

## Civil Society and Governance

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### Limits to State Power

Human society has created the unique institution of organised state in order to maintain public order, defend frontiers, and ensure harmony among individuals and groups. After centuries of struggle, only in the modern era has it generally come to be accepted that the state cannot be controlled by divine right or brute power. Neither hereditary succession nor authoritarianism is acceptable as arbiter of political power in a civilized society. It should be noted however that state and civil society, and the clear separation between the two, as well as the interaction between the two are essentially modern notions linked to the rise of the nation-state system. In India, though state existed for centuries, the idea of nation-state and the recognition of limits to state power are of recent origin. Despite this, the relative autonomy of social institutions from state's influence is a remarkable feature of our history throughout the ages. Even during the era of monarchy or authoritarianism or other forms of personalized despotism, the limits to state power were clearly recognised in Indian society. For instance the role of caste panchayats, the village panchayat and traders' guilds has been well recognised and documented throughout ancient and medieval history. While the absolute power of the despotic monarchy was accepted in the ancient and medieval state, the relative autonomy of individuals and groups from state power was recognised and respected in large spheres of human endeavor. It is this strength and vitality of institutions other than state that helped to nurture and sustain Indian society over the centuries of turbulence and seeming anarchy. The hundreds of thousands of villages were largely untouched by state power. Consequently the internecine wars of conquest or succession, the palace intrigues, the frequent coups and bloodshed made no serious impact on the lives of most people. Matters relating to religion and Dharma have been always beyond the realm of the state. Even justice, as understood in ancient and medieval India, was to a large extent left to various social groups beyond the pale of the state.

1. This relative autonomy of the society from state influence has resulted in two developments. On the one hand society was remarkably stable, unaffected by vicissitudes of political fortunes and state power. A high degree of harmony and predictability in human relation were thus ensured. As long as the king's authority was accepted in principle and taxes were paid regularly, the people were untouched by the vagaries of politics. While this was largely true during the ancient era, the situation did not undergo any dramatic change even after the advent of the Delhi Sultanate and Mughal empire. Many historians have forcefully brought out this autonomy of the society even during the Delhi Sultanate period when the state was overtly Islamic, or the Moghal period when significant influence of Islam over the Indian state continued.

*Note1: The word 'state' is used in this essay in its juridical sense, and 'State' denotes a province of the Indian Union*

*Note2: This paper draws heavily from the author's paper accepted for publication in the compilation "The Citizen and the State" as part of the Study on Political Reforms by Centre for Policy Research.*

### Stagnation of Society

3. On the other hand the insularity of the society from the state had ensured that the vertical fragmentation in society continued and institutions remained static and frozen. New ideas were not easily absorbed, and in Tagore's memorable words, 'the clear stream of reason has... lost its way into the dreary desert sand of dead habit'. Hierarchies and divisions on caste lines continued unaffected. Even about a thousand years ago, insightful scholars and historians like Alberuni commented on this stagnation of Indian society unfavorably.

In his Tahqiq-i-Hind, Alberuni pointed out:

“ .....The Indians believe that there is no country but theirs, no nation like theirs, no king like theirs, no religion like theirs, no science like theirs.... They are by nature niggardly in communicating what they know, and they take the greatest possible care to withhold it from men of another caste from among their own people, still more of course from any foreigner.

“They are in a state of utter confusion, devoid of any logical order, and in the last instance always mixed up with silly notions of the crowd. I can only compare their mathematical and astronomical knowledge to a mixture of pearls and sour dates, or of pearls and dung, or of costly crystals and common pebbles. Both kinds of things are equal in their eyes, since they cannot raise themselves to the methods of a strictly scientific deduction....”

In addition to this social stagnation, the limitation of state's influence meant that no empire could really unify India and bring all the people together. The state could not submerge the many group identities and differences for the preservation and glory of the nation. Thus while Indian state even in its most absolutist form was never fascist, the Indian society even at the height of its glory did not allow the fresh breeze of new ideas and institutions to flow.

4. In the modern era, under the British, the state underwent a significant transformation. The period from 1820-1857 was remarkable for the activism and energy of the state. The spread of the idea of education as a secular activity often sponsored and supported by the state, the establishment of colleges and universities, the introduction of uniform administration and civil services, the codification of civil and criminal laws and procedures, the transformation of land revenue system, the standardization of taxes, and the introduction of telegraph and railways made rapid inroads into society. The breathtaking adventure of social reform through legislation along with the ruthless suppression of anti-state and anarchic elements like Thugs and Pindaris significantly altered the relationship between state and society. In many ways the idea of modern state as the arbiter of relations between individuals and groups in addition to its traditional role of maintaining public order and defending the frontiers has come to be accepted during this period.
5. It is possible to argue that one of the powerful impulses behind the Revolt of 1857 was the atavist reaction to this reformist zeal of an alien state. Eventually, after 1857 the British rulers came to believe that excessive state intervention was detrimental to the survival of the empire itself. As a consequence, for almost three decades after 1857, the Indian state was largely status-quoist and the dividing line between state and society was rarely breached.

Subsequently the controversy and resentment following Ilbert bill, the formation of the Indian National Congress, the introduction of local self-governance during Lord Ripon's period, the partition of Bengal and the subsequent reunification, the Rowlatt Act and the Khilafat Movement transformed the relationship between state and society into an adversarial struggle for freedom. Eventually it became the national struggle with two contending parties — the alien state and the indigenous nationalist movement — contesting the legitimacy of each other. Inevitably, people's yearning for freedom could not be contained for long and power had to be transferred to the Indian elite after Second World War.

### **Expansion of 'Welfare State'**

6. With the transfer of power in 1947, the Indian state consciously and deliberately started intervening in areas that were hitherto left to civil society. The constitution, which declared justice — social, economic, and political; equality of status and of opportunity; and promotion of fraternity assuring the dignity of the individual as the objectives of the Indian state has given legitimacy to this deliberate intrusion. The Directive Principles of state policy, which attempted to give expression to these noble constitutional values gave the state the mandate, though somewhat diffuse, to legislate in many such areas. Despite the turbulence and bloodshed accompanying partition in 1947, there was also great excitement and expectation generated by freedom struggle and independence. Obviously there was enormous pressure on the state to fulfill these expectations in a significant measure. The constitution-makers attempted to balance individual liberty and the state's interventionist role. Thus the Fundamental Rights guaranteed various liberties to citizens including equality before law, non-discrimination on grounds of religion, race, caste, sex or place of birth, equality of opportunity in matters of public employment, abolition of untouchability, abolition of hereditary titles, freedom of speech, assembly, association, movement and residence, protection of life and personal liberty, freedom of conscience and free profession, practice and propagation of religion, and protection of interests of minorities. All these ensured that the state could not affect adversely the liberty and autonomy of individuals and groups. Only reasonable restrictions could be imposed on these liberties in the interest of integrity of India and security of the state, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.
7. At the same time the Directive Principles attempted to give expression to the aspirations of the people and to the ideals of the freedom struggle to control, regulate and reform Indian society. While the Directive Principles of state policy shall not be enforceable by any court, the constitution explicitly stated that the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the state to apply these principles in making laws. Promotion of welfare of the people by securing and protecting a social order in which justice, social, economic and political shall inform all the institutions of the national life is the guiding principle of state policy. In particular, the constitution-makers enjoined upon the state the duty to strive to minimize the inequalities in income, and to eliminate inequalities in status, facilities and opportunities not only amongst the individuals but also amongst the groups of people residing in different areas or engaged

in different vocations. In furtherance of these objectives, several principles were enunciated to guide state policy, including right to an adequate means of livelihood, distribution of ownership and control of material resources to subserve the common good, prevention of concentration of wealth and means of production to the common detriment, equal pay for equal work for both men and women, protection of workers and children, opportunities and facilities to children to develop in a healthy manner and in conditions of freedom and dignity, organisation of village panchayats as units of self-government, effective provision for securing the right to work, to education, and to public assistance in cases of unemployment, old age, sickness and disablement and in other cases of undeserved want, and suitable legislation to ensure a decent standard of life and full enjoyment of leisure and social and cultural opportunities to all workers. Uniform Civil Code for citizens, provision of free and compulsory education for children, promotion of educational economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections, separation of judiciary from executive, protection of monuments and objects in places of national importance and promotion of international peace and security, have all been listed as the Directive Principles of state policy.

8. The mood prevailing at the time of transfer of power and the enunciation of Directive Principles enjoined upon the state the duty to actively legislate, supervise, monitor, regulate and control several areas of activity which were earlier regarded as the legitimate spheres of civil society. Much of it was necessary and long overdue. In many ways the British during the decades before the Revolt of the 1857 had attempted to reform Indian society and this process, which was halted on account of intervention of the 1857 Revolt was restarted after freedom. The abolition of untouchability, guaranteeing religious freedom and equality before law, several legislations to protect workers, children, women and minorities and positive discrimination in favour of the long-oppressed and disadvantaged sections of society were both necessary and welcome given the enormous hold of tradition, superstition, ignorance and prejudice over much of our society. However the frenetic activism of the Indian state had several far-reaching consequences, the impact of which is being felt in today's society.

