

India: The World's Biggest Democracy No More?

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Introduction

In his famous 'tryst with destiny' speech on August 14 1947, Jawaharlal Nehru proclaimed that independent India was embarking on a journey to "To bring freedom and opportunity to the common man, to the peasants and workers of India; to fight and end poverty and ignorance and disease; to build up a prosperous, democratic and progressive nation, and to create social, economic and political institutions which will ensure justice and fullness of life to every man and woman." Some two years later the Constitution framed by the Constituent Assembly, promulgated in the name of "We, the people of India," constituted India into "a sovereign, democratic Republic" committed to justice, equality, liberty and fraternity.

Yet in its early days, the Indian National Congress, which was to spearhead the nationalist struggle and form its government for the first three decades after independence, was neither committed to democracy nor to full independence. In 1886 the Congress made it clear that in asking for the 'advisory councils' for the Viceroy and provincial Governors to include some elected members, the elective principle it championed was "to be conferred only on those classes and members of the community, prima facie capable of exercising it wisely and independently" (quoted in Sarkar, 1983: 90). Gopal Krishna Gokhale made clear in his presidential address to the Congress in 1905 that political rights were being sought, "not for the whole population, but for such portion of it as has been qualified by education to discharge properly the responsibilities of such association" (Zaidi and Zaidi, 1976–94: 1–39). Surendranath Banerjea, also speaking as President of the Congress, had earlier declared that modified representative institutions were being sought only for "the educated community who, by reason of their culture and enlightenment, their assimilation of English ideas and their familiarity with English methods of Government, might be presumed to be qualified for such a boon" (in Zaidi, 1985–89: 1, 214–215). Banerjea was clear on who was not so qualified—"the ignorant peasantry of the country" (quoted in Argov, 1967: 34).

Thus in its early years, the Congress did not seek an independent and democratic state. It rather petitioned its colonial masters to allow the new elites spawned under colonial rule some say in the governance of the country (Seth, 1999). This began to change with the advent of mass Gandhian nationalism, and in 1928 the (Motilal) Nehru Report, responding to the recommendations of the all-white Simon Commission—which recommended 'widening' the franchise for elections to provincial governments from 3% to 10%—demanded that India be given dominion status, such that on all internal matters it would be ruled by a government elected by universal franchise. Thus in the same year that the right to vote was finally granted to women in the United Kingdom, and some two decades before women gained the vote in France and Italy, Indian nationalism embraced the right to vote for all, including women. This was subsequently repeatedly reaffirmed, as at its annual conference in Faizpur, where the Congress called for a

Constituent Assembly, elected by universal franchise, to frame the constitution of an independent and sovereign India.

The Constituent Assembly which began to meet at the end of 1946 was composed of members of the provincial legislatures, themselves elected under the very limited (and sectarian, with seats ‘reserved’ for religious minorities) franchise of the 1935 Act. This, and the fact that the Muslim League representatives withdrew from proceedings, meant that it was not a representative body. But even if not itself representative, the members of this Assembly had no doubt that the government of newly independent India must be fully representative, that is, chosen by all its people; as Khilnani observes, its debates “carry very little trace of the classic fears that haunted both advocates and critics of democracy in nineteenth-century Europe: what would happen if the vote was given to the poor, the uneducated, the dispossessed?” (Khilnani, 1997: 34). The Fundamental Rights and Directive Principles of the Constitution, described by Granville Austin as “the conscience of the Constitution” (1966: 50), additionally required that state policy be directed at ensuring that all citizens had an adequate means of livelihood, that Untouchability be abolished, and that ownership of the resources of the country be organised such that they served the common good. These directive principles were not legally enforceable, but as a statement of intent they indicated that the constitution-makers sought a liberal polity committed to pursuing mildly socialist policies. And while the term ‘secularism’ was not included in the wording of the Constitution¹⁾, the Constitution nonetheless unambiguously made it clear that all citizens were possessed of equal civic and political rights irrespective of their religion, which they were to practice (or not) freely. “Born amidst unprecedented communal strife, violence, and misery,” the Constitution, in the words of an eminent historian of modern India, was “a major political and human achievement” (Sarkar, 2001: 46).

