DEMOCRACY, GOOD GOVERNANCE AND SOCIAL CHANGE – A STUDY IN THE CONTEXT OF INDIA'S GOVERNING PROCESS

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Dedicated to the memory of my revered father

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ABBREVIATIONS

AIR – All India Reports

BIFR - Board for Industrial and Financial Reconstruction

BJP – Bharatiya Janata Party

CAD – Constituent Assembly Debates

CPSE – Central Public Sector Enterprise

GATT – General Agreement on Tariffs and Trade

GDP – Gross Domestic Product

GOI – Government of India

ICDS – Integrated Child Development Services

IRDP – Integrated Rural Development Programme

JRY – Jawahar Rozgar Yojana

MRTP – Monopoly and Restrictive Trade Practices

NABARD – National Bank for Agriculture and Rural Development

NDA – National Democratic Alliance

NGO – Non-Governmental Organization

NSS – National Sample Survey

PDS – Public Distribution System

PIL – Public Interest Litigation

RBI – Reserve Bank of India

SCR – Supreme Court Reports

SSA – Sarva Shiksha Abhiyan

UNDP – United Nations Development Programme

UPA – United Progressive Alliance

WTO – World Trade Organization

GLOSSARY

Adibasi : Original people; they are known as Scheduled Tribes.

Backward Classes : The 'vulnerable segments' of the society. They are consisted of the Scheduled Castes, Scheduled Tribes and Other Backward Classes.

Bahujan Samaj : The common people.

Bharat : India

Bullick Capitalist : The term has been coined by Rudolph and Rudolph meaning middle peasant in the Indian Agriculture.

Dalit : It is originally a Marathi word for untouchable.

Dirigiste : A model of Economic Development with State Playing a dominant role.

Garibi-hatao: A slogan popularized by Indian National Congress under Indira Gandhi, for the removal of poverty.

Harijans : Mahatma Gandhi used this term for so-called 'unclean' or 'untouchable' castes meaning 'children of sad'.

Hindutva : The idea of Hinduism as India's original national faith.

Hindu Rashtra : The Hindu Nation or State.

Jati : Caste in the sense of named 'birth group'.

Kulks : Rural powerful, usually from the rich peasantry.

Other Backward Classes (or castes) (OBCs) : Socially and Educationally deprived communities excluding the Scheduled Castes or Tribes, for whom remedial actions are authorized by the Constitution.

Panchayat : Self-Governing Institution.

Panchayati Raj : A system of local self-government representing the third tier of governance guaranteed by the constitution of India.

Raiyatwari : A system of agricultural revenue collection whereby tenants paid rent directly to Government.

Sangh Parivar : The RSS 'family' of organizations.

Scheduled Castes (SCs) : The official term by which the untouchable castes are referred to. It is constitutionally mandated to provide special assistance to this category of people in respect of education, employment and political representation (other than the OBCs).

Scheduled Tribes (STs) : India's tribal or adivasi populations are officially referred to as Scheduled Tribes. It is also constitutionally mandated for providing special assistance to them vis-à-vis education, employment and political representation (other than the SCs and OBCs).

Zamindari : It is a system of land revenue administration whereby Zamidnar – landlord collected rent from the peasants and mode payments to the colonial government.

PREFACE AND ACKNOWLEDGEMENTS

India is hailed as the largest democracy in the World. Nevertheless, it remains a puzzle to many as to how democracy, essentially being a European import, can take roots in an otherwise inhospitable soil of India. It is a truism of sorts that Democracy came to India as the Modernizing elites who largely under the banner of the Congress Party led India to victory over colonial power, had preferred the democratic system of Governance primarily following the British model. In any case, Nehru dominated the proceedings of Indian politics until his death in 1964. However, his pious intention was not eventually backed by concrete economic initiatives. Even genuine economic endeavours under taken by the Nehru Government, could not be implemented because of social notables riding piggyback on whom Congress used to win elections. Therefore, the failure of the anti-poverty commitments of Nehruvian State is a fair enough indication of Governance deficit.

Nehru's death had debilitating effect on the Congress Party. 'The Congress system' came, for the first time, under severe strain. Congress's pro-industry and urban bias image proved very costly. Succession issue also fuelled the crisis which eventually spiraled out of control. The electoral set backs congress suffered around the time, needed elixir to be injected into the organization for toning up the party Indira Gandhi, after being emerged victorious in the factional feud, adopted populist measures to rejuvenate the Party.

Initially, she was successful in arresting the organizational slide but eventually, she could not sustain it. Rather, she had to impose National emergency in a bid to cling onto power. However, victory of the Janata Party which was essentially a queer amalgam of political parties of different shades and colour, was very short lived. The late sixties witnessed the collapse of the 'Congress system.' The emergence of Charan Singh Championing the cause of rural India and pitching for a pro-farmer tilt in economic policy was also a watershed development in Indian Politics and economy. The otherwise impeccable record of procedural democracy in India had also had its share of blemishes in the imposition of National Emergency during Mrs. Indira Gandhi's rule which were marked by a process of suppression of institutions leading to 'de-institutionalization'.

Indira Gandhi's populist posturing aimed at the lower classes could not be sustained for long. Soon, it was to be replaced by the pluralization of polity around caste, ethnic, tribal and gender identities. The bureaucratic offices and legislative chambers of national level politics were being increasingly pre-occupied by the politics of Religious revivalism and economic liberalization since the 1990s. The combined effect of Emergency and Post-Emergency rule, as well as the ascendance of rural voice, has no doubt, led to the undermining of certain institutionalized forms of politics. Nevertheless, Democracy has improved its stature in India as Dipankar Gupta argues, "Democracy in India has aroused a whole new set of expectations, resulting not only in the aggravation of Certain existing conflict situations, and in the creation of new ones, but also, on the positive side, allowing for the emergence of new Political classes. Thus while the dream of 1947 has soured to a certain extent it is incontrovertible that our democracy is no longer an experiment but has struck deep roots, and in this process, turned the soil over in several unanticipated ways." (Dipankar Gupta, 'Political sociology in India – contemporary trends', Orient – Longman, New Delhi. 1996. pp. 75-76).

In any case, the rejection of Congress in the 1989 election was the result of cumulative failure of the regime on practically all fronts, not just because of the communal polarization. Thus the socio-economic setting facilitated the emergence of 'Hindu nationalism' as a dynamic force in Indian Politics. However, crystallization of countervailing social forces and political currents released by Mandal recommendations were no less dynamic by bringing caste division and explosive caste conflict to the forefront of national politics which have, no doubt, played a decisive role in forcing the project of the Hindutva Movement to re-allocate its priorities for the time being at least. Further, the popular mobilizations especially by the 'backward castes' with emancipatory objectives, yearned for capturing State Power. The democratic up-surge has forced political actors to pay more attention to the needs and preferences of the ordinary citizens. Economic reforms was introduced in India in 1991. It set in motion some contradictory forces in Indian politics. On the one hand, it calls for downsizing the state resulting in abdication of welfarist obligations towards the vulnerable segments of society. On the other hand, Democracy has unleased forces that has endeared the state to the common people as the possible protector from social and economic wrong–doing. The state is, no longer looked upon

as patronage dispensing authority. Rather, state is viewed as the protector and custodian of peoples' rights. However, the retreating state as part of the panacea of "Good Governance" package, stands to erode its legitimacy if it fails to live up to the aspirations of people. Articulation of demands or claims through the prism of caste, community, religion and region has become the modus operandi of almost all mainstream political parties. Against this back-drop, the social movement activism has a huge purchase in the polity in terms of drumming up support for Rights-based articulation of demands and claims of ordinary people who are otherwise caught in the cobwebs of low literacy , poor health and low skill base making them further incapacited to take advantage of "opportunities" unleased by the forces of economic reform. So, the road ahead lies in nourishing and nurturing democracy through institutional politics as well as social movements activism of democratic character in order to re-invent Governance from a "Given" category to a dynamic one originating from within the womb of India's socio-economic reality mirroring the aspirations and preferences of the vast majority of the population.

In seeking to pursue this Research undertaking, I have been indebted to quite a few persons. First of all, I have received generous support from my friend, Dr. Debasis Datta, Deputy Controller of Examinations, University of North Bengal, in all possible way for taking this study forward. I won't like to belittle his contributions towards my study by just giving him customary thanks. Dr. Rajeswar Mishra, an ex-faculty with the A.N.Sinha Institute of Social Sciences, Patna and presently, a development consultant of national standing, remained a constant source of encouragement for me. I would like to thank Prof. Mishra for encouraging me so profusely by extolling the "virtues" in me as a researcher which re-energized and helped me to stay focused for all these years. I have been also immensely benefited by the insightful comments and incisive logic of analysis of Prof. Duytish Chakraborty, Associate Professor in the Department of Political Science, University of North Bengal, whenever I had an opportunity for sharing my ideas with him on my research topic. So, I would like to record my gratitude to him for tightening some "loose–ends" in my thinking process. Besides, I am also indebted to all my teachers in the Department of Political Science for their invaluable encouragement and comments on different dimensions of the subject under study.

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In course of my research work, I have visited many a libraries across states in India or somehow collected materials from those libraries. It is an opportune moment for gratefully acknowledging their contributions towards my study for extremely efficient services and friendly co-operation, as they have rendered to me in course of my research work. I am also grateful to Subir Das Mohanta for typing out the manuscript with my menacingly abstruse hand writing which runs into several hundreds. I am also particularly indebted to Dr. Shanti Chhetry, Principal, P.D. Women's College, Jalpaiguri and my other Colleagues there for their robust support and constant encouragement for all these years.

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support. Hence, I take this opportunity in expressing my deepest sense of gratitude and sincere most thanks to him for his "invaluable contribution".

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CHAPTER-I

INTRODUCTION – THE PROBLEM – CONCEPTUAL FRAMEWORK

CHAPTER – I

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Section : I

INTRODUCTION

Modern India, politically speaking, emerged as the outcome of myriads of influences spread over a considerable period of time. The important influences were, largely, the influences of Hinduism, Rational–legal authority of British import and above all, the reconstructive Nationalism of Pre-independence era.[1]

Three quarters of a Century of ideas and struggle over defining the Indian nation, over getting rid of alien subjugation and over the preferred shape of the social and economic structure in future independent India had provided the Nationalist leadership at independence with a set of ideas and goals which facilitated to structure their responses to the problems of Governance confronting the newly independent India.[2]

By and large, most nationalist politicians were in love with the narratives of western modernity, its dominant hegemonic form which saw the nation-state as an agency of collectively intended social change, in particular. Eventually, it was this political imagination which was translated into the founding institutions of the Indian state with several parallel and mutually re-inforcing principles of pluralism.[3]

Therefore, the modern state in India was the outcome of decolonization and the transfer of power to a political elite representing certain classes and regions of the country and had to curve out a nation around it which had to be democratically accountable to the society as a whole.[4] The leading ideas of the nationalist elite at independence was beautifully summarized by an old India-expert in these words, "The state was perceived as the instrument which would establish India's sovereign independent presence in the world, would

preserve its unity against foreign enemies and internal secessionist, ensure authority, order, and discipline in a society perceived as always on the brink of disorder and violence , promote economic development through centralized planning which would bring India out of the backwardness of agrarian life and free it of a social order dominated by feudal institutions and practices and by religious superstitions, and make it possible for Indians also to maintain an effective parliamentary system."[5] However, Democracy in India did not come as a necessary follow-up of capitalist industrialization and development. The advent of Democracy in India was neither as a response to an absolutist state nor as the realization of an individualist conception of society. World wide experience in this respect, the European experience, in particular, is at variance with that of India's. So much so, that the establishment of Democracy in India can not be even dubbed as an obvious outcome of the nationalist movement. The inheritance of nationalism was such that the end of colonialism may have imparted a sense of pride and hope to the people but independence meant freedom and sovereignty of the nation as a collective of people, rather than for individuals who together made up the people. Nevertheless, Independent India went ahead with a constitution which created a democratic republic and pledged to secure justice, liberty, equality and fraternity for all its citizens. The republicanism of the western world was perhaps at the back of the mind of the political elites who crafted a modern nation-state inspired by liberal democracy. Thus, Democracy was conceded to the people from above and not on the basis of claims by the people from below.[6]

In any case, the political institutions of the Indian state were, in the beginning, a gift to the masses by an elite political class primarily comprising of Hindu men of the twice-born Varnas, heavily weighted towards urban, English-educated Brahmans who shared a secular orientation. This gift from above represented in significant degree the political values of intellectuals who perceived the parliamentary system

as the most highly developed form of modern politics. For the weaker sections of the population, the single greatest gain from Independence was in the principle of one person, one vote.[7]

A combination of fortuitous circumstances ensured that the effective control of the State devolved upon political elites around Nehru.[8]

However, the Nehruvian elite did not proceed with a coherent ideological plan. The Government policies got transformed into an internally consistent strategy for the development of a reformist, politically independent capitalist society through constant improvisations of the first decade. The important political objective was to translate the aspiration of development into a mammoth state - directed project of social charge. The state was to confer and realize the rights of citizenship of its people, who had virtually, no exposure to democratic politics.

Moreover, the state was entrusted with the responsibility of getting rid of obscurantist social practices like un-touchability and to create conducive conditions to economic growth.[9] The Congress Party was successful in establishing itself as the inevitable intermediary between the British State and the Indian people. This helped the Congress establish institutional paramountcy among the parties as agents of the articulation and aggregation of popular claims. This legacy of the Congress Party contributed handsomely towards both the cause and consequence of the heterogeneity of its mass-base which eventually conditioned the very nature of the post–independence political dynamics of India earning a sobriquet as the 'Congress System' especially during Nehru's life-time.[10]

The leadership of Jawaharlal Nehru both as leader of the Congress and head of the Government until his death in 1964, was of paramount importance for the Congress system as well as for the institutionalization of power. His leadership was marked by two

contradictory tendencies – centralizing and at the same time respectful of regional autonomy. This has helped the state to further spread its authority beyond the core geographic areas where the Congress movement had been historically active. Nehru's leadership had provided some institutional innovations such as the re-organization of States on the linguistic principle, devolution of authority to the village level through panchayati raj, and involving the majority of the population in the economy through State-directed reforms. The mixed economy and economic planning offered an opportunity for coordinating the expansion of both the state and the market. On the other hand, the cooperative movement and the community development programme supplemented the endeavours of both from the cities to the villages.[11]

Moreover, Nehru's design for a new India put in place the all India services in keeping with a British model of Governmentality. Besides, the planning Commission, the Five year plans, regular election a supreme court, respect for a free press, an implicit consensus among major political parties to keep religion out of public politics, reserved jobs and constituencies for the Scheduled Castes and Tribes, and an apparent commitment to agrarian reform were the mythologies of Governance associated with Nehru's India. However, Nehru's Development project ran into rough weather in the absence of political and economic reforms at the local and regional levels. To achieve political and economic reforms, the presence of weak bourgeoisie during the Nehru years, had indeed, played a spoilsport.[12] Nevertheless, as Sudipta Koviraj argues, "The democratic and reformist –rhetoric of Nehruvian policies in the first decade after independence irreversibly altered one of the fundamental facts of Political life in India. From an agency which was spectacular, mysterious and distant, the state has become something vast, over extended, extremely familiar at least in its sordid everyday structures - the panchayat, the revenue department, the local courts, the post office, railways, public

sector industries, and above all the elections, an ambiguous combination of serious decision making, social festival and farce. Nevertheless, it seems that its domination of Indian society in some form or other is historically irreversible." [13]

By the late sixties, it was found that inequalities of wealth, health or consumption during the two decades of independence, could not make much headway in terms of reduction. Nehru's death and the electoral reversals suffered by the congress party primarily pushed the Indian State to the brink of a crisis of de-institutionalization.[14]

The economic crisis and the electoral drubbings suffered by the Congress party prompted them to give a new emphasis on agriculture. The agricultural strategy deemphasized institutional reorganization of agriculture, instead, it put emphasis upon price incentives coupled with technological innovations for augmenting productivity which, eventually, swelled the kitty of the Rural rich farmers.[15]

However, the decline of the 'congress system' led to an "Organizational vacuum at the core of India's political space." [16] Mrs. Indira Ganndhi was, finally, catapulted onto the national stage. She, on the one hand, came up with her famous "Garibi Hatao" programme to build up popular support bases and on the other, steered the congress as a more personalistic vehicle with obvious authoritarian style. This led to the demise of the old institutional ethos of the Congress Party.[17]

In the 1970s, Mrs. Gandhi undermined the constitutional and legal safeguards available to the citizens against the possible encroachment of state authority upon the personal domain. The emergency saw the Zenith of centralization which provided for political interference in the affairs of the states which was, indeed, unheard of in the post-colonial India. The restoration of formal Democracy was achieved through the election in 1977 which also categorically rejected India Gandhi's brand of authoritarianism. Thus, a legitimate political process was restored despite the fragility and fraility of the coalition

which unseated Indira Gandhi in the election that took place immediately after the Emergency.[18]

However, the roots of this decay again are traced to Mrs. Gandhi, but it is also acknowledged that the demands coming from below for sharing power were increasing beyond the capacity of Mrs. Gandhi's regime to handle. She reacted to them by blocking the access of rival claimants to power by undermining the democratic institutions.[19] Rajani Kothatri argues in this context, "In seeking to absorb the dynamics generated by social change engendered by the democratic political process, the new congress leadership under Mrs. Gandhi adopted a style that threw the old institutional order out of gear, but was unable to replace it by a new structure. It was instead, replaced by an increasingly personalized and plebiscitary politics on one hand, with a tendency to negotiate political and economic issues with local potentates rather than an All- India elite."[20]

The mid - 1980s, witnessed the emergence of the middle caste farmers of North India in political formations under the banner of Bharatiya Kishan Union. The mobilization and over - politicization following this development led to an ever increasing demand on the state which eventually crippled the state institutions and rendered it unable to accommodate these conflicting demands, precipitating a "crisis of Governability."[21]

However, democratic institutions and practices, adapted to the Indian historical and social context, have had a huge transforming implication. The legitimacy of the hierarchical social structure has been undermined which impaired and crippled the historical capability of the upper castes to impose unequal status and power relations on the low-caste people justifying it as the basis of stability in society. Thus the democratization led to an upsurge of participation from among the poor and illiterate of the lower social strata. This "democracy of caste groups" has thrown open new vistas for their representation in elected

institutions of Governance. The reservation in educational institutions and the civil services for dalits and other backward classes paved the way for more opportunities for social mobility among the upper echelons of the disadvantaged groups.[22] However, it could not successfully challenge the inequities embedded in the social and economic structure for ushering in increased levels of equality in social and economic life of the overwhelming majority of Indian population. As Sugata Bose and Ayesha Jalal write, "The quest for substantive democracy has been in large part a material struggle for social and economic security that could provide more meaningful context to culturally informed values and a sense of human dignity. Democratic development can be a worthwhile ideal only if it addresses material and cultural concerns by assuring individual and group rights at different levels of the polity."[23]

The two core constituents of modernizing project of the Indian State are, no doubt, democracy and development. However, electoral democracy's success could not have been converted into an effective wherewithal for realizing the full potential of democracy as the concentration of economic and social power predisposed the state to act in ways that, finally, tipped the balance in favour of the "dominant coalition" rather than the under-privileged.[24]

In any case, India saw the unprecedented rise of militant Hinduism around the issue of the Babri Masjid in the late 1980s and 1990s.[25] The campaign that the BJP Launched, was essentially motivated to integrate the Hindu Community around religious beliefs and it was unfailingly bound up with the BJP's opposition to the minority United Front Government's decision in 1990 to implement the Mandal Commission recommendations.[26] Again, the emergence of BJP as the victor to reconstruct India politically through multiple endeavours may be attributed to the decline of the congress system and the loss of faith in the Nehruvian masterframe.[27]

Assessing the impact of the Mandal Commission's recommendations by the V.P. Singha Government in 1990, Niraja Gopal Jayal writes, "Caste was now no longer simply an important basis of political support, as political parties claiming to represent particular caste interests emerged. For many of these political formations, control over state power lay at the heart of these agenda of social transformations, and this at a time when challenges to the State had manifestly begun to proliferate ." [28]

However, Militant Hindu Nationalism represents the gravest danger to the Indian State and one of its foundational principles-secularism, in particular.[29]

On the other hand, Globalization Process and its domestic face-Economic reforms has led to the weakening of state authority. With this, some measure of erosion of legitimacy of the state was inevitable. Furthermore, the regionalization of the political and party system, as well as various autonomy movements and separatist demands along with the relentless march of globalization, directing economic deregulation and liberalization have contributed decisively to the weakening of central power in the Indian federation.[30]

Thus, the project of democracy in India is both fragile and beleaguered. Though it is commonly believed that the greatest signifier of its success is the fact of its having survived and endured that is to make a virtue of necessity. It might be more accurate to say that, despite all its alarming deficiencies, the singular merit of Indian democracy lies in its success in providing a space for political contestation and an opportunity for the articulation of a variety of claims.

THE PROBLEM

India's procedural Democracy survived and sustained well since independence barring an interregnum of less than two years during Mrs. Indira Gandhi's rule when she clamped National Emergency even

suspending fundamental rights. One of the prime objectives of post-colonial state in India was to address the Governance issue in its totality. So, the project of Democracy has had its supporting pillars in the form of secularism, welfarism and the adoption of a quasi-Federal State structure and a strong judiciary. This position was further buttressed by embarking on an elaborate Planning programme. So, the concern for "Good Governance" is not a new experience for the Indian State. The project of "Good Governance" as it is part of the project of globalizing democracy has an important bearing on the ways in which questions of development and Democracy are currently being understood and conceptualized. The distorting logic of Democracy in the context of an unequal society like India necessitates State Welfare providing further protection of the underprivileged and this cannot be taken care of by Governance alone without responding positively to the concerns of distributive Justice.