### **Hyperactive State and Governance Crisis**

9. The ubiquitous role of the hyperactive Indian state has made deep inroads into most people's lives. As the state started affecting the lives of a very large number of people, influence peddling, and mediation through power brokers has become all too common. The citizens' dependence on state for livelihood became very common as the state had become the biggest employer of organised workers. Even today, about 19 million persons are employed by the Indian state (Union and State governments and public sector undertakings) out of a total organised wage-earning work force of about 27 million. Such a large and overwhelming role of government as the principal employer in organised sector is unique to only South Asia. The citizens' dependence on state for livelihood, inputs in agriculture, permits, licenses and quotas; the monopolies of public sector, the VIP quota culture for everything ranging from a railway ticket to a cricket match, needless restrictions on trade and marketing of agricultural products, state's monopoly in almost all public goods and

amenities, its control and ownership of all public utilities — all these meant that civil society has become vulnerable to the depredations of state machinery as never before.

10. This spawned a centralised and anaemic culture and most state institutions became hotbeds of corruption, crime, intrigue and nepotism. Power has become an end itself, and is no longer the means to public good. Unbridled and irresponsible populism, knee-jerk opposition to those in power, unbridgeable chasm between rhetoric and action, endless opportunism, and shameless plunder of the state's resources have become the hallmarks of our governance system. All that matters is a hand in the till of state, and an opportunity to indulge in legal plunder and constitutional brigandage. Once in power by hook or by crook, principles, ideology or public opinion are of little consequence. Appointment of public servants to key offices, transfer of inconvenient employees, licensing, distribution of patronage in the form of subsidies and benefits to the poor, public distribution system, government contracts and tenders, mining licences, permission to exploit forest produce, maintenance of law and order, crime control, crime investigation and prosecution, execution of public works, toll gates — all have become the play things of state functionaries. Most players in the power game are not enthused by any idealism, but have become mercenaries who rig polls and resort to violence at the behest of 'leaders' and expect in return to partake in the plunder and share the booty. The resultant corruption and parasitism have made politics the most attractive and least risky commercial proposition. In fact the word 'politics' itself has acquired a very pejorative connotation. Given the economic power wielded by state and the deliberate efforts to prevent legitimate accumulation of individual wealth in the name of socialism have meant that no civil society group would be able to command the resources or influence to combat abuse of state power.
  
11. This intrusive and interventionist role of state has not only undermined individual initiative, but has also hampered social harmony and economic growth. As the state focused most of its energy in the economic sphere of license-permit-quota-raj, the legitimate and vital sphere of state activity has been ignored to the detriment of public. Public order has been a casualty with increasing lawlessness and near anarchy prevailing in many pockets of the country. Dispensing justice, which is a sovereign and critical function of state in any civilised society suffered grievously on account of state's preoccupation with the regulation and control of the economy and public ownership of means of production. More than 30 million cases are pending in various courts of law in India and most people have lost faith in the capacity of the justice system to resolve disputes amicably in time or to punish culprits. As the sanctity of contracts could not be upheld, and contractual obligations could not be enforced through courts of law, entrepreneurship suffered and economic activity stagnated. People were forced to depend on brute muscle power for rough and ready justice. With politics occupying centre stage in society and abuse of power unchecked, criminals soon made inroads into politics. The Election Commission estimates that more than 700 of the legislators (out of the total 4072) in States have a criminal record against them.

## Tools of Power

12. Power is in essence the ability to influence events, resources and human behaviour, for the larger public good. In a democratic society, people elect their representatives to exercise such positive power. Control of the state exchequer, supervision over the employees of the state and the power to make laws are the three fundamental tools available to a government to discharge its functions. Every single day the Indian state — all governments put together — spends about Rs.1500 crores. This astronomical sum of more than a crore of rupees every single minute — day and night — should provide us goods and services of quality. This amount is roughly equivalent to Rs. 5000 per head per annum, or about Rs.125,000 per family of five during a five-year term of an elected legislature! In fact if this money is properly utilised, we could easily provide basic amenities to most people and create the infrastructure required for universal school education of reasonable quality and primary health care accessible to all. It is estimated that about 80 million (8 crores) children between the ages of 5 to 14 are outside the schools. If money alone is the issue, all it takes is an expenditure of about Rs.16000 crores (160 billion) to build 16 lakhs (1.6 million) class rooms as capital investment and further annual recurrent expenditure of about Rs.8000 crores (80 billion) to employ 16 lakhs (1.6 million) teachers. Arithmetically this is equivalent to about 11 days' and about 6 days' state expenditure respectively. And yet the Indian state could not provide universal access to school education even after 53 years of democratic experiment.
13. Similarly, if we take the issue of sanitation, some 70% of Indian people have no access to safe, hygienic toilets and are forced to defecate in public. Apart from the problems of health on account of lack of hygiene and sanitation, public defecation is aesthetically unpleasant, terribly inconvenient to citizens, and most of all offensive to human dignity. Again if money is the issue, to build a safe toilet in every one of the 14 crore (140 million) house-holds which are in need, it costs no more than Rs.35000 crores (350 billion) at Rs.2500 for toilet. Many organisations like Sulabh International have demonstrated that Rs.2500 is adequate for a safe, modern, hygienic toilet without any frills. And yet most Indians have no access to the basic public services and amenities which are taken for granted in any civilized society. It is by now universally acknowledged that very little of this huge quantity of public money spent everyday is actually translated into services and public goods. That is why basic infrastructure in power, road and rail transport and ports is in a state of disrepair, retarding our economic growth. This situation can only be described as constitutional brigandage and legal plunder. The state, instead of serving the citizen, is actually partaking in plunder.
14. The other facet of the dysfunctional state is its vast and labyrinthine bureaucracy which is self-perpetuating. Out of the nearly one billion population of India, the organised wage-earning sector accounts for only about 27 million workers, who in turn constitute only about 8% of work force in India. Out of these organised workers, as many as 19 million are employees of government. While the size of the government as a proportion of the population or its expenditure as a proportion of GDP are by no means unusual when compared to other countries, in reality most of the government employees do not provide any services of real value to the public. Firstly the employment in government is highly is skewed in relation to the needs of the people. For instance in the State of Andhra Pradesh, out of the

nearly 900,000 employees of state (excluding those working in public sector undertakings) as many as 280,000 are clerks who by definition are only support staff helping in decision making. A further 180,000 employees are attenders, peons and drivers who only serve their political and bureaucratic masters. Over 50% of employees are thus in the non-productive sector. There is a huge shortage of teachers and health workers in the government. Many schools function with only two teachers. And even those teachers employed in government often do not provide quality service. More than 95% of the teachers engaged in government schools do not send their children to the schools where they teach. Most primary health centres exist only in name, and provide little quality service to the public. There is an increasing disjunction between the needs of the public and those of the employees of government. As a result stake-holding and power-wielding are completely divorced from each other.

15. In a country with rigid social hierarchies and vast poverty and illiteracy, any person with the advantages of education, and a regular wage-earning job automatically wields considerable power. When the job is in government with all its colonial hangover, the roles of the public servant and the citizen are easily reversed. The public servant is transformed into the master and the citizen becomes the subject. The extraordinary degree of life-time security given to a bureaucrat at every level, with virtually no chance of being brought to book, made it impossible for any government to enforce accountability. Added to this the political compulsions to indulge in populism and direct subsidies, converting the citizen into a recipient and the government functionary into a giver, promoted corruption and helped in reversing the roles between the master and the servant. Consequently most employees will be horrified to learn that they are intended to serve the public as they are paid from the public exchequer.
16. We have thousands of laws in our statute books. Most of them are archaic and obscure. Many are on paper and are never implemented. Even when the state desires to enforce a law, the institutional mechanisms have been so weakened that it is no longer possible to ensure compliance of citizens. The intellectual and moral resources available to the political and bureaucratic class are so limited that creative legislation to resolve national dilemmas is increasingly difficult. Needless political contention on otherwise fundamentally sound proposals makes new and effective legislation increasingly difficult. As justice system has all but collapsed, a whole new industry of administering rough and ready justice using strong-arm tactics has been setup by local hoodlums in most of India. The clout and money these hoodlums acquire makes sure that they are the ones who later enter political parties, and eventually acquire state power.

### **Follies of Omission and Commission**

17. This failure of governance process and the misuse and disuse of the tools of money, employees and legislative power resulted in a grave crisis. Most citizens have given up hope of the state acting effectively and in time to protect their legitimate interests. In fact the state has increasingly become an obstacle to people's march to progress. The anonymous tyranny experienced by almost every citizen who encounters government machinery at any level and

the legal plunder of state resources just squandering much of national wealth have impoverished our society and the bulk of our people.

