicians'? The reason seems to lie in the absence of democratic intention on the part of those who 'officially' and only nominally uphold democracy, but never intending to pursue it in practice; it remains relatively absent also in the so-called democratic institutional arrangements. This deep-seated lack of democratic intentionality invades its way into the institutional edifice of democracy to make sure that democracy properly so-called is never realized in practice; that the genuine citizen participation in public affairs never takes place. Our demagogic electoral systems have guaranteed that the real democratic intention is never in place. Pointing our attention to how the so-called 'popular consent' for popular sovereignty (which became very prevalent as a practice of governability post-Second World War), Partha Chatterjee highlighted the subversion of the same with apt sarcasm:

Whether the autocratic monarchs, military rulers, or the one-party rulers, they all proclaim themselves to be the representatives of the people, and governing the country as such. They, therefore, proclaim a republican constitution, hold elections like rituals, the meetings of the assembly of peoples' representatives (or parliament) as a matter of show only. There are many such metaphorical efforts to conceal the actually authoritarian governing apparatuses in order to present, ostensibly, a case of the republican system (Translation mine).⁴

The subversion of the democratic façade, as indicated in the above passage of Chatterjee, is but an instance of the near total absence of democratic intention on the part of the rulers, elected or not.

Defining Democratic Intention

What then is democratic intention? Whose intention is it anyway?

What does it entail? Why does it have a limited space? Why is it failed and by whom? What relation does it have with the democratic institutions and the principles? The Concise Oxford Dictionary (COD) defines intention as ‘intending’, ‘one’s purpose of doing or to do’ Embedded in the literal meaning of the word is the object or purpose of doing something, that is, the thing intended. What the literal meaning does not make clear is that our actions often produce what is termed ‘unintended consequences’. History is replete with examples of such occurrences. But what is to be noted here is that even partially intended and designed democratic institutions are more susceptible to produce more democratic effects, that is, when people get motivated to bear upon such institutions more popular weight for meeting popular demands. This then paves the way, if not subverted in the mid-way, for a cascading democratization process whose consequences again are not always predictable, as Alex de Tocqueville in his two-volume classic *Democracy in America* (1835) argued strongly long time back.

Democratic intention is, thus, a critical space generated as a result of designing and operation of specific institutions of governance that allow varied scope of citizen-participation in public affairs, and is associated with popular aspirations such as liberty and freedom, and equality, even if only political; it proclaims the rule of law to be followed, even though meant for a specific purposes and so on. Although the rulers have sought to embrace the ideals of democracy in fighting against their own enemies (e.g., the democrats against the aristocracy in Europe), their ‘democratic intention’ was very limited in import indeed; their invocation of democracy was designed to rally mass support for their cause rather than mass participation in public affairs. Therefore, the space of democratic intention is the one which both the rulers, and the officials of the state elected as well as non-elected, seek to take control, not to fulfill the promises of democracy, but to make use of it for legitimacy. And, at the same time, it has to be kept in mind that all types of regimes are not susceptible to generate democratic intention. Hard and heavy autocratic regimes of different hues do generate, not democratic intention, but often a social upheaval for the overthrow of the regimes themselves. Even limited presence of the above may provoke more democratic intention to be brought to bear upon the system and actualized. As we shall later see, this points to a great liberal dilemma of instituting government by embracing such high idealistic pitch as liberty, equality, consent, participation, and popular sovereignty when the intention was different, if not lacking.

Democracy, Identity and Equality

If the required intention is missing, then the mere institutional designing for democracy does not work and serve the purpose for which it was so designed. It must also be pointed out that the problems often lie in the surrounding social and cultural milieu that have not yet learned to adhere to the underlying principles of our modernity that demands that a polity is to be reordered on a different principle of authority, and based on achieved power and status, and not on ascribed identity of varied sorts, and the attendant aspirations and desires. This takes us to another dilemma of democracy vis-à-vis identity. In the context of India, the issue has remained quite poignant. It must now be clear to observers of Indian democracy that the so-called mutual impact of caste and democracy on each other⁵ has not in the end ensured more effective democracy, meaning, in today's terms, generation of more equality among the citizens.⁶ As the recent researches on Indian castes show, the castes have taken advantages of democracy by mobilizing for identity giving lesser weightage to hierarchy.⁷ This constitutes of course an achievement of democracy of sorts. But then democracy here has been pressed into the service of ascribed identity—caste or ethnicity. This raises the further question of whether diversity accommodation of varied forms in India, and fulfillment of identity aspirations, also of many forms, has strengthened democracy or not. The answer should be both 'yes' and 'no' because while recognition of identity of varied forms and hues has meant increase in social standing and dignity in a society of hierarchy and inequality, and which is beyond doubt an achievement of democracy via fulfilling what may be termed the 'diversity-claims', this has not resulted in the generation of more social and economic equality; in fact, in many cases, even the value of political equality has been compromised, often violently, for the sake of diversity! Ethnic demagogues in different nook and corner of India are least inclined to allow the full play of even political equality on the part of ordinary voters in elections!

Those familiar with the literature on processes of federation-building in India are aware that the major mode of accommodation of diversity accommodation in India remains the State reorganization, or State-building primarily on the basis of language though conjoined subsequently to ethnicity, regional identity and partly religion.⁸ The other form has been the policy of positive discrimination in favour of the socially and culturally discriminated.