However, the project of Globalizing Democracy and its prescribed regime type in the name of 'Good Governance' presupposes hollowing out of the State by encouraging (minimal State) it to abdicate welfarist obligations and significantly, emphasizes upon managerial and technical aspects of Governance in order to ensure "smooth-sailing" for the market forces, to effect a change over from state-led Development to market-led Development type of Economy. So, the "Good Governance" package masquerading as the champions of development and Democracy across the globe, is out and out, ideological in nature and the impact of such global ideological progammes on India's quest for desired Social change along the routes of Development and Democracy, is our areas of concern and enquiry.

CONCEPTUAL FRAME-WORK

There is no dearth of serious intellectual enquiry on post-independent India's politics and Democracy. Here we intend to divide scholastic works on post-colonial India's politics into four distinct schools of thought. They are as follows:-

1. Liberal Democratic Perspective ;
2. Functional and Political Economy Perspective ;
3. Marxist Perspective and ;
4. Social movement-Perspective ;

1. Liberal Democratic Perspectives

Either explicitly or implicitly the vast majority of American Scholars in the behavioral tradition doing empirical works on India, placed themselves within the world view of modernization. In a way this lead was presented by Shils (1961) and Weiner (1962b, 1966, 1967, 1983) who extended the developmental paradigm to the field of electoral analysis. Those writings in this category have examined the relationship between modernization and consolidation of Democracy in India (Field, 1980), diffusion of the norms of participatory Democracy, and institutionalization of political competition and bargaining (Hardgrave and Kochanek, 1986) and Electoral competition and party politics (Eldersweld and Ahmed, 1978; Palmer, 1975; Weiner, 1978, 1983), modernization of religion (D.E. Smith, 1963) interest groups and pressure groups (Weiner 1962b). Later, more complex variants of the modernization theory were produced, most notably by Rudolph and Rudolph in the modernity of Tradition (1967) and in the collection on caste in Indian politics (1970) edited by Rajni Kothari, in which it was argued that even elements of "Tradition" such as caste or religion could infiltrate a modern system of political institutions, adapt to it and, by transforming themselves, find an enduring place within it as parts of political modernity itself. The most influential account of the Indian

"system" from this perspective was produced by Rajni Kothari in his politics in India (1970). His theoretical tools were largely structural-functional. He identified the "dynamic core" of the system of political institution in India in the Congress party. The whole systems worked through the dominance of the Congress. Through an accommodative system, the political centre consisting of a modernizing elite was shown to be using the powers of the state to transform society and promote economic development. Kothari gave it the simple name "Congress System".

The current version of the modernization paradigm has found an explanation for India's problems in the "theory" of deinstitutionalization and criminalization of politics, which suggests the moral case for the resurrection of the institutions of State to their original stature which they have presumed to have enjoyed during the Nehru era. For example, Rajni Kothari in his recent writing has attempted to develop a normative framework that serves less as an explanation and more as a critique of the present political system. He notes that unlike in the early decades after independence, the national political elite has lost its autonomy and the State has ceased to be an agent of social change and has instead become more and more repressive. His arguments is that there is a need now to assert, through grass-roots movements and non-party political formations, the autonomous force of civil society over repressive and increasingly unrepresentative State. Another notable theorist of Indian politics Ashis Nandy with his revised Gandhian position, argues that modernist State has repeatedly failed whenever it has tried to impose on Indian society a set of institutional practices adopted from the modern west that go against the firmly entrenched everyday practices of collective living in local communities. Social change, if it is to be both successful and just, must emerge out of these collective everyday practices.

2. *Functional and Political Economy Perspective*

Precisely, the functional school of thought have rendered major conceptual contribution through the writings of Morris-Jones (1963, 1987), Rudolph (1967) and Bailey (1970). Bailey's theoretical formulations on a model of Indian politics, based as they are on excellent field work, deserve careful attention. He describes the Indian political system on the aggregation of a set of interlocking and "nested" arenas at the locality, district and national levels. Each arena operates according to rules specific to it, which is why that is homogeinity across the larger political system. Therefore, issues of cross-systemic significance have to be "translated into something else at constituency level and have to be translated yet again at village level." (Bailey, 1970:232). While Bailey leaves open the possibility of a successful "breakthrough" in the direction of irreversible modernization, Rudolph and Rudolph are more fully anchored to the resilience of endogenous culture. (Rudolph and Rudolph- The modernity of traditions: Political Development in India, 1967;8).

Morris-Jones (1963) had first given a formal recognition to this problem by stipulating the modern, traditional and the saintly as three "idioms" of Indian Politics. In the epilogue to the new edition of the Government and politics of India, Morris-Jones talks about a major change in the tone and content of Indian politics during the last two decades. The "peaceful interpretation of tradition and modernity" which characterized the first two decades after independence has given way to a political contest that is much more violent. This is the basic loss suffered by the political system in the last two decades; it is the loss which has largely removed the nation-wide stabilizing element; without whose management capacity to contain particularist thrusts the system continually falls apart, with a centre which does not effectively hold (Morris-Jones, 1987:226).

Atul Kohli's (1987) study of poverty reform in three states accorded explanatory primacy to the state, even as his data indicated important ways in which State capacity to effect redistributive reform was constrained by social and economic factors. There were other studies, however, which showed the limitations of the statist approach in the context of the third would, where it is the structure of society that determines the capacity or incapacity of states to implement social policies and mobilize the people (Migdal; 1988). Thus, if Kohli finds the Indian state to be the prototype of the statist approach, Migdal finds its putative strength considerably restrained by a fragmented, heterogeneous society. An intermediate position is taken by Lloyd and Susane Rudolph (1987:13) who locate the Indian state on "a shifting continuum between constrained and autonomous and view it as a "third actor", along with capital & labour."

Atul Kohli in his illustrious book, "Democracy and Discontent" : India's crisis of Goverability" has focussed attention on the growing disjuncture between weakening institutions and multiplying demands. He cautions that if these trends continue, they are likely to chip away at India's democracy. On the other hand, Pranab Bardhan has argued, even state ability, which is arguably an important factor for the successful pursuit of long-term developmental goals, may be only partially determined by the democratic or non-democratic nature of the regime. Other factor, such as the social homogeneity of the population, an initially more egalitarian wealth distribution and dense network of connections between public officials and private capitalism, are among the important determinants of State ability to accomplish economic development (Bardhan 1993:46-7), Francine Frankel, one of the powerful commentators on the Indian political scene, has put forward an altogether different thesis as to how to transform the hierarchical social structure so as to create a relatively egalitarian pattern of development by reformist, non-revolutionary means. Frankel's analysis leads her to conclude that it was primarily due to the failure of the

political leadership to mobilize and organise the lower classes as a social force in their own right. Only such mobilisation could have influenced the policy process in favour of the poor. (Francine Frankel, India's Political Economy, 1947-1977: The Gradual Revolution 1978).

3. *Marxist Perspective*

The Marxist Literature on Indian State provides abundant insight and Yields a rich variety of possible hypotheses. Michael Kalecki attempted to capture the class nature of the State, in a formulation that was clearly intended to apply to India in order to explain the character of the attempted capatalist transformation (Pursued via development planning) which, he posits, differed qualitatively from "Classical Capitalism". (Kalecki,1972P.123). Kalecki Portrayed the Indian State as an intermediate regime. The Central defining characteristic of an intermediate regime is that it is a "regime", a "State" or a "government" (Kalecki uses all three categories) which represents the interests of and in which, therefore, "the role of the ruling class" is performed by two classes : the urban lower middle class and the rich peasantry- or two fractions of one class. Kalecki pointed to the weakness of the native upper middle class and its inability to perform the role of "dynamic entrepreneur" on a large scale; which, it seemed, distinguished the Indian case from "classical capitalism". The intermediate regime idea is intended as a way of distinguishing the non-classical capitalism which, in his view, was in operation in India and of clarifying the working of State Capitalism. A.R Desai, a renowned Marxist, in one formulation (Politics and Society in India-need for new Hypothesis, Seminar, July, 1968) depicted the Indian State, un- problematically, as Capitalist State, pure and simple. Desai goes on to add, "the state which has evolved after independence is essentially a capitalist state, representing the interests of the Indian Capitalist ruling class; and the major function by the state is to act as Chief Instrument of modernisation on Capitalist lines, to protect,

develop and defend a Capitalist socio-economic formation". (Desai, 1975, PP. 139, 140, 142 and 149).

Sudipta Kaviraj's writing on Indian politics is informed by new insights and more nuanced accounts that is underpinned by not only enduring structures of class power but also specific changes in political processes and institutional practices that began to emerge in 1980s. His focus is on the State but the analysis taken the state as a site over which several dominant classes, try both to out-manoeuvre one another and to work out Coalitional arrangements in order to preserve their dominance as a whole.

Partha Chatterjee, another powerful Maxist Commentor on Indian Politics, argues that India needs to be seen as an example of "Passive Revolution". He uses the Gramscian category to identify two crucial features which have had profound implications for development planning and the possibility of thorough-going capitalist transformation. Firstly, it has failed to produce a full scale assault on the institutional structures of the colonial state, and secondly, it has failed to attempt an attack on pre-capitalists dominant classes. Within this framework, the failure of agrarian reform, the constrained dominance of Capital over the nation state, and several other issues, may be examined in terms of the tensions between emphasis on the dynamic of accumulation and stress on the importance of legitimation.

4. *Social Movement Perspective*

The theoretical tradition of Social movement politics is the literature on social movements and democracy that has grown out of the historical experience of social movements in the United States and Western Europe. The earliest set of discussion within this literature was set against the backdrop of fascism and the rise of Communism, focusing on the immediate post-war period. A major shift in perspectives developed as social scientists sought to make sense of the social movements of the 1960's and 1970's. Rather than portraying

social movements as the expression of the social anomie and undirected frustrations, social movement is pictured as enhancing democratic processes by providing unrepresented sectors of the population with alternative channels for political participation. Social movement is viewed as collective action to effect change. This conceptualisation of social movements includes activism that may prioritise a protest agenda or may emphasize, as does much of the NGO sector, development work informed by a deep Commitment to grassroots social change. This understanding of social movements also comprises organisations whose mobilisation targets state institutions as well as those that engage with the state. As Niraja Gopal Jayal writes, 'To accord sacrosanctity to the agenda adopted by the state at a given moment in its history is to leviathanize democracy'. (Niraja G. Jayal, Democracy and the state-Welfare, Secularism and development in Cotemporary India, up (New Delhi) 2001 P. 257).

Neera Chandoke, another strong votary of this perspective, argues that Civil Society as a Check upon the potentially arbitrary and even tyrannical tendencies of the State. This implies that civil society must be independent of the state, in principle, accessible to all citizens and a genuinely participatory arena of free civic engagements, deliberation, discussion and dialogue. (Neera Chandoke. The State and civil society, Exploration in Political theory, New Delhi: SAGE Publication (1998) P. 162).

It is argued that it is precisely through the range and dense welter of social movements and organisations that democratic institutions (such as the courts and bureaucracy) have been able to fine tune their responses to the fluidity and diversity of India. (Social movements politics in India by Mary Katzenstein, Smitu Kothari and Uday Mehta in Atul Kohli edited book 'The success of India's democracy', Cambridge University Press 2001 P. 268). In an illuminating article and using the social movements perspective, Pramod Parajuli argued that conventional assumptions about

development have reached an impasse. New social movements of women, indigeneous people and the rural poor are challenging statist indicators of growth and asserting livability, sustainability and equality as new parameters of development.

Thus, the political significance of these struggles is that they challenge the notion of the integrationists and Developmentalist Indian state. Moreover, there is the recognition that the ruling elite has articulated its class interest as the common interests of the whole Nation. The domain of the subalterns, however, could not be incorporated into the ruling class ideology during the struggle for independence nor after independence. (Pramod Parajuli, Power and Knowledge in Development Discourse : New Social Movements and the State in India in Niraja Gopal Jayal edited 'Democracy in India', OUP, (New Delhi) 2001 P. 258 and P. 274).

A fundamental lacuna impairing Indian Democracy as Niraja Gopal Jayal points out, is its in-authenticity and un-representativeness. Despite the clamour of celebration that attends every election ritual and the tributes paid to the vibrancy and resilence of Indian democracy, there is cause for concern as the intermediaries are crucial to this democracy, not just as brokers of votes, but also when it comes to representing the needs of the vulnerable. That the hungry of Kalahandi or Muslim women divorcees could not represent their own cases is not accidental. That it took a Group of middle class activists to energise the movement against the Sardar Sarovar Dam in the Narmada Valley is also not surprising. Thus, it becomes possible for the State to pay only token attention to the demands of welfare, to compromise secular principles and deny its Muslim women citizens equal rights, and to answer challenges to its development strategy by resorting to technocratic arguments. (Niraja Gopal Jayal, Democracy and the State- Welfare Secularism and Development in contemporary India, OUP, New Delhi (2001) PP. 255-256).

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Another perspective developed over the years, which points out the dichotomy between the institutions that emerged out of European Civilisation and transplanted into India at independence and age-old Indian values and practices which call for reconciliation in case of conflict (Parekh, 1989 : 57). Some believe, that the search for a more effective paradigm for comprehending the Dynamics of India's Politics and Social change ought to be set within terms of discourse derived from Indian Political experience and articulated in endogenous political vocabulary. (Subrata Mitra : 1999-P. 60).

Any conceptual frame of reference on India's Politics, Governance and Social change can not escape three important elements to be studied seriously. They are: the extent of socio-economic inequality, the pivotal position of the state and continuing patterns of subjugation to the west. But, any theorisation endeavours ought to be informed by explicit recognition to the responses of 'India's other'(s).

However, the conceptual framework that would be used to understand, comprehend and analyse India's Politics in terms of social change against the backdrop of introduction of Democracy, initiation of Development process and particularly, Globalising Democracy's prescription of good Governance" for fine tuning the " loose-ends" of existing Democracies like India so as to produce more efficient and corruption-free implementation of Policies as well as reducing the load on the State by encouraging it to abdicate responsibility for welfare and development, would not stick to any particular frame work of analyses, rather draws upon different repertoire of knowledge and perspectives to illuminate and enhance the current levels of understanding of the problem at hand.

May be, moral critique of Indian democracy lacks a pragmatic orientation as it fails to provide opportunities for consistent democratic interventions by the excluded in terms of institutional strategies. Finally, again the notion of a democratically negotiated shared public

interest might become difficult to achieve given the individualist premises of the new theories of State and society which are being put forward and the emphasis on technocratic solution is propagated.

Finally, effort at depoliticising development is an important element of "good Governance" package and is, obviously, fraught with an ideological 'end'. So, essentially the ideology and the definite kind of politics that it generates, is critical for providing wherewithal for the under-previleged in fashioning a society. Polity and economy that is informed by indegeneous cultural values, bereft of dominance and ever vigilant to prioritise the claims of social justice and equality.

Section - II

OBJECTIVES OF THE PROPOSED STUDY

The Modernising elites' vision in 1950 was vitiated to a large extent since the rhetoric at independence and the pioneering aims of the Indian Constitution with regard to equity and social justice, India's parliamentary democracy has failed to deliver comparable improvements in social welfare, poverty alleviation or economic growth. Though subalterns may be victims of State Policies or lack of it, they retain some capacity for independent Political action since their modes of behaviour and organisation are based on indegeneous culture and traditional laws of life although they may appropriate modern liberatory ideals like equality or social justice. So, while democracy remains an important end in its own right, more than 50 years of electoral multi-party democracy in India have failed to guarantee good Governance in the economic sphere, in particular.

In terms of its implications for democracy, economic liberalisation in India has created a "Leaner" State with less personalised economic relations and more autonomous civil society. On the other hand, removal of subsides has reduced coverage provided by the state welfare system and eroded the purchasing power of the poor through steep rise in the cost of essential commodities. It has, therefore, compromised standards of social welfare in India, as well as has diluted the Commitment to equity and social justice that has underpinned India's development strategy since independence.

Moreover, good Governance agenda presupposes an active civil society which is primarily defended as a means by which the state can offload some functions in the interests of efficiency and economy. Again, a restricted definition of democracy - in terms of formal institutions and procedures alone necessarily follows from the outlawing of Politics. Governance without politics forces us to question the centrality accorded to audit and accountability.

So, democratic good governance is better understood as an intimate part of the emerging politics of the New World Order. And clearly, the barely submerged structural model and ideal of politics economics and society on which the contemporary notion of Good Governance rests is nothing less than that of Western Liberal (or Social Democracy) the focal concern and teleological terminus of much modernisation theory. Therefore, the 'technicist' notion of Governance coupled with promotion of 'pliant' NGOs in the name of expanding civil society groups to take care of social sector initiatives, in particular, substituting the state, can not guarantee 'good governance'. Again, the formal-procedural dimensions of Democracy is not a sufficient condition, the invigoration and re-energization of which is crucially, dependent upon peoples' protest and social activism for successfully heralding Democratic Governance in a country of sub-continental dimensions like India.

Section - III

OVERVIEW OF THE EXISTING LITERATURE

There is already a large body of literature available on postcolonial India's democracy, politics and social change. The earliest writings on Indian Democracy were embedded in the institutional studies of Government and politics, in which context democracy essentially connoted the party system, party Politics and Election. Norman D. Palmer's 'The Indian Political System' (London : George Allen and Unwin Ltd., 1967) is a general over-view of this type. W.H. Morris Jones's 'The Government and politics of India' (London : Hutchinson University Library, 1971, 3rd edition) is possibly the most perceptive work in this genre which noted the role of the dominant congress party in under-mining the federal structure of Government, and diminishing both parliamentary independence as well as the institutionalisation of the party system.

Among the most useful contemporary overviews of Indian politics is Paul Brass's 'The Politics of India since Independence', (Delhi : Foundation Books, 1992), though his explanation for India's crisis depends a trifle too heavily on an argument about the centralising tendencies of the political leadership. Brass's rejection of structural factors is challenged by the argument of Achin Vanaik's 'The painful transition: India's Bourgeois Democracy' (London : verso, 1990) which is also the best Marxist analysis of Indian Democracy. The sociology of India's democratic structure is discussed by Satish Saberwal in his essay, 'Democratic political structures' in T.V. Satyamurthy's edited volume State and Nation In the Context of Social Change, which is the first in the Four volume series on 'social change and political discourse in India: structures of power, movements of resistance' (Delhi : Oxford University Press, 1994). The relationship of India's democratic structures with society was also the subject of much scholarly writings in the 1970s. Lloyd I. Rudolph and Susanne Hoeber Rudolph's 'The

modernity of Tradition' (Chicago : University of Chicago Press 1967) and Rajni Kothari's (ed.) 'Caste in Indian Politics' (Delhi : Orient long man, 1970) are the best examples of this category. Kothari's 'Politics in India' (Delhi : Orient Longman, 1970), adopting the then influential structural functional mode of analysis, also interpreted the process of modernisation in India in terms of the politicisation of a fragmented social structure. Among the more wide-ranging recent contributions to this body of literature is the two volume book entitled 'Dominance and state power in modern India', edited by Francine Frankel and M.S.A Rao (Delhi, Oxford University Press, 1989 and 1990). 'These volumes examine the interaction, in several states, of state Power with the social dominance of caste, class and ethnicity.

There is surprisingly little Scholarly writing on the darkest period in the history of Indian democracy, the Emergency. Written from a Marxist point of view, Sudipta Kaviraj's "Indira Gandhi and Indian Politics' is a welcome addition. (Economic and political weekly Vol 21, Nos. 38-9, 1986). Rajni Kothari has three essays on the Emergency in his 'State against Democracy : In search of Humane Governance' (London : Aspect Publications Ltd., 1990). More recent survey research is reported in Subrata Mitra and V.B. Singh's, 'Democracy and social change in India : a cross-sectional analysis of the National Electorate' (New Delhi : Sage Publications, 1999). Based upon the post-poll National Election study 1996, conducted by the centre for the study of Developing societies, this book presents empirical findings on a variety of theme: from a cohort analysis of the electorate to economic policy and regionalism. Fracine Frankel, Zoya Hasan Rajeev Bhargava and Balveer Arora's edited volume entitled 'Transforming India : Social and Political Dynamics of Democracy' takes stock of the country's experience of democratic functioning conceptualised as a set of interactions between liberal ideas and institutions on the one side and hierarchical social structures and heterogeneous cultures on the other. Democratic forms of Governance in India have unleased profound

trnsformations which the essays in this volume seek to analyse and understand. More recent works on India's democracy have assumed a broader focus. Atul Kohli's book, 'The State and poverty in India-The politics of reform' (Cambridge : Cambridge University Press and Delhi : Orient Longman, 1987) explains the differences in the performance, on redistributive and welfare policies of the state Governments in Uttar Pradesh, Karnataka and West Bengal in terms of the nature of parties and political regimes. Kohli's 'Democracy and Discontent-India's growing crisis of Governability' is a cogently argued thesis that pitches for over-politicisation encouraged by Indian Democracy leading to 'crisis of Governability'.

In pursuit of Lakhsmi : The political Economy of the Indian state (Bombay :Orient Longman, 1987) Llyod J. Rudolph and Susanne Hoeber Rudolph argued the centrality of the State as the determinant of India's political economy. The political economy of rural society is characterised by the pluralist politics of Community and Caste rather than class Politics and though rising levels of mobilisation have weakened the capacity and autonomy of the State, they have, never the less, resulted in a more equitable distribution of economic benefits and political power, in turn enhancing the legitimacy of the State. Kothari's Politics and the people : in search of a Humane India, the volume (Delhi : Ajanta Publications, 1989), a collection of his essays on Indian Politics before and after the emergency, documents the shift from his earlier functionalist view of the Indian Political system and his later concerns about peoples' movements, human rights, ecology, ethnicity and the interrogation of the dominant model of Development.