18. School education and primary health care, which are symbols of civilization in a modern society and without which sustained economic growth is not possible, have been woefully neglected as the state had neither the resources nor the political will and attention span to provide these basic services to the public. Key physical infrastructure, entirely controlled by the state for over four decades, has languished for want of resources and managerial ability on account of state monopoly. There is an endemic shortage of power, ports, roads and railroad services. Only in telecommunications sector has there been significant improvement in the last decade, largely due to vigorous attempts to break the state monopoly and the relative ease of transplanting communications technology even in relatively backward societies. But given the predatory nature of the Indian state, even in this otherwise sensible initiative, there has been considerable plunder and bungling.
19. While the state failed to perform its essential tasks, it showed a remarkable eagerness to needlessly regulate other facets of civil society. Complete monopoly of electronic media until the advent of satellite television, prevention of the spread of television for long, sporadic though largely unsuccessful attempts to muzzle free press by censorship and draconian laws, and several preventive detention laws applied with mindless rigor in arbitrary manner during the notorious 'emergency' period between 1975-77 are some of the striking examples of the state's attempts to curtail individual liberty. The extra-legal executions in the name of encounters, the abuse of police machinery by almost all parties in government, the habitual tortures and illegal detentions despite clear legal and constitutional provisions to the contrary are sad examples of state tyranny in an otherwise soft, ineffective governance structure.
20. In addition, cooperatives which were given a legal status at the turn of century during the British Raj were controlled rigorously after independence stifling individual and group initiative contrary to the freedom of association guaranteed under the constitution. Even formation of societies and their regulation became ever more restrictive in many pockets of India unlike during the colonial era, when a very liberal and humane societies law was enacted and enforced with clarity and fairness. Higher education was completely controlled by the state with very poor results in terms of promoting creativity, knowledge, skills and leadership in society. Clearly the state failed in discharging its obligations to the citizens and has acted as a stumbling block to the fulfillment of individual potential and group initiatives.

### **Negative Influence on Society**

21. Through the follies of omission and commission, inaction and excessive action and criminal neglect and draconian arbitrariness, the functioning of the state adversely affected civil society. As Gladstone observed, the proper function of government is to make it easy for people to do good, and difficult to do evil. In this respect the failure of Indian state is glaring and debilitating to the society. The positive authority of government to curb evil and promote good has become increasingly restricted, whereas the negative power of abuse for pelf, privilege, patronage, petty tyranny and nuisance value has been largely unhindered. As



a consequence, the state became ineffectual in public eye and even legitimate reform efforts came to naught. Most social legislation for instance is mostly on paper and has had no impact on regulating or moderating human behaviour. Abolition of untouchability or dowry are two instances of the state's glaring failure despite pious intentions and sometimes genuine efforts.

22. This sorry state is unacceptable in any civilised society, much less in a democratic society. The citizen is the focal point of any democracy. We elect a government to serve our collective needs, to make and enforce laws to regulate human behavior, to promote the greatest public good possible and to provide us common services ranging from public order to education and health care. The citizen is the true and ultimate sovereign and the measure of government's functioning is a citizen's satisfaction. A government accountable to the citizens who are its true masters, and public servants responsive to the needs of the tax payers who are their paymasters are the essential elements of a democracy. The derailment of our democracy and the failure of Indian state resulting in stunting our potential as a society and a nation have caused immense misery to untold millions.
23. It is the relative strength of civil society nurtured over centuries and the stability of social institutions like family and community which have largely withstood the vagaries of time, which are sustaining a modicum of order, peace and harmony in society and allowing a modest growth and economic prosperity. In the face of state's failure to perform creditably, the citizens have to assert their sovereignty and transform the nature of governance. The tools available to people to achieve this task are elections, political parties and citizen activism. Let us examine the extent to which these tools can be deployed by people to bring about the desired change.

### **Electoral Politics — Rules of the Game vs Change of Players**

24. The behavior of the electorate is increasingly plebiscitary in nature. However, the Westminster model adopted by us recognises only power by acquiring legislative majority by means fair or foul, without reference to public opinion or people's mandate. As people's mandate and power are easily divorced, the rulers are increasingly obsessed with survival in power at any cost. As a result, it is now axiomatic that integrity in public life and survival in public office are no longer compatible. In this milieu, the vote, instead of being an unifying, cleansing and energising tool, has become a divisive force, or at best a means for expression of anger and frustration. The electoral behaviour in most parts of the country over the past twenty five years clearly shows that the dominant mood of the electorate is to reject the party in power. Often this rejection is despite the perception of the elite that the government has performed creditably, and the alternative chosen by the people is even less attractive on careful analysis. Obviously the voter perceives the issue differently. As far as he is concerned, the government of the day failed to fulfil his expectations. Even populist governments, which successfully transferred assets and resources to the people through direct subsidies and welfare schemes, incurred the wrath of the people, as much as those governments that had long-term perspective. This only shows that people are disgusted with the political process itself, and there is deep-seated resentment and unrest about the

imbalance between the exercise of positive and negative power and their own marginalisation and disempowerment.

25. In the judgement of the people, no arm of state escapes the blame - whether the political class or the bureaucracy or judiciary. The politicians are much more reviled and blamed, because in their case the imbalance in exercise of power as well as the incompatibility between honesty and survival are far more clearly evident. In this demonology, the bureaucracy comes next because in its case there is lifetime security irrespective of performance and therefore it is possible to be honest and yet survive. Judiciary is lost in vilification, since it is largely immune from the vagaries of politics and there is minimal interface with the general public on a day-to-day basis. However, judiciary is no less culpable, to the extent that there is gross inefficiency, delay and inaccessibility, almost amounting to miscarriage of justice in most cases. As the old adage goes, the loser in a civil suit laments publicly in court, and the winner sheds tears privately at home!
26. This rejection of the governing class by the voter can be construed to be both positive and negative. The positive significance is the demonstration of the voter's yearning for a comprehensive reform and rejection of status quo. The negative impact is the increasing instability and fear of the ruling classes to face the electorate. All these maladies constitute a first class recipe for corruption, greed, and shortsightedness on the part of those in authority. Corruption has become endemic and is widely perceived to be an ubiquitous feature of our governance. No class of public servants is exempt from this. People who are victims of this day-to-day corruption do not have effective institutional mechanisms for resisting it, and therefore succumb to it. Those who have the will to resist do not dare to do so for fear of greater personal loss than the potential gain resulting from resistance. As a result, it is more convenient and less cumbersome to become a part of the process, than to fight against it. Every individual in this vicious cycle therefore prefers the status quo either to maximise personal gain or minimise personal pain, even as the society at large loses more than individual gain, and is increasingly debilitated. To explain this phenomenon, Robert Wade coined the expression, 'dangerously stable equilibrium'.

### **Electoral Verdicts — Macro vs. Micro**

27. The election verdicts at various levels in the country have an important lesson to offer to us. At the macro level, when we examine a whole state or the country, the verdict does broadly reflect public opinion. We have already seen that, more often than not, this verdict is a reflection of people's anger and frustration and is manifested in the rejection vote. But when we go to the constituency level, we find the picture far more disturbing. At the local level, caste or subcaste, crime, money and muscle power have become the determinants of political power. All parties are compelled to put up candidates who can muster these resources in abundance, in order to have a realistic chance of success. As a net result, irrespective of which party wins, the nature of political leadership and its quality remain largely the same and the people end up being the losers. This is followed by another rejection vote in the next election, and the vicious cycle keeps repeating. Where the candidate cannot muster money or muscle power, he stands little chance of getting elected irrespective of his party's electoral

fortunes. Increasingly in several pockets of the country, people are spared even the bother of having to go to the polling station! Organised booth-capturing and rigging are ensuring victory without people's involvement.

28. There is much that is wrong with our elections. Flawed electoral rolls have become a menace. About 40% errors are noticed in electoral rolls in many urban areas, and bogus voting in towns exceeds 20%, making our elections a mockery. Purchase of votes through money and liquor, preventing poorer sections from voting, large scale impersonation and bogus voting, purchase of agents of opponents, threatening and forcing agents and polling personnel to allow false voting, booth-capturing and large scale rigging, bribing polling staff and police personnel to get favours and to harass opponents, use of violence and criminal gangs, stealing ballot boxes or tampering with the ballot papers, inducing or forcing voters to reveal their voting preferences through various techniques including 'cycling' etc, illegally entering the polling stations and controlling polling process — all these are an integral part of our electoral landscape.
29. Many scholars wonder how, despite such massive irregularities the electoral verdicts still seem to largely reflect public opinion, and how parties in power often lose elections. The answers are simple. Happily for us, though parties in power are prone to abusing authority for electoral gains, there has never been any serious state-sponsored rigging in most of India. The irregularities are largely limited to the polling process alone, and most of pre-polling activity including printing and distribution of ballot papers, and post-polling activity including transport and storage of ballot boxes and counting of ballots are free from any political interference or organized manipulation. That is why parties in power have no decisive advantage in manipulating the polls, and electoral verdicts broadly reflect shifts in public opinion. However, the massive irregularities in polling process make sure that candidates who deploy abnormal money and muscle power have a distinct advantage. Sensing this, most major parties have come to nominate 'winnable' candidates without reference to their ability and integrity. Thus, the use of money power and muscle power are sanctioned by almost all the parties, and often they tend to neutralize each other. The net result is that candidates who do not indulge in any irregularity have very little chance of being elected. Election expenditure - mostly for illegitimate vote buying, hiring of hoodlums and bribing officials - is often ten or twenty times the ceiling permitted by law. Criminals have a decisive or dominant influence on the outcome in many parts of India, and have often become party candidates and won on a large scale.