The first part of this essay briefly surveys the practice of the democracy instituted by the Indian constitution, tracing successive elections and the changing political landscape since independence. The second part, drawing upon B.R. Ambedkar, distinguishes between formal or political democracy on the one hand, and a democracy in which political and legal equality becomes the basis for effecting social equality on the other. This section suggests that while India has been a formal or political democracy for most of the 75 years since independence, it has signally failed to address social and economic inequalities. The third and final section asks whether today’s India, governed by the Bharatiya Janata Party, can even be considered a political or formal democracy.

I. Practising Democracy

Electing the representatives who would govern independent India under the terms of its new Constitution required that a voting roll be assembled. The voter rolls assembled under British rule were a limited base upon which to build, not only because they included a small number granted the franchise, but also because they were divided into ‘general,’ ‘European’ and ‘Muslim’ categories, and the very small number of women on these rolls were registered as ‘wife of,’ rather than in their individual names. To devise a new roll of all adults was a mammoth task in a country of such a vast size, and one moreover undertaken at a time when millions of refugees poured into the country due to Partition, and while the integration of over 500 princely states was still underway. The bureaucratic exercise of compiling a roll of all citizens, as a fine history of this exercise concludes, was also of enormous practical and symbolic importance: “The production of the register for more than 170 million people that were bound together as equal citizens for the purpose of authorising their government also rendered existent idea of ‘the people’... before they became ‘We the People of India’ with the enactment of the Constitution” (Shani, 2017: 251).

The first three elections in independent India, in 1952, 1957 and 1962, comfortably returned the Congress to power in the Centre and in the states, many of which had been reorganised along (mostly) linguistic lines in 1956. What came to be dubbed as 'one-party dominance' or the 'Congress system' was nonetheless the outcome of the free vote of its citizens, who moreover voted in large numbers (and as has often been observed, India is one of the few countries where the poor vote in larger proportions than the more well-to-do). The Congress polled a little under half the total vote, but a fragmented opposition combined with a first-past-the-post electoral system meant that the Congress continued to rule with large majorities. Elections were far from pristinely pure affairs. Repressive legislation inherited from the British was used against communists immediately after Independence, and a constitutional provision (Article 356) for the imposition of President's Rule, which allowed the President to dismiss elected state governments, was occasionally abused, most notably in 1959, when the communist government elected in Kerala was dismissed by the President on the recommendation of the Prime Minister. Social inequalities and power relations played a role in distorting the votes cast: for example, lower castes were sometimes coerced into voting as desired by those with more power in the villages, and armed gangs on occasion 'captured' voting booths. But the overall judgment has to be that India was a reasonably well-functioning democracy, with regular and free elections. The death of Nehru in 1964 saw a smooth transfer of power, with the Congress electing Lal Bahadur Shastri as his successor, and upon his death, electing Nehru's daughter, Indira Gandhi, as Prime Minister.

The failure of the monsoons in the mid-1960s had caused considerable hardship, including widespread hunger in the state of Bihar, and even greater hardship was averted only by the despatch of U.S. aid in the form of shipments of wheat under PL-480. Foreign exchange reserves were dangerously low, and the rupee was devalued. The dissatisfactions this engendered were reflected in the 1967 elections, which saw Congress elected with a reduced vote and number of seats, and losing power in a number of the states. With hindsight, this election heralded the beginning of the end of the dominance of the Congress, although following a party split in 1969, the Congress (R) led by Indira Gandhi won an overwhelming victory in the elections of 1971. Shortly after, India's decisive military victory over Pakistan and the resultant creation of Bangladesh strengthened the position of the Congress and of Gandhi. It also highlighted the differences between India and Pakistan, where a military government under General Yahya Khan had suspended the constitution and declared martial law, and had refused to accept the results of the first ever national elections in 1971, instead declaring war upon the people of East Pakistan.

However, while electorally triumphant, the Congress was no longer the party it had once been. It had long ceased to be the broad church that it had been in the years before and immediately after Independence, and now many opposition leaders were former Congress politicians. The split of 1969 had ejected many regional powerbrokers, but in the process—a process greatly aided by Indira Gandhi's centralising and dictatorial tendencies—the Congress had also become a one-person band. The selection of state Chief Ministers and even the preselection of candidates for seats was now determined not at local or provincial level, subject to local inputs, pressures and constraints, but at the centre, and requiring the imprimatur of the leader. In part as a consequence, 'regional' parties became an increasingly important and sometimes dominant force in the states, especially in the south of India. The independence of the bureaucracy and the judiciary had also been eroded, as bureaucrats and judges were made aware that postings and promotions were directly connected to serving the interests of the government, and Gandhi loyalists were placed in key positions. Ominously, a range of repressive laws were enacted, including the Maintenance of Internal Security Act (MISA), soon to be widely used during the Emergency; and further instruments of state coercion, including the Central Reserve Police Force and the Border Security Force, were created.