Gail Omvedt's 'Reinventing Revolution-New Social Movements and the socialist tradition in India' (New York : M.E. Sharpe, 1993) Examines the women's, peasants', tribals' and environmental movements, to suggest that the conventional ways of looking at these movements in class terms has to be rethought. This is because, though these groups are engaged in economic struggles, it is not class struggle

in the narrow Maxist sense, provoking to widen the analysis of relations of production and exploitation.

Francine Frankel's 'India's political economy 1947-1977 : The gradual revolution' (Delhi: Oxford University Press, 1984) is the definitive work on the political economy of the development in the first three decades of Indian independence. Frankel shows how accommodative politics, and especially the power of the propertied classes in India, impeded the implementation of the social and economic reform. Pranab Bardhan's 'The Political economy of development in India' (Delhi: Oxford University Press, 1984) – provides an account of political and economic constraints on Development in India. The impact of a democratic polity on the growth of the economy is discussed in terms of the conflicting pressures on the state for subsidies and patronage by the dominant proprietary classes such as the Industrial capatalists, rich farmers and the professionals.

Partha Chatterjee's, 'Development Planning and the Indian State, in T.J. Byres (Ed.), 'The state and Development planning in India' (Delhi :Oxford University Press, 1994) and reproduced in Partha Chatterjee's (Ed.) 'State and Politics in India' (Delhi :Oxford University Press, 1997) is a fine philosophical analysis of the politics and discourses of Indian Planning. Shalendra D. Sharma's, 'Development and Democracy in India' (Boulder : Lynne Rienner Publishers, 1999) examines India's development strategy from the Nehru era to the present with a concluding chapter comparing post liberalisation India with post authoritarian Chile. Ashutosh Varshney's, 'Democracy, Development and the country-side : Urban-Rural struggles in India' (Cambridge : Cambridge University Press, 1995) analyses the cost to the economy of rural collective action on prices and subsidies.

Sudipta Kaviraj has two articles on Democracy and Development in the Indian context. The first, 'Dilemmas of Democratic Development in India', in Adrian Leftwich's (Ed.) 'Democracy and Development'

(Cambridge, Polity Press, 1995), while the second, 'Democracy and Development in India'; is in Amiya Kumar Bagchi's (ed.) 'Democracy and Development' (London : Macmillan/st. Martin's Press in association with the International Economic Associaltion, 1995). Deepak Nayar's article titled 'Economic Development and Political Dmocracy: Interaction of Economics and Politics in independent India' in Niraja Gopal Jayal's edited volume, 'Democracy in India' (New Delhi Oxford University Press, 2005) is a fascinating one. He argues that the ability of the State to mediate is constrained by the spread of markets and the march of globalization. The credibility of the state as an institution has eroded and the Government, it appears, is abdicating its role in reconciling Economic and Political Democracy. A very influential article written by Bob Currie appeared in the Third World quarterly (Vol. 17, No. 4 P.P. 787-807, 1996) titled 'Governance, democracy and economic adjustment-conceptual and empirical problems', concludes that Democracy and good Governance are significant factors in shaping international trade and lending policy; but seemingly far more significant for some States than others in the eyes of those charged with monitoring it.

Adrian Leftwich's article titled 'Governance, democracy and Development in the third world' which appeared in the Third world quarterly (Vol. 14, No. 3,1993) is an attempt at theorisation. He believes that both good Governance and democracy depend crucially on the character and capacity of a state. And the capacity of a state to deliver good Governance and protect democracy is in turn a function of its politics and its developmental determination.

The range and diversity of the literature surveyed, amply demonstrates that they have shed light almost on all aspects of independent India's politics, Democracy and Social change. But, surprisingly, there is scant amount of publications available focusing our attention on post-liberalisation India's political trajectory .

The mainstream academic literature on Indian politics, especially in the west- from Weiner to Kohli - have concentrated attention on the theme of Governance as the cardinal ingredient of democracy. The dimension given to democracy by social forces, engaged in struggles to resist oppressions is of far greater importance than the means employed by the State to increase its capacity for Governance without regard to the human and Democratic costs involved.

On the other hand, Marxist scholars and proponents of the political economy perspective have provided us with new and newer insights for understanding the bewildering complexities of India's post-colonial political reality. However, they suffer from limitations for over-emphasizing the economic factor with little regard to socio-cultural reality. The works using the social Movement perspective as well as cultural approach, though some-times help us in understanding the dynamics and incongruities involved in the post-independent politics of India yet, they appear to be found lacking in practical orientation and concrete suggestion of alternative avenues which rendered them some times a little ambiguous. The Social Movement 'Perspective in particular, with its anti-statist position, may not fit into India's reality in its entirety calling for reformulation based on a mix of Institutional vibrancy coupled with peoples' resistance and grass-roots movements for animating Democracy. A Developmental State operating, within the frame-work of representative politics, would necessarily require the state to assume the role of the central allocator if it has to legitimize its authority in the political domain. In any case, the liberalization Process is bound to belittle the role of the Indian State as the Central allocator of resources since it creates a 'leaner' State with less personalized economic relations and a more autonomous civil society. This will be, further, reinforced by world bank's notion of 'Good Governance' as it seeks to encourage, in the name of efficiency, competition and markets, privatise public enterprise: reform the civil service by reducing over-staffing, introduce budgetary discipline: decentralize administration

and make greater use of Non-Governmental organization. In short,' good governance' marries the new public management to the advocacy of liberal Democracy.

Thus, Indian state is not only confronted with the problem of sticking to the commitment to equity and social justice but also sooner or later, will face the legitimation crisis in the Political Domain. So, the universalizing project of the west with all its institutional and ideological paraphernalia, can be a sure-fire recipe for spelling doom to the democratic state like India which is, plagued by sharp social and economic inequalities, the redressal of which, further, requires a huge state sponsored welfarist support system. On the other hand, the retreat of the State and simultaneously, emphasis upon Governance issues alone, would, invariably, render the whole exercise to a 'cosmetic' one and would lead to abridgement of Democracy "doubly".

Section - IV

RESEARCH QUESTIONS

The proposed study raises several research questions. They are as under :-

1. Is there any perennial conflict between Liberal Democratic Governance and the claims of social and economic rights?
2. How does the discourse of the Indian State respond to the claims about justice, rights and equality?
3. Does the Indian State serve the interests of the powerful in society without fully excluding those on the margins?
4. What are the implications of globalisation process for India's democracy and welfarist programmes?
5. Is the organisations and mobilisation of marginal groups a befitting strategy for influencing policy process in favour of the poor?
6. Can the "Good Governance" notion, bereft of politics, be the answer to the huge, developmental problems of a state like India?
7. Does the notion of good Governance constitute an important part of emerging politics of the new world order?

Section - V

METHODOLOGY

The present study is a historical analytical sort of exercise. The study makes liberal use of Books, periodicals Journals, newspapers documents etc. In order to develop its logical rigour and analytical depth. This is essentially a library-based study. The Researcher also stood immensely benefitted by engaging in protracted discussions on some finer aspects of post-colonial Indian politics, with some experts on the subject. Besides, the study will examine Government, Policy declarations, process of policy implementation, judicial responses to such policies, the nature of political dynamics in the context of India's changing power structure. Consequently, Occasional references to the role of political parties, both in power and in opposition, will help understand the subtle issues which lie at the Governing process of the country. Another important aspect which will form a very significant methodological tool for the present study is the issue of leadership question. In fact, India's march towards development process begins with the end of the colonial rule. Quite naturally the leaders at the initial phase, decided to take up two tusks – nation – building and state building- simultaneously., obviously, much depended on the ability of the leaders to guide India's Democracy at its initial phase. Side by side, the study has also examined the nature of the Indian State and analysed the concepts and ideas of a good number of scholars as India journeys through the path of Democracy and Development for heralding social change in the post-colonial phase. In a word, the methodology covers the multi-dimensional aspects and in that respect besides being historical analytical, it is exploratory and prescriptive in nature.

Section - VI

PLAN OF THE STUDY

Chapter-I deals with the introduction for the purpose of initiation of discussion, the problems under investigation and the proposed theoretical/conceptual frame work for establishing the appropriateness of a theory for the justification of the present study.

Chapter–II tries to identify the historical influences impacting India's journey along the path of democracy and development especially against the backdrop of colonial rule. This provides a clue for comprehending the nature of democracy and the development initiatives unfolded in the post-colonial Indian State.

Chapter–III deals with post-independent India's Democratic experiments which remain a "mixed bag" in terms of success. The logic of democratic politics interrogates the elite–domination quite successfully leading to the participation of the low-caste people on an unprecedented scale. However, Indian democracy faces by far the most formidable challenge to its existence as the Hindu fundamentalist groups are about to tear the fabric of the constitution asunder. Democracy faces yet another daunting task especially in the wake of Globalization Process which tries to decimate the state interms of its welfarist obligations and thereby weakening the foundations of Democracy.

Chapter – IV unravels the evolving role of the Judiciary in India's Democracy. The conservative and loyalist nature of Judiciary got its image tarnished especially during the emergency. Thereafter, Judiciary's transition to an independent institution of Governance is phenomenal. However, it is yet to be totally free from 'conservative biases'. However, it has definitely contributed immensely to further invigorating democracy through its unique innovation of Public Interest litigation.

Chapter - V discusses myriad facets of Development priorities of policy–makers since independence. Nehru's socialism and Indira Gandhi's Populist postures failed to solve India's massive poverty, widespread illiteracy and poor health. Hence, India was already on a tenuous base of social and human development, and is exposed to the 'Shock-therapy' of economic reforms which openly advocates for 'downsizing' the state leading to further, enhancement of the vulnerabilities of the 'social majorities'.

Chapter-VI looks at the Globalizing Governance framework and its impact on India. A robust and vibrant 'middle class' has emerged in India lending support to the reform process. While, for the vast majorities, with their low level of education, health and skill, "opportunities" remain a pipe–dream. The abdication of social responsibilities by the State as part of reforms process, has brought to the fore a new actor in Indian politics. Therefore, apart from Institutional actors like political parties and judiciary, social movement activism also provides a ray of hope for the vast majorities in articulating their rights and claims against reform proposals which Impair their capacity and effective disenfranchisement.

Chapter – VII contends that wider participation never weakens democracy as long as it retains its Democratic Character. Rather, it strengthens the roots of Democracy. So, Social Movement activism is a welcome addition in a Democracy along with political parties and resurgence of other democratising institutions. Again, in the context of India's Democracy, if Governance is conceptualized in sync with the prescriptive formulae of the West, it may end up being a lopsided one. However, growth potential of an economy is to be tapped to the fullest extent possible. Economic growth by itself can not remove poverty and can not also, automatically, make people ready to capitalize on the "opportunities" unleashed by the Reform Process. Therefore, "dedicated" Policy Intervention in favour of the under-privileged is indispensible. Finally, for translating this possibility into a reality,

politics of Institutions and politics of protest should be the sine-qua-non of any scheme of Democratic Governance. Thus, it assesses the problems and prospects of development within a democratic framework in the context of a globalizing governance agenda.

Chapter – VIII concludes the study by arguing that the role of struggles should not be under-emphasized as it constitutes a bul-work against the authoritarian tendencies inherent in the state structure and effords at "downsizing" the state under influence of the globalization process. No doubt, the politico-economic framework initially adopted in India could not make any serious inroads in the abject poverty, the overwhelming majority of the people are steeped in. But the globalization process is about to undermine the democracy itself that was virtually a proud posession of every Indian despite its procedural nature. However, the ultimate goal is not to either pursue democratic or developmental goals because both of these are mutually re-inforcing and cannot be pursued to the exclusion of the other.

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modernizing elite was shown to be using the powers of the State to transform society and promote economic development. Kothari gave it the simple name "Congress System".

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CHAPTER-II

INDIA'S GOVERNING PROCESS – A GENERAL OVERVIEW

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When the British left India they left behind them two countries – India and Pakistan – that had been shaped by more than 250 years of economic, political and cultural contact with the English East India Company and the Raj. This is not to say that Indian history during this period was made only by the British, or by Indians reacting to and resisting British definitions of Modernity and Community. Nevertheless, the very geography of India in late 1947 pointed up the contradictory and contested legacies of European rule in South Asia.[1]

Politics in no country can be understood entirely in terms of the ideal and even less so in India where sheer physical constants like population and Historical backlogs like heterogeneity, caste and language qualify its political and economic idiom.[2] To make governing more difficult the heterogeneity of the populace and complexity of their interactions with one another are probably unmatched in the history of the human species. There is diversity not only along ge ographical, urban-rural, class, religious and ethnic lines, but also on the basis of caste – the most specialized institution for social organization ever devised in the pre-bureaucratic era. That virtually all of these social divisions contain the characteristics of hierarchy would seem to make the adoption of Democratic Governing institutions, which hold as an ideal at least a minimum amount of political equality, at once surprising, bold and ironical.[3]

Modern India, in its political aspects, is a product of a variety of influences spread over a long period of time. Three historical strands stand out distinctly as constituting substantial influences. The first is Hinduism, the solid bedrock and unifying framework of Indian society. The second is the British impact of rational-legal authority wielded by a central power that managed to consolidate the whole subcontinent

under it. Although operating mainly in the legal and administrative spheres, the British Raj also affected fundamental political beliefs and relationships. The third is the reconstructive nationalism of the pre-independence era, generated in response to the impact of a new world order as transmitted through the colonial power, and developed as a means to political independence and social reform in the context of a slowly expanding framework of democratic institutions.[4]

Hinduism, Culture and Social Structure underpinned by Caste System.

The establishment and growth of a liberal, representative political system in India, owed its existence mainly to the British Raj and to India's encounter with it. But, India's indigenous culture and social structure immensely influenced the nature of that encounter. This becomes quite manifest when one considers the place of politics in Hindu civilization.[5] Ashis Nandy has put that -

..... Indian society is organised more around its culture than around its politics. It accepts political changes without feeling that its very existence is being challenged, and with the confidence – often unjustified that politics touches only its less important self.[6]

The precise steps by which Hindu society acquired its character are not known. Spread over a large and sprawling territory, lacking in antecedent political unity and traditions, and generally remote from centres of military and political power, the Indo-Aryans developed a social organization that answered to the several needs of such a people. It became structured along a hierarchy of four varnas which were superimposed on a loose and primitive system of "castes" that existed before the Aryans came. Such a hierarchy, while based upon primary ties of marriage and family, assumed importance in the division of secondary functions, including "political" functions such as the resolution and adjudication of disputes. Starting from a functional distribution of occupations and roles which were embedded in a

legitimized status hierarchy, and providing for an informal machinery or arbitration in cases of ambiguity, the system developed its own pedagogy and mystique, created vested interests, and that hardened with the passage of time.[7]

The four varnas in which the Aryans divided the caste system – Brahmin, Kshatriya, Vaisya and Sudra – while meant to correspond to the four functions of knowledge, defense, wealth and labour respectively, provide more the theory than the actuality of caste. There would be four strata or classes, although the principle on which the classes were divided would be different than in the west. In reality, the situation is much more complicated. Caste in fact is an endogamous kinship group known as jati, linked by marriage and lineage, and for the most part locally identifiable (although the spread varies between regions). Accordingly, there are not four but thousands of castes – or jatis in which the social system is organized. These are governed at the local level through their individual caste panchas (a group of five or more leaders) and an organization of village elders also known as Pancha or Panchayat which more often than not draws its members from different castes. Furthermore, there is the lowly caste of Harijan or the "Scheduled Castes", which are lowest in the hierarchy and often are physically segregated from the caste Hindus by virtue of their "low" occupations and beliefs of pollution, but which in turn have developed an intricate jati system within themselves and are an organic part of the fatal Hindu system.[8] As Rajni Kothari writes, "over the years, the internal balance of the system has undergone shifts, often motivated by political and military thrusts and the access of particular groups to military and governmental power, often by economic mobility, and sometimes by mere change in administrative arrangements, such as in the collection of revenue for the king or the emperor. Absorbing these changes, as well as absorbing the influx of new elements, new faiths, and ideas, the system has survived the test of centuries and provides

perhaps the most persisting reality which any political system in India must confront and deal with".[9]

It was commonly argued by the British rulers of India that Parliamentary Democracy was unsuited to a society intensely divided into religious and other communal groupings, whose social structure also was imbued with an ideology of hierarchy rather than equality. It was also argued that caste Hindus and untouchable and other low-castes could hardly be expected to work together as equals in a Democratic political order, that the former would maintain the rigidity of traditional hierarchies and caste discrimination which would prevent the poor and disadvantaged low castes from participating effectively in politics.[10]

British rule and the Politico-economic inheritances

It is well known, that the western impact came to India in stages: (1) the explorations of the Portuguese, the Dutch, the French and the British in the fifteenth, sixteenth, and seventeenth centuries and the establishment of active trading posts; (2) the rule of the British East India Company that established its supremacy first by eliminating the French (aided by the seven years' war in Europe), then by subduing the already weak and tired Moghuls by procuring extensive trading privileges and territorial and financial rights, and finally by breaking the power of regional rulers such as the Peshwas and Marathas in Western India, the independent Sultan of Mysore and the Nizam of Hyderabad in the south, and the Sikhs of Punjab in the North, either through direct fighting or through system of "alliances" and financial quid pro quo; and (3) the replacement of the company in 1858 by direct British rule administered by the Queen in Parliament in Great Britain. For all practical purposes, the company period till 1857 and the direct phase of British rule in India from 1858 to 1947 may be regarded as sequence of events unfolded as part of a continuous story.[11]

To uncover these legacies in more detail, it is useful to review some key moments in the political construction of power in British India, from company rule to the end-games of Empire by way of the age of high imperialism that peaked around 1914. Following the battles of Plassey in 1757 (where Clive defeated the French and their Indian allies after moving North from the company base in Madras), and Buxar in 1764 (where the British defeated the Nawabs of Awadh and Bengal, and after which the Mughal Emperor ceded the Diwani (the right to the revenues), thus, the company was on a firmer ground so far as its control of much of Eastern India was concerned. This security derived in part from the strength of the company's standing army, and from British sea power, but it obtained more so from the company's success in winning the support of certain Indian social groups. The East India Company devised two main systems to guarantee a flow of tribute from rural India. In Bengal, Governor-General Cornwallis introduced the permanent settlement of 1793 in the forlorn hope of turning local revenue collectors (Zaminders) into improving landlords. The Zamindars of Bengal were expected to collect rents from the raiyats (peasants), and remit a fixed sum each year to their Colonial masters. Elsewhere, Raiyatwari systems of land revenue administration were put in place that linked the colonial authorities directly to the Raiyat (if not the actual tiller of the soil) by means of land revenues that could be periodically reassessed. The Raiyatwari system took hold in about two thirds of the Madras Presidency, and was reinvented with local variations in parts of the Bombay Presidency and Punjab.[12] These economic arrangements inspired early Indian nationalists like Naoroji and Dutt to maintain that India's potential investible surplus was being lost to Britain. Instead of benefiting from British rule, India's wealth was being used to fund its own subjugation, and its industrial development was arrested by tariff and capital market policies which sought to make India as an assured market for British manufactured goods. As Bose and Jalal point out, it was partly to ameliorate such

charges of exploitation that the British moved after 1858 to temper 'the rules of Governance in India' (1998:101). Some of these reforms had an obvious economic component, as for example did the Bengal Tenancy Act of 1885, or the Chotonagpur Tenancy Act of 1908. These acts sought to pacify rural eastern India by protecting peasants there from the cruel clutches of the 'unscrupulous' merchants, rent-collectors, moneylenders and landlords. Still other reforms were meant to address questions of political participation, and the legacies of these reforms continue to shape Indian politics in the post-independence period.[13]

A rising nationalist movement at home and deepening struggles with fascism and Bolshevism abroad forced it to revive Britain's formal credential as a liberal power. Depression, war and a rapidly changing structure of the International economy played havoc with the old colonial system which eventually, compelled them to consider as to how India might be 'developed' within a changing framework. The epoch saw a broadening of 'representative', if not particularly democratic, forms of government in the Economy Institutionally, it retained a firm grip over the apparatuses of governance and ideologically, it possessed far more experience than any of its opponents, at least inside India, at redefining the terms 'democracy' and 'development', those most flexible of concepts, to make them compatible with continuing authoritarian rule and the privileging of narrow vested interests.[14]

Most aspects of the reform process in British India related to the problems that the colonizers faced in obtaining a measure of consent to their rule. Following the revolt of 1857-8 the British moved quickly to assure India's princes that they won't be deprived of their privileges. The British also revoked some of their policies for social and cultural reform, such as those previously embodied in Macauley's education minute of 1835, or the campaigns against thuggee and sati. Henceforward, the British would seek to rule India with some measure of Indian support, but not by seeking the Europeanization of India. The British now sought to keep their Indian subjects at arm's length. In the

late Victorian period an unpleasant mixture of racial Darwinism and social theorizing incentivised the British to draw sharp lines of division between so-called European and Indian life worlds, a project that was exemplified in the clubs and military and civil architectures of the time.[15]

As David Washbrook writes, "It conceived a series of strategies, symbolized perhaps by the amazing 1935 Government of India Act, designed to extend representation and promote economic growth without, apparently, changing any of the basic relations of power and wealth constructed under its long period of rule. Democracy and development here were meant to be imprisoned within the structure of the Colonial Past.[16]

The British, like the Mughals, 'formed alliances that recognized and legitimated the ordered heterogeneity of Indian society'. They did so, curiously, out of a mixture of pragmatism and 'racial arrogance' which reduced all Indians to mere 'natives', an interior species distinguished by a wide variety of esoteric beliefs, and practices. With limited British manpower at their disposal, they had to avoid both heavy-handed encroachment upon traditional customs that might provoke unrest and to co-opt large numbers of Indians. As a result, the modern state in India developed along very different lines from those of Europe.[17]

These competing ideologies of cooptation and exclusion were soon given a new twist in urban India. No matter how much the Raj relied on the fruits of rural India to balance its books worldwide, it also needed to secure a measure of political support from India's urban elites. From the time of the Indian Councils Act of 1861, the British sought to secure this consent by means of the slow and limited introduction of self government. The act of 1861 provided for provincial councils to be set up in Bengal, Madras and Bombay that would be dominated by British officials but which would allow a few nominated

non-official Indians (to be) consulted on legislative matters (Bose and Jalal 1998: 104). This provision was extended by Lord Ripon in 1882 to municipal and local boards, and was taken further forward at the time of the Morley-Minto reforms in 1909. The Morley-Minto reforms continued the British policy of making self-government financially dependent upon the raising of local taxes, but they went beyond Ripon in their willingness to see elected or nominated Indians break out of the municipal circuit of politics to contribute at the provincial level, or more rarely in the legislative council in Calcutta. This process of cooptation was developed further by the Montagu-Chelmsford reforms of 1919, and the government of India Act of 1935, both of which extended the franchise among Indian Communities (albeit only to men in 1919) even as they steered Indian politicians away from the centre and towards the provinces.[18] As Stuart Corbridge and John Harriss point out, "Here is one key to British rule in India in the first half of the twentieth century, and one of the Raj's enduring legacies in terms of the politics of Post-Colonial India. The Raj was constructed on the basis of a unitary conception of Indian territory and on the basis of an unyielding commitment to political centralism.[19]

In any case, the notion that the real function of representation was advisory, while 'policy' was made by the bureaucracy, remained basic to British schemes of democratization right up to the Montagu-Chelmsford reforms of 1919, if not indeed the government of India Act of 1935. It was, of course, later challenged and in large part overturned by the very different conception of representative democracy held by the national movement. However, at least two legacies of this initial ideology of representation were bequeathed to India even beyond 1947. It was over the question of who had the right to represent whom that the issue of 'Communalism' first entered the structure of the state. Similarly, the introduction of principles of separate representation for 'Hindu', 'Muslims', landholders etc., has been seen as a typical colonial device constructed by the British for the purposes of 'divide-and-rule'.