### **Election Expenditure and Corruption**

30. The vast unaccounted expenditure in elections has a direct bearing on the governance process and the ubiquitous corruption in our administration. To take the example of a major State, it is estimated that about Rs.600 crores (6 billion) has been spent by the major political parties in the recent elections. Most of this expenditure is both illegal and illegitimate and was spent to induce voters through money and liquor or bribe officials involved in the polling process to connive in rigging and other malpractice and to hire hoodlums to distort the whole election through personation, rigging and booth capturing. The political process feeds on

corruption, and in turn promote it. The appetite of parties and candidates for ill-gotten unaccounted funds is legendary. This expenditure in elections is often 10-20 times the ceiling imposed by law. There is obviously a great urge to replenish this expenditure with a decent return on investment and insurance to cover the risk of failure in a winner-takes-all election and a provision for the future elections. Combined with these requirements is the Indian perception that public office is for private gain. The politician who spends an average ten years as a political worker waiting to be nominated as a candidate of major party and who forsakes most gainful employment in pursuit of politics expects that he and his family will be provided for a whole lifetime and sometimes for several generations. This makes the system exceedingly corrupt and on an investment of Rs.600 crores (6 billion) a return of at least Rs.3000 crores (30 billion) is required to sustain it. However most of this money is routed through the vast bureaucracy in the form of rent seeking or an illegitimate fee for every conceivable public service ranging from a birth certificate to registration of a sale deed. Given the vast size of the bureaucracy, it is inevitable that about 90% of the corruption proceeds are retained by it even as the per capita receipts are much smaller than those of politicians. In effect this means for every rupee of expenditure by politicians in elections they would expect a return of five rupees, which in turn is translated into corruption of the order about Rs.50 at the grass roots level. However the citizen will not willingly pay a bribe for routine public services unless he or she is compelled to do so. Most corruption in India is extortionary. The delay, inefficiency, humiliation, indignity, inconvenience and often lost opportunity may cost ten times or more if palms are not greased. As a result most citizens submit to corruption as they conclude by their own past experience that the alternative is much worse. This makes the system exceedingly corrupt and money is siphoned off at various levels.

### **Why do Citizens Vote Badly?**

31. We still have to answer one important question relating to election expenditure and corruption — why do citizens often vote badly in the first place? There are umpteen instances of spotless candidates being defeated at the hustings even as known criminals and corrupt persons are elected to public office. Most citizens have come to the sad conclusion after decades of experience that no matter who is elected to office, the one group that ends up as losers is the people themselves. Even if every person elected has actually lost the election and his nearest rival has in turn been elected to public office, there will be no appreciable change in the quality of governance. This remarkable inertia and the seeming intractability of the governance process have convinced citizens that there is no real long-term stake involved in electoral politics. Therefore many poor citizens are forced to take a rational decision to maximise their short-term gains. As a result the vote has become a purchasable commodity for money or liquor. More often it is a sign of assertion of primordial loyalties of caste, religion, group, ethnicity, region or language. Very often without even any material inducement or emotional outburst based on prejudices, the sheer anger against the dysfunctional governance process makes most voters reject the status quo. Often this rejection of the government of the day is indiscriminate and there are no rational evaluation of the alternatives offered. In short, even the illiterate, ordinary voter is making a rational assumption that the vote has no serious long-term consequences and the choice is between

Tweedledom and Tweedledee. Therefore he is attempting to maximise his short-term material or emotional gain!

### **New Entrants into Politics**

32. If we examine the new entrants into politics over the past three or four decades in the country, hardly any one with intellect, integrity, commitment to public service and passion for improvement of the situation could enter the political arena and survive. Almost every new entrant has chosen politics exactly for the wrong reasons. A careful analysis shows that political inheritance is the commonest cause for entry into politics. This is closely followed by those who have large inherited or acquired wealth and have decided that investment in politics is good business. In recent years, many local muscle men, whose services were earlier sought for extortion or vote-gathering, are now directly entering the fray and gaining political legitimacy. A few persons have entered politics out of personal loyalty to, and close contacts with those in high public office. Film stars, whose faces are widely known and admired, have predictably started converting their popularity and image into elective office. Occasionally, accidents of fate are pitchforking certain individuals into elective public office. If we exclude these methods of inheritance, money power, muscle power, personal contacts, stardom in films, and accidents of fate, there will not be even a handful of persons in this vast country of ours, who have entered politics with passion for public good and survived for any length of time over the past four decades. There is no activity more vital and nobler than governance. In the true sense, politics is about promotion of happiness and public good. But if the best men and women that society can boast of are either prevented or repelled or rendered incapable of surviving in the political arena, then that governance is bound to be in shambles.

### **Failure of Political Parties**

33. The question then is how do we resolve this crisis speedily and peacefully, for such a resolution is critical for good governance, human happiness, economic prosperity and social harmony. In a rational polity, the problems of governance has to be addressed through participation in political process. It is the duty as well as the right of citizens to join political parties, acquire positions of leadership and influence in them, articulate an alternative vision for society and polity, seek elective public office, obtain people's mandate and bring about necessary changes. However this political process is utterly perverted in India and does not give opportunity for enlightened and public spirited citizens to participate in it. The political parties have become incestuous under the control of oligarchic coterie. Once somebody ascends to a position of leadership in a party, often for reasons other than public support or a broad vision for the future, that person controls the membership access to citizens, expels members at will whenever his position is threatened, does not allow a democratic electoral process within the parties to change leadership, and in general exercises absolute and arbitrary control of the party. In short the political parties have become instruments of self-aggrandizement and personal power. Parties enrich themselves with illegal, unaccounted funding and use these resources to further tighten their control over the

members and the electoral process. The choice of candidates nominated by parties for elective public office is entirely at the discretion of the often unelected authoritarian leadership. As a net result of this, political parties have become at best instruments of personal power and have ceased to be institutions of political socialization and agents of change.

34. In addition to the failure of parties as instruments of change, the increasing role of money power and muscle power in our electoral process and the distorted electoral process which lends itself to enormous manipulation through rigging, booth capturing and bogus voting make it virtually impossible for an honest citizen to successfully seek elective public office through perfectly fair and legal means. This complex scenario makes the Indian governance crisis seemingly intractable. On the one hand in a democracy the only answer to the governance crisis is more and better democracy engineered through political process. On the other hand the political process has become inaccessible to the best men and women in society unless they are willing to compromise to such an extent that they become a part of problem and not the solution. The greatest challenge facing civil society in India today is to somehow unravel this vicious cycle and reverse the decline in governance.
35. At the same time it is unrealistic to expect people to be able to make a significant impact in the electoral arena without a party label. Throughout the world political parties are the arbiters of politics and the nation's fate in a true sense. They exercise enormous influence on public discourse. They drown all other voices literally by the noise levels they generate and occupy endless newspaper space, radio and television time. They have a direct impact on public policy affecting millions of lives. Political parties are the only effective instruments to acquire power, control the state apparatus and govern. In this backdrop it is virtually impossible for honest and well-meaning citizens to make a significant political contribution outside parties. The fact that the role of independents in legislatures is at best marginal and is consistently declining only illustrates the importance of parties in democratic governance.
36. It is unimaginable to think of a liberal democratic society without influential political parties. There is no genuine democracy in which parties do not play a dominant and decisive role in both elections and governance. The well-meaning but somewhat naive attempts of idealists to promote partyless democracy have floundered in all countries, including in India. The heroic efforts and advocacy of partyless democracy by Lok Nayak Jayaprakash Narayan are a telling illustration of such an idealistic vision of a democratic society based on free will of individual citizens without the intermediation of political parties. However, such unalloyed idealism could not withstand the power of organized political parties, and ultimately failed to take off. Many scholars believe that apart from competitive elections, the existence of a whole series of intermediate institutions in society espousing particular political values is critical for the survival of a liberal democracy. In practice, it is well recognized that electoral political action outside political parties is almost always doomed to failure. This applies equally to countries like the United Kingdom with strong and well-organized political parties and to nations like the United States with very loosely organized political parties with enormous accent on individual liberty. Even in the US, an occasional independent like Ross Perot may significantly influence public attitudes on certain crucial issues for a time, but cannot realistically hope to capture the levers of power.