In mid-1975 Indira Gandhi declared an Emergency; many of the provisions of the constitu-

tion guaranteeing civil liberties were suspended, thousands of political opponents, including almost 60 Members of Parliament, were arrested and jailed, President's rule was imposed where non-Congress governments had been in office, and press censorship was enforced over what had hitherto been a free and often spirited press. Soon after, the scheduled elections were postponed. For almost three decades Indian democracy had survived, but the Emergency seemed, to the many who resisted it, to augur its death-knell.

The need for electoral legitimation—combined with reassuring reports about her popularity from the yes-men she had surrounded herself with—led Indira Gandhi in early 1977 to call for elections, and to release all political prisoners. Four opposition parties were hastily cobbled together into the Janata Party, and in the elections of 1977 Congress suffered a heavy defeat (particularly in northern India), and for the first time since Independence, India had a non-Congress government at the Centre, with the former Congress stalwart Morarji Desai as Prime Minister. The amendments that had undermined the intent of the constitution were repealed, the powers of the Supreme Court to adjudicate on electoral matters restored, press censorship was ended, and the imposition of another Emergency was made conditional upon a two-thirds majority in Parliament. The return of democracy did not however, mean good government; an ideologically divided government, rent by the competing ambitions of its leading figures, was in a state of perpetual disarray, and collapsed after three years. Following the 1980 elections, Congress and Indira were once again in power.

The Congress was as much or even more of a centralised and undemocratic organisation than it had been during the Emergency, and Chief Ministers were appointed and dismissed at will by Indira Gandhi and her inner circle, which now included her son Rajiv Gandhi. When she was assassinated by her Sikh bodyguards in 1984 Rajiv Gandhi, who held no significant position in the party or the government, was appointed Prime Minister without a nomination process and vote by the party—such niceties were complied with only after he became Prime Minister! Congress was now a family concern doubling up as a political party. In the elections a huge sympathy vote consequent on the assassination of his mother nonetheless catapulted Rajiv to office, but corruption scandals reaching the highest levels of government saw the election of a (shortlived) minority National Front government in 1989, led by V.P. Singh. Thereafter governments alternated—a minority Congress government under Narasimha Rao completed a full term from 1991–96, followed by a minority Janata Dal government under Deve Gowda and Inder Gujral; a shortlived National Democratic Alliance government led by the BJP and its leader Atul Behari Vajpayee (1998–99); another NDA government with Vajpayee as PM that lasted a full term (1999–2004); two successive terms (2004–14) of a Congress-led United Progressive Alliance government, with Manmohan Singh as Prime Minister and Rajiv Gandhi's widow, Sonia Gandhi, wielding power behind the scenes.

More significant than the dizzying array of governments and personalities were underlying social and political transformations, of which two were especially significant. The decline of Congress dominance was accompanied and in part precipitated by a new assertiveness and self-organisation amongst those who had hitherto been represented by the Congress, most notably the lower castes (or 'Other Backward' castes or OBCs) and the 'scheduled castes' or, as they prefer to be known, Dalits. This had happened earlier in the south of the country, but from the 1980s and 1990s, it happened apace in north India. The decision by the minority V.P. Singh government in 1990 to implement the recommendation of the Mandal Commission Report (issued ten years earlier and gathering dust until 1990), and reserve 27% of government jobs for OBCs, was in part a consequence of the growing importance of low-caste based parties, as well as a tremendous catalyst and cause of their formation and growing strength. Parties like the Bahujan Samaj Party, the Samajwadi Party and the Rashtriya Janata Dal became significant regional forces which also had a national presence, joining national coalition governments at different points. Figures such as Lalu Prasad Yadav, Mulayam Singh Yadav, and Mayavati

served terms as Chief Minister of states (Mulayam Yadav and Mayavati for Uttar Pradesh, and Lalu Yadav for Bihar) and also became national level politicians (Mulayam and Lalu both served in Cabinet posts in the central government). The rise of these caste-based parties was lamented by elites and some intellectual figures for their occasional vulgarities, but in fact it marked a deepening of Indian democracy (see especially Jaffrelot, 2003). If this also contributed to the coarsening of public and political life (which had in any case started much earlier, under the Congress) that was perhaps inevitable; when the marginalised and dispossessed find their voice and demand that it be heard, they are unlikely to speak with middle class accents and politesse, or to be fully respectful of the niceties of Westminster conventions.