The second and related legacy was the inflated role accorded to itself by the bureaucracy (and judiciary) as the proper makers of policy and the guardians of society.[20] Sugata Bose and Ayesha Jalal made this point very succinctly when they argued that the events of 1947 finally aborted the 1935 proposals, but, problem actually, those of 1950 brought more than a fair share of them back again. The authors of the Indian Constitution put an extra ordinary degree of faith in the political wisdom of the British and drew heavily on the 1935 Act. By so doing, they thus drew quintessentially 'colonial' forms of political 'relationship into the core of their emergent national democratic state. That issues concerning the design of provincial states and their relationship to the centre, concerning the uneasy relations between executive and legislature and concerning the provenance of democratic authority should subsequently have bedevilled the history of the Indian nation, cannot be regarded as wholly surprising. They came as a part of a colonial inheritance which was all too readily accepted.[21]

Economic Policies of the British Raj in India and its legacies

The political landscapes of the Raj were shaped by Britain's commercial and strategic imperatives in the subcontinent. In the second half of the nineteenth century the rhythms of the Indian economy were dictated to a great extent by the rhythms of the European world economy. The Indian economy did well enough in the 1880s, but it suffered sharp downturns in the 1870s and 1890s, just as it would do again in the 1930s. India's manufacturing economy also had to contend with the Lancashire lobby in England. British cotton textile interests made it difficult for the government of India to provide a measure of protection to the modern textile Industry that emerged in the Bombay – Ahmedabad region in the late nineteenth century.[22] Although inclined to pose as a laissez faire state for much of the later nineteenth century and to allow Britain's industrial monopoly to bring its own rewards through the market-place, the British Raj also displayed a manifestly interventionist role. The eagerness of the

Company to lay claim to all possible sources of land revenue meant that, from an early date, its government had to simultaneously own up the responsibility for providing irrigation and various support services to agriculture. The needs of the military and of emergent plantation economies required large scale involvement in a variety of labour and factor markets. India's massive railway building programme was also closely directed by the state. It is arguable, however, whether the nineteenth century colonial state thought of any of these activities immediately in terms of their implication for socio-economic 'development', they were prioritised, much more for reasons of 'state' profit and power. Indeed, even the elaboration of the famine code was promoted as much by concern for the losses of revenue, which famine brought, as for the loss of life.[23]

The political as well as the economic context altered dramatically after the first world war which prompted the British Raj to take a relook on the issues of Economic growth and social welfare. On the one hand, a nascent domestic public opinion and a rising national movement demanded greater accountability and policies geared more explicitly towards India's, rather than Britain's, interests. On the other hand, the decline of the colonial staples and a shift in India's relations with the rest of the world economy necessitated a radical restructuring of her systems of production and trade. At one level, the colonial state responded to these changes purposefully. It progressively abandoned its (albeit selective) stance on non-interference in markets; it instituted wide ranging inquiries into areas of the economy about which it had previously been in blissful ignorance, it drew up plans and recruited experts and technicians, most noticeably, it even found itself defining and defending a notionally 'Indian' national economy replete with its own tariff barriers, Reserve Bank and Industrialization strategies. Many of the instruments and controls with which Independent India was to try to 'manage' her own economy were forged in the closing decades of

the British Raj, Particularly in the 1930s and 1940s under the successive strains of depression and war.[24]

At the same time, however, and perhaps, obviously, these instruments and controls were never designed simply to promote India's economic welfare and the development of the 'national' economy. As David Washbrook has very correctly pointed out, "Although, the cause of Indian development was enthusiastically embraced by the late colonial state, amidst a paper shower of committees and reports, plans and promises, the rhetoric was often meant to mislead, or to disguise the extent to which the embrace encircled India's throat. What was achieved was less the provision for India of a new economic dawn than the prolongation of a long post or neo-colonial night."[25]

Paradoxically enough, India was by 1947 the seventh largest Industrial country by volume of output, it remained a predominantly agricultural country nonetheless. The low productivity of agriculture in India was widely recognized at independence. The colonial state had failed to increase agricultural output, except in the case of some commercial crops. Indeed, the output of foodgrains had tended to stagnate, and possibly to decline, in spite of increasing demand, in the period between the wars. The availability of food grains per capita – allowing for imports-declined during this period, and probably did not improve much in the 1950s. The failure to invest in irrigation can only be part of the reason for the dismal state of Indian agriculture, or indeed, of rural society, at independence. There can be little doubt that the inequitable distribution of land ownership in India, and the continuing existence of landlordism, an estimated 35 percent of cultivators were tenants at independence, a high proportion of them were sharecroppers (Byres, 1974), helped to create conditions in which the great majority of producers had neither incentive nor opportunity to invest in agriculture. This was especially the case in the Zamindari areas of India, or in those areas where the British were keen to secure

the consent of the landlord class regardless of the economic consequences.[26]

A radical social re-structuring of the distribution of resources and labour power was necessary. However, it was practically impossible for the late colonial state, whose bases of social power lay with groups privileged by the present dispensation. Three Corollaries flowed from this: First, having initially intervened in various markets as a short-term expedient, the state found it impossible ever to get out again. It was obliged to take an ever-widening responsibility for the regulation of exchange, spawning an ever more elaborate system of controls and licenses. Second, to explain its activities, it began to generate anti-market ideology which put the blame for its predicament on the greed of, particularly, petty merchants rather than the structural conditions under which they had to work. In a curious elision of apparently opposite philosophies, for example, the highly conservative late colonial state of the 1930s began to propagate fabian socialist ideas about the irrationalities of the market-place and the evils of 'the middle-man' and third, it hid its essentially political purposes behind a rhetoric of development aimed at helping the already privileged groups, whose support it courted, rather than those who needed it most desperately. This last category of people consisted principally of what it called 'the peasantry' and which, by European social reference, were supposed to represent the bottom of the social pyramid. But, of course, by Indian reference, land holding 'peasants' were the elite groups of village society with whom the colonial state, abandoning its erstwhile affection for rentier landlords, had been seeking a closer alliance with them since the later nineteenth century. Policies of aid, subvention and development aimed at 'the peasantry' helped further to support those groups who had done best out of the colonial economy but ignored the landless masses beneath, whose plight increasingly worsened.[27]

As James Manor observed, "The emergence of a liberal political system was also facilitated, both before and after independence, by the

stability of the agrarian socio-economic order across most of the sub-continent. In most parts of India, the pre-dominant mode of production was peasant proprietorship, small and medium-sized landholdings distributed among owner-cultivators who formed a substantial minority of the rural population. This ensured the existence of ubiquitous but less than extreme disparities between rich and poor..... It is therefore not surprising that most parts of India, where peasant proprietors predominated and in which grotesque inequalities were not a problem, provided infertile ground for political movements seeking drastic change."[28]

Birth of a middle class of Nationalist orientation and pioneering ideas and the Indian National Congress

Following Macaulay's celebrated minute of 1835, there came the most momentous decision of the British Raj: the decision to introduce English as a medium of instruction in Indian colleges and High schools. Already self-made men and inevitably dazzled by the westerners were reading the English classics, legal and scientific works, and constitutional treaties; the introduction of English made this possible on a much larger scale. Thus, a new class was 'born' who were English educated and schooled in liberal ideas, full of admiration for the west, and prepared to serve as "clerks" under foreign superiors. Many of them took to law and practised it. Some became teachers. Still others took to commerce and industry. A few managed to go abroad – mostly to England – took advanced education, and more often than not aspired to become members of the ICS. Some took to social reform, journalism and other professions like medicine and accounting. Still others took to politics.[29] The introduction of western education in India was essentially guided by dual objectives. It provided cheaper administration through Indian subordinates as well as helped breeding a group of brown sahibs.[30] As Rajni Kothari reasoned in this connection in these words, "This was the new middle class of India. Through this class the British ruled the sub-continent. Through this class new ideas

of individualism and constitutional government gained currency. This class manned the new professions. And from this class, political leadership emerged to challenge the might of the British Empire. The overall effect was profound. The new middle class, created by English Education and drawn by the concepts of liberty, democracy and socialism was indeed the greatest legacy of the British Raj. This class eventually inherited power from the British and declared itself a modern nation and a "soverign, Democratic Republic".[31]

Three quarters of a century of thought and struggle over defining the Indian nation, over freeing the country from alien occupation, and over the desirable shape of the social and economic order in a future independent India had provided the nationalist leadership at independence with a set of ideas and goals that helped to structure their responses to the problems of Governance facing the newly independent country.[32] The social reformers of the late eighteenth and nineteenth centuries were without doubt the great pioneers of Indian Nationalism. The awakening they brought among urbanized and educated Indians soon created a political response which, in turn, led the movement in another direction. No doubt, the founding of the Indian National Congress in 1885 was an historic event in modern Indian politics. Blessed by Englishmen and the local authorities, the congress was ultimately to grow into a mammoth organization, supplying a unified leadership to the Nationalist movement.[33] After Gandhi took over the leadership in 1920, Congress actually sought to force the British out of India. But, considering the character of the Raj, it waged struggles of largely non-violent nature for making it most effective. Again, this strategy involved certain consequences. First, since the pressure which a non-violent movement could exert in any arena or at any level of the colonial state structure was bound to be less severe than that which an armed insurgency might have generated, Congress had been able to maximize its effectiveness at every level at which the colonial state had an administrative presence.

The second thing which followed from the nature of the Congress struggle and of the Raj was broadly inclusive character of Congress. The only way to overturn the Raj was to unite every possible section of Indian society in the struggle, so that Congress would become the sole authentic voice of India, an all-inclusive organization.[34] As James Manor pointed out, "In practice, Congress never succeeded in making itself an all inclusive body. It was not only that many of India's Muslims eventually decided to opt out by supporting the Muslim league at the elections of 1946, thereby rendering Pakistan inevitable, untouchables gained little more than token representation in Congress before independence, which poor, low-status 'caste Hindus' (those just above the level of untouchables) were sometimes desired even tokenism."[35] Therefore, during the pre-independence era, scheduled castes had largely been left out of the Congress's fold and it, for the most part, avoided supporting direct confrontation between the tenants and landlords in British ruled India in order to preserve maximum unity in the fight against the Britishers.[36] The Congress had arrived at independence largely by pursuing a non-violent path. Terrorist groups, though sometimes acknowledged as true patriots, were not condoned within the Congress. Nor did it tolerate the military style of nationalism promoted by the famous Bengali political leader, Subhas Chandra Bose, who resigned from the Congress Presidency in 1939 in the face of total opposition to him and his politics from Mahatma Gandhi. On the contrary, Gandhi's tactics of non-violent resistance to untruth and injustice, which included a variety of individual and mass protest techniques, had become embedded in congress ideology and practice. Some even argued in the Constituent Assembly that Satya-Graha was a fundamental right of the people. Other Congress leaders, however, opined that now that India was independent and functioning with a competitive parliamentary system, such techniques no longer had a legitimate place.[37]

However, the decisive linkage between anti-colonial mass nationalism and the advent of democracy remains indisputable. The two fold expansion that followed-in aims, towards progressively more definitive notions of Swaraj, Culminating with the Lahore demand for complete independence in 1929; in methods, particularly with Gandhi towards enormously widened mass participation was accompanied by a sharpening of notions of democracy.[38] He led powerful campaigns of "non-violent non-cooperation" with the government in 1921, 1930 and 1932. Essentially movements of civil disobedience and challenge to authority, Gandhi insisted on keeping them non-violent and disciplined, and launched them in the form of moral resistance to injustice rather than as mass agitation. This was the essence of Satyagraha.[39]

Between 1937 and 1939, Congress began to assume the shape and the crucial role that it eventually took on after independence. It displayed the first sign of becoming a partisan political machine, or rather a cluster of regional political machines, distributing goods, services and resources among a carefully selected array of interests. This enabled it to begin to integrate the institutions of state and the most powerful elements in the socio-economic order. During this period, some category of people, the dominant landed groups, in particular, swelled the ranks of Congress as they anticipated that they were going to be an indispensable part of the post-independent political set-up of the country.[40]

As James Manor writes, "For them, Satyagraha, which until recently had been a counterweight to careerism, became a spring-board to a future in politics. For this latter sort of Congress activist, the brief spell in power between 1937 and 1939 rendered liberal, representative politics acceptable. For many it was not something that they thought much about, nor was it the result of a philosophical commitment to basic liberal values. It was more a case of liberal politics, which they had long used to manage the internal affairs of Congress, becoming the

natural way to conduct public affairs in general. It was also, crucially, a kind of politics that did not threaten the interests of congress and of their landowning peasant supporters but actually served the interests of both quite effectively. There seemed little reason to suppose that it would even cease to do so."[41]

It is well known that Gandhi was opposed to the dirigiste and westernizing visions of Nehru. For Gandhi, the enemy was not only British imperialism, but the enemy within: the cancers of materialism and envy and excess which can take root in the minds of men and women, irrespective of colour, caste or creed. Swaraj, or self-rule, would be found, Gandhi argued, in a politics of truthfulness (Satyagraha) that would deliver the body from false desires. Bose, Patel and Nehru within the Congress Pantheon, were neither in Gandhi's compass nor did they buy Gandhi's logic in its entirety. Both Bose and Patel advanced agendas for Post-independence India and that were at odds with those of Gandhi and Nehru. Interestingly both Bose and Patel had strong bases of support. But, it is a fortuitous combination of factors that catapulted Nehru at the centre stage of Indian politics from 1950. Nonethless, it was not clear in the mid 1940s that Nehru's blueprint for a future India would survive either the 'leftist' politics of Bose and his allies (not to mention the communist insurgencies in Bengal and Telengana) or the conservative political instincts of Patel and his many supporters.[42] In any case, India would initially have adopted a liberal, representative model at independence. It is unthinkable that a ruling party led by Jawaharlal Nehru would have done anything else. But this wider acceptance of liberal politics was important in ensuring that the model was roughly adhered to in this vast, complex polity in the uncertain early years after independence when the great mass of Indians was taking part in the system for the first time and gradually and unevenly understanding and accepting it.[43]

The blooming of the key ideas of the Nationalist leaders at independence and the Constituent Assembly Debates

The constitution making body (which also became the Indian Central Assembly after 15 August) was formed through Indirect elections, chosen by Provincial Legislatures that had been elected in early 1946 on the basis of the 1935 Act franchise of around 10 percent. Thus, the Congress tacitly withdrew from what had been a central programmatic objective since 1936. In any case, Constitution making began, with the Muslim League staying away, and with the eight point resolution and aims and objectives moved by Nehru on December 13, 1946, the foundation of which eventually became the preamble. The resolutions defined India as an "independent Sovereign republic", to be formed through a "union" of British India and Indian States, in which all power would be "derived from the people."[44]

When Nehru moved the historic objectives Resolution of 13 December, 1946, the focus was on the territory and powers of Government inherited from the British. Since the crown was pulling out, it stated that the power and authority of independent India was derived from the people. Another phrase that would be resonating in the Constitution, was to guarantee and secure to the people of India:

Justice-social, economic and political; equality of status of opportunity and before the law; freedom of thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality.[45]

But who were the individuals who would breathe life into these aspirations? In 1938, Nehru had stated that the Congress "has proposed that the constitution of free India must be framed, without outside interference, by a constituent assembly elected on the basis of adult franchise. However, the final arguments were made in such a hurried manner that, there was no time for such elections, so the members of the Constituent Assembly were indirectly elected from

Provincial Legislatures. And the members of these pre-colonial period legislatures had been elected on a highly restricted franchise in which tax, property and educational qualifications limited voting rights to the top ten percent of the population.[46]

The minutes of the sub-committee on Fundamental Rights, however, indicated that social justice was not accorded as high a priority as previous pronouncements had suggested. It was constitutional advisor, B.N. Rao, who advocated the distinction between Fundamental Rights and Directive Principles on the model of the Irish Constitution. He was of the view that the right to work, for instance, could not be guaranteed but personal rights could. Another consideration that was put before the members was that the State should not guarantee what it could not afford. Several members were unhappy with the concept of non-justiciable rights. K.M. Munshi wanted right to work to be one of the fundamental rights. K.T. Shah feared that this would reduce them to 'Pious wishes". Raj Kumari Amrit Kaur and Mrs. Hansa Mehta urged for constitutional provisions that would commit the state to fulfil the directives within a definite time-frame. But they were unsuccessful except for verbal alterations.[47] As Prof. Amal Roy has brilliantly brought out the reasons for this contradictions in these languages, "More of the dominant groups in the Constituent Assembly was committed to a social revolution in depth. The Socialists and the Communists were not represented in the Assembly, nor did the downtrodden have any voice in its deliberations. The elitist dominance was so pronounced that the masses did not figure in discussions except for some rhetorical purposes. Thus, the Nehruvian view got diluted because of the elitist dominance of the political process. This contributed to the relegation of basic social rights aimed at justice and the focusing of civil rights in the constitution."[48]

According to Euro-American Constitutional tradition, the state is essentially a civil state, and hence, civil rights are integral to constitutionalism. The concept of social justice is post-constitutional

phenomenon, and the basic social rights are not generally acknowledged as an essential aspect of the fundamental law. Hence, the basic social rights such as right to freedom from hunger, right to a living wage, right to education, right to health care, etc. received only peripheral importance in the constitution, while the civil rights accorded top priority. A system of preferential treatment was devised in the constitution only in regard to certain categories of the population such as scheduled castes and scheduled tribes in order to alleviate the conditions of these historically disadvantaged groups. It is also seen that the dominant groups were generally in sympathy with the aspirations of the propertied class. The Constituent Assembly debate on the provision of the right to property corroborated to this. Pandit Pant proposed an amendment, as he would have preferred to leave "the mode and manner of compensation entirely to discretion of the legislatures concerned." This had frightened many leading members of the constituent Assembly. A.K. Ayyar was so disturbed that he immediately shot off a letter to Sardar Patel suggesting that if what he had heard of Pant's amendment was correct, it would have the effect of making capital shy and driving it in some measure out of industry. However, it was finally found that Pant's amendment was not directed at Industry. It was actively meant for Zamindars.[49]

Indian Federalism is often grounded, in rather over-formal ways, in late colonial British constitutional experiments: notably, diarchy, followed by the 1935 Act Colonial rule, which in the interests of more effective domination and exploitation had integrated the sub-continent for more tightly than ever before, had also begun to feel the need for a measure of decentralization for financial and administrative efficiency from the late nineteenth century.[50] A perceptive observer of India's Colonial History writes in this context, "It should be obvious that the connections between such imperialist "federalism" and the post-colonial structures were not only indirect, but operated mainly through reason. Thus the evidently divisive nature of the colonial schemes in

fact strengthened the centralizing, as distinct from the more "Federal", tendencies within "mainstream" nationalism, by evoking fears of Balkanization."[51]

While the resolution did differ sharply from the subsequent constitutional structure, however, the precise content of its "Federal" dimension, as the Clause-III explicitly stated that the Indian "Union" would be one where the constituents "shall possess and retain the status of autonomous units, together with residual powers ..... save and except such powers and functions as are vested in or assigned to the Union.[52] In the course of the next six months or so, this residual powers provision would be progressively whittled down, till on July 5, 1947 the sub-committee on Union Powers decided "that the constitution should be a federal structure with a strong centre", where there would be three "exhaustive" lists, "Union, State and Concurrent", with "residuary powers for the center".[53]