### **Distortions of First-past-the-post (FPTP) System**

37. Therefore the only realistic option available for citizens who wish to involve themselves in political action is joining political parties. Unfortunately, given the nature of our political parties and the distortions in our electoral process, it is increasingly difficult, if not impossible, for decent citizens to acquire influence in parties and get elected to public office. Honesty and survival in politics is increasingly incompatible. As parties are functioning in an autocratic, unaccountable manner more as private fiefdoms than as instruments of political socialization, the best citizens in society are repelled from political activity. A party represents the aspirations, dreams and beliefs of millions of people and is a product of decades of history, emotion and tradition. It is therefore not easy for individuals to try and form new political parties overnight. In particular the first-past-of-the-post(FPTP) system makes it virtually impossible for new political groups to make an impact on our electoral system and force change in political parties or governance process. In our present electoral system in which an individual wins by obtaining the largest number of votes, there is a tendency on the part of parties to move heaven and earth to win a particular constituency. Highly respected and credible individuals stand very little chance despite considerable public support unless they resort to the same ugly practices that have become the hallmark of politics in our country. As a result, politics remains elusive for the finest citizens who could, in a saner polity, provide great leadership.
38. In fact politics, which in a true sense should be a noble endeavour promoting human happiness and harmony in society, is almost always described in pejorative terms. As a consequence of this civil society is largely alienated from political process. One possible way out is a system of Proportional Representation (PR) in which a party can have presence in legislature on the basis of its overall popular support, irrespective of whether or not the party can win constituencies on the basis of the largest number of votes obtained. There is a realistic possibility of parties shifting their emphasis to increasing their vote share if PR system is introduced. There is evidence to suggest that the illegitimate efforts to win a few constituencies may actually run counter to the larger objective of enhancing the voting share in a whole State or nation. At present because of the local factors dominant in constituency elections, the party's overall vote share does not seem to be important. Winning every constituency at any cost by hook or crook is the aim of most mainstream parties in the FPTP system. In PR system once the overall voting share and the image of the political party become critical for the success of the party in the elections, the nature of campaigning and electoral process will undergo a radical positive transformation. Even more significantly, influential groups which have some base but no realistic chance of winning elections now will have an opportunity in the PR system to grow and become serious players in the political landscape, forcing reform.

### **Illiteracy — Cause or Consequence?**

39. One other issue we should examine dispassionately is the impact of illiteracy and ignorance in society on the electoral and political system. Informed citizenry, active citizenship and

collective assertion are critical civil society functions in a mature democracy. However the very low levels of literacy prevalent even today despite decades of rhetoric have made ordinary citizen very tiny and weak in the face of the might of the state. Many people secretly believe that universal adult franchise in a largely illiterate society is not desirable. However the reality is that the verdict of the poor and illiterate people is roughly the same as that of the literate and informed population in society. Human beings are endowed with the same amount of dignity and they have the same democratic right and freedom of choice irrespective of their origins, level of literacy, wealth, talent and accomplishments. In fact it can be argued that illiteracy is not a cause of mis-governance in society but is actually perpetuated by failure of governance. The literacy levels of many countries which had comparable human development indices some fifty years ago have dramatically improved after the second world war. The fault of perpetuation of illiteracy, if anything, lies at the doorstep of incompetent administration and dysfunctional political process. To argue that illiterate population is the cause of failure of governance is a clever inversion of logic wholly devoid of merit.

40. Apart from examples like South East Asia, Sri Lanka and the State of Kerala, the experience of Tamil Nadu in recent years clearly demonstrates that a few strategic interventions by the state will make a spectacular difference to literacy in a relatively short span of time. Some time in early 1980s the MGR Government in Tamil Nadu introduced the mid-day meal programme at schools. The motives were probably to attract the votes of the poor, to enhance the image of the ruling party and the leader, and the genuine concern for the plight of the poor coupled with a desire to promote literacy. Unlike many other usual government promises and programmes bureaucratically implemented, the mid-day meals scheme in Tamil Nadu was genuinely well- implemented. There was a lot of political attention focused on this scheme. As a result, the poor sent their children to schools. A well-conceived programme genuinely implemented thus altered the behaviour of people. As the schools became the centre of political attention the quality of schooling went up significantly. Simultaneously greater investments were made in school education. As a result literacy levels went up and in particular female literacy made rapid strides. Today Tamil Nadu has the second highest level of literacy in India among the major States. In the past few years this higher level of literacy has translated itself into low levels of population growth. Tamil Nadu is now very close to reaching a stable population level. All this transformation has taken place in less than two decades. This change resulted in higher skill levels, greater investment, greater employment creation and rapid economic growth.
41. Let us compare this with the State of Andhra Pradesh where populist programmes of a different kind were implemented with equal sincerity and vigour. In 1983 the NTR government introduced the subsidized rice programme at Rs.2 a kilogram. The scheme was equally well-implemented and the motives were perhaps similar. However people simply consumed subsidized rice and it did not alter their behaviour in any positive way. As a consequence the poor largely remained poor and their skill levels and literacy have not gone up. In fact it is possible to argue that the savings by the poor went for alcoholic consumption and such other unproductive, and sometimes harmful activities. Andhra Pradesh today has the third lowest literacy among all States of India. Only Bihar and Orissa have lower levels of literacy. It is clear therefore that literacy level cannot be a precondition for democracy and



universal adult franchise. In fact good governance and sensible strategic initiatives are the preconditions for higher literacy and the positive benefits that flow from it.

### **Is Economic Liberalization Enough ?**

42. There are many who believe that the economic liberalisation process initiated in 1991 would somehow find answers to our governance crisis. It is well recognised that such a reform process is long overdue. However economic reform, while it is necessary, is by no means sufficient to resolve our national dilemmas. Even if the role of the state is redefined with sharper role in a narrower area, an efficient and just state in a free society is a vital precondition for economic growth and human happiness. Even in a liberalised economic environment, the state still has the duty to discharge vital responsibilities. Public order, crime investigation, speedy justice, good quality school education accessible to all children, universal primary healthcare, maintenance of minimal standards of sanitation and civic amenities, and building of vital infrastructure like roads and facilitating economic growth through other infrastructure development like power and ports – all these are the legitimate functions of the state irrespective of the economic system we choose. It is this failure of the state to provide good governance and to enforce rule of law that explains in a large measure the limited success of economic reforms. In the absence of good governance, economic reform in itself will lead to modest growth at best for some period and the fruits of reform will be transient and self-limiting. Inadequate human development and the failure of our delivery systems have led to appallingly low levels of literacy and skills, poor health coverage and hopelessly inadequate infrastructure. The vast majority of Indians are thus left outside the pale of the productive process of the nation.
43. The situation is further complicated as abuse of power is now finding expression in the critical sovereign areas of state function as opposed to the earlier days when economic patronage of state was abused for personal gain. As long as license-quota-permit raj was in vogue, most players of the power game were content with distorting competition and extending patronage on selective basis for a consideration. The political class and bureaucracy have thus lined their pockets at the cost of fair competition, creating monopolies and distorting market forces and hurting the hapless citizens. However since 1991 the role of Indian state in licensing and other related economic activities has been on the decline. But in the absence of effective institutional checks against abuse of authority, the state continues to have a wide latitude in areas of sovereign functioning like public order, crime control, administration justice, crime investigation and related matters. No matter how much we limit the role of state, there are vital areas which will always be within the state sphere. When conditions for good governance are not fulfilled, abuse of power becomes the norm. When economic decision making power is denied to the state, such abuse of power will find expression in these sovereign areas and society will be deeply hurt. Over the past several years there is mounting evidence of such a phenomenon resulting in increased criminalisation of politics, greater politicisation of crime investigation, and increasing nexus between political class, state agencies and organised criminal gangs and operators. In effect such abuse of power in the critical areas of state functioning leads to complete lawlessness and undermines the firm foundations of our society and civilisation. In any case, even with economic liberalisation the state will continue to play an important role to ensure fair competition. A rogue state whose legitimacy is in question, whose appetite for ill-gotten

funds is uncontrollable, and whose actions are not accountable to the people will continue to use the limited economic decision making power under its control for private gain and personal ends at the cost of public good and economic growth. Therefore mere economic liberalisation is not a panacea to resolve our governance crisis. There is no substitute to good governance characterised by liberty to all citizens, self-governing institutions, empowerment of people and stakeholders, rule of law and institutional safeguards against abuse of authority.

### **Obstacles to Active Citizenship**

44. There are millions of Indians who are deeply concerned about the future of our country and the democratic system. The most likely topic of conversation when any two Indians who have some leisure at their disposal meet is the decline of our democratic institutions and the condition of the Indian state. However, all this deep concern is not translated into meaningful action on a sustained basis on account of three formidable obstacles. Firstly, most people do not have adequate exposure to our institutions of governance to appreciate the larger malaise affecting the Indian state. In the absence of a holistic perspective, most people tend to view the crisis through a tunnel, facilitating a highly skewed and very partial understanding, very much akin to a blind man describing the elephant. In the absence of comprehensive understanding of our governance structure, these partial, half-truthful perceptions do not enable us to unravel the intricate and vital linkages among various institutions. Without such understanding of the linkages, it is not possible to make any serious beginning of any meaningful reform to resolve the crisis facing our governance.
45. Secondly, most people are overawed by the vastness of India, the complexity of our society, and the magnitude of the crisis daunting us. India defies easy description or analysis. The huge population, the vertical fragmentation of our society for ages, the relative immobility of the population, the enormous poverty and drudgery, and the complex cultural baggage leading to uneasy coexistence of several layers of our society from the medieval period to the modern era — all these constitute a mind-boggling and often frightening reality paralyzing all participants and observers into inaction. Thirdly, in the modern technological world, with increasing opportunities for rapid economic growth, most well-informed and perceptive Indians are consumed by the day-to-day individual and family concerns. The history of the freedom struggle led us to believe that legitimate personal concerns for survival and growth are incompatible with the quest for national good. The Indian nationalism during freedom struggle was largely based on the anger against racial bigotry, cultural atavism as a defence mechanism to shore up self-esteem and an idolatrous sense of patriotism with deification of Mother India serving as an emotional anchor. Colonial economic exploitation was certainly a factor in shaping the Indian nationalism, but its role was relatively subdued in giving expression to nationalistic fervour. In this backdrop of emotionalism and patriotic fervour, individual concerns seemed to be irrelevant and incompatible with the national goal. However, in a modern democratic nation-state, it is very difficult to generate such heightened patriotic fervour on a sustained basis. In a rapidly changing world, even a few years of neglect of

personal goals have very painful economic and emotional consequences to most people. Therefore, the fear of insecurity and uncertainty at the prospect of having to give up personal life for the national cause deters most thinking Indians.