In both, the Indian state has can claim tangible successes achieved. And in this Jawaharlal Nehru's appropriation of Dr B.R. Ambedkar in the latter's elevation to the very high ground in constitution-making was symbolically skillful, and far-sighted in implications, as aptly pointed out by Kaviraj.⁹ But what have been the democratic effects of such an exercise? Has it led to generation of more equality, or more empowerment of the masses? The available researches have shown that in nearly all cases, some dominant caste or communities have been the main beneficiaries of such processes.¹⁰ Such instances could be multiplied to show how post-independence politicians, including the late Prime Minister Indira Gandhi, resorted to democratically deficient constitutional provisions to satisfy the needs of diversity and locality¹¹ for purely short-term electoral gains that has served to hamper the cardinal political principle of democracy: political equality.¹² There is, thus, a valid reason to doubt the democratic intention of our democratic politicians elected by the people.¹³ Their policy responses to diversity/locality for short-term electoral gains, and for the sake of political equilibrium have meant that the 'equality-claims', even of the serious economic nature, are compromised. Very interestingly, however, varied and ever changing modes of accommodation of diversity including those in favour of the socially disadvantaged in India (including perhaps also elsewhere) create the conditions for generation of more democratic intention from below; the heretofore socially excluded now seek more control over the institutions of democracy for serving their interests.

Historical Experiences

Any attempt to rethink the routes to problematize Indian democracy must be located within the overall intellectual genealogy of democracy, and its historical evolution because the Indian story of democracy originally converged with and was part of a global context. The other preliminary remark to be made here is that democracy has stood out as the one which continues to produce wonders for everybody because its consequences are unpredictable.¹⁴ Kaviraj argues, following Tocqueville, that democracy has an innate tendency to move from sphere to another, and also that the extension of the democratic principle from the one to the other sphere is demanded almost regularly in a democracy.¹⁵ This is something which the liberals in the olden days could not perhaps visualize, and read the inherent logic inbuilt into the institutional arrangements of

democracy entailing such principles as universal adult suffrage, participation, equality of various brands and so on.

From the genealogy of democracy that Adam Przeworski has sought to prepare we come to know that the term democracy was first used in the 5th century BC in a small municipality in Southeastern Europe.¹⁶ The term found its place for the first time in the Oxford English Dictionary in 1531. The first state which mentioned 'democratic or popular government' in its Constitution was the Rhodes Island in 1641; democracy became part of the public discourse since the late 18th century, but continued to carry a negative connotation for long; in the US and France, for example, the newly established systems of government were called 'representative' or 'republic'.¹⁷ The deep-seated negative attitude to democracy would remain for a long time to come in various countries even in the West.

And this is precisely where democracy has been puzzling despite many an achievement scored, as it were, by the so-called democratic route. A careful reading of the so-called democratic institutions of ancient Greece shows that not only were they not democratic, based as they were on manifestly large-scale exclusion (of the slave, women and sublet-allies),¹⁸ and on what was known as exclusive 'citizen-elite',¹⁹ the democratic, albeit very limited, intention, if any, was not in this case to be expected because a system based on manifest and institutionalized exclusion are less likely to generate such intentions. To add further grist to our mill, there is evidence to suggest otherwise: the Spartan and the Athenian democracies, essentially military in character, were envisaged on manifold stratification such as 'age-class', sex and wealth (that included ownership of slaves!).²⁰ And yet, the traits of even the limited participatory character of the Athenian democracy as marked by the popular assembly, its system of quorum, payment for public job and individual accountability, etc.,²¹ were remarkable political achievements, which, however, did not survive long. Comparative knowledge of similar examples from the mountainous Swiss Cantons and half-Cantons on the Alps are suggestive of a very close-community life necessitating some direct participatory system of governing the communities.²² Nelson Mandela, the Nobel Laureate and epoch-making legendary leader of South Africa, in his autobiography informed us of the existence and operation of a democratic tradition in the governance of the village communities to which he belonged:

'Everyone who wanted to speak did so. It was democracy in the purest form...People spoke without interruption and the meeting lasted for many

hours. The foundation of self-government was that all men were free to voice their opinions and were equal in their value as citizens...Democracy meant all men were to be heard and a decision was taken together as a people. Majority rule was a foreign notion. A minority was not to be crushed by a majority'.²³

Two implications follow from such ancient yet democratic experiments. First, like the Greeks, Mandela's democracy was also limited somewhat as the women were not treated on equal footing with the men. Second, such varied direct democratic experiments the world over were later replaced, as Robert Dahl explained, first by monarchies, autocratic despotism, or oligarchies, and then by representative democracies based on greater space of the principle of equality, particularly political equality.²⁴

If the ancients' had had sociological compulsions/reasons of governing democratically in their own terms, for modern democrats, the reasons for ostensibly defending a democratic case would be legitimacy, and popular well-being, even though the modern 'democratic' states have suffered acute legitimacy crisis periodically, and the slogan of popular well-being has remained mostly rhetorical. It was no less a person than Robert Dahl, the outstanding political scientist and sociologist of democracy of our times, who has ruefully come to the following conclusion about the current health of the so-called established democracies of the world:

'Even in countries where democracy had long been established and seem secure, some observers held that democracy was in crisis, or at least severely strained by the decline in the confidence of citizens that their elected leaders, the political parties, and governmental officials would or could cope fairly or successfully with issues like persistent unemployment, poverty, crime, welfare programs, immigration, taxation, and corruption.'²⁵

The huge critical literature on democracy, globally speaking, would speak volumes of such blemishes although overall the global consensus is that nobody today and, perhaps, tomorrow too would like not to live in democracies of sorts. The intriguing question here is that people, particularly those down the social scale have gradually developed a stake in maintaining, upholding and even enriching democracies by evolving mechanisms of safeguards when the original intention in liberal democratic institutional design was otherwise. Let us take the classic example of the very founding of the American 'democratic' republic in 1789 after the American Revolution in 1776. Samir Amin has in fact questioned the social content of the revolution which had only a limited political character:

'Their main aim was to press on westward, repeating the genocide of the Indian population. Nor was it the intention to question the institution of slavery: nearly all the main leaders of the American Revolution were slave-owners, whose prejudices on this score were quite unshakable.'²⁶