The debate on the aims and objectives resolution revealed very interesting differences of emphasis and attitude. Nehru, while moving the resolution (as well as when ending the debate on January 22, 1947) kept discreety quiet over the residual powers issue. But Purushottam Das Tandon, seconding the resolution, immediately made clear his reservations: "For the sake of securing Muslim league's co-operation, we have been accepting many things against our ideal. We should now put a stop to that. Personally, I would oppose the grant of residuary powers to the provinces in the best interests of the country.[54]

The Constituent Assembly made only a modest concession to Gandhian ideology by establishing as a principle of state policy in the Directive Principles of the constitution - the goal of decentralizing power and participation to the sub provincial level.[55] Political participation is especially significant for the deprived sections of population be cause it helps them to improve their conditions of life and equalize their opportunities through political activity. Karl Marx had himself advised

that a right to vote means a significant share in power. A basic assumption of democracy is political participation. At a theoretical level, participation alone may not be the criterion of political influence but, it is definitely a fundamental requirement of democracy and it could be said with some measure of certainty that in actual practice the right to participation is an important source of political influence. Right to participation and voting, either actual or potential, does contribute in helping the underprivileged to exert influence on the elite and gain benefits.[56] Charan Singh, an ardent Gandhian, lamented that the whole structure of the new Indian State ran counter to the ideology of Gandhian decentralization, which not only was meant to provide for direct participation by the people in planning for their own economic improvement but to minimize the role of the centralized state and its bureaucratic agencies in the ordering of the economy.[57] The British ruled India through a bureaucratic system, whose primary functions were the maintenance of law and order and the collection of revenue. The fear of disorder and disintegration of the new Indian State at independence, occasioned by the partition of the country, communal violence, and the problems involved in integrating the princely states into the Indian Union might have influenced the leadership of independent India to rely heavily on the existing bureaucratic apparatus and to put aside any ideas of reform. Although they are subordinate at the highest levels to the most powerful political leaders and at the lowest levels to powerful local politicians, the higher grades of the Indian bureaucracy dominate routine decision making and, in the frequent absence of ministerial leadership, general policy making in both the central and state governments. They are no longer the elite "rulers of India" but the leading elements of a vast dominant class, whose members are the principal beneficiaries of the benefits and resources produced and distributed through the agency of the Indian State.[58]

Nourished and nurtured by in the English liberal traditions of freedom, justice and law, the dominant group within the Congress which led the National Movement, was supposed to represent the country in the post-independence era. But it had its own limitation because of contradictions and complexities essentially arising out of clashes of perspectives between Gandhi and Nehru on major themes of state-craft and priority determinations in the domain of Development. Yet this group managed to lead in the name of the people of India despite their failure to be identified with the masses, th e ordinary people of the country.[59] Subhash Kashyap, former Secretary General of the Lok Sabha, makes it abundantly clear when he comments, "It was, however, perhaps the class character and elitist composition of the constituent assembly that was responsible for distribution of basic human rights into the enforceable fundamental rights and non-enforceable directive principles of state policy. The poor, illiterate, hungry masses had no use for most of the rights like the right to property, freedom of thought and expression, equality of opportunity in matters of public employment etc. In any case, they were in no position to claim any benefit from these rights. The rights they needed were those of freedom from hunger, right to a living wage etc. All these were relegated to the non-enforceable principles."[60]

The background provided on the legacies of British rule in India, and these inheritances of arrested Development, political centralism and limited Democracy Constituted the context within which a newly independent India was to be fashioned, and a template against which this new India could be imagined and counterposed. The invention of modern India was also fought out between several of the constituencies that had taken shape under the Raj-big business, various landed elites, organised political groupings and was sternly contested within the ranks of what became the Congress Party.[61] At independence, the leaders of the country quite self consciously maintained many features of the colonial legacy. They also adopted some new features derived

from the political practices of Great Britain and the United States. However, most of the specific features of the constitution of India and the administrative structure retained or adopted at independence represented borrowings from abroad, which had to be adapted to the social structure, traditions, and practices of an entirely different society.[62] As David Washbrook cautions in these words, "Democracy was 'conceded' in ways meant to separate power from responsibility, to diffuse opposition and to protect elite authority. Development was a synonym for conservation, for interposing state power to protect privileges and relations of erstwhile dominance, which changing conditions in the market place were undermining. A starting point for re-definition of these concepts would be to emancipate them from the historical legacies of the late colonial era."[63]

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CHAPTER-III

INDIA'S DEMOCRATIC EXPERIENCE SINCE INDEPENDENCE BASIC IMPERATIVES AND ISSUES INVOLVED IN GOAL FIXATION AND PRIORITY DETERMINATION-SOCIAL, ECONOMIC AND POLITICAL

CHAPTER – III

INDIA'S DEMOCRATIC EXPERIENCE SINCE INDEPENDENCE BASIC IMPERATIVES AND ISSUES INVOLVED IN GOAL FIXATION AND PRIORITY DETERMINATION-SOCIAL, ECONOMIC AND POLITICAL.

The Achievement of independence was to ideally usher in an age of change and reconstruction, did not involve any sharp discontinuity in the development of political tradition in India. The intimate interaction between Hindu tradition, western political thought, and the ideology of reconstructive nationalism had already led to a process of transformation which, while it did not destroy the foundations of Indian society, charted out a new path, no doubt. The arrival of independence further emphasized the new path and its futuristic orientation. "Long years ago we made a tryst with destiny," said Jawaharlal Nehru on the eve of independence, "and now the time comes when we shall redeem our pledge". In reality, however, there was greater continuity. In August, 1947, a transfer of power to an identifiable and legitimized elite took place. The congress, drawing legitimacy from its pioneering role in the nationalist movement turned itself into the ruling political party and formed the Government of the country. The new elite resembled many of the characteristics of the outgoing elite in terms of ideas and experiences. Noteworthy in the change-over was this continuity in personnel, institutions, and ideas, notwithstanding the end of the British epoch in Indian History. The years that immediately followed were greatly influenced by these ideas which were now incorporated into a legal document paving the way for a concrete institutional arrangement.[1]

When Nehru advertised India to the rest of the world as a Democracy - the 'world's largest democracy' - he had in mind a country in which suffrage would be universal, in which elections to parliament would be held at least every five years and in which representatives

would be accountable to their electors in and through particular constituencies. Like most members of the constituent Assembly, Nehru's understanding of democracy and government had been shaped by the Raj and Westminister, and by the limited experiments in democracy that were ushered in by the reform proposals of 1909, 1919 and 1935 Government of India Acts respectively. An alternative understanding of what democracy might mean had been promoted by Gandhi and Some of his followers, who sought a distinctively 'Indian' form of Government. The alternative was premised upon a view of the centrality of the village in Indian society and in contradistinction to the idea of the modern state, partly because it was seen as a western concept.[2]

However, Austin notes that not one person complained in the debate on the 'resolution on Aims and objects' that panchayati Government was not on the agenda for discussion: 'members spoke of democracy, socialism and the responsibilities of legislatures but not of the necessity for an "Indian" form of Government.[3]

In the end, the inclusion as one of the directive principles of the constitution of a clause about the establishment of village panchayats was admitted only grudgingly by the congress leadership.[4] As Austin argues: "The Assembly's adoption of a democratic, centralized parliamentary constitution meant that members believed that to achieve the object of social revolution India must become a modern stae"[5] The basic apparatus of governmental administration in independent India was inherited from the colonial period, although there soon took place a substantial increase in its size. It consisted of a small elite cadre belonging to the all India services and a much larger corps of functionaries organized in the provincial services. The crucial unit of the Governmental apparatus was the district administration which, under the charge of the district officer, was primarily responsible as in colonial times for maintaining law and order but was soon to become the agency for developmental work. The basic structure

of civil and criminal law as well as of its administration was also inherited from the colonial period. The working of the high courts and district courts maintained an unbroken legacy from colonial times, continuing the same practices of legal tradition and precedent, save, perhaps, the new issues that arose regarding the relations between parliament and the judiciary. The Indian armed forces too did not sever its colonial inheritances.[6] As David Washbrook writes," The events of 1947 finally aborted the 1935 proposals but, problematically those of 1950 brought more than a fair share of them back again as noted before, the authors of the Indian constitution put an extra ordinary degree of faith in the political wisdom of the British and drew heavily on the 1935 Act. By so doing, they thus drew quintessentially 'colonial' forms of political relationship into the core of their emergent national democratic state. That issues concerning the design of provincial states and their relationship to the centre, concerning the uneasy relations between executive and legislature and concerning the provenance of democratic authority should subsequently have bedevilled the history of the Indian nation can not be regarded as wholly surprising. They came as part of a colonial inheritance which was all too readily accepted."[7] However, the paradox of the Nehru years can be explained in part by reference to the unusual position which Nehru came to occupy in Indian politics in the period from 1946 to 1951. The Indian national congress which Nehru led with Gandhi and Patel was not an obvious vehicle for ushering in a radical social change. The congress published resolutions on the importance of agrarian reform in the 1930s, but Congress Governments in the provinces rarely made this a priority during the British rule. Patel, moreover, had close ties with India's big business class and looked to private capitalists to effect the industrial modernization of India. Gandhiji, on the contrary, looked to village self-Government and rural 'development' as bases for the moral regeneration of India. But Gandhiji was assassinated in January 1948, and moreover, he had in any case opted out of the process of

Government before the time of the transfer of power. When Patel died in December 1950, Nehru was catapulted into an unassailable position in the Government of India and by 1951 he began to call the shots in congress party too.[8]

As Corbridge and Harriss forcefully argue in this respect, "certainly the Nehruvian constructions (both of India as 'socialist, secular, democratic', and of the Congress as the guardian of this State) remain a fundamental point of reference in the discourses of Indian politics."[9]

The foundational principles of the Nation state were enshrined in the constitution adopted in 1950. Major institutions of the modern State-liberal democracy, Universal adult suffrage, democratic decision-making and modern citizen-ship were put in place in the initial years between 1947 and 1950.[10] However, Rajeev Bhargava sensed crisis of liberal institutions steming directly from the opposition it faced at its birth and went on to argue that democracy came to India as nationalism and therefore, that arguments for nationalism were co-terminus with arguments for democracy. The character of this democracy, in one significant sense, just had to be liberal not only because of its commitment to civil liberties but also because of its vision of equality and social justice and finally, the predominantly cultural character of Nationalism in India and its traditional proclivity for recognizing the importance of collectivities forced the makers of the constitution to move beyond individualist liberalism, in order to wrestle with the tension between constitutive attachments and personal liberty, between group disadvantage, personal merit, and all these factors shaped the character of the emergent secular, democratic state of India.[11]

In any case, two major objectives dominated the state at independence-construction of a unified nation and social transformation. Presiding over the transition from colonialism, the most

important priority was to knit together a nation state from culturally and linguistically heterogeneous society and economically disparate regions.

In achieving this goal, the political leadership followed the ideology of composite nationalism to integrate people of multi-faceted diversities. The linguistic reorganization of states in 1956 proved to be a master-stroke in shaping the future institutional arrangement. In keeping with the second objective of social transformation, the ruling elite were committed to building a developmental state to put the economy on a faster growth trajectory.[12] In other words, the desire for national unity and consolidation was paralleled by a concern for the country's development and progress in social and economic spheres. With India's problem of National unity and consolidation showing some kind of improvements, the Government initiated comprehensive measures for economic planning. In 1950 - the year the new constitution was adopted, the Government of India set up a planning commission with a mandate for formulating five-year plans, determining economic and social priorities of the nation, enunciating a general model of economic development and recommending ways and means of mobilizing resources for implementing such a model. In a very short span of time, a sophisticated frame work of centralized planning, enquiry and consultations was put in place.[13]

Before we discuss and analyze the journey of a newly independent state called India since 1947, it is imperative to look into the basic document that is supposedly to guide the destiny of this great Nation so far as the aims and objectives are concerned.

The historic objectives resolution of Pandit Nehru which was adopted by the constituent Assembly on January 22, 1947, is also faithfully reflected in the preamble to the constitution, which as amended in 1976, summarizes the aims and objects of the constitution as follows:

"We, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens. Justice, social economic and political, LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity, and to promote among them all; FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;

IN OUR CONSTITUENT ASSEMBLY, this twenty SIXTH day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION."[14]

That this democratic Republic stands for the good of all the people is embodied in the concept of a welfare state which inspires the directive principles of state policy. The 'economic justice' assured by the preamble can hardly be achieved if the democracy envisaged by the constitution was confined to a 'Political Democracy', Democracy in any sense, can not be established unless certain minimal rights, which are indispensable for a free and civilized existence, are assured to every member of the community. The preamble mentions these essential individual rights as 'freedom of thought, expression, belief, faith and worship' and these are guaranteed against all the authorities of the state by part-III of the constitution [vide Arts. 19. 25-28], subject, of course, to the implementation of the directive principles, for the common good (Art. 31c) and the 'fundamental duties,' introduced [Art. 51A], by the 42nd amendment, 1976. Guaranteeing of certain rights to each individual would be a misnomer unless inequalities embedded in the social structure is done away with and each individual is assured of equality of status and of opportunity for the best development of his/her personality, by making the means available to them for the enforcement of their rights. This object is secured in the body of the constitution, by making illegal all discriminations by the state between

citizen and citizen, simply on the ground of religion, race, caste, sex or place of birth. (Art. 15)[15] In the context of Indian democracy, the quest for social justice could be seen interms of the strategies adopted to ensure greater freedom and more meaningful equality. The equality that was guaranteed by the Indian constitution in the political realm, could be termed as the 'democratic space' that was provided to initiate measures for achieving social equality and justice. It is in the context that the warning sounded by Ambedkar in his last speech in the constituent Assembly, that the future of Indian democracy would be at stake unless sincere endeavours are made to make sure that the equality guaranteed in the political domain spreads to the social sphere, rings true even today.[16]

For a better grasp of the events, programmes and policies of the newly born state in its journey in the garb of a developmental state since the dawn of independence till date, it is convenient to divide the entire period into two broad phases viz, First phase starts with the achievement of independence and continues till the inauguration of New economic policy by the union government in 1991 and obviously, the second phase covers the period from 1991 onwards.

The developmental state and the economic goals: the congress party and Nehru years and the politics of India upto 1990:

The congress and the continuation of the remnants of the British Raj -

Before independence, the congress had run some provincial Governments only briefly and had joined the interim Government at the centre in 1946. After independence, the Congress was in charge of running the central Government as well as most of the state Governments. It soon became obvious that the entire focus of party activity would now be on the performance of its Governmental wing. Jawaharlal Nehru was president of the Congress when he became prime Minister in the interim Government in 1946. Soon after, he decided to resign his party post, J.B. Kripalani, the congress socialist leader, succeeded Nehru but immediately ran into serious disagreements with the ministerial wing over the issue of the relationship between party and Government. But in November1947, Kripalani resigned as congress president, nevertheless, between 1948 and 1951, the issue of the relationship between party and Government remained at the centre of controversy within the Congress. The underlying political tension arose out of the differences of some sections of congress leaders with the emerging architecture of policies of the Nehru Government. In 1950, the right wing was able to gain ascendancy over their socialist bloc with the election of Purushottam Das Tandon, as President of the Congress Party. But, the death of Vallabhbhai Patel in December 1950, deprived this group of its most powerful figure within the Government and with the first general elections approaching, the tussle over control of the party organization reached a climax. In August 1951, Nehru resigned from the working committee on the ground that there were serious policy differences between him and the party leadership. The parliamentary party expressed its confidence in Nehru's leadership. Within a few weeks, Tandon was forced to resign and the AICC elected Nehru as congress

president. For the time being at least, the ascendancy of the Government wing of the party was established by creating a single unified leadership.[17] Later, on being elected congress president, U.N. Dhebar said quite clearly:

It is a mistake to consider that there is a dual leadership in the country ..... There is only one leader in India today and that is Pandit Jawarharlal Nehru. Whether he carries the mantle of congress president on his shoulders or not, ultimately, the whole country looks to him for support and guidance.[18]

As has already been described above, by the 1940s the focus of political struggle had shifted to that of the form of Government of the independent state and, it has been said, by this time 'the congress was becoming the Raj', in the sense that the Congress leadership - drawing partly on the experience of office in the provincial Ministries - interested more and more to taking over the apparatuses of the colonial state. Patel was, particularly, concerned about the institutions of state power - the police, the army and the civil service which he believed, should not be undermined and there ought to be continuity of personnel as well as of institutions and ideas even after the British rule came to an end.[19] David Arnold made a succinct comment about the congress and the police of this period in these languages, "Far from dismantling the repressive apparatus of the Raj, the incoming congress men sought to strengthen and refurbish it to meet the current crisis and to guarantee the political succession".[20] All in all, inspite of Nehru's apparent supremacy after 1951, the project of social transformation suffered a serious set-back as it relied heavily on the bureaucracy as the instrument of change which led to a kind of 'goal displacement', no doubt.[21] Gopal, Nehru's biographer, has also argued that: 'The failure to dismantle the civil services and to replace them with new machinery of administration suited to the objectives of free India set up unnecessary hardles.'[22] A Marxist scholar has stated in categorical terms the nexus between bureaucracy and Bourgeoisie in these words:

"Bureaucratic elites at the centre are far less susceptible to the pressure of the agrarian bourgeoisie ... (while) in the states [,] the more localized the bureaucracy, the more subordinated it is to the power of the rural rich. The Industrial bourgeoisie clearly exercises greater authority on the bureaucracy at the centre."[23]

Before 1967, the usual description of the party system in India was 'one party dominance', the one party being, obviously, the congress. Sometimes, it was also called by a simple name, 'the congress system'. In the first three general elections, the congress won around 45 per cent of the votes and 75 per cent of the seats in parliament. The concept of 'one party dominance' also implied a similar overwhelming position of the congress in all of the states. Despite some variations in strength, however, the congress was ruling almost every state until 1967. An interesting feature of the single party dominant system during the Nehru years, was the large degree of autonomy that the provincial party units were also to enjoy vis-à-vis the central party leadership.[24] Although the formal structure was important during Nehru's days, more important was an informal structure of factional linkages and relationships from the local to the national stage. Factional conflicts within the congress ultimately culminated in struggles for the control of the state. Governments themselves, with most states in the country divided between a ministerial wing, the faction which dominated the Government and sometimes but not always, the Party organization as well and a dissident wing which struggled to gain control of the party organization in order to use it as a springboard to gain control of the Government. So, the congress organization, was in the 1950s and 1960s, a highly factionalized, internally competitive party, ruled by personal opportunism rather than ideology, with factional conflict resolved at the highest levels. Nehru began to exercise complete control over policy and politics from 1950-51 onwards. As a matter of fact, the national leadership of the party in those days was called the High command."[25] However, the task of creating and sustaining the

immensely broad congress coalition in the first phase was, at least in the view of Morris Jones, facilitated by the complexities and ambiguities of Indian society, which prevented polarization (in class terms or any other terms) and the crystallization of contradictions that might fracture such an all encompassing alliance of interests. Myron Weiner opined that the task of building the congress coalition was lubricated by traditional values and roles of conciliation that congressmen astutely took up. Rudolphs' also contended that traditional elements of the caste system facilitated the development of modern, representative politics in India.[26] James Manor, argued, "But however much the social background may have helped, and however important congress's role in the winning of independence may have been in placing the party in a dominant position in the first place, the survival of congress dominance depended on the efficient functioning of the party organization of crucial importance was its effectiveness in distributing the resources, which it acquired from its control of state power, among existing and potential clients in exchange for their political support."[27]

The state was dominated by two major objectives: construction of a unified nation and social transformation. Presiding over the transition from colonialism, the most important priority was to hold together a nation state from a culturally and linguistically heterogeneous society and economically disparate regions. In the pursuit of this goal the political leadership followed the ideology of composite nationalism to integrate all strands of the people. As we have already mentioned that the linguistic reorganization of states in 1956 proved to be a master stroke in shaping the future institutional arrangement. This decision proved to be of utmost importance to the expansion and consolidation of federal democracy. In tune with the second objective of social transformation, the ruling elite were committed to building a developmental state to stimulate growth in the economy. Attention was turned to heavy industry, producer goods and social overheads, with a relative de-emphasis on agriculture. The plan document of the second

five years' plan reflected this trend quite prominently. The basic needs of the population were incorporated in the formulae of 'growth with equity'. But this strategy was constrained by historical specificities of 'Indian society'. The central Government was also circumscribed by the constitutional limitations on its power in the rural sector, while state Governments which were assigned the primary responsibility over land reforms and agricultural policies, were thoroughly dominated by the landed elite, who dragged their feet on the issue and eventually scuttled any programme of sweeping changes of the social order by actions from above.[28] However, Gopal, Nehru's Biographer, reminded us about Nehru's belated realization that something had to be done about agrarian reform. The scheme of village co operatives and Panchayati Raj, says Gopal, was meant to be a revolutionary step which was 'an active, democratic revolution carried out by the masses themselves'.[29] Zoya Hasan assessed the Nehru years very realistically when she said, "Given the prevailing inequalities in income distribution and access to political power, the social base for growth continued to be a relatively narrow one, and the gains from this limited growth were appropriated disproportionately by a relatively small segment of the population. State intervention was not successful in promoting rapid growth, and much less in providing the vast majority with a decent standard of living. Though important achievements can be listed in areas, notably the development of an industrial base, increasing per capita availability of food-grains, the elimination of mass famines, higher education and the creation of a large scientific community, the Nehruvian vision expressed in his widely celebrated speech on India's 'Tryst with destiny', remained largely unfulfilled".[30]