The other significant development was the rise of Hindutva, a politics premised upon the ideas that India is a Hindu nation; that the Muslim minority have hitherto been pandered to in the name of what is in fact ‘pseudo-secularism’; and that Muslims and other religious minorities must subscribe to or submit to the cultural and religious values of the Hindu majority. This ideology is far from new—the Rashtriya Swayamsevak Sangh (RSS) was founded almost a century ago, and successive party-political embodiments of this ideology have been active for as long, including the Hindu Mahasabha, the Jan Sangh and, since the 1980s, the Bharatiya Janata Party (BJP). But while these ideas were once marginal, they had been gaining in strength, especially since the 1990s. The RSS and BJP mobilisation around the disputed mosque (Babri Masjid) at Ayodha, and the destruction of this mosque in December 1992 by a large Hindu mob mobilised and encouraged by the organisations of Hindu extremism (collectively known as the Sangh Parivar), was at once a manifestation of this growing strength and a fillip to it—analogous to the way in which the adoption of the Mandal Report at once reflected and furthered low-caste politics.

II. Is India Still a Democracy?

The term democracy is universally valorised—every state, no matter how dictatorial, claims to be one—but it is also deeply contested, and people often mean very different things by it. That is one reason why it often comes with an adjectival qualifier—liberal democracy, people’s democracy, socialist democracy, direct democracy, and so on. The adjectives specify additional content to what would otherwise be a mostly empty or formal term, one signifying that elections are held but without specifying who can participate, the terms under which they can do so, the powers held by the governments ‘the people’ elect, and so on. Can a majority rule over a minority without restriction? Liberal democracy specifies that individuals are possessed of rights that cannot be abrogated by any government, howsoever large its majority. For others, electing a government is not a sufficient condition for democracy if the lives of people can still be governed in other important ways without and even against their will and consent—if their jobs, wages, and working conditions, ownership of land, and access to health and education are things over which others have control. By this understanding, democracy must be socialist or it is not democracy at all.

Commending the Constitution to his colleagues as the Constituent Assembly drew its deliberations to an end, Ambedkar told his colleagues, in a passage worth quoting at length, that India could not be content:

“with mere political democracy. We must make our political democracy a social democracy as well...On the social plane, we have in India a society based on the principle of graded inequality which [means] elevation for some and degradation for others. On the economic plane, we have a society in which there are some who have immense wealth as against many who live in abject poverty. On the 26th of January 1950, we are going to enter into a life of

contradictions. In politics we will have equality and in social and economic life we will have inequality. In politics we will be recognizing the principle of one man one vote and one vote one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man one value. How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril. We must remove this contradiction...²²⁾

The contradiction has not been removed. There is no doubt that the lives of the majority of India's people have improved since Independence. Life expectancy, which when the British finally left India was only about 35 years, is now 70 years. Literacy rates, an abysmal 12% at Independence, now stand at 74%. But given the time that has elapsed since Independence, and in comparison with many other countries, India has performed poorly by most social indicators. Basing itself on 2015 figures, *Lancet* ranked India 154 out of 195 countries in terms of access to healthcare, below (amongst 153 others) Liberia, Bangladesh and Nepal. It found that India's performance was worse than many countries that have less GDP per capita—including Nepal, where GDP per capita is approximately half that of India, and Liberia, where it is one-seventh of India. That is, even compared to poorer countries India performs badly—equal last with Ghana on neonatal mortality, for instance (Chakravarty, 2017). These India-wide numbers do not reveal the enormous disparities within these (already dismal) figures—a 2010 study finds that “an infant born in a poor family is two and half times more likely to die in infancy, than an infant in a better off family. A child in the ‘Low standard of living’ economic group is almost four times more likely to die in childhood than a child in the ‘High standard of living’ group” (Chakravarty, 2017). According to Oxfam “the poorest Indian states have infant mortality rates higher than those in sub-Saharan Africa” (Oxfam International). There are many reasons for such poor outcomes, but the most important is surely that successive Indian governments have not given the health of its people priority; India spends only 5% of the government budget on healthcare, compared to over 10% and 14% for China and Vietnam respectively, and almost 7% for Ghana (Chakravarty, 2017).