The views of James Madison, one of the most powerful founding fathers of the US Constitution whose ideas proved to be central to *The Federalist* were one of the earliest statements on the somewhat anti-democratic yet republican approach to government. Madison is said to have held a 'dark view of mankind in general, a "Hobbesian", or "Calvinist" view of human propensity toward evil, which made it necessary to keep powers out of all hands, not simply the people's.'²⁷ Democracy was not Madison's preference. He defended a 'strictly republican', 'wholly and purely republican' government (Paper No. 73) for the American people.²⁸ Hamilton who mostly concurred with Madison said as much: A democratic assembly is to be checked by a democratic senate, and both these by a democratic chief magistrate.²⁹ Finally consider also what Madison said in the Federalist Paper No. 51: If all men were angels, we would need no government.³⁰

And yet, people have since long wished to live in a democracy if given the chance. There are a very few who somehow do not seem to defend the case of democracy, even if they do not believe in it, let alone practice it. Those who have lamented over the gap between the institutions and principles, on the one hand, and the practices, on the other, however, miss the fundamental fact of the very real possibility of absence of democratic intention both in the design, and the principles, let alone practices. The latter are most quite easily pronounced by those (politicians and other official across the ideological boards) who wear the garb of democracy because it is well known to them that they do not really mean it (That is, they do not mean to actualize it!).³¹

The historical experiences of democracy the world over would, thus, suggest that even the democratic principles and institutions are not above board. To take the example of ancient Greece in Pericles' times, nearly all three were absent. If only the Patricians (i.e., slave-owners) had the right to take part in public affairs to the exclusion of most members of Greek society³² one then ought to exercise a lot of caution in putting the ancient Greek examples in the right perspective.

Perspectives

In this section, we seek to pay a brief but critical attention to one philosophical and two theoretical traditions in the West in order to highlight the embedded dilemma in them with regard to democracy. The philosophical tradition referred to above is the Enlightenment, which though developed differently in different countries, or regions in the West having differential emphases. Though centrally preoccupied, politically speaking, with liberty of the individual, viewed very often in opposition to the omnipotent state authority, this great philosophical tradition paid also important attention to democracy via equality. But then the mainstream traditions of thought in the Enlightenment tended to look at equality more as a formal, legal one than social and economic one. The theoretical traditions refer to liberalism and Marxism—otherwise two extremes in nearly all aspects, but both being the offspring of the same Enlightenment. Democracy with its emphasis on equality is an inalienable part of the Enlightenment but it received very different treatment at the hands of different proponents.

In the writing of the Enlightenment philosophers *per se* democracy was considered a threat to liberty because democracy was associated with equality. The great American federalist thinker Madison, for example, said in the Convention: ‘role of the people was to elect the government, not to participate in governance.’³³ Of the Enlightenment thinkers, J.J. Rousseau was perhaps the one who defended the democratic intention more powerfully than his contemporaries. His often quoted remarks: ‘Man is born free, but everywhere he is in chains’³⁴ is strongly indicative of this in a double sense. First, he broke away from the time-honoured Aristotelian tradition that had privileged inequality and considered democracy as a perversion. Consider his critique of Aristotle: ‘Far earlier, Aristotle too had maintained that men are not by nature equal, but that some are born to be slaves, others to be masters.’....‘Aristotle was right: but he mistook the cause for the effect. Nothing is more certain that a man born into a condition of slavery is a slave by nature. A slave in fetters loses everything—the even the desire to be freed from them’.³⁵ Second, Rousseau wanted to bring democracy to the centre stage of government in order to accord central role to the citizens in governance. He said in ‘Social Contract’ (1762):

The Sovereign can, in the first place, entrust the machinery of government

to the whole people, or to most of the people, in which case the Commonwealth will contain more citizens acting as magistrates than simple members of the State. This form of government is known as democracy.³⁶

However, Rousseau was mindful of the limits of such an experiment, and therefore identified also the means of defending democracy:

It must be added that the democratic or popular system of government is, more than most, subject to civil strife and internal dissension, because no other is so violently and continually exposed to the temptations of change, or demands so high a degree of vigilance and courage in maintaining itself.³⁷

He further specified his preference for democratic governance with particular reference to the effects of democracy on the people:

Thus, in a democracy, *the burden upon the people is least*, (my emphasis) in an aristocracy greater, which under a monarchy it is heaviest of all.³⁸

Liberalism *per se* is opposed to democracy and, therefore, one does not expect much democratic intention in liberalism. The liberals' dislike of the masses is rooted in their over-concern for individual liberty, which they believe, would be jeopardized with the incursion of the masses via democratic route into the polity. The masses, for the liberals, are thus no more than necessary evils. It is not surprising that Rotteck, first liberal writer of Germany, distinguished between two kinds of democracy: the rule of representatives and the rule of the masses; his preference for the former was predictable.³⁹

Paradoxically, the idea of equality had had a place in the original liberal plan because a state of nature was egalitarian but powerless although it provided for the basis for the artificial construction of representative government.⁴⁰ All that the liberals would oppose rather vehemently is not equality *per se* but the passion for equality.