The most coherent and theoretically considered framework for the planned development of the Indian economy was established during the second five-year plan (1956-1961) under the direction of P.C. Mahalanobis - a physicist who was also a distinguished statistician, who advised the cabinet from 1955, and was a member of the planning

commission from 1959. The plan reflected Mahalanobis's view on the need to build up capital goods production ahead of demand and flowing from this what has generally been understood in terms of an 'import substitution strategy' of industrialization. The key elements of the plan were to build up, along-side private agriculture, modern capital intensive industry in the state sector, leaving the production of consumer goods to a more labour intensive private industrial sector, with both protected by tariff barriers and import controls. Increased public investment was expected to give rise to large profits, including profits in the private sector. But these would be taxed for reinvestment. There is a widely shared argument that this strategy for achieving economic development was not analytically shallow, but it involved two crucial flaws. First, it rested on extremely optimistic assumptions and as such, it provided wholly unjustified arguments about the possibility or bringing about rapid agricultural growth through institutional changes requiring little investment of resources. This optimism was butressed by the good food grains harvest of 1954-1955. Second, it made extremely simplistic assumption about the political process of planning, reducing the whole exercise of planning to an 'expert domain'.[31] So, the second plan put emphasis on the development of heavy industry. The linkage effects of the public investment programme were likely to create opportunities for the big capitalists. Apart from this, the growth of the public sector and the imposition of Government Controls expanded considerably the channels of profits from circulations. To the middle class, the plan opened up new vistas in areas of administration, education and white colour employment. The landed gentry knew that the land reform would not pose any serious threat to them: having retained or acquired considerable political power at the local level, they were sure to scuttle even the modest land reform measures which were undertaken. Moreover, the plan also had a mass appeal in creating the impression that, by emphasizing the development of heavy industry first, India was emulating the socialist

path of economic development.[32] As Partha Chatterjee writes. "In a framework of partial state capitalism, the real problems were: (1) how to solve the agrarian question in a land scarce economy without hurting the landed gentry; (2) how to sustain accumulation and technical dynamism through the monopoly houses without ever hoping to become competitive in the inter-national market, and (3) how to contain unproductive labour and provide for the urban middle classes at the same time."[33]

In India in the 1950s and early 1960s the approach that was adopted was one which aimed to improve agricultural performance 'on the cheap' so to say, through institutional reforms rather than through investment in improved technology and infrastructure, in the context of policies regarding the allocation of public sector investments and perhaps of the inter-sectoral terms of trade which were urban-biased. In fact, the structural problems of the Indian agricultural economy were such as to justify the case for institutional reform, but the principal reforms that were needed, which could have brought about radical change in the structure of land ownership and the organization of agricultural production, though often mooted, were never implemented. In practice, the way land reforms was sought to be implemented and the other institutional innovations which were put into effect-community development programmes, the expansion of agricultural co-operatives, and the establishment of institutions of local Government-tended rather to deepen than to resolve the existing structural problems and reinforced the local power of rich peasants.[34] Prof. Sudipto Kaviraj was very candid when he argued, "Federal and other conservative resistance could, in principle, be broken down if the congress encouraged the mobilization of the masses and was willing to use the already achieved mobilizational levels for radical purposes consistent with its own programmes. But one of the central decisions of the Nehru Government was on this question: even though it sometimes did not abrogate its reformistic programmes, it decided to give them a

bureaucratic rather than a mobilizational form. For the congress leadership, clearly, the political task after assuming power was to demobilize its own movement, not to radicalize it further. It also discreetly renounced promises of distributive justice which had come to constitute part of its informal programme in the last stages of national movement.....needs of long-term economic strategy and ideological legitimation in a poor country made an abstractly redistributive programme imperative; but the ends of mobilizing the effective levers of power in the countryside during ordinary times made dependence on rural magnates equally unavoidable,"[35]

The debate on the need for industrialization was politically resolved by successfully constituting planning as a domain outside 'the squabbles and conflicts of politics'. A developmental ideology was a constituent part of the self-definition of the post-colonial state. The state was linked to the people-nation not simply through the procedural forms of representative Government; it also acquired its representativeness by directing a programme of economic development on behalf of the nation. Therefore, planning was the domain of the rational determination and pursuit of these universal goals. It was a bureaucratic function, to be operated at a level above the particular interests of civil society, and institutionalized as such as a domain of policy - making outside the normal processes of representative politics and of implementation through a developmental administration.

But as a concrete bureaucratic function, it was in planning above all that the post - colonial state could claim its legitimacy as a single will and consciousness - the will of the nation - pursuing a task that was both universal and national - the well being of the people as a whole. It is in its legitimizing role, therefore, that planning, represented as a domain outside politics, was to become a lever of politics.[36] The core emphasis of development in India was meant to be placed on accumulation. Accumulation had to be reconciled with legitimation. Accumulation and legitination - produced two implications for planning

in India. On the one hand, planning had to be 'a way of avoiding the unnecessary rigours of an industrial transition in so far as it impacted the masses resident in India's villages. On the other hand, planning was to become 'a positive instrument for resolving conflict in a large and heterogeneous sub-continent'. Yet accumulation was the Prime task if Industrialization was to take place. Accumulation necessarily implied the use of the powers of the state, whether directly through its legal and administrative institutions, or mediately through the acts of some agents with social power over others, to effect the required degree of dissociation of direct producers from their means of production. There was to be a capital intensive industrial sector under public ownership, a private industrial sector in light consumer goods and a private agricultural sector. The first two were the 'modern' sectors which were to be financed by foreign aid, low interest loans and taxation of private incomes mainly from the second sector. The third sector was seen as being mainly one of petty production, and it was there that a major flaw of this development strategy was to appear.[37] As Partha Chatterjee once again argues, "The problem is often posed as one of alternative planning strategies, with the suggestion that if suitable land reforms had been carried out soon after independence, a quite different development path may have been discovered which would have avoided the 'crisis' in which the planning process found itself in the middle of the 1960s. The difficulty with this suggestion, if we are to look at it from a political standpoint, is precisely the confusion it entails regarding the effective relation between the whole and the part, the universal and the particular, in the acts of a state promoting and supervising a programme of planned capitalist development'.[38]

The state's inability to bring about effective agrarian reforms in the early 1950s was by far the biggest failure because of the unwillingness of Nehru's Government to alienate the rural elites who dominated the party at the provincial and district levels. While the

zamindari or landlord system of rent and revenue collection was abolished and tenants given greater security of tenure, there were too many imperfections in the land-ceiling legislation and its implementation. For all practical purposes the abolition of intermediary interests did not alter the basic contours of the agrarian structure.[39] And yet with the failure of land reforms to affect the power of the larger landholders, the other institutional innovations espoused by Nehru such as community development, cooperatives and Panchayati Raj – largely met the same fate as the land-owning community controlled them only to serve their interests and failed to realize significant improvements in agricultural performance. Again, the 'third way' - neither socialist nor one which made for efficient capitalist development - which was dictated by the requirement of the political system, served India badly in the longer run.[40]

However, couched in 'socialist' terms, India's macro-economic efforts have by and large followed the liberal model of planning for capitalist development. In 1959, Nehru failed to secure the party's approval for a blueprint to promote cooperative farming on the Chinese model, the mere suggestion was enough reason for a serious rift in congress's North Indian agrarian support base. As a matter of fact, Nehruvian socialism was perfectly in tune with indirect state support for private enterprise. So state ownership and national economic planning in the name of socialism promoted private enterprise in the best capitalist tradition. Much the same sort of policy was adopted towards the agrarian sector. Infact, Nehru envisaged a gradual enhancement of the state's economic power without altering the basic ownership pattern. The policy emphasis in the industrial and to a more limited extent, the agricultural sector was on production and capital accumulation and shelving efforts at redistribution and the redressal of poverty for the future.[41]

In 1952, the national development council was set up with a view to giving voice to the chief ministers of the states in the national

planning exercise. With Nehru in the chair, NDC was ended up being a more effective institutional channel for those setting the scope and targets of the plan rather than for those entrusted with the implementation. There was much talk about creating a village level leadership, free of manipulation by political parties and exclusively engaged in extending the development effort through the education and organization of the lower levels of rural society. But the top-heavy character of the national planning organization and the faulty vehicles of implementation at the local levels of society could not cope up with the inherently disparate and decentralized proclivities informing India's expanding political landscape at the level of the varied regional economies. Infact, the three plan documents written and adopted during the Nehru era exposed some of the imperfections embedded in the centralized planning premised on a queer mix of the socialist and capitalist modernization paradigms. During this period, India genuinely intended to transform herself into an industrialized country and a major military power within the shortest possible time, as a result of which the planners paid little attention to the hard realities of resource-constraints, inequities inherent in the social structures of different regional political economies and the bare-bone heads of a swarming population.[42] Prof. Jalal writes in this context, "while emphasizing the urgent need for reorganizing the rural social structure, the plan perked up investment outlays for agriculture. Rural works programmes received special attention, but did little to transform the agrarian structure. Instead of reaching the lowest strata in rural society, the funneling of greater development resources to the country-side expedited the commercialization of agriculture, a process in which the main beneficiaries were the rural upper class supporters of the congress."[43] Moreover, the stigma attached to the centralized planning endeavours during the Nehruvian era, was the institutionalization of corruption which further compounded the political difficulties emanating from unrealized economic objectives and ever - expanding

regional disparities.[44] The last five or six years of the Nehru period was clearly marked by turbulent situations. In domestic politics, there was a sudden upsurge of linguistic, regional and communal strife; the ruling party organization began to show signs of widespread corruption, inaptitude and factionalism; and of course there was the inglorious episode of the ouster of the communist ministry in Kerala. On the economic front, problems cropped up to cripple the planning process, naturally, a crisis was looming large on the horizon. Internationally too, India was going through a series of crisis-situations including the China war. Nehru seemed to be losing his magic-touch as he was old, tired, disillusioned, and embittered and obviously, no longer in control of things.[45] It is a truism of sorts that the Nehruvian project was fading before his death in May 1964. The fal-tering of the planning effort resulted in heightened struggle for the resources and the distribution of patronage on which the political system depended. The accumulation of demands on static resources led to bitter internal acrimony inside the congress party. The role of struggles at the local level over resources controlled by the state might also be one contributing factors for the decline of congress organization. The defeat of the Nagpur resolution, the mobilization of right - wing opposition in the Swatantra party which made it increasingly difficult to accommodate within the ruling consensus and most importantly, the erosion of farmer's support for the congress and subsequent emergence of regional farmers groupings caused a significant dent in the congress organization.[46]

However, the lasting legacy of the Nehruvian state was not its economic achievements, but in the establishment of a viable structure of a relatively autonomous and democratic nation state at the core of society, committed to the idea of building a reformist, politically independent, capitalist society. During this period, the state stabilized, assumed responsibility to direct economic development, set up a constitutional regime, gathered for itself a wide range of powers and responsibilities, starting from the abolition of untouchability,

establishment of places of higher education and culture, to building dams and Nuclear reactors. The combined influence of developmentalism and Democratic mobilization was responsible for rapid penetration of the state into domains of society hitherto unexplored by the state. In any case, we should not overate the state's capacity to refashion social and economic formations.[47] Frankel opines in this respect, "Plan policies for agrarian reform and reorganization were at the heart of the economic framework for increasing food grains production, raising the level of savings, and mobilizing surpluses essential to financing large scale industrial development schemes. As concessions to the propertied castes slowed down the tempo of institutional change, the Government's capacity to raise additional rural resources for development programs declined.[48] Zoya Hasan, another noted political scientist, contends that major inadequacy, severely affecting state's subsequent performance, was the inability to institutionalize ideological preferences, resulting in a system that led to the growing marginalization of millions, widening inequity and discontent. The mass structure of the congress party mediating between state and society, somehow, prevented this disaffection from being translated into mass alienation.[49] The standard historiography, representing the Nehru period as one in which there was 'a legitimate and moderately stable state that was confident of its ability to lay out India's agenda for socio-economic change and the subsequent phase, dominated (even after her death) by Mrs. Gandhi, as one which saw the erosion of state capacity to bring about change, even whilst it became more authoritarian, is not wrong. However, it is misleading in so far as it seems to overestimate the capacities of Nehru's regime actually to implement the agenda which it set out, and to underestimate the political contradictions to which it gave rise, and which resulted in its own demise. It is also no less important that the congress party was no longer able to accommodate diverse interests in the way that it had

handled before, and it was already plagued by internal bickerings and riven by conflict before Nehru passed away.[50]

The dilapidated 'congress system' and the emergence of authoritarian streak in Indian democracy:-

The dominance of a single party in a fundamentally multi-party system of parliamentary democracy worked reasonably well. The momentum of the nationalist movement, the congress's organizational structure and the identical social background of the top leadership and their shared experiences in the anti-imperialist struggle proved to be highly effective. However, just beneath the surface of an apparently stable single party dominant system, the politics of patronage was facilitating the scope for corruption and the self - interested pursuit of power by privileged social groups both within and outside the state apparatus.[51] So, congress was able to maintain its position as a party occupying most of the space in the political system because there was plurality within the dominant part which made it more representative, provided flexibility, and sustained internal competition. At the same time, it was prepared to absorb groups and movements from outside the party and thus, prevented other parties from gaining strength.[52] Moreover, the congress succeeded in pursuing a policy of neutralizing some of the more important sources of cleavage and disaffection and the leadership's tendency to preserve democratic forms, to respect the rule of law, to avoid undue strife and to show great sensitivity on the question of respect for minorities were also admirable.[53] However, In the absence of any national alternative, congress had little difficulty romping home to victory in the first three general elections, further confirming its dominance at the national and the state levels as well. During the 1952 and 1957 General elections congress managed to capture between 74 and 75 percent of the central parliamentary seats and between 61 and 68 percent of the seats in the state assemblies. But it did so with only 45 to 47.5 per cent of the electoral support. It was indicative of the inability of the opposition parties to fully capitalize

on the advantage being created by Congress's not so encouraging show in the elections interms of popular support. Moreover, congress high command's hobnobbing with the non-elected institutions of the state - the civil bureaucracy, the police and the army (when necessary, for example, curbing insurgencies in the North east) must have facilitated the political centre's authority throughout the length and breadth of the country, not the congress party alone. The growth of public sector enterprises and licensing controls over the private sector created new areas of state patronage, giving the central political leadership ample scope for rewarding loyal and co-operative non elected officials.[54] A Pakistani scholar is very candid on this point when she argues, "The singular focus on parties and politics by some scholars and on political culture by others has deflected from the fact that the practice of formal democracy in India, expressed in the holding of elections at regular intervals, has always co-existed with a covert authoritarianism inherent in the state structure. One reason why this has been less conducive to detection and dissection is that the structural authoritarianism of a state made tolerable by a formally democratic political system tends to be more enduring and diffuse than one based on direct military rule".[55]

No doubt, the congress party possessed something of a federal structure in the first two decades of independence. Nehru made accommodations with congress party bosses at the state level who were allowed a certain degree of autonomy. Such a policy of the central leadership only worked so long as the rural under-classes remained relatively quiescent and patron-client relations in the states remained substantially intact. With the expanding sphere of democratic politics, the limitations of this policy became evident in the 1967 elections as the congress party was voted out of power in as many as eight states. So, Nehru's policy paid rich political dividends in terms of a semblance of cohesion to the congress party and helped consolidate state power. But, by the same token, this policy weakened its representative

capacity and by implication, the Indian state's capacity to carry out redistributive reforms.[56]

The conservative nature of congress party in North India was mainly the product of its Gandhian political culture and of its social profile. From the time of Motilal Nehru to the ascendancy of Jawaharlal in the congress party, the party had a remarkable over-representation of the upper castes in its ranks. Even among the modern professionals, there is no dearth of proponents who championed social conservatism. Moreover, because congress reached out to the notables of the merchant and agrarian milieus, it therefore co-opted may conservative even traditionalist elements into the party's fold. After independence, the party leaders including Nehru recruited even more influential local personalities to serve its electoral interests, developing an interlocking network of 'vote banks' whose incumbents joined the nationalist intelligentsia in the party machine. Thus the congress established the supremacy of the upper castes in the political system of North India. The main upper castes comprising Brahmins, Rajputs and Banyas together, were, literally, in the driver's seat in the congress party in North India.[57] This is by and large, akin to the coalition of interests described by Bardhan as constituting the 'dominant propertied classes'.[58] For Bardhan, the monopoly of power exercised by this coalition was not incompatible with a system of representative democracy. Conversely, since the elements in the dominant coalition are diverse in nature and each adequately strong to exert pressures and pulls in different directions, political democracy may have a slightly better chance than elsewhere, taking into consideration the procedural usefulness of democracy as an impersonal rule of negotiation, demand articulation, and bargaining within the coalition, and as a device for one partner to keep the other partner at the bargaining table within some moderate bounds.[59]

However, rivalry between elite groups had not taken a very dangerous turn but the dominant classes mentioned by Bardhan were

surely locked in a conflict. These conflicts were bound to last except if the state resorted to coercive violent means - and the realization that this deadlock might be a long-drawn prompted the three groups to arrive at a compromise that fits nearly with the democratic agenda as put forward by Bardhan.[60] Jaffrelot captures this fascinating political dynamics in these words, "Instead of fighting each other these elite groups thought of collaboration and pool their resources together. Business-men would find the congress party against the promise of a moderating of state intervention in the economy and ad hoc departures from the 'licence Raj' (which was a major source of corruption). Landowners would rally around the ruling party and allow it to mobilize their local influence at election time in return for a 'soft' implementation of land reform and state control of the grain trade. The congress professional politicians and the bureaucracy could assert their own power with the help of these two support bases. Democracy offered them all a flexible set of bargaining procedures which allowed for the division of the spoils, while resisting popular pressure. This interpretation provides a pragmatic explanation of the continuity of the democratic polity in India. It also offers an explanation for its social defects. The bargaining form of collaboration between elite groups was congenial to political democracy but drastically limited the chances of success of a genuine policy of social distribution. India was bound to have political democracy without social Democracy."[61] With Nehru at the helm of authority, the progressive elements, no doubt, tended to dominate the proceedings within the congress party in Delhi. With the congress apparatus in the states suffering from inertia, it was virtually left with no option for effective inter vention.[62] As a perceptive observer of the Indian political scene commented that this is a clear case of loss of state autonomy since, in the states, the congress was dependent on local notables delivering vote banks. [63] After initial fillip given by Nehru to the land reform programme, it was deflected from its objectives because its implementation became the exclusive preserve of the state

Governments. However, the centre itself diluted the autonomy of the state by admitting that the congress required the support of local notables.[64]

In any case, the State's inability to institute radical socio-economic reforms had to do with the power of the rich in the country-side and in towns. The efficacy of reforms was diluted through the effective control of the courts and the institutions of the police by the rich. This gave rise to a situation whereby though the congress held power at the centre and in most states since1947, and the centre provided a major part of the finances for state development programmes, the government, by and large, was incapacitated to implement policies geared to best serve the interests of the country as a whole so, it may be maintained that despite the dominance of Nehru's ideas in 1947, the aspirations of many other groups clashed to create a lopsided pattern of economic modernity.[65] As Sunil Khilnani wrote that the interests of big industrialists, the hopes of Gandhian miniaturists, the ambitions of Nehruvian intellectuals, and those of a rural landed elite, created an acutely uneven development skewed in favour of certain regions and specific classes at the expense of others.[66]

Finally, congress's limited social bases of support and its reliance on an oligarchical coterie of party Bosses began to backfire seriously by the end of the second decade of independence. Mass exodus from the congress party took place between 1962 and 1966 and around the time of the general elections of 1967. Charan Singh left the congress party to set up a new political outfit called the Bharatiya Kranti Dal which later became the Bharatiya Lok Dal. In West Bengal also congress had a sagging fortune. In Bihar, socialists did well at the congress's expense. In the south the DMK routed congress in Tamilnadu. The electoral verdict of the 1967 elections marked the end of the first phase of congress dominance in India paving the way for a number of regionally - based opposition parties to emerge on India's political Horizon.[67]

Dominant issues of economic development and social change: Perspectives on planning, policies and politics –

Two discontinuities characterized the debates on politics and policies relating to major issues of economic development and social change in India after independence and distorted the effective implementation of most of the policies initiated. One was a discontinuity of discourse between exponent of foreign models for economic development and social change, many of them Marxists, and Adherents of alternative strategies who drew inspiration and legitimacy from Gandhi's writings and speeches. No. doubt, the models for economic development were foreign but the motives of the Indian leadership in adopting them were genuinely nationalist, springing from the robust faith that rapid heavy industrialization was need of the hour to ensure Indian's independence in every sense and to attain great power status. The second discontinuity was between levels in the Indian polity, between the objectives set at the planning commission and the practice of policy making business involving the chosen few in the central Government in Delhi, on the one hand, and the realities of regional and local structures of power and decision making in the provincial capitals and in the districts on the other hand which stood in the way of effective implementation of policies formulated at higher levels and in subsequent years, decision making in Delhi itself was influenced by them.[68]

The first major issue was the debate over the relative roles of the public and private sectors in economic development planning. The basic outlines and strategy of Indian economic Development Planning in the post independence era were set during the second five year plan from 1956 to 1961, whose principal architect was P.C Mahalanobis. The central core of that plan was a move toward capital intensive, fast–paced heavy industrialization, led by the public sector which would build the key industries and attain the commanding heights of a new modern industrial economy for India, leaving the private sector a

complementary role to play in the mixed economy. Obviously, It drew upon a model of what a modern Industrial society and a big military power looked like in the twentieth century and upon the methods used in the past by the big industrial military powers to achieve their current status, and drew up the requirements for India to achieve an identical position irrespective of its own resources, social structure and the needs of its people.[69] Paul R. Brass writes, "The heyday of the strategy was the decade between 1955-1956 and 1965-1966 when India was able to draw vast foreign aid resources from both the capitalist and socialist countries and to build the heavy industrial base in steel, chemicals, machine tools, cement and the like that the country has today. However, a major crisis for the public sector, capital intensive, heavy industrialization strategy arose during the discussions surrounding the formulation of the fourth five years plan as a consequence of a decline in foreign aid, problems of internal resource mobilization, and the heavy dependence of India on the U.S. for food aid occasioned by the neglect of agriculture in the plans. During these discussions, which involved a three years hiatus between the end of the Third and the adoption of the Fourth Plan, the coherence of the planning process itself, achieved by focusing on the public sector heavy industrialization strategy, was lost and the planning process became more and more open to the conflicting pulls of competing strategies and competing demands for resources, and to political manipulation. A further consequence of the loss of momentum in the mid 1960s was an increasingly evident deceleration in the rate of growth of the economy, traceable primarily to a decline in the rate of industrial growth."[70]

A second dominant issue in public discussion of the planning process in India concerns the relative attention paid to and the resource allocation for Industry and agriculture in the plans. The debate on this broad-theme has, over the years, matured into competing alternative models for economic development and alternative growth strategies. The chief exponent of alternative approach to Indian

economic development was former prime minister Charan Singh and other Gandhi inspired political leaders, who believed that capital and land are in short supply, while labour is abundant and under-employed. Therefore, India needs to conserve capital and maximize the use of labour by adopting strategies characterized by labour intensive, employment-generating industries and land improvement and augmenting methods to scale up the production from the land.[71]

A third issue concerned the place of agrarian reform and reorganization within the overall economic development strategy. There was a broad consensus among the central leaders that inequalities in the countryside were not consistent with the democratic and socialist goals of the congress and that, therefore, land ceilings should be imposed and that the surplus land being generated consequent upon the imposition of ceiling, should be distributed amongst the poorer farmers and the landless.