The improvement in literacy rates from the time of Independence are significant, but less than impressive when compared with other countries. China had comparably high rates of illiteracy in the 1940s; by the beginning of the 1990s, China had far outstripped India, with a literacy rate of almost 78%, while India had only succeeded in rendering just over half of its population literate. Moreover, the disparities in achievement between men and women, and relatively privileged classes and groups and unprivileged ones, was very much greater in India than in China (Dreze and Loh, 1995). Again, the single biggest reason is simply that governments have not funded basic education adequately. Although the 1967 Kothari Commission on Education recommended that spending on education be raised to 6% of government expenditures, it remains around 3.5% (Chowdhuri and Keane, 2021: 118; for higher education, see Seth, 2013).

Figures on poverty vary greatly according to how these are calculated, a difficulty exacerbated by the fact that Government of India statistics, once reliable, have long since ceased to be so, as successive governments have redefined what constitutes poverty and fudged figures to produce outcomes that minimise the extent of it. An Asian Development Bank report (2011, especially chapter 4) found however, in what is probably a conservative estimate, that approximately one-third of India's people live below the poverty line. As with all such statistics, Indian-wide averages obscure enormous disparities between classes, castes and regions; necessary correctives to official pollyannaish figures are to be found in the writings of independent academics and journalists who have undertaken serious and detailed studies (Sainath [1996] is an invaluable source). Moreover, terrible poverty sits alongside growing wealth, and thus vast and increasingly levels of inequality—according to Oxfam, India is one of the most unequal

countries in the world, one where 73% of the wealth generated (in 2017) went to the richest 1% of the population, and where the wealth of India's billionaires exceeded the government of India national budget for 2018–19 (Oxfam International).

If, as Ambedkar told his colleagues in the Constituent Assembly, denying equality in social and economic life is antithetical to the true and full meaning of democracy, and indeed corrosive of it, then one would have to conclude that India is at best a formal democracy—one in which the people are politically and legally equal in principle, but where, to echo Ambedkar's words, social and political arrangements 'continue to deny the principle of one man one value.' But even a formal or bourgeois democracy affords the hope that the exploited and dispossessed may, through self-organisation and radical action, change the balance of forces, and in doing so eliminate degradation, and reduce poverty, inequality and exploitation. However, there is reason to doubt that India today meets even this, lower threshold.

III. Is India Under the BJP Ceasing to be Even a Formal Democracy?

The question of this subsection is at first glance an odd one, for as traced in the first part of this essay, India has had regular elections and peaceful handovers of government in the 75 years since Independence, avoiding the military coups, civil wars and authoritarian rule that have been the unhappy fate of many former colonised countries—including its neighbour and rival Pakistan, which gained its independence at the same time. The elections that brought the BJP and Prime Minister Modi to power in 2014 and returned it to government in 2019 were not characterised by the coercion of voters, irregularities in the counting of ballots and the like, or at any rate, not appreciably more so than is usual in Indian elections. Moreover, the turnout was very high—much higher than the election held in Japan in 2021, for instance. It would seem that even if India continues to be a deeply unequal society, unable to provide even the basics of food, employment, health and education (or drinkable water or breathable air) for large numbers of its citizens, political or formal democracy continues to be alive and well; and its current government, as with past ones, reflects the freely exercised will of the people.

However, things are not so simple. We owe the word democracy to the ancient Greeks, but in the city state of Athens, slaves, metics (resident foreigners) and women did not have political rights. In the course of the nineteenth and twentieth century it came to be increasingly accepted that a political democracy could only be said to exist if all adult citizens (or residents) had political rights. We have seen that from the 1920s it was the unambiguous demand of the Indian nationalist movement that those who were to govern India must be elected by all the people of India. There was no dissension from this in the Constituent Assembly debates, and the Constitution declares that all citizens, irrespective of religion, caste, class, gender, education and property, are members—and equally so—of the demos that is to govern itself through its elected representatives.