Alex de Tocqueville, the French Enlightenment thinker and a founder of political sociology whose two-volume *Democracy in America* are now the classic statement of democracy in America, and a source of great debates on democracy for many decades, was a kind of a bull in the China shop in the liberal understanding of democracy. Fed up with heavy doses of authoritarianism alternating with the republic form of government in France, and also disgusted with France's aristocracy, and hierarchies, democracy in America impressed him during his long visit and stay there in the early 19th century. The problematic of democracy that Tocqueville formulated centred on equality, and the equality of conditions, which was also

the 'social state' in America, something to be represented in the political institutions designed by the Americans. Consider how much he was moved by the above principle:

'It is an infinitely active principle, disrupting all aspect of social and political life, all aspects of human life. The new equality is not a state, it is a process—the growing equality of conditions—whose outcome is very difficult to predict.'⁴¹

Tocqueville also defended the negative moment of democracy in the sense that democracy excludes aristocracy and the inequality of conditions.⁴² The originality in Tocqueville's problematic of democracy consists in the fact that democracy does not belong either to civil society or the political order, but is a 'particular type of relationship' among human beings, which is marked by the 'absence of any relationship'.⁴³ For Tocqueville, 'democracy tends to dissolve society'.⁴⁴ Tocqueville did not forget to remind us of the sociological roots of the American equality-centric democracy. He said that the art of self-government and association was something of a compulsion of living in the small immigrant communities.⁴⁵

Marx, by contrast, was skeptical of the prospects of democracy although he did find some values in the institutions and practices of democracy that were evolving in his times.⁴⁶ But then, he was a prisoner of his experiences and could not go beyond leaving behind only a distinction between 'bourgeois democracy' and 'socialist democracy'. Although he did not develop the traits of 'socialist democracy' (something he had not experienced save the limited experiment of the Paris Commune), what he thought of a 'bourgeois democracy' was nothing other than the private property-based constitutional and limited democracy, something John Locke, a 17th century English Enlightenment thinker, defended. Democracy's irresistible force, its capacity of moving from one sphere to another producing in its wake 'unintended consequences', and the power of democracy to effect social, economic and political changes in turn was more positively appreciated by Tocqueville although he was no less cynical of the prospects of democracy, as Kaviraj has explored.⁴⁷ Lenin lacked Marx's cynicism, and thought democracy was merely a state form which will not survive but wither away along with the state:

...democracy is also a state and that, consequently, democracy will also disappear when the state disappears. Revolution alone can put an end to the bourgeois state. The state in general, that is, the most completed democracy, can only wither away.⁴⁸

Surprisingly enough, Marx's context-bound distinction between bourgeois and socialist democracy remains still the standard approach to democracy by his followers. Lenin's advocacy for the 'abolition of democracy' was intended to refer to 'bourgeois democracy'. However, Lenin retained some respect for some elements of 'bourgeois democracy'. He said:

The way out of parliamentarism is not of course the abolition of representative institutions and the electoral principle, but the conversion of the representative institutions from talking shops into "working bodies".⁴⁹

Lenin further added:

Representative institutions remain, but there is no parliamentarism here as a special system, as the division of labour between the legislative and the executive, as the privileged position of the deputies. We cannot imagine democracy, even proletarian democracy, without representative institutions, but we can and must imagine democracy without parliamentarism....⁵⁰

Be that as it may, Lenin could not go beyond the classical Marxist distinction between 'bourgeois democracy' and 'socialist democracy' and one is doubtful if Lenin's version of working of democracy in the midst of one-party state and absence of multi-party political competition let alone free press and civil liberties was possible. The failure of the 'socialist experiment' in the former USSR does suggest otherwise. This can, thus, perhaps be stated safely that Marxism does not have the space required for fully problematizing and understanding democracy as a dynamic and ever expanding phenomenon. The Marxists' socialist intention via democracy (though remains only announced but largely undefined in Marxism) seems to overshadow and subjugate the democratic intention, which in actual practice would mean subjugation of representative democratic institutions to the omnipotent authority and control of the communist party which claims to be the sole political embodiment of public affairs!

Representation and Democratic Intention

The notions of representation and representative institutions have figured in the democratic thinking of some thinkers mentioned above. But we should be clear about the distinction between representative institutions and democracy because at origin they were not the same thing. John Dunn reminded us that '[W]hen

representative institutions were first established, they were not democratic as they are seen today, nor were they seen as such by their founders.’⁵¹

Democracy got intermeshed with representation and representative institutions from a particular historical juncture, when societies became in particular large-scale and complex, and as a result of popular pressures from below for more space for the socially excluded. Scholars have examined the transit from ancient Greek ‘direct democratic’ institutions and the Roman republics to the modern representative institutions, and showed, that the routes were really complex.⁵² But one overriding purpose, or intention, if you like, that was discernible was an impulse to include the thus far excluded in the public affairs. That at least was publicly propagated especially since the European Enlightenment and the revolution of the 18th and 19th centuries in the West. But the result has been just the opposite, confirming our argument about the lack of democratic intention in the whole transformation. Pitkin, who has researched into the subject extensively, has arrived, lamentably and ruefully, at the following conclusion: representative democracy has world over served to exclude the common people from taking part in ‘public power and responsibility’ and defended instead a case for direct democratic participation as a republican alternative.⁵³ Pitkin has also pointed out that in recent decades, a number of thinkers have expressed doubt and challenged the very concept of representation, ‘its superiority to, but even its substitutability for the old ideal of direct participatory democracy.’⁵⁴ The above remains a testimony to the fact that democratic intention has been missing in democracies the world over so that the latter have produced so much exclusion. Even if direct, participatory democracies are today receiving attention, one is doubtful if that could work given the entrenched dominance of party control in large-scale societies plus heavy societal hurdles in the form of classes, castes, race, religion, gender divisions and so on.