### **Governance Reforms**

46. What then is the answer to this grave crisis of governability? The nature and magnitude of our problems are undoubtedly daunting and we are witnessing the collapse of the Indian republic. However the Indian crisis is by no means intractable or immutable. The resolution of this crisis lies in the recognition that what we need is not a mere change in players but a fundamental transformation of the rules of the game. Such a reform process should encompass several spheres of governance ranging from political parties to justice administration. Democratization of political parties to enable our best men and women to participate in political process; far reaching electoral reforms to ensure free and fair elections enabling the best leadership to emerge; democratic decentralisation and empowerment of citizens to an extent that the relationship between vote and welfare of the citizens and between tax money and public services provided is clearly established; a public service reform to make the bureaucracy an effective instrument of good governance; greater separation of executive from legislature to make honesty compatible with survival in elective public office; a speedy, efficient and accessible justice system; and institutional self-correcting mechanisms and safeguards against abuse of public office – all these should be the integral components of our governance reform. Isolated efforts, no matter how well meaning and necessary, are bound to be frustrated when unaccompanied by the other necessary reforms.
47. The question then is what is the role of civil society in reforming the Indian state and making it an instrument for promotion of human happiness and public good. The state has largely failed to achieve its own stated constitutional objectives and has become dysfunctional. The political process which ought to provide solutions to these crises has actually become a major problem in itself and added to the woes of people. Economic liberalisation which is desirable and long overdue cannot by itself bring about the desired change and may in fact be halted by an unaccountable rogue state. If such a crisis is allowed unhindered, there are obviously grave dangers to civil society.

### **Dangers to Civil Society**

48. First, there is increasing lawlessness and anarchy in most parts of the country. As all governance structure fails, the citizen is no longer sure of the state meeting its obligations in any sphere. Any citizen, unadorned by power and privilege, who ever approaches any public office in the country to obtain something that is due to him as a matter of right, is fully aware of the magnitude of the state's failure. The all-pervasive corruption, harassment, delays, inability of the courts to render justice in time, the complexity of our administrative system that makes it wholly unintelligible to hapless citizens, the frequent breakdown of public order and increasing insecurity -- are all the

visible manifestations of this anarchy. In a true sense, we are already in a state of anarchy. This anarchy is rising rapidly, and already in several pockets of the country life is never predictable. Justice, human rights, freedom and high quality of public services are all remote concepts which have no relevance to the day-to-day life of ordinary citizens.

49. The second danger ahead of us is the possibility of despotism by invitation. As the propertied and educated middle and upper classes, who have great stakes in peace and order, are increasingly disenchanted with the governance process, they are coming to the dangerous conclusion that freedom and democracy are synonymous with chaos and anarchy. Most of our urban middle classes have already come to this conclusion and have become votaries of some form of authoritarianism that can bring order and peace to the society at any cost, so that they can pursue economic growth unhindered. In this milieu, the threat of dictatorship does not lie in a possible coup d'etat, but it may creep into the system by the acquiescence of the middle and upper classes - the political class, bureaucracy, armed forces, police, professions and the business class. In their desperate quest for order at any cost, they have little understanding of the nature of dictatorship, or its limitations, and the lessons of history are all-too-readily forgotten. Setting aside the fact that freedom and democracy are unalienable birth rights of every citizen, there is no possibility of a centralized, despotic regime succeeding any better than a dysfunctional democracy. If, by some modern electronic marvel, the centralized regime does find the means of governing our vast and complicated polity in a despotic manner, there is no reason why the ordinary people, who have no real stakes in order for its own sake, should give up freedom and adult franchise, which are the only elements that lend dignity to their impoverished lives. The rejection of despotism by the poor and the deprived will result soon in a massive upheaval and bloodshed, and society will face even greater chaos and disorder. As a wise man said, while the capacity of man for justice makes democracy possible, the propensity of man for injustice makes democracy necessary. Morally or pragmatically, there is no substitute to democracy. Any efforts to the contrary are not only doomed to failure, but will also drive the nation to disaster.
50. The third grave danger threatening the nation is the specter of balkanisation. As authority and order break down, and as the governance apparatus fails to serve its main purpose of maintaining public order and ensuring cohesion and harmony in society, disintegration becomes inevitable. As the centralized and inert polity proves incapable of reform, many thinking persons, daunted by the vastness of the nation, its incredible plurality, and the complexity of problems, may be compelled to conclude that the only way of bringing about reform strengthening democracy and fulfilling people's aspirations is to break up the country. In addition, the economic liberalization process itself may exacerbate this latent tendency towards balkanisation. As some regions and States respond more positively to growth impulses, and have a better social and economic base to enlist mass participation in production process, they will be far ahead of the rest of the country. The disparity between, say 12% annual growth rate in one region and 2% growth rate in another, may not appear to be dramatic at first sight, but within a decade it will be very great. If both regions started at the same level of GDP per capita, the faster-growing region will have two and a half times the GDP per capita at stable

population. If already the faster-growing region has double the GDP per capita, then the disparity will be five times. Such disparities are unsustainable among regions in a democratic society. The resultant mass migration from the poorer regions to the more prosperous areas in an already over-populated country will create untold havoc and suffering. Inevitably the social strife will lead to erection of barriers against entry and will lead to eventual balkanisation.

### **People's Sovereignty and Collective Assertion**

51. The answer to this enveloping governance crisis has to lie with civil society itself. In any democracy it is the universally accepted norm that the people are ultimate sovereigns and the government is elected and officials are appointed as public servants to provide governance on behalf of people, who are their true masters. Every functionary of government, whether elected or appointed, from the president of the republic to the lowest paid employee in the neighbourhood is the servant of the people, paid from the state exchequer and accountable to the public in return. The constitution itself is a creature of the collective will of the people. When the state becomes dysfunctional with grievous consequences, the people always reserve the right to set things right. In fact it is the public duty of all citizens to exercise constant vigil over the functioning of their servants and to institute mechanisms to ensure more effective and harmonious functioning of the institutions of the state. Collective and informed assertion on a day-to-day basis in matters relating to all public services at the local and community level is the most elementary duty of the citizens. Even mandatory services like getting a residential certificate, enrolling the name of a citizen as a voter, obtaining a driving license or getting a land sale registered involve delay, corruption, inefficiency, hostility, apathy, harassment, humiliation and indignity to most citizens on daily basis. The frequent changes of governments have made no real difference over the years. One lesson learned by all of us is that what we need is not merely a change of players but also the change of the rules of the game. However at the local level, collective and informed assertion by citizens will significantly improve the quality of public services even within the existing rules of the game. Individuals are too weak and isolated to fight effectively and can be victimised and harassed by arbitrary rogue functionaries of state. Assertion without precise knowledge of the way public services are supposed to be delivered will create a lot of noise with little positive outcome. Mendicancy and parasitism will only convert the citizens into subjects seeking alms from the almighty state, and therefore assertion of public will in a peaceful and democratic way is necessary.

52. We have everywhere innocent persons who are afraid of police constables, people who cannot gain access to a government office without a bribe, parents who cannot get decent education for their children in government schools, consumers who do not get provisions in a ration shop, citizens who cannot vote freely, children who do not get immunization in health centres, farmers who cannot sell their products in fair markets, commuters who cannot reach destination on time, public utilities that overprice services without amenities, and litigants who cannot get justice for years. In such a milieu, democracy becomes a meaningless concept and governance becomes constitutional brigandage. Our freedom is imperiled by arrogant governments and inefficient public servants. Self-governance is a mockery if the

citizen is a passive spectator of the misdeeds and inefficiency of those who are paid to serve him. Empowerment of the citizens and stake-holders is the key to improving the quality of our public services. The elected or appointed public servants should be constantly aware that the real power vests in people, and they are merely the functionaries to serve the people. When citizens are marginalised and kept in the dark, unfettered discretion, arbitrariness, favouritism and partisanship will be the norm. Rule of law can be established only by alert and active citizens. An informed citizenry is the basis of a successful democracy. By the constant assertion of an alert citizenry, we can improve the nature of our government and the quality of public services. A citizen seeking a public service to which he is entitled is not a supplicant begging for alms; he is the master asserting his right and making the servant accountable.