The single biggest change effected by the ascendancy of the BJP has been that the status of Muslims as part of 'the people' or demos has been called into question. In government the BJP has systematically sought to make it apparent to Muslims that they live in India on sufferance, rather than as equal citizens. The means by which this has been done include violent actions by vigilante groups associated with the BJP, such as the Bajrang Dal or Hanuman brigade, and the Gau Raksha Dal or Cow Protection Association (Nakamizo, 2021), often working hand in glove with the police (Jaffrelot, 2021: 216–236). Such violence has extended to some lynchings of Muslims accused of trading in or consuming beef (to my knowledge, only one such lynching has resulted in an attempt at prosecution). They also include riots against Muslims, such as the Delhi riots that followed the protests against the Citizenship Amendment Act, in which organs of the state such as the police offered no protection to Indians being targeted for violence. They

also include systematic efforts to stop Hindus converting to Islam, through campaigns against inter-religious marriages, characterised by the Sangh Parivar as ‘love jihad,’ that is, the cynical and sinister deployment of romance and marriage to diminish the number of Hindus. Conversely, ghar wapsi or ‘coming home’ events seek to ‘reconvert’ Muslims and Christians, sometimes by intimidation and/or bribes. The marginalisation of Muslims is also sought by misrepresenting the past, such as through rewriting of textbooks so that the Delhi Sultanate and the Mughal empire are portrayed as a ‘Muslim tyranny’ exercised over Hindus; or effacing aspects of that past altogether, such as, for example, removing the Taj Mahal from tourist brochures issued by the UP government. It also includes the intimidation of Muslims who are in the public eye, such as the campaigns against Muslim actors in Bollywood, designed to demonstrate that even class and privilege are no protection for Muslims. And in an event of enormous symbolism, in 2020 Prime Minister Modi himself went to Ayodhya and presided over a ceremony for the construction of a Hindu temple at the site where the Babri Masjid once stood—thereby retrospectively validating, even sanctifying, the violent actions of the Hindu mob that had destroyed a Muslim site of worship almost three decades earlier. In the words of one commentator, this act marked “the officialization of the status of [the] Hindu religion as the basis of the new republic” (quoted in Jaffrelot, 2021: 439). The intended effect of these measures is to put Indian Muslims on notice that they are not in fact equal citizens of the Republic of India, but rather second-class citizens, who should be wary of claiming their rights and liberties, lest those rights that are left are also taken away.

These have been ‘informal’ measures targeting Muslims, rather than changes in law; restrictions on the free exercise of rights and liberties, rather than the withdrawal of these. However, and especially after its re-election in 2019, the Modi government has also changed the legal status of Muslims. In 2004, the then BJP coalition government led by Atul Behari Vajpayee amended the laws on citizenship by making religion a relevant criterion: Hindus with Pakistani citizenship were not to be treated as illegal immigrants, while Muslims from other countries who had entered the country after 1971 were to be deemed illegal immigrants. But the Citizenship Amendment Act, passed in end 2019, and the National Register of Citizens, go very much further. Between them they have the effect—very much intended, as statements by leading members of the government, including the Home Minister, Amit Shah, make clear—of redefining citizenship such that Muslims who fail to prove their citizenship can be deported or placed in camps, while Hindus and others who cannot prove their citizenship have a path to gaining it.

Article 370 of the Constitution, which granted the Muslim-majority state of Jammu and Kashmir a special status in the Union, with a high degree of autonomy, was never fully implemented in its spirit or its letter, and in recent decades Kashmir has been the unwilling host to an Indian army of occupation. But the Modi government has gone a decisive step further, revoking article 370 altogether, dividing Jammu and Kashmir into two, and demoting these to the status of Union territories. This measure—which immediately set off a wave of protest despite the despatch of even more troops to beef up the Indian army of occupation in Kashmir—is not designed to ‘develop’ Kashmir, as the government claims, but rather to demonstrate not only that Muslims cannot be full and equal citizens— but additionally that they cannot govern themselves, or opt to leave India.