The Problematic of Indian Democracy

What then is the problematic of India’s democracy? Is it a liberal or an egalitarian one? Following Tocqueville, as briefly discussed above, the American democracy was, at least when he visited America and studied it in the 19th century, the problematic of American democracy was egalitarian. One would, therefore, not simply place it under a typical liberal problematic. Be that as it may, to the extent

the US democracy was egalitarian; its democratic intention was not suspect. Indian democracy, except a brief interlude (the Emergency rule of June 1975-March 1977), has already achieved a remarkable record of sorts, and the writings on the subject are burgeoning.⁵⁵ Kaviraj (2009) points out the political appropriation of the ideal of equality by the Indian political elites, most notably Nehru.⁵⁶ When placed in comparison with many other post-colonial countries, India's remarkable record of holding more or less free and fair elections to different governing bodies at different tiers of the federation, and increasing interest and enthusiasm, especially since the 1980s, of the voters to take part in elections and stake a claim on the polity has received worldwide acclaim. However, the institutional arrangements and their formal operational dynamics are important in a democracy. But the reason why the people, particularly the socially underprivileged increasingly come out to participate and seek to stake a claim upon the polity would call for a different explanation.

To be sure, the British colonial authorities had had little or no intention of really introducing democracy in India. What they had done since the 1930s was but a dilution of the very principle of representation because instead of introducing the secular individual based political choice, they introduced group, nay, communities-based representation; the so-called representative institution that came out as a result of the above were empty shells without any real power. Consider the following apt observation of Sunil Khilnani:

Representatives of these communities, along with the princes, were inducted into an ambiguously political world where they had to mouth the language of legality and representation, but these municipal and provincial chambers had no powers to legislate; they were enjoined simply to nod their approval of colonial laws. This was an anemic conception of public life.⁵⁷

Often much is made of the Indian nationalist tradition of democracy, as distinguished from the doubtful colonial legacies.⁵⁸ Who among the top nationalist elites was most democratic in beliefs and practices? While the space here does not permit any detailed exploration of the democratic elements in our nationalist tradition, which can be the subject of a full-length study, all that we can do here is to indicate that except in the case of Jawaharlal Nehru, to some extent, democracy as an ideal, as a set of principles, and as a practice was anathema to most top leaders of the Congress, the major party of independence. Sunil Khilnani argues that 'before independence Congress could not pretend to any developed

meditation on democracy, though it did embody a formidable will to political power'.⁵⁹ According to Khilnani, most notably, Gandhi had had scant regard for the democratic principles inside the Congress organization although it was thanks to him that Congress was turned into a mass movement. Nehru as a democrat was of a kind: he defended the case of an 'indirect sovereignty' couched in the language of an abstract, historically durable 'people' or 'nation' rejecting a Jacobin type of popular sovereignty.⁶⁰ Post-independence 'democratic' institutional arrangements by way of the Constitution (1950-) and building on the ambiguous democratic tradition remains therefore privy to many contradictions. The Constitution did introduce individual-based right to vote (universal adult franchise), but provided for community-based reservations, which, in effect, allowed the political space for mobilization along communal and caste lines.⁶¹ For one thing, any critical glance at the nature of our fundamental rights in Part III of the Indian Constitution would suggest that our rights are negative in nature and are not state-free spaces.⁶² Very often Dr B.R. Ambedkar's majestic description at the closing moments of the Constituent Assembly of India's democracy as a 'life of contradictions' between equality in politics (one man, one vote) and inequality in social and economic life etc seemed apologetic of the limited democratic intention in the very arrangement of constitutional democracy.⁶³ Paradoxically, the major participatory transformation that Indian democracy underwent post-Indira Gandhi (since the mid-1980s) served to confirm our thesis that people at large began to develop a stake in the system and infuse it with the required democratic *Élan vital*.

*Distinction between Equality-claims and
Diversity-claims in Indian Democracy*

The theoretical argument advanced in this connection is a distinction between the *equality-claims* and the *diversity-claims* differently incorporated in the constitutional democracy of India. Equality-claims refer to various equality provisions for the individual citizens: formal political equality as well as redistributive social and economic ones. As we indicated above, the Constitution contains such provisions with a lot of limitations, and the latter aspects are placed in an otherwise unimportant part (Part IV) of the Indian Constitution (known as Directive Principles of State Policy). With highly circumscribed position in India's constitutional democracy,

and inaugurated in a society of deep-seated inequalities, discrimination and hierarchies, the egalitarian problematic *al la* Tocqueville does not hold much weight in the case of Indian democracy. This is, on the face of it, a little bizarre; because this happened despite the towering presence of Jawaharlal Nehru who had advocated for a socialist solution to India's problems on the assumption that liberalism had exhausted itself as a force. *Diversity-claims*, on the other, received a privileged position in Indian constitutional democracy evident in various provisions including some fundamental rights pertaining to protection and preservation of religion, language, culture, script, collective identity, reservations for castes, tribes and others. The part of the above is most often couched in the language of positive discrimination. The rest are provisions for political accommodation of various identities: linguistic, regional, ethnic and so on.⁶⁴ *Diversity-claims*, by implications, were designed to accommodate various collective identity demands and ensure political order, and had limited egalitarian and, hence, democratic import. The available researches on aspects of diversity-claims (federation-building and positive discrimination)⁶⁵ are doubtful of the equality-generating effects of diversity-claims because in the case of federation-building by way of conceding to statehood, some dominant caste groups in most cases have benefited at the expense of the vast majority;⁶⁶ and in the case of positive discrimination, while it served to satisfy identity needs to some extent, the impact has also not been as effective in equality-generation because the benefits, which are limited in any way, are reaped by a few at the top of such sections.