### **Instruments of Accountability and Participation**

53. However mere informed public assertion at the local level is not enough in the absence of effective instruments to promote transparency and accountability. Freedom of information on all matters of governance, citizen's charters codifying standards of performance in public services and establishing systems of accountability, empowerment of local governments in order to establish a clear, intelligible, well-defined relationship between the vote and welfare of the citizens, and between tax money and service rendered to the public, legal empowerment of citizens as stake holders in select public services, and measures for achieving speedy justice at the local level are all such instruments which can be put in place within the existing constitutional framework at the State and local level. While governments have been paying lip sympathy to these measures occasionally, there has been no serious effort to build enduring institutions to serve the public cause and make governance accountable. Citizens' initiatives and people's movements ought to focus on all these specific, practical, measurable, broadly acceptable institutional mechanisms and force the elected governments to respond to people's urges at local and State level. Unless such well-defined and universally acceptable measures are identified and public opinion is mobilised through the people's movement, no government is likely to initiate tangible and enduring action to empower citizens and to make itself accountable to the public.
54. However, all these instruments are still inadequate without the opportunity to effectively participate in the political process. Political parties, which now function as closed oligarchies and personal fiefdoms, should be reformed comprehensively. Free, open and non-arbitrary membership, regular, free and fair elections within the party, complete transparency and accountability with strict disclosure norms on all matters relating to funding and utilization with swift penalties for violation, and democratic choice of party candidates for elective public office through secret ballot are all the necessary preconditions for citizens' effective political participation. Democratization of political parties should be accompanied by comprehensive electoral reforms to make elections genuinely free and fair, and to enable public opinion to be translated into legislative presence. Simple procedural reforms will ensure that electoral rolls are accurate and up-to-date. For instance if citizen- friendly institutions like post offices become nodal agencies for making available electoral rolls and for filing applications for inclusion or deletion of names, there will be significant

improvement in electoral process. Given the serious flaws in electoral rolls and absence of voter identity cards, large scale personation, rigging and booth capturing have become the norm in many pockets of India, effectively alienating decent citizens from the political process. Simultaneously efforts to curb persons with criminal record from contesting are vital to ensure healthy interface between politics and civil society. Today, increasingly muscle power and criminal elements have come to dominate political activity. Reforms to ensure accountable and transparent use of money in elections are equally critical to improve the health of our polity, and uphold people's sovereignty.

55. Citizen activism is necessary to closely monitor the election process and exercise vigil over the functioning of political parties and conduct of elections. Such an Election Watch movement is necessary for two reasons. Firstly the distortions and perversions in political parties and electoral process have become the biggest stumbling block to governance reform in India. Secondly during the time of election people's minds are sharply focused on issues related to governance and it will be relatively easy to spread public awareness about the failure of the existing governance structure and the specific tangible reforms needed to improve state functioning. For instance electoral rolls are notoriously flawed all over the country and the names of eligible voters are often missing, while names of those who are ineligible or not residing in the locality or dead or fictitious persons find place in voters' lists. Voter identity cards are not made available to the citizens despite an expenditure of Rs.1000 crores incurred already, and such identity cards are not made mandatory to exercise franchise. As a result massive rigging by impersonation, booth capturing, and various other malpractices have become the norm in our elections, making a mockery of our democracy. Notorious criminals and rapaciously corrupt persons are nominated as candidates for public office by political parties with impunity since there is no real resistance. Voters have thus no real choice in elections, and no matter which party wins, people always end up as losers. Public discourse is distorted at all times, and during election campaigns there is no worthwhile debate on issues affecting citizens' lives at all. Strong, non-partisan and credible people's movements have a vital role in mobilizing public support for cleaner and fairer elections and in forcing parties and candidates to respond to people's urges.
56. Perhaps the most vital requirement for active citizenship is a high level of literacy and access to basic amenities like sanitation to uphold the dignity of citizens. The example of Tamil Nadu shows how sensible strategic initiatives can make a significant impact on literacy within a short span of time even in an otherwise moribund and decadent political culture. Similarly, we need a great people's initiative like the sanitation movement of the 1840's in Britain, backed by strong government support and commitment of resources. Illiterate people who are denied the basic dignity and privacy of sanitation cannot be expected to understand fundamental duties or assert their fundamental rights.

### **Societal Flaws Undermining Democracy**

57. One question remains to be answered. If the state is but one, though vital, institution in society, is it not unrealistic to expect the state to resolve the many social dilemmas? Doesn't such an unbalanced view of state-society relations end up placing a disproportionate

emphasis on state driven changes of society? While the governance process should fulfil the minimum preconditions for civic participation, many of the obstacles are social, and not necessarily political. During the period from 1830s to 1940s social reform movements were engineered by several liberal intellectuals and crusaders. In fact many of our great national leaders effortlessly integrated the national struggle for independence with social reform effort into a seamless web. Narayana Guru, Jyotiba Phule, Vidyasagar, Ramamohan Roy, Dayanand Saraswathi, Veeresalingam Pantulu, Mahatma Gandhi, Babasaheb Ambedkar and several other stalwarts regarded social reform as the end and political power as merely one of the means to achieve it. Sadly, with the advent of freedom there has been no serious or concerted effort to change social attitudes and to promote a democratic culture in society.

58. There is much that is good in our culture and tradition. The strength of family as an enduring social institution, the communitarian spirit which still pervades most of our rural society, the sense of right and wrong that informs most human conduct, the natural assimilation and eclecticism and syncretism dominant in our ethos, and the remarkable capacity for adjustment, coexistence and contentment are all our great strengths as a society. However, there are several serious societal flaws which undermine our democracy. In the words of an Indophile Dr. Carolyn Elliot, they can be summed up as absence of a sense of equality, trust and common fate. Firstly, most Indians instinctively accept and perpetuate distinctions on account of birth, caste, wealth, power and occupation. That all human beings are entitled to equal dignity and all productive work to fulfil society's needs has the same value are not part of our belief system and world view. This can only be corrected by movements within civil society, and political institutions and laws can at best be useful adjuncts. In Myron Weiner's words, 'psychology of caste' still dominates the thinking of most Indians.
59. Secondly, the educated and the better off sections of society instinctively reject the notion that all citizens have the capacity for self-governance. Even elected politicians and paid public servants harbour great mistrust about the ordinary citizens' capacity to decide what is best for themselves. There is an unspoken assumption that people need to be told what to do, and cannot be trusted with power. The resistance to genuine local self-governance and people's empowerment is the most visible manifestation of this mistrust. The edifice of a sound democracy can be built only on the strong foundation of trust and faith in the unalienable right to self-governance and the intrinsic capacity of the common people to achieve uncommon goals.
60. Finally the sense of common fate, which is so vital to bind people together into an orderly society with protection of rights to all, is missing in us. As President Narayanan put it aptly during his Republic Day address to the nation:

“We ignore the social dimension of our actions and practices. The late Dr. Adisheshaiah, one of our prominent economists and academicians, wrote about his mother that she was a high born lady who kept her house spotlessly clean. Every morning she used to sweep and clean the household herself and then dump the rubbish in the neighbour's garden. Self-regarding purity and righteousness ignoring others has been the bane of our culture. It has created a gulf in our society between people even with regard to basic needs and fundamental rights”.



A civilized society can be sustained only if citizens recognize that rights and duties coexist, and in fact one's rights are translated as the duties of others, and vice versa. Individual behaviour in our society is often detrimental to collective happiness. The impunity with which people jump queues, the frightening violation of traffic rules, and the habitual spitting on the streets and littering are but a few random examples of such socially debilitating behaviour. This ugly social trait, combined with governmental apathy ensured that unfulfilled potential and avoidable suffering persist in great measure in our country.

61. The social attitudes of the governing classes and their unceasing efforts to perpetuate the rigid social hierarchies are abundantly in evidence in our daily life. One of the chief concerns of the average urban middle-class house-wife is her child's admission to a prestigious private English medium school, or her inability to get cheap hired domestic help, preferably a child worker. R K Laxman illustrated this mindset superbly in his cartoon which shows two boys, one healthy and dressed in school uniform standing erect, and the other weak and ill-clad groaning under the weight of a load of books. The mother of the school-going child tells her friend, "It's really cruel burdening the kids like this! I had to hire that boy to help my son!". The democratic process, instead of empowering the poor and improving their skills through quality school education and giving control to stake-holders, has in fact perpetuated the social hierarchies by retaining control with the elites and divorcing the stake-holders from power.
62. A related social malaise is the excessive obsession with immediate family and progeny with little care or concern for public goods. Great democracies are built as much with individual efforts to build social capital as through enduring and wise institutions of state. The sanitation movement in Britain in 19<sup>th</sup> century, the great universities, public libraries, museums and parks built through the support of farsighted individuals and foundations in the United States are examples of civil society initiatives promoting public good. The great North American universities of Harvard, Yale, Carnegie Mellon, John Hopkins, Cornell, Vanderbilt, Stanford, McGill, and Duke, Illinois Institute of Technology and Vassar College were all built through private charities. Great institutions like the Smithsonian Museum and the Brooklyn's Institute were funded entirely privately. Several private foundations promote public causes assiduously, those commemorating Ford, Kellogg, Rockefeller, Mellon, Carnegie and Kresge being among the better known. Many hospitals, public parks and other public goods have been entirely privately funded. Even the recent effort of Bill Gates to help eradicate preventable disease from the globe is a good illustration of the ease with which private wealth is utilized for public gain. The privileged classes in India have not yet recognized that they owe much of their wealth and success to society.
63. All these social attitudes can only be altered and improved through civil society initiatives. The state can at best play a supportive role by creating a system of high reward and low risk for desirable behaviour and high risk and no reward for unacceptable behaviour. Sadly, over the past five decades the civil society's initiative in this regard has been stifled by the all-pervasive state. The society as a whole should come to terms with this serious deficiency and counter it through propagation of socially desirable behaviour and promotion of people's initiatives for creating social goods.