The fourth issue concerns the methods to be used to bring about rural change and increased agricultural productivity within the existing allocations for agricultural development. The basic pattern of rural development emphasized in the first two five years plans was extensive and integrated rural development with programmes that were to be spread evenly across the country for the benefit of all and that would include overall improvements in the quality of rural life generally, not simply improvements in agricultural techniques. In the 1960s, however, as a consequence of perceived failures in the earlier approach, the new approach was put in place which was consistent with the overall design of the planning process instituted by Nehru and Mahalanobis as it did not call for drawing significant resources away from the heavy industry strategy. The new Agricultural strategy was to follow up and reinforce the change in policy already introduced in favour of intensive agricultural development with the emphasis on new technologies and the adoption of the new high-yielding varieties rather than on overall rural development. In effect, therefore, the currently

favoured resolution of the issue of extensive versus intensive, Community development versus agriculture-oriented rural programmes went in favour of agriculture-oriented but extensive development designed to reach all farmers who could possibly benefit from new seeds and improved methods.[72] Paul Brass has very succinctly pointed out , "The efforts to mobilize resources to support an urban-biased, capital-intensive industrialization strategy precipitated a counter-challenge, mostly political, but with some intellectual and ideological support already noted above, in favour of an alternative development strategy that would shift the allocation of resources from industry to agriculture and from the center to the states. The overall political movement in the Indian states generally since the 1960s has been away from centralized planning and urban industrial development to demands for more resources from the center for agriculture and rural development in the states."[73]

Shastri and the laying of foundation stone of the New Agricultural strategy and the beginning of the Indira years.

Nehru died in 1964 and his successor, Lal Bahadur Shastri was a handpicked of the party bosses who derived their power from the dominant landed groups that reorganization would have displaced.[74] Shastri's brief premiership saw a number of changes which had profound implications for the future. By the time he came into office the Third Five plan was already running into rough weather. Failures in agriculture were leading to price-hike and inflationary pressures; shortages of raw materials and low demand constrained rates of industrial growth; and the limitations on the mobilization of resources domestically, were bringing about both pressures on the balance of payments and increased reliance on indirect financing and especially on foreign aid. This dependency meant that India was increasingly exposed to pressures to change policies from the world Bank and from the united states which India, thus far, was able to avoid.[75] Apart from the 'external pressures', Shastri seems to have been somewhat

sympathetic with the protagonists for policy changes and the Nehruvian model had already lost its sheen as it became very difficult for the rest of the champions in the planning commission to continue with the fight. Shastri quietly reduced the importance of the planning commission and augmented the powers both of the cabinet and of the ministries, partly by establishing a new secretariat attached to the prime minister's office. L.K. Jha, a senior civil servant with strong inclination towards policy shift, was brought in to head the PMO. The powers of the state chief ministers, through the National development council, to suggest policy were enhanced. Shastri also appointed C. Subramaniam as Minister of Agriculture, and Subramaniam, moving away from the institutional approach to agricultural development strategy of the Nehru years, conceived of New Agricultural Strategy with obvious emphasis on technological change and price incentives to lure farmers to invest much more heavily in modern inputs, chemical fertilizers in particular, even though that meant granting concessions to the private sector. Around this time, new higher-yielding varieties (HYVs) of wheat which required heavier applications of fertilizers, were introduced into the country that finally, led to the beginning of the 'Green revolution'.[76] Corbridge and Harriss summed up the significance of this major policy shift in these words, "Here we emphasize their significance in making a departure from the Nehruvian model, and from the social goals that had been established in the constituent Assembly, and their implications for the whole planning process. Subramaniam's strategy for agriculture called for the allocation of a greater share of public sector resources, particularly for increasing fertilizer supplies. This brought about a major tussle over plan financing between the finance Ministry and the planning commission, and the ministry of Agriculture - in which the Leverage of the latter was increased by the effects of the disastrous droughts of 1965-1966 and 1966-1967 and this contributed both to the delaying of the start of the fourth five year plan and to the events which led the Government of India, finally, to

give in to pressures for the devaluation of the rupee, in June 1966, and to introduce a more liberal import policy. Aid from the united states was resumed almost immediately."[77]

India passed through a severe political instability following Nehru's death which precipitated a crisis in policy terms and was fraught with the retrograde possibilities of most serious nature. An orchestration of pressures from both internal and external sources led to the surfacing of a situation in which the Nehruvian plan for a reformist capitalism with its policies of public sector, state control over resources, planning, a relatively anti imperialist foreign policy could all be re-negotiated. Indira Gandhi's Government initially gave in to some of these pressures, its most celebrated collapse being the agreeing to devaluation of the rupee. In the fourth general elections, congress suffered a serious set back in electoral terms and as a result, it woke up to a realization that the party needed some drastic measures to refurbish its image in order to wriggle out of the deepening politico-economic crisis.[78]

Disintegration of the congress party and diminishing of its dominance

During this period, a so-called 'syndicate' group of state leaders of the congress, led by Kamaraj from Madras and including also Atulya Ghosh from west Bengal, S. Nijalingapa from Karnataka, Sanjiva Reddy from Andhra and S.K. Patil from Bombay, had secured the appointment of Indira Gandhi as Shastri's successor. They came together to marshall support for Indira Gandhi as prime ministerial candidate succeeding Shastri, on the fond hope that she would abide by the principle of collective leadership and to the decision-making by consensus which had by now become established. The atmosphere was marked by pervasive violence in the country, with the drama of devaluation already unfolding and the congress party was in total disarray, fractured by factional feuds. During the 1967 general election,

devaluation gave a handle to the opposition belonging to both the right and the left - the left clamouring for constitutional changes in order to implement socialist policies and the right rubbishing off most of the programme of socia l transformation underlying the basic principles established under Nehru's leadership. The congress was not in a position to offer anything substantial and as a result, suffered dramatic defeats, mainly to the benefit of Swantantra and the Jana Sangh.[79] However, tension between the syndicate and Indira Gandhi increased after the 1967 electoral reverses. Gandhi was determined to be free from the tutelage of the 'syndicate' and so, she identified herself with socialist slogans and sought the support of the left wing of congress, the congress forum for socialist Action (CFSA), in particular. In the 1967 elections the congress registered victories in 283 out of 516 seats which is an all time low performance. As Mrs. Gandhi was becoming well-disposed towards CFSA's programme, it lost no time in launching a campaign in favour of land reform and the cooperativisation of Indian agriculture. In May 1967, Indira Gandhi persuaded the congress working committee to adopt a 10 point programme which had been spelt out by the CFSA and included the nationalization of banks and insurance companies, the transfer of important and export monopolies to the state, the setting up of revenue and urban property ceilings, an employment programme for landless labourers and the abolition of the prince's privileges and privy purses. As expected, the syndicate became increasingly critical of Mrs. Gandhi's moves which climaxed during the presidential elections in August leading to the final break up with the syndicate. Indira Gandhi appealed for electing trade unionist V.V. Giri as the president of India whereas the congress bosses campaigned for Sanjiva Reddy. V.V. Giri emerged victorious in the presidential election despite the congress bosses threw their weight behind Sanjiva Reddy. Again, Indira Gandhi sponsored a petition by which AICC (All India Congress Committee) members were required to elect a new president replacing Nijalingappa, a frontline member of syndicate group within

the congress party. Responding to Mrs. Gandhi's Call the party elected a new president which, obviously, formalized the split. Henceforth, congress under Mrs. Gandhi's leadership came to be known as congress (R) for requisition and later for 'ruling' - whereas the syndicate formed the congress (O) for organization.[80] The 1967 General election signaled the 'end of congress dominance' and the elections were followed by an extraordinary phase of defections and counter-defections as different coalitions competed with each other for power in state Governments. Frequent violations of parliamentary and constitutional norms took place. Between 1967 and 1968, president's rule was imposed in as many as five states. The 'Congress System' of conciliation and accommodation, with a strong centre and strong Governments in the states, was increasingly proving to be a difficult proposition and from this time onwards bifurcation was being developed between national level and state level politics, which was subsequently established institutionally by Indira Gandhi's tactical initiative to delink national and state assembly elections in 1971. Subsequently, bifurcation of this type contributed considerably in augmenting power of state-level political parties, the evidences of which were clearly manifested in the unfolding of National level politics in the 1990s.[81] Rudolphs argued aptly, "congress party leaders (hence forward) confronted a more complex and less manageable political world than that of the Nehru era and the Shastri interregnum, when policy issues and factional struggles at the center and in the states could be settled within the congress fold."[82] As there was no possibility - for Mrs. Gandhi to return to the old congress politics of accommodation, it might seem that Mrs. Gandhi should have been able to lead the Government and the country emphatically towards the radical social transformation.[83] In the years which followed, leading up to the declaration of the Emergency in 1975, in her continuing efforts to secure power, Mrs. Gandhi sought to embark upon a path between the right and the left and in the process, she coined some slogans that

promised radical social change. Notwithstanding her continuing use of populist appeals, she did nothing - rather the reverse - to build a system of Governance which would lubricate those changes. The failures of the planning process, social polarities and intense conflicts provided her with a different social context which jeopardized the development of the nation. As a result, the legitimacy of the exercise of power was called increasingly into question. Simultaneously, the organizational capacities of the ruling party and of the Government were, drastically, reduced. Against the back-drop of these socio-political developments, Indira Gandhi indulged in populism which was fraught with dangerous consequences as it jacked up expectations without suggesting any operational strategy to realize them. She, then, resorted to authoritarian techniques for the suppression of popular dissent, which climaxed in the clamping of emergency of 1975-1977, by taking advantage of those powers of the colonial state which were carried forward in the constitution of 1950.[84]

During the 1950s and most of the 1960s India was Governed by a relatively stable dominant party. The elaborate patronage-type networks was the principal pillar of the power of the congress party. These networks facilitated the political incorporation of a large segment of the Indian society as the lower classes were dependent on the upper classes. Dependencies inherent in the social structure had thus been politicized by the requirements of electoral competition into patron-client networks which have obvious manifestations in 'vote banks' and other forms of 'intermediate aggregation'. However, these features of political rule in India have been undermined in the last decade or so. Moreover, populism emerged as a tool of direct political mobilization during Mrs. Gandhi's rule leading to the considerable weakening of party organization. As a result, India's democracy is further, weakened and naturally, the central authorities are even less capable of reformist intervention than before.[85] She also took a more aggressive line with her own party, and this soon produced what Kochanek has rightly

called 'a new political process' as the prime minister created 'a pyramidical decision - making structure in party and Government'. Although this prevented threats to her personal power, it tended to centralize decision making, weaken institutionalization, and create an overly personalized regime. Moreover, the new political process found it difficult to be federally governed as the tensions and cleavages of a heterogeneous party operating in the context of a heterogeneous society, got accentuated. A major crisis in the system, was looming large.[86] Kochanek, further, adds that the centralization of power within the party did not, however, make sure that factionalism ceased to be a problem. Instead, partly because centralization reduced the leader's ability to manage conflict, partly because Mrs. Gandhi set leaders and factions at the regional level against one another and partly be-cause she had largely abandoned the use of bargaining, conflict within the organization grew more severe and dysfunctional. All of these reduced the party's ability to cope creatively or even adequately with conflicts that arose from a society facing increasing economic hardship.[87] Authority structure was greatly influenced by the changes in the social structure. Apart from the ascendancy of a commercialized, land-owning class, the class relations in the countryside have been undergoing changes. Vertical dependencies in the village communities were used to provide an important social mechanism preventing the politicization of class issues local notables of various types were at work for controlling the votes of their dependents so, the electoral competition in the past did not always require direct political appeals to the lower classes. This pattern has undergone a change in the last decade or so.[88] Atul Kohli writes in this context, "while these changes allow new political ideas to penetrate the lower rural classes, politicization has itself been an independent force weakening traditional vertical ties between land owning notables and the peasantry. The twin forces of commerce and politics have therefore contributed to the emergence of the lower rural classes as a new political factor. While this process is far from

complete, the way the new political forces are eventually accommodated, co-opted, or repressed, will probably be the single most important factor influencing the future of Indian politics."[89] Indira Gandhi sought to build her support in the 1970s by going directly to the masses. The popular slogan "*garibi-hatao*" was of course an important component of this mobilization strategy. This mobilization strategy coupled with the endeavour of broadening the arena of legitimate demands, has escalated the expectations of the population concerning the distributional performance of the state. In view of the declining capacities for reform, this situation has been proved to be a surefire recipe for long-term instability.[90] Indira Gandhi's failure to reform the congress party was partly responsible for her in-capacity to deliver on the electoral promises. In the 1971 Election, Indira Gandhi's congress had promised in its manifesto that if voted to power, it would scale down the land ceiling to 10 acres per family for irrigated land and 18 acres per family for land sustaining two crops. These measures were passed but the Government adopted a flexible rules for putting them into action resulting in an inordinate delay and flouting of the norms by resorting to some concessionary clauses contained in the rules. The obstructionist attitude of the state party leaders and the state Governments was largely responsible for jettisioning this reform programme. These handicaps could only have been overcome with a reformed congress party committed to the avowed goals of social transformation.[91] As Kochanek put it, "The congress continued to remain a broadly aggregative electoral coalition, rather than a cohesive, ideologically coherent party."[92] The bureaucrats had no reason to be uncomfortable with the statist socialism as propounded by Nehru. The brief Prime Ministership of Lal Bahadur Shastri between May 1964 and January, 1966 also saw him embracing the members of the higher Civil service in order to prevent an increasingly un-representative gang of regional bosses from playing the spoilsport. In an attempt to neutralize the party bosses and restore the congress's sagging political fortunes,

Indira Gandhi also turned to elements within the bureaucracy and indulged in populist slogans. The symbiotic relationship of the ruling party with the civil bureaucracy gave a fresh lease of life to the authoritarian streak that had been inherent in the Indian state structure. Despite the formal separation of the legislature and the executive, rule by ordinance was proliferating enormously. Together with the hugely enhanced scope of bureaucratic discretion, these rules and regulations far from systematizing relations between state and society expanded the scope for patronage, corruption and extraction.[93] As Ayesha jalal writes, "Two decades after independence India possessed a unitary state resting equally on elected and non-elected institutions, neither of which were above twisting and turning the rules to accommodate a personalized style of politics and Government, and a federal ruling party that was becoming increasingly hamstrung by factionalism and a narrowing regional and class basis of support."[94]

Indira Gandhi – 'deinstitutionalization' of politics and the emergency

Mrs. Gandhi's massive success in 1971 election-which was, further, enhanced by victory in the war with Pakistan later in the year that gave birth to the new state of Bangladesh, and by her success in the state legislative Assembly elections of 1972, represented a paradox. The paradox is that electoral success and political power at the centre do not always translate into effective authority to govern, and it remains one of the essential dimensions of Indian politics. Indira Gandhi's triumph was viewed as a personal victory. It had not depended upon the party or its organization. Instead of rebuilding her party organization after 1971, Indira Gandhi sought to establish control by centralizing power into her own hands.[95] Kochanek, once again, captures the situation beautifully when he writes:

"The Elections of 1971 and 1972 in India marked the restoration of congress dominance at the centre and in the states, a return to

strong central leadership, and the apparent emergence of a more broadly based, ideologically coherent party. On the surface, the 'Indira wave' appeared to have restored the pattern of the party dominance that characterized the Nehru era. Yet a closer analysis reveals a distinctly different pattern of dominance.[96]

The new system entailed, crucially, the abandonment of intra party democracy, a change that has never been reversed. Positions in the congress organization at all levels were filled by appointment from above rather than by election from below.[97] Mrs. Gandhi's centralizing endeavours operated at cross purposes with the basic logic by which India had been governed under both the crown and Nehru's congress. According to that logic, the influence of people at the apex of national and regional political levels penetrates down through the systems most effectively by means of compromise. Attempts to rule by diktat paradoxically weaken the centralizers, as happened to Mrs. Gandhi.[98]

This situation paved the way for the opposition to consolidate their strengths and by 1974, under Jayaprakash Narayan's leadership, an opposition movement had acquired real substance and momentum. Mrs. Gandhi's answer to the attempts of opposition party to mobilize support from the people against her rule was very harsh. She found herself under growing pressure from within her own party and turned to a small circle of confidants in which her son Sanjoy figured most prominently. He wanted to crush the opposition unity and movements by adopting myriads of techniques like threats, smears and organized violence.[99] During the mid-1970s, the forces of political opposition adopted an identical strategy of direct mobilization. Thus, Jay-Prakash Narayan (JP) sought to oust Indira Gandhi by promising a "total revolution" that did not entail any attack on the propertied class. The Gandhian style mobilization strategy had struck a favourable chord among the Indian masses because without threatening the propertied class, it offered a ray of hope to all those who had hitherto been by passed by planned Development. JP's pre-eminence was somewhat

unusual among the Indian political elite because he alone could claim to be an heir of sorts to the Gandhian legacy of saintly politicians. Obviously, this put a huge premium on his mobilization success. As his movement to oppose Indira Gandhi gained momentum, and as the seeds of the Janata Party were sown, Mrs. Gandhi's power position was at stake. This political movement led by JP appears to have been the major cause leading up to the declaration of "emergency" which marked the brief authoritarian interlude in the otherwise democratic evolution of Indian politics.[100]

Even after the 1969 split, Congress under the leadership of Mrs. Indira Gandhi, somehow or other, continued to depend on "vote bank" leaders. However, the declaration of the emergency suspended the elective process and therefore conveniently freed Indira Gandhi from her dependence on the Congress notables. No doubt, this had put her on a sound wicket for undertaking more radical reforms as this freed herself from the influence of the Congress notables.[101] But, the inability of Indira Gandhi to leverage her authoritarian hold on power for pushing reforms favouring the poor, such as land redistribution, has led some commentators to argue that authoritarianism does not offer a solution to India's developmental problems.[102]

The Emergency rule under Mrs. Indira Gandhi- Political dilemma leads to economic disaster:

Indira Gandhi sought to justify the imposition of National Emergency for realizing the socialist mission of the Congress. Mrs. Gandhi Immediately unfolded 20 point programme for social progress. It contained, among other things, the rapid enforcement of land ceilings, housing for landless labourers, the abolition of bonded labour and a moratorium on the debts of the weaker sections of society. The 20-point programme Committees which was empowered to evaluate and correct inequalities, could never function because they lacked the infrastructure to support themselves and the Panchayats which were

controlled by the local Notables did not provide them with any assistance. Some scholars maintained that the achievement of the emergency Government regarding land reform was most disappointing. Economists estimated that by July 1976 only 1.5% of the total area owned by rural households could be considered as surplus and out of that 1.5%, about 16% was, at best, distributed. [103]

The Emergency regime also proved to be business - friendly in the sense that it declared a wage freeze which certainly reinforced the deflationary trend, a cut from 8 to 4% of the minimum annual bonuses and it also liberalized the 'License Raj'. Private enterprises were allowed to import more freely and to expand their share of the market.[104] Business standard revealed that 'within a month of the proclamation of Emergency and the decision not to have strikes and lock-outs, nearly 20,000 employees have been either retrenched or laid off by various multi-national business houses.[105] Rudlophs cryptically commented that the Emergency regime chose 'to talk left and act Right.[106]

Frank regarded the emergency regime as reflecting the 'Indian bourgeoisie's bid for a " Brazilian model" capital intensive and export oriented sub imperialist solution to its, crisis of capital accumulation'[107] A Marxist scholar is even more categorical when he argued: 'The period of emergency can straight - forwardly be explained as simply the continuation of the reality of the previous system with the pluralistic veneer of parliamentary democracy stripped away, leaving the underlying reality of elite class dominance."[108]

However, Indira Gandhi adopted a populist discourse by arguing that she represented the will of the people, so she could even bypass institutions such as judiciary. Buoyed by her electoral success in 1971, Mrs Gandhi had the constitution altered in order to implement some programmes of her populist agenda. The 24th amendment curbed the powers of the judiciary to control the procedure of constitutional amendments and the 25th amendment did away with compensation for

the victims of nationalization. More importantly, it rendered judiciary incompetent to contest the decisions of the State on th ese issues. Moreover, Mrs. Gandhi tried to establish a direct personal rapport between herself and 'the people.' In so doing, she dramatically personalized this relation between herself and the people in the garb of a slogan 'Indira Hatao versus Garibi Hatao' campaign in the run up to the elections of 1971 which also saw her consciously short - circuiting the congress 'vote banks'.[109]