Diagram 1: India's Democratic Problematic

- A. Diversity-claims <—> Democratic Intention (weak links)
- B. Equality-claims <—> Democratic Intention (strong links)

In India's constitutional democracy (Diagram 1), diversity-claims occupy greater space and enjoy pre-eminence indicated by A when, conceptually, their links with democratic intention are weaker. Equality-claims, conceptually, have stronger link with democratic intention, but then they occupy a secondary place indicated by B. However, since the arrows move both the ways, some equality functions are also the outcome of both the routes relative to specific contexts in India's States and regions, and subject to such factors as the role of political agencies (the political parties, most notably)

whose democratic intention, institutionally and practically speaking, has often been a stumbling block to the full play of democracy. The limited space here does not permit a full-length discussion on the designing and functioning of democratic institutions at the grassroots, which is the real basis of measuring the space of democratic intention at play, if at all. But critical reflections on the institutional designs and practices of rural self-governing institutions known as the *panchayats* in India in the post-1992 period bring out, with a wealth of empirical evidences, the many limits imposed on citizen participation at the base of India's democracy.⁶⁷

Conclusion

Democratic intention has, thus, fared rather poorly in the institutional designs and practices of democracy globally speaking. That was why democracy's failures are so grotesque. The globally celebrated 'equality of opportunity' premise of the American democracy, for instance, was inherently limited designed actually to serve the White male Americans to the exclusion of the majority of blacks, women, and the Native Americans, and African Americans.⁶⁸ Therefore, the above premise was not equalizing in intent for the citizens at large. No wonder, that basic premise has subsequently been totally subverted by the heavy and over-bearing control of corporate capitalism on American democracy. In the case of American democracy, therefore, Madison rather than Tocqueville seems to have proved more correct.⁶⁹

Comparatively speaking, the discourses on Indian democracy have remained largely confined to the Tocquevillian model centring on the same equality premise despite the great failures of Indian democracy on the front of generating equality in society. India's democracy scholarship is yet to get out of the Tocquevillian 'enchantment', its over-concern for 'equality of opportunity, or simply, the great equality premise. The Indians were lucky though that the Indian Constitutional provisions are dotted here and there with the equality concerns. But a more critical reading of the original intention of the founding elites of the Indian Constitution would reveal that they were more concerned about unity and integrity, law and order, or political order and stability of the country (that is, the Hobbesian preoccupation!) than equality-centric democracy. In other words, those diversity and unity concerns, inadequately expressed by Indian federalism, were privileged and the equality concerns were rendered secondary. In a land of manifold inequalities

and discrimination, even a mere formal declaration of the ideal of equality became quite attractive though to the masses.⁷⁰ Political democracy, or what Ramchandra Guha⁷¹ calls ‘hardwares’ of democracy, therefore, served a great instrumental and strategic purpose. In a land of inequalities, poverty and large-scale discrimination, democracy, however, continues to attract the poor and socially and economically underprivileged, and produce its unequal beneficiaries.

Finally, any rethinking on India’s democratic reconstruction can hardly ignore an evolving but contradictory reality: a relatively long sustaining democratic facade with limited democratic intention but faced with a highly mobilized society (along many fault lines) has witnessed a democratic pressures from below which has resolutely demanded expansion of the ambit of democratic intention—evident in demands for greater decentralization and participation; smaller territorial units for recognition and development; more institutional guarantees for protection of rights of the socially underprivileged; and the greater actual participation of the thus underprivileged sections in the institutional political process.⁷² Second, the above has been taking place at a time when Indian democracy has since the early 1990s been confronting the real possibilities of greater corporate control over democracy in the wake of reforms so that observers of Indian economy and politics have expressed grave concern about the very foundations of the democratic system because now the Indian ‘state tends to be more accountable to the ‘invisible sentiments of the market’ than the more visible problems of its people.⁷³ Partha Chatterjee had argued how the new corporate capital of India (Indian and foreign) had since the 1990s been appropriating what he called ‘political society’ via Indian electoral democracy conceding in the end only a left-handed recognition to the inhabitants of political society, that is, rural and urban poor.⁷⁴ A genuine democratic rethinking on the recovery of democratic intent and restoring it to Indian democracy with greater strength and vitality today and tomorrow has, therefore, to grapple with the dialectics of *diversity-claims* and the *equality-claims* in a society of large-scale and now growing inequalities and deep-seated discrimination.

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NOTES

1. Jean Dreze and Amartya Sen, *India's Development and Participation* (Delhi: Oxford University Press, 2002); Ian Shapiro and Casiano Hacker-Cordón (eds.), *Democracy's Values* (Cambridge: Cambridge University Press, 1999).
2. Shapiro and Casiano Hacker-Cordón (eds.), *Democracy's Values*, p. 1.
3. Ibid.
4. Partha Chatterjee, *Proja O Tantra* (in Bengali) (Kolkata: Anustup, 2008), p. 14.
5. Rajni Kothari, *Politics in India* (New Delhi: Orient Longman, 1970); Rajni Kothari (ed.), *Caste in Indian Politics* (Delhi: Orient Longman, 1970).
6. Adam Przeworski, *Democracy and the Limits of Self-Government* (Cambridge: Cambridge University Press, 2010).
7. Dipankar Gupta (ed.), *Caste in Question: Identity or Hierarchy?* (New Delhi: Sage Publications, 2004).
8. See the following works: Ronald L. Watts, *New Federations: Experiments in the Commonwealth* (Oxford: The Clarendon Press, 1966); Ronald L. Watts, *Comparing Federal Systems* (Ontario: Queens McGill University Press, 2008); Harihar Bhattacharyya, *India as a Multicultural Federation: Asian Values, Democracy and Decentralization* (Fribourg: Hellbing and Lichtenhahn, 2001); Asha Sarangi and Sudha Pai (eds.), *Interrogating States Reorganization* (New Delhi: Routledge, 2011).
9. Sudipta Kaviraj, 'Marxism in Translation: Critical Reflections on Indian Radical Thought' in R. Bourke and R. Geuss (eds.), *Political Judgment: Essays for John Dunn* (Cambridge: Cambridge University Press, 2009), pp. 173-199.
10. King has shown that part of Nehru's reluctance in implanting the nationalist pledge of linguistic reorganisation of States was his apprehension that this would empower the dominant castes in the regions. See Robert Desmond King, *Nehru and the Language Politics of India* (Delhi: Oxford University Press, 1997).
11. The infamous doctrine of 'sons of the soil' came in very handy for the purpose. See Myron Weiner, *Sons of the Soils* (Chicago: Chicago University Press, 1978).
12. Harihar Bhattacharyya, A. Kluge and L. Koenig (eds.), *The Politics of Citizenship, Identity, the State in South Asia* (New Delhi: Samskriti, 2012), pp. 23-42.
13. It is a common political knowledge that most post-independence national governments in India have been minority ones in terms of popular support. It is shown that over the last three Lok Sabha elections, the youth participation in voting has declined considerably.
14. Sudipta Kaviraj, 'The Culture of Representative Democracy' in Partha Chatterjee (ed.), *Wages of Freedom: Fifty Years of the Indian Nation-State* (Delhi: Oxford University Press, 1998).
15. Ibid., p. 148.
16. Przeworski, *Democracy and the Limits of Self-Government*.
17. Ibid., p. 4, pp. 66-98.
18. S. Hornblower, 'Creation and Development of Democratic Institutions in Ancient Greece' in John Dunn (ed.), *Democracy: The Unfinished Journey, 508 BC to AD 1993* (Oxford: Oxford University Press, 1993), p. 1.
19. Ibid., p. 3.