The redefinition of what it means to be an Indian—one in which ‘the people’ is defined such that Muslims are now relegated to an inferior status—is perhaps the biggest reason to doubt that India is still a democracy. But it not the only one. A democracy exists not simply where votes are cast, but where the institutions that enforce the law, and the practices that allow for enquiry and debate, operate freely and at a remove from the government of the day. These conditions have not always been met in the period before the rise of the BJP, as discussed in the first part of this essay. But never before in India, with the exception of the period of the Emergency, has there been such a sustained and carefully calibrated assault on the institutions and practices that

make even political democracy meaningful. Educational and cultural institutions, the Electoral Commission, and police and investigative agencies have suffered encroachments on their autonomy, and at the highest ranks have been staffed by people whose only ‘qualification’ is their unconditional willingness to act at the behest of their political masters. The Supreme Court and the High Courts, which had functioned as a safeguard against governments overriding the rule of law—for example, it was the Allahabad High Court that ruled Mrs Gandhi’s election to her seat invalid in 1975—are now no longer so. From the moment that the current government came to power in 2014, it began to block the recommendations made by the senior ranks of the judiciary for new and replacement judicial positions. Under Chief Justice Misra cases were assigned to judges known to be sympathetic to the ruling party, leading four senior members of the Supreme Court to take the unprecedented step of holding a press conference in 2018 to draw attention to the ways in which the judicial independence of the nation’s highest courts was being compromised. One of these justices, Ranjan Gogoi, became far more accommodating of the government’s desires when he became Chief Justice; soon after his retirement, he was nominated by the government to the upper house (see Jaffrelot, 2021: 276–298; Chowdhuri and Keane, 2021: 230–239).

India’s journalism, once lively and often critical of whatever government was in power, has with a few and diminishing number of exceptions, been tamed, intimidated or bought. The current government uses government advertising, on which the print media in particular relies for its viability, to punish criticism and reward support; TV channels are sometimes forcibly closed down for a period in the name of national security or in two cases, simply for being critical of the government. Individual journalists are now routinely intimidated through a variety of means, including tax raids, arrests and sometimes physical assaults. Conversely, supportive media outlets receive advertising and (as a sting operation revealed) bribes, and TV stations such as Republic TV and Zee TV aggressively echo the government line that critics are ‘anti-national.’ In the description of the distinguished academic and political commentator Pratap Bhanu Mehta, “a shockingly large section of the private media are now the ideological vanguard of the state, its rhetorical stormtroopers in a politics of communalism, polarisation, distraction, anti-intellectualism, mendacity and hate” (Mehta, 2017; see also Philipose, 2021).

Conclusion

I have sought in this essay to assess the descriptive adequacy of hackneyed phrase often used to describe India, namely ‘the world’s biggest democracy.’ In doing so, I have drawn a distinction between a formal or political democracy, and a substantive democracy, one in which political rights lead to greater social and economic equality within the citizenry. I have suggested that while for much of its history independent India has been a political democracy, it has failed in according its citizens a roughly equal measure of social and economic wellbeing, and dignity. But even with this very important caveat, there has been much to admire in what was once widely regarded as a promising experiment—of how a large, diverse and impoverished nation, only just emerged from colonial rule, developed institutions and practices that allowed the people to govern themselves, under conditions of political (though never economic) equality and freedom. But that experiment, I have further suggested, is now under threat. Today many observers characterise India as a ‘majoritarian democracy,’ ‘ethnic democracy,’ ‘authoritarian democracy’ or ‘illiberal democracy.’ Each of these adjectives, unlike (say) ‘social’ or ‘socialist’ democracy, does not add content to an otherwise empty term, but rather qualifies it. These are all ways of indicating—and warning—that India is in danger of becoming the world’s largest failed democracy.

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Notes

- 1) It was proposed by Prof K.T. Shah that the word be added, but this was rejected by none other than B.R. Ambedkar, Chairman of the Drafting Committee, on the grounds that the policy of the state should be left to governments rather than pre-ordained by the Constitution. See, Copland (2010: 124). ‘Secularism’ and ‘socialist’ were added to the Preamble of the Constitution in 1976, during Indira Gandhi’s Emergency government.
- 2) Speech by Ambedkar, 25 November 1949, in Constituent Assembly Debates (https://www.constitutionofindia.net/constitution_assembly_debates/volume/11/1949-11-25, last accessed 8 April 2022).

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