64. It must be understood however that the society and state are in a state of constant flux. Both interact with each other and alter each other in a fundamental way. That civil society shapes the nature of the state as profoundly as constitutions and laws is undeniable and widely accepted. But what is not as clearly recognized is that the nature of the state has a profound and often lasting impact on society. The loosening of the caste hierarchies and the widespread, if inadequate, notion of equality in society in India is largely a product of the political process and the state structure which guarantees universal adult franchise, equality before law and fundamental rights irrespective of birth and status. The liberal democratic state created by the American Founding Fathers did not at first recognize women and blacks as equal citizens. However, the glorious ideals of the American state inevitably came in conflict with unjust institutions and ugly practices over a period of time. This led to the Civil War in 1860's resulting in massive bloodshed. About 10% of all American population died in the effort to liberate the blacks and give them a vote. Similarly, the democratic ideals and institutions could not for long accept denial of voting rights to women, and in 1920's the struggle of woman's suffragettes bore fruit. The 1960's civil rights movement led by Martin Luther King was largely a result of the ideals of the state and legal structure coming into conflict with the social rigidities in the southern States. Ultimately the society had to yield and things were never the same again.
65. In other words, a modern liberal democratic state based on the doctrines of human rights, universal franchise, people's sovereignty, and rule of law is bound to come into conflict with traditional social rigidities, undemocratic practices, irrational prejudices and shameful hierarchies. But for such conflict to arise and lead to social transformation, the fundamental requirements of a democratic state should be fulfilled. For instance, if the state does not create conditions for free and fair exercise of universal franchise through proper voter registration and voter identity cards, then a flawed democratic process actually promotes polling irregularities and perpetuates feudal power. Similarly, if there is no transparency in governance, and if there are no instruments of accountability at the citizens' disposal, flawed democracy becomes ineffective in checking the abuse of authority, and perpetuates the hold of traditional power brokers on state and society. If the process of power is highly centralized, then people will never understand the link between their vote and public good, and democracy will be hijacked by money bags and muscle men, again perpetuating the dominance of the rich and the powerful.
66. While the republic of India founded in 1950 has been informed by modern liberal, humane values, the institutions and practices have often been illiberal and inherently undemocratic. In the absence of reform of these institutions and practices, and correction of the many aberrations which have crept in, democracy is reduced to winning a plurality of vote in a flawed election process and exercising unaccountable and arbitrary authority over the lives of citizens. A state which cannot enforce rule of law leads to an unjust and anarchic society. In effect, the flawed democratic process tended to accentuate social rigidities, instead of modernizing society. As a result, the modern liberal democratic state, which ought to be a significant part of the solution to society's maladies, has itself become part of the problem. That is the reason why the influence of state on society has been emphasized in this paper. There has to be a concerted effort to make the state an effective and just instrument for social

transformation, even as society has to be made more conducive and fertile for the flowering of a genuine democracy. The modern state has a great role in shaping society just as the civil society has a seminal role in democratizing the state. In order to achieve both these goals we need active citizenship and social movements for reform. In a democracy citizens cannot be de-linked from society, and vice versa. Collective and informed citizen assertion is the key to transformation of both state and society.

### **Concern to Concerted Action**

67. No one seriously disputes the need for citizen assertion, but skeptics may wonder whether such a national effort for governance reforms is possible. However, there is a deep distrust and resentment at the failure and paralysis of governance in the country affecting our lives. Millions of Indians, from Kashmir to Kanyakumari, and from Gauhati to Ganganagar, are yearning for fundamental reforms heralding better governance. Sadly, this concern is dissipated, as no concerted attempt is made to capture and channelize it into a creative national endeavor. Recent history in Eastern Europe has shown us that when there is widespread and deep dissatisfaction with a governing process, the cumulative impact of it will eventually trigger cataclysmic changes. If an infrastructure of institutions, people's initiatives and ideas is in place to seize the moment, then a relatively peaceful and painless transformation for better governance is possible, as evidenced in Germany. If, however no concerted effort is made in time to constructively channelize people's anger and yearning for reform, then the results could be devastating, with anarchy and misery to the bulk of the people, as the plight of the erstwhile Soviet Union amply testifies. In many ways, Indian people are ready for the rejuvenation of our Republic and transformation of our governance structure.

### **Is Stability the Answer?**

68. Those who believe that political stability is the answer to our crisis are forgetting the lessons of the past fifty years. For about forty six years after transfer of power, we had stable single-party rule in India with only five prime ministers, with three of them from a single family presiding over our destiny for nearly forty years. Such extraordinary stability did not help us realise our potential as a nation, nor did it promote human dignity and happiness any more than the remaining period of instability. Undoubtedly stability of governments and smooth and predictable policy changes are necessary for good governance. However, mere stability of the graveyard is no substitute to good governance and accountability and people's empowerment. In fact, long periods of instability in a democracy may actually lead to major reforms, as evidenced by the collapse of the Fourth Republic in France in 1958. Indian experience shows that major policy shifts and reforms are often engineered more by compulsion than by conviction. The failure to dismantle even the more glaring, obnoxious and counter-productive elements of the licence -permit raj until the nation was in danger of default and perilous economic ruin is an example of such criminal inertia. Similarly, there is no evidence to suggest that the governing classes will herald political and governance reform in periods of stability. In fact, major reform is likely to be initiated only when status quo is

unsustainable. If the average politician has the stable tenure to recover in multiples the 'investment' made in the elections, he has no real incentive to change the rules of the game.

### **Window of Opportunity**

69. Many people wonder whether the leviathan of Indian governance structure can ever be transformed to promote human happiness to the fullest measure. It is undeniable that our society and state suffer from great inertia and seeming resistance to enduring change. However, great societies often undergo dramatic changes through the compulsion of circumstances. The increasing fiscal imbalance in governments at all levels, with the combined fiscal deficit of the Union and States exceeding 10% of the gross domestic produce, is no longer sustainable. At the same time the situation can only be improved through wise, far-sighted and resolute action. Miracles do not happen of their own accord; they must be made to happen. Our highly centralized, unaccountable governance structure and the political culture which militates against integrity in public life have made status quo unsustainable. Only when the citizen becomes the centre of the democratic universe can this crisis be addressed adequately. In a way, the fiscal crisis provides the nation a priceless opportunity to reform the polity and governance and enhance the capacity of civil society to assert its sovereignty.
70. The persistent political instability, the impending fiscal collapse of governments at the Union and State levels, the unsatisfactory levels of economic growth on account of infrastructure bottlenecks and governance failure, ever-rising expectations on account of irresponsible rhetoric and competitive populism, satellite television, breakdown of rule of law and public order, rising political and social conflicts on account of rapid and uneven growth of population, and the death of ideology and conversion of political parties into cynical instruments of power game with no other higher goals - all these presage fundamental changes in civil society. If this challenge is accepted by civil society, and the crisis is converted into an opportunity, then fundamental governance reform is within our grasp.
71. There is nothing intractable or immutable about our governance crisis. There are enough strengths in society to see us through difficult times. The institution of family, the spirit of tolerance and accommodation most Indians instinctively embrace, the sense of Dharma that informs the myriad actions of countless people, and the strong influence of society on individual behaviour are all positive forces which can be creatively applied to mobilize civil society. The governance system should provide the space for civil society to act by creating an enabling environment. Meaningful political and electoral reforms to facilitate active citizen participation and intervention, strategic interventions to facilitate universal literacy, speedy programmes to provide access to sanitation to all, effective and genuine devolution of powers to local governments and stakeholders and creation of instruments of accountability like right to information and citizen's charter are some of the minimum preconditions for active citizenship and assertion of popular sovereignty. We must have the courage and wisdom to take democracy to its logical conclusion, and make the citizen the centre of our universe. The need of the hour to rediscover the true meaning of Swaraj as explained by Mahatma Gandhi in his simple, yet remarkable and inimitable style.

**" I will give you a talisman. Whenever you are in doubt or when the self becomes too much with you, apply the following test :**

**Recall the face of the poorest and weakest man whom you may have seen and ask yourself if the step you contemplate is going to be of any use to him. Will he gain anything by it? Will it restore him to a control over his own life and destiny? In other words, will it lead to Swaraj for the hungry and spiritually starving millions?**

**Then you will find your doubts and your self melting away."**

**72.** The task is difficult, but vital. The struggle is hard, but necessary. The risks are high, but cannot be avoided. The effort will demand all our courage, resourcefulness and endurance. As some one said with prescience, there is nothing more powerful than an idea whose time has come. This is the time for a holistic reform of our governance structure, to build a strong, democratic, self-governing India, with all its citizens enjoying peace, freedom and harmony. **History beckons us.**

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