20. Ibid., pp. 1-17.
21. Ibid.
22. Bhattacharyya, *India as a Multicultural Federation*.
23. Nelson Mandela, *Long Walk to Freedom* (London: Little Brown Company, 1995), pp. 24-25. Also, Tocqueville informed us that the art of self-government naturally grew among the small immigrant communities. In the case of post-Partition (1947) Hindu Bengali refugees in West Bengal, the Colony Committees grew in numbers as direct grassroots democratic associations of self-government. Ruefully, these were later subverted by the Communist party of India and other left parties in favour of building mass bases among the refugees for electoral mobilization. For further details, see Harihar Bhattacharyya, 'The CPI and the Post-Partition Refugees: A Comparative Study of West Bengal and Tripura' in Ian Talbot and Gurharpal Singh (eds.), *Region and Partition* (Karachi: Oxford University Press, 1999).
24. Robert A. Dahl, *On Democracy* (New Haven: Yale University Press, 1998), pp. 10-11.
25. Ibid., p. 2.
26. Samir Amin, *Obsolescent Capitalism: Contemporary Politics and Global Disorder* (London: Rainbow, 2004), p. 70.
27. Garry Wills, *The Federalist Papers: Alexander Hamilton, James Madison and John Jay* (New York: Bantam Dell, 2010), p. xxi.
28. Ibid., p. xvii.
29. Ibid.
30. Ibid., p. xxii. Also, this echoes Montesquieu who defended that a republic is possible only when there is republican virtue in people. The liberal dilemma with democracy remains, yet democracy has progressed, generating more equality wherever possible. We will come back to this dilemma subsequently. For an interesting new perspective on the dilemma, see Pierre Manent, *An Intellectual History of Liberalism*, trans. Rebecca Balinski [1987] (New Jersey: Princeton University Press, 1995).
31. One is tempted to cite the example of India's much vaunted 73rd Constitutional Amendment Act 1992 providing for constitutional guarantee for the establishment, democratically, of the local rural self-governing bodies (known as *panchayats*) which has failed to ensure the institutionalization of such bodies even in the elementary procedural sense of the term, let alone in the real sense of democratic participation. If one reads the institutional design carefully one will not fail to note that the very institutional design was much deficient with no surrounding constitutional watchdogs, and the appropriate social and cultural back-up. As a result, the empirical experiences on the working of such bodies in various states of India are much to be desired, limited as they are by traditional vested interests as well as the overriding party control. For more details, see B.S. Baviskar and George Mathew, (eds.), *Inclusion and Exclusion in Local Governance Field Reports from the States* (New Delhi: Sage Publications, 2009); Harihar Bhattacharyya, 'Marxist Democratic Problematic and the Decline of the Left in West Bengal' in P. Singh (ed.), *Democracy in Asia: Discourse and Counter-Discourses (Asia Annual 2011)* (New Delhi: KW Publishers, 2013), pp. 101-117.
32. T. K. Oommen, 'Social Exclusion and the Strategy of Empowerment' in Harihar Bhattacharyya, et al (eds.), *The Politics of Social Exclusion in India Democracy at the Crossroads* (London: Routledge, 2010), pp. 22-33; John Dunn (ed.), *Democracy: An Unfinished Journey, 508 BC to AD 1993* (Oxford: Oxford University Press, 1993).

33. Quoted in Przeworski, *Democracy and the Limits of Self-Government*, p. 6.
34. Jean Jacques Rousseau, 'The Social Contract' in Sir Ernest Barker (ed.), *Social Contract: Essays by Locke, Hume and Rousseau* (Oxford: Oxford University Press, 1948), p. 240.
35. *Ibid.*, p. 243.
36. *Ibid.*, p. 320.
37. *Ibid.*, pp. 322-333.
38. *Ibid.*, p. 349.
39. R. Michels, *Political Parties* [1915] (New York: Dover Publications, 1959), pp. 7-8.
40. Manent, *An Intellectual History of Liberalism*, p. 112.
41. *Ibid.*, p. 103.
42. *Ibid.*, p. 104.
43. *Ibid.*, p. 105.
44. *Ibid.*, p. 106.
45. *Ibid.*, p. 107. Interestingly enough, similar democratic zeal and practices were found among the freshly arrived post-Partition refugees in West Bengal (India) who developed as grassroots direct democratic institutions of Colony Committees. Sadly, the then Communist Party of India (CPI) infiltrated them since the 1960s for mobilizing for electoral support and eventually subjugated them under the authority of the party. For further details, see Bhattacharyya, 'The CPI and the Post-Partition Refugees: A Comparative Study of West Bengal and Tripura', pp. 325-347.
46. Sudipta Kaviraj, *The Enchantment of Democracy and India: Politics and Ideas* (Ranikhet: Permanent Black, 2011).
47. *Ibid.*
48. V.I. Lenin, *The State and Revolution* [1917] (Peaking: Foreign Language Press, 1976), p. 23.
49. *Ibid.*, pp. 56-57. Here Lenin merely echoed the lessons of the Paris Commune of 1871.
50. *Ibid.*, p. 58.
51. Quoted in Przeworski, *Democracy and the Limits of Self-Government*, p. 3.
52. Hanna Fenichel Pitkin, *The Concept of Representation* (Berkeley: University of California Press, 1967); Dahl, *On Democracy*.
53. Hanna Fenichel Pitkin, 'Representation' in Terence Ball, James Farr, and Russell L. Hanson [eds.], *Political Innovation and Conceptual Change* (Cambridge: Cambridge University Press, 1989), p. 150.
54. *Ibid.*, p. 151.
55. See the following works: Andre Beteille, 'The Varieties of Democracy', *Economic and Political Weekly*, Vol. 48, No. 8 (February 23, 2013), pp. 33-40; Andre Beteille, *Democracy and Its Institutions* (Delhi: Oxford University Press, 2012); Atul Kohli, *Democracy and Discontent: India's Growing Crisis of Governability* (Cambridge: Cambridge University Press, 1990); Atul Kohli (ed.), *The Success of India's Democracy* (Cambridge: Cambridge University Press, 2001); Subrata K. Mitra and V.B. Singh, *Democracy and Social Change in India* (New Delhi: Sage Publications, 1999); Gurpreet Mahajan (ed.), *Democracy, Difference and Social Justice* (Delhi: Oxford University Press, 1999).
56. Kaviraj, 'Marxism in Translation'..
57. Sunil Khilnani, *The Idea of India* (London: Penguin, 2004), p. 25.
58. Sumit Sarkar, 'Indian Democracy: The Historical Inheritance' in Atul Kohli (ed.), *The Success of India's Democracy* (Cambridge: Cambridge University Press, 2001).

59. Khilnani, *The Idea of India*, p. 27.
60. Ibid., p. 41.
61. Added to this, the extent and quantum of reservation was finally left to the regional legislatures dominated by local politicians, who found infinite scope for political mobilization along many communal and ethnic lines for winning elections.
62. Manoranjan Mohanty, et al (eds.), *People's Rights* (New Delhi: Sage Publications, 1998).
63. Karl Marx, incidentally, was aware of the contradictions, a century earlier and became cynical of the project of democracy.
64. Reference here is made to Arts. 2 & 3 of the Constitution; 5th and the 6th Schedules; provision for Special Category States and such other asymmetric federal measures.
65. Bhattacharya, *India as a Multicultural Federation*; Sarangi and Pai (eds.), *Interrogating States Reorganization*; Subrata Mitra (ed.), *Politics of Positive Discrimination: A Crossnational Perspective* (Bombay: Popular Prakashan, 1990).
66. Nehru's cynicism about the linguistic provinces, as King (1997) pointed out, was therefore not very surprising. See King, *Nehru and the Language Politics of India*.
67. Harihar Bhattacharyya, *Micro-Foundations of Bengal Communism* (Delhi: Ajanata, 1998); Harihar Bhattacharyya, *Making Local Democracy Work in India: Social Capital, Politics & Governance in West Bengal* (New Delhi: Vedams Books, 2002); Harihar Bhattacharyya, 'Grassroots Democracy and Civic Participation in Rural West Bengal: The Case of Gram Sansad' in D. Sen Gupta and S. Ganguly (eds.), *Theme India: Essays in Honour of Late Prasanta Kr Ghosh* (Kolkata: Arambag Book House, 2005), pp. 63-76; Bhattacharyya, *India as a Multicultural Federation*; Baviskar and Mathew (eds.), *Inclusion and Exclusion in Local Governance Field Reports from the States*.
68. Partha Chatterjee and Ira Katznelson (eds.), *Anxieties of Democracy: Tocquevillian Reflections on India and the United States* (Delhi: Oxford University Press, 2012), p. 9.
69. Those who are familiar with the writing of Robert Dahl, the famous American political scientist and political sociologist of democracy, must be aware of his notion of 'deformed polyarchy' in this regard, suggestive of the overriding control of corporate capital on American democracy, which he preferred to call 'polyarchy'.
70. Przeworski doubts though if it is correct to characterize democracy via equality because the founding fathers of democracy, globally speaking, 'used the language of equality in order to justify something else'. See Przeworski, *Democracy and the Limits of Self-Government*, p. 74.
71. Ramachandra Guha, 'Democracy and Violence in India and Beyond', *Economic and Political Weekly*, Vol. 48, No. 14 (April 6, 2013), pp. 34-38. However, Guha's subject though quite interesting, dealt with only episodic violence rather than the daily one, which would have made more theoretical sense. In this episodic sense, the violence in Northern Ireland and those in Kashmir and Sri Lanka (on the Tamils) would safely claim a comparative position with the United Kingdom.
72. Javeed Alam, *Who Wants Democracy* (New Delhi: Orient Blackswan, 2004).
73. Srinivas Raghavendra, 'Economics, Politics and Democracy in the Age of Credit-Rating Capitalism', *Economic and Political Weekly*, Vol. 48, No. 5 (February 02, 2013), pp. 34-38.
74. Partha Chatterjee, 'Democracy and Economic Transformation in India', *Economic and Political Weekly*, Vol. 43, No. 16 (April 19, 2008), pp. 53-62.