The rich peasant-kulak class was increasingly becoming restive and defiant and was unwilling to remain under the control of this authoritarian form of rule than it had been under formal democracy. The emergency rule also saw both the profits and the assets of big business going up and they obtained more from the repression of labour than from any real improvements in productivity.[110] However, the bureaucratic excesses in North India, urban resettlement programmes and a massive family planning drive associated especially with Mrs. Gandhi's Son Sanjoy might have been contributed quite handsomely to the electoral reverses that Mrs. Gandhi suffered in the rather surprisingly called elections of March, 1977.[111] Therefore, the Congress under Mrs. Gandhi's leadership, was facing a paradox regarding reconciliation between political democracy and social democracy leading to a dilemma since a decision in favour of one option or the other had to be made.[112] As Kohli argues, "without an organizational base it is unlikely that an electoral mandate can be carried out, with centralization and powerlessness becoming simultaneous tendencies."[113]

Janata interregnum – politics and policy directions - In the sixth General elections India's electorate had directed their ire against the suspension of democratic processes with a outright rejection of overt authoritarianism. The 1977 elections appeared to have marked the beginning of the end of congress domination in Indian Politics. But, most importantly, congress's Continued claims to the central authority

of the Indian State were under more severe strain from a variety of regionally - based political forces representing both conservative and the populist variety. The expanding arena of Democratic politics and the continued erosion of Congress's organizational and electoral bases of support had benefited the regional political parties immensely and aggravated the problem of concentrating political and economic power in the hands of the central State.[114]

The years from 1977 to 1984 were marked by animosity among political parties and a time of abrasive conflict. This was also a period underpinned by decay and fragmentation of parties. Two great themes dominated proceedings in the realm of politics during this phase.[115] The great mass of India's voters woke up to a heightened consciousness as people at all levels of society became increasingly aware of the logic of electoral politics, of the secrecy of the ballot, and of the notions that parties and leaders should respond to those whom they represented. This awakening was initially germinated among prosperous groups, but it also stirred up the level of awareness of the poor.[116] The second great theme characterizing this period was the decay of political institutions. In other words, a decline in the capacity of institutions rendered them incapable of responding rationally, creatively, or even adequately to pressures from society. [117]

The awakening of the electorate and the decay of institutions combined together also brought about five further changes as by-products of the political dynamics of that period. The first of these was a change in the way that elections were won and lost. It was clearly distinguished from the days before 1972, when incumbent Governments at the State and national levels usually won re-election, to a period in which they usually lost. The second change was an obvious decline in confidence in the State as an agency capable of creative social action as opposed to an agency with the coercive power to maintain order. The third change was the tendency for society and politics to diverge. With the political institutions, especially parties,

becoming less capable to respond rationally to appeals that arose from society, social groups tended to give up on politics and politicians and to turn inwards, battening on parochial sentiments and whatever internal resources they had under their disposal. A fourth change involved the process of blurring the lines between many parties and their social bases. This was a destabilizing, and potentially destructive, trend, especially as the awakening of the electorate made it more important than ever that parties develop solid, clearly perceived ties to social bases of manageable size. A growing divergence between the logic of politics at the national level and the political logic in various state level arenas was the last of the five changes. A clear manifestation of this trend was visible when in the early 1980s several states saw the emergence of regional parties.[118]

The Janta interregnum and its impact on Indian politics:

The Janata Party swept into power in March 1977. Though initially, it commanded respect born out of its anti-authoritarian stance, leadership disunity soon produced dissatisfaction. Even if popular support was not totally undermined, the incapacity of the leadership to act in unison led to governmental collapse. The same disunity further prevented the short-lived rulers from putting up even a respectable showing in the next elections. The Janata interlude may thus be remembered primarily for its successful dismantling of the emerging authoritarian rule. [119]

In 1977 the Janata Party Election manifesto promised a 'policy of special treatment' and even a 'New Deal' for weaker sections. If mandated to power, it would 'reserve between 25% and 33% of all appointments to Government service for the backward classes in keeping with the recommendations of the Kalelkar Commission. Promises in the manifesto, were, mostly directed to the kisans. One of the solemn resolve of the party's objectives was to narrow down the 'rural-urban disparities' by according priority to farmers. The Janata

Party's 'agrarian reform' agenda included tenurial relationships, ownerships and consolidation of holdings and abolition of landlordism. However, the Janata Party did not speak about land reform.[120] Raj Krishna, a prominent member of the planning commission, pointed out, "The central cabinet is not very keen on land reforms and redistribution. Neither Morarji (Desai) nor Charan Sing are interested."[121]

Janata was composed of two major political groups - the former congress(O) of Prime Minister Morarji Desai and the Hindu Nationalist Jana Sangh who were reluctant to cede ground to Charan Singh.[122] Charan Singh was expelled from the Government for charging cabinet of soft-pedaling issues relating to Indira Gandhi and more importantly his attempt at destabilizing Desai by bringing forth an allegation of corruption against his son, Kanti Desai. In response, Charan Singh organized a huge 'kisan rally' attended by 5 million farmers in Delhi in December 1978, which, perhaps, paved the path for his re-induction in the Government as deputy Prime Minister and Minister of Finance soon after.[123] His 'Kulak budget' of 1979, to use the media's catchy phrase, reduced indirect taxes on mechanical tillers, diesel for electric water pumps and chemical fertilizers by 50% in some cases, it slashed interest rates for rural loans: enhanced subsidies for small scale irrigation; and earmarked funds for rural electrification and grain storage facilities,[124] Atul Kohli writes in this connection, "This budget, more than anything else in the recent past, highlighted the emerging alliance of agrarian and industrial capitalism within India. The agrarian sector received a big boost in Charan Singh's budget ..... These measures were aimed at boosting agricultural production. With regard to their distributional consequences, however, it is clear that the benefits would accrue primarily to the landed, the benefits being proportional to the size of agricultural holding. This is not to deny that, if sustained, these investments could also have some beneficial impact on the rural poor. However one would have to be a diehard believer in

the "trickle down" or "urban bias as the root of all poverty", hypothesis to conceive of Charan Singh's agrarian tilt as a redistributive measure. This is especially true if one keeps in mind that production subsidies and price supports probably hurt more than help the rural poor because they, on the average, are net consumers rather than producers of agricultural products."[125] However, perhaps, the Janata was able to agree on policy directions - described as 'the path of Gandhian socialism based on political and economic decentralization' - and it has been argued that its policy performance was quite satisfactory, even though it was not in power long enough to go ahead with implementation.[126]

But, it is also pointed out that rhetoric of decentralization aside, the absence of organizational development provides a strong indication that Janata leaders had little interest in facilitating state intervention aimed at the mitigation of rural poverty. The various factions within the Janata were the old Jan Sangh (presently, Bhartiya Janta Party), the Congress (O), or the Bhartiya Lok Dal (BLD) who were suspicious of each other. Besides, the ideology, leadership and social support of these factions were anything but pro-rural Poor. As coalitional partners in power, they collectively tried to depict a progressive picture. But, their actions brought to light a different set of priorities. Not only was there a coherent leadership or ideology around which an organization could be built up, but each faction was more concerned about the other Group's move to steal a march over them in terms of consolidation of political power. Thus, without a coherent leadership, ideology, or organizational structure, the Janata Party was unable to make a net political contribution to the developmental process.[127] Nevertheless, a scholar has tried to capture the essence of Janata interlude in Indian Politics when he argues that, "a rapid reversal of the Emergency regime, the reinstitution of the rule of law, and the swift dismantling of the structures of authoritarian control established by the congress party

were probably the most impressive accomplishments of the Janata Party and its allies."[128]

However, it needs to be emphasized that the Janata government was the beneficiary rather than the cause of the return of democracy in India. It was almost identical in most respects like the Congress Government before 1975. The second oil-shock and inept handling of the economy led to unprecedented inflation towards the end of its regime. The management of the polity was not even up to the mark as the coalition failed to achieve a modicum of success on the governance front. The price-spiraling and the intra-party squabble among the political leaders of the Janata regime were the two causes of disillusionment which cleared the deck for Mrs. Gandhi to stage a comeback to power in 1980 defeating the Janata Party quite handsomely.[129]

Indira's short lived return to power and Rajiv's ascendancy to Authority (1980-1990)

This period, the 1980s was in a sense more of the same but not quite. The compulsions of political Democracy was largely responsible for shaping economic policies as well as charting out path of economic Development. Populism in both economics and politics became the hall-mark of this period.[130] Mrs. Gandhi was remarkably rapid to emerge from the electoral drubbing by the Janata in March 1977, by launching into an offensive to regain the support of the minorities and the poor.[131] J.R. wood writes in this connection, "This became clear in October 1977 when Mrs. Gandhi, emerging triumphantly from the Janata government's first attempt to Jail her, made a tour of south Gujrat and devoted her attention almost exclusively to the scheduled castes and Tribes. Decrying Janata's "anti poor" policies, she lunched with Harijan families .....[and]..... spoke everywhere to large crowds".[132] Subsequently the Janata was divided into three: the Jana Sangh, which soon after-wards (in April 1980) became the Bharatiya Janata

Party, Charan Singh's Lok Dal and the remaining part of the Janata led by Chandrasekhar. After the 1980 elections, the opposition was in a shambles that presented a picture of warring fractions.[133] Throughout the early 1980s, during Mrs. Gandhi's tenure, the BJP remained the strongest non-communist opposition party and no opposition was in a position to dislodge Indira Gandhi without seeking support from the BJP. The opposition alliances that was, finally, firmed up in 1983 were not very solid and stable as fresh general elections was to take place towards the end of 1984.[134] The Congress had relied in the Nehru era, on the votes of the Hindi heart-land of the North, which accounted for 42 percent of the seats in the Lok Sabha, and within the heart-land, it used to have greater purchase from the disadvantaged minorities: Muslims, tribals and members of the Scheduled Castes. But these bases of support began to erode from the 1962 general elections onwards, and this trend of decline was only partially arrested in 1971 and again in 1980. From the 1970s, the south and the west provided the most reliable regional bases of support to Congress. However, Congress's special electoral relationship with its reserved constituencies was broken after 1977.[135] The voting behavior of the 'lower castes, who generally made up about one third of the population, were primarily responsible for deciding the electoral outcomes in the early 1980s. By the 1960s it was very often these 'lower castes' who were most excluded, and that therefore political trends in the states were shaped mostly by the ways in which these groups became mobilized politically. The lower castes played a very important part in establishing a bastion for Congress in Maharashtra and Karnataka in the election of 1977. The KHAM strategy which was a deliberate attempt to bring together low ranking Kshatriyas, harijans, adivasis (tribals) and Muslims spread over different parts of Gujrat, paid huge dividends to Congress (I) in electoral terms. In Uttar Pradesh, the Congress and the BKD/Lok Dal have been fairly evenly divided in the struggle among the landed castes. Thus, the low castes had the

capacity to tip the balance electorally. In Bihar the Lower castes were still being excluded. But in west Bengal and Kerala, the Lower Castes left Congress and found a new ally in CPI(M).[136]

The particular patterns of castes and classes in various States gave birth increasingly to definite patterns of politics. The differentiated character of both National and regional politics became evident - from the time of the 1967 elections and the congress share of vote dropped significantly in the 'delinked' state Assembly elections which took place after the 1980 and 1984 elections. The vote share of the Janata Party had also declined after the election of 1977. The regional parties such as the Akali Dal in Punjab, the DMK in Tamil Nadu, the Telegu Desam in Andhra Pradesh, were shot into prominence. The CPI(M) which behaved in many ways just like a regional party in west Bengal, also started hogging the limelight.[137] By the time Mrs. Gandhi assumed power in 1980, her faith in the state as an agency for creative action in society, had been forfeited. Therefore, no serious attempt was made by the authorities during her last premiership to evolve responses to poverty and destitution through carefully-crafted social programmes. The only major claim for achievement that was referred to in the election Manifesto after 1980 was the 'progress' made on the economic front, but, the credit was attributed to market forces and not to the Government.[138] The New Government under Mrs. Gandhi relied heavily on personal loyalty to her and to her son Sanjay who formed a coterie comprising of some persons of dubious characters. The criminalization of Indian Politics, certainly in the particular sense of the election to parliament of a significant number of men, and some women with criminal records, gathered momentum around this time.[139] The Government had sought, in the period after 1980, to turn the spotlight of popular attention to a number of major 'spectaculars' like the Asian games, the Commonwealth heads of government conference, Antarctic explorations etc. But, the congress (I) leaders were quick enough to understand that these were not election winners. They also felt that

highly unreliable party organization and the absence of any major legislative breakthrough would not help Mrs. Gandhi to obtain a majority in the election. So, they decided to focus on the stability plank highlighting Mrs. Gandhi's capability to provide that, and embarked upon a strategy of appealing to Hindu chauvinism and 'India-in-danger' message to raise alarms and to put the opposition in a bad light by branding them as dangerous, anti-national destabilizers.[140]

However, some scholars have identified populism as raison de etre of this period as it was reflected in both economics and politics. In the realm of economics, some important changes in policies took place. First, Food, Fertilizers and exports were heavily subsidized. Public utilities like irrigation, electricity and road transport were under-priced. Goods produced by public sector such as steel and coal were also under-priced. The rich peasantry stood to gain a lot from these implicit and explicit subsidies. The Industrial capitalist class were provided with cheap inputs produced in these public sector undertakings, as a consequence, which were to suffer from recurring loses. Second, this period was also characterized by a rapid increase in public consumption expenditure without a corresponding expansion in public investment expenditure. True, part of this public consumption expenditure contributed to the process of an inclusion of the poor. But, a substantial part of it supported increases in private consumption, thus, constraining an increase in output in response to aggregate demand. Third, there was a massive expansion of poverty alleviation programmes such as, the National Rural employment programme, Rural land less employment guarantee programme. The integrated Rural Development programme provided assets or training to the poor as a sustainable source of income through self-employment. This attempt towards the inclusion of the poor was far more extensive and substantive than it had been in the 1970s. Nevertheless, economic development did not create social opportunities for the people at large. These transfer payments were aimed at sustaining minimum levels of

consumption. But, the allocation against the public provisioning of basic education, health care and social security was abysmally low. [141]

There were also two noticeable changes in the sphere of politics. Firstly, political parties and Political leaders sought to woo the people with sops which led to a competitive politics of populism. Secondly, a state that was increasingly unable to intervene effectively between conflicting interests and competing demands found the escape route through the politics of patronage. This patronage was essentially designed to be a formulae for sharing the spoils among the constituents of the ruling elite. These changes entailed some visible, as also some invisible, economic and political repercussions. The rapid growth, moderate inflation and the introduction of anti-poverty programmes were responsible for substantial reduction in the incidence of poverty. But the seeds of the fiscal crisis and the debt crisis were also sown during this period. As for the Political consequences, elections could no longer be won by slogan alone. This period represented a concerted attempt at reconciling the distribution of gains from economic growth in the context of a political Democracy.[142]

The theatre of conflict shifted from the rich versus the poor to the centre versus the States. Dissent in democracy spawned into regional movements which eventually degenerated into militancy and terrorism in Punjab, Assam and Kashmir. There was also an invisible political consequence interms of consolidation of the strength of the subaltern classes who demanded for a stronger political role on the basis of their political identity.[143] As one scholar has very aptly described the development of this period : Not surprisingly, dominant groups have tried to resist, redirect and exploit this potential shift in political power. This is evident in new levels of violence and corruption, in populist appeals to 'the poor', in calls for law and order, in the emergence of regionalism, in struggles over reservation for the 'backward classes', and in the efforts of political parties to recruit representatives from the lower castes.[144]

Since the '70s, rural areas especially in Bihar and Uttar Pradesh and also in other large states such as Andhra Pradesh saw a steady rise in feudal oppression which led to conflict between the forward castes, (in Bihar, for example, they are the Brahmins, Rajputs, Thakurs, and Bhumihars), on the one hand, and on the other, the other castes comprising Yadavs and other backward castes, scheduled castes/Dalits and Adivasis.[145] A Radical commentator has argued that in the post emergency era, the oppressed castes often with the support of radical political organizations have, in a numbers of states, offered resistance and struggled against such repression. Thus, caste violence has been exacerbated against them with the forward Castes retaliating with a renewed vigour.[146] Congress (I)'s support base among the Muslims and Harijans had been severely eroded during the years leading upto the emergency and in the years thereafter. The Janata government, for its part, seized the initiative to appoint a commission headed by B.P. Mondal (a member of Lok Sabha) to recommend ways and means for ensuring social and economic justice to the disadvantaged groups like scheduled caste and Backward caste. During the 80s, Congress (I) rule was largely responsible for aggravation of communal hiatus and caste-based tensions and conflicts. In Punjab, the Government's inept handling, led to the unfortunate 'operation blue-star' campaign which earned them a communal tag atleast by default if not with deliberate intent.[147] As a perceptive observer of Indian political scene wrote, "paradoxically, the centralizing and autocratic approach adopted by the Indian Government to centre state relations and to such regionally based opposition to the centre as the Assam students movement, is exemplified in a repeated resort to president's rule in the offending states, had the effect of exposing the limitations of deploying the main force in the form of an unbridled use of the coercive power of the State apparatus in order to stifle democratic dissent. At the same time, not only was the Congress severely defeated in a series of state legislative assembly elections

during the period 1982-1984, but also essentially democratically organized opposition to the centre in such states as the Punjab, Assam, and Jammu and Kashmir Quickly acquired an overlay of communalism and 'extremist violence'. 'Operation blue-star' and the eventual assassination of the Prime Minister thus appeared as the obverse and reverse of the same coin". [148] The elections that had already been slated for December, 1984 went ahead with Rajiv Gandhi emerging victorious with a dictatorial Majority. The massive victory was regarded as the largest victory that the Congress had ever achieved. Two factors went in Rajiv's favour e.g. First, a disunited opposition and second, a huge sympathy vote following the unfortunate killing of Mrs. Gandhi. But, Rajiv Gandhi also campaigned quite effectively on a 'national unity' Platform and presented himself as a capable leader who can steer India out of the messy politics.[149] No doubt, the opposition parties possessed greater promise and substance than what 1980 and 1984 election results had finally indicated. These parties enjoyed either the support of important groups or ideological resources and respectable organization or both.[150] An expert on India's party system has identified four major tendencies in Indian politics that unite specific elements in society around certain sets of Ideas. These are a communist tendencies, a socialist tendency, a non-confessional rightist tendency, and confessional rightist tendency. At times, all these shades of political ideas were represented by non Congress political parties, At times, congress has associated itself and borrowed some ideas from the communist repertoire. It has also at times moved into the territory on the political spectrum normally associated with the other three tendencies. In so doing, it has drawn support away from opposition parties there. In recent times, the socialist tendency is, evidently, in decline both within congress and in the opposition. The main Party of the non-confessional right, the swatantra, has already been disappeared from the Indian political landscape. But, the Congress under Indira Gandhi and especially under her son Rajiv, has begun to

espouse the views associated with that broad tendencies in Indian Politics.[151]

Rajiv's Regime:

Rajiv did have a wonderful opportunity in 1985 to usher in positive changes and he also started off quite energetically by making his intention clear on reforming the economy, of bringing about peaceful settlements in Punjab and Assam and of rejuvenating the Congress party which was almost bereft of its strengths, organizationally speaking.[152] Rajiv Gandhi's Primary interest during his first year in office has been a reordering within the formal institutions of State. This also called for a reordering of affairs within the Congress Party. But, it was shelved until the last week of 1985.[153] The hundredth anniversary of the Indian National Congress which was held in Bombay at the fag end of December of 1985, provided Rajiv Gandhi with an opportunity to mount an attack on the party which never had to be at the receiving end of such a scathing criticism by its leader. He mentioned of 'cliques .....enmeshing the living body of the Congress in their net of avarice'. He complained of Congress operatives' 'self-aggrandizement, their corrupt ways, their linkages with vested interests .....and their sanctimonious posturing ..... And he added that corruption is not only tolerated .....but even regarded as a hallmark of leadership'.[154] James Manor writes in this context, "The decay within the Congress (I) also made it impossible for the party to conduct itself with enough efficiency to manage within itself, as it once had, most of the major conflicts in Indian public life, to interpret the logic of politics at one level to the levels above and below, or to play the central role in integrating India's many and varied regions, subcultures and social groups."[155] Instead of arranging accommodations between social groups, subcultures and regions, Congress, in a major overhaul of its earlier policy, sought to set them against one another since 1982. This has certainly helped the ruling party to absorb within itself disgruntled elements who saw it as the only party capable of ensuring

stability amid chaos which the Congress-I had itself cheerfully helped to generate. But these actions and reactions may ultimately end up as being a potential source of problems for both the congress party and the political system as a whole as they find it difficult to cope up with and eventually, this may even present opportunities for rival parties on the extremes of the party system.[156]

A good number of contradictions on the basis of caste, class, communal, regional and issue-specificity had been cropped up in Indian society in the early 1980s. Most of these contradictions were conspicuous by their absence in the 1960s. Some of them had not fully crystallized even in 1984. But, acquiring enough substance and collective self-consciousness amid the general political awakening, it was capable of producing conflict that could no longer be neutralized by bargaining and co-optation. Another feature, though not the central one, of the 'market' polity to which Morris-Jones drew attention was an increase in defections. Such defections represent rational responses from social or sub-regional groups to parties' misdeeds or omissions, and they serve to remind parties of the need to maintain consensus. But, many defections appear to have been undertaken by individual legislators to strengthen their position in terms of power, money or both. In any case, defections became such a striking feature of Indian politics in the 1980s that it tended overwhelmingly to be responses to large cash payment by the Congress (I) which, as the ruling party could alone mop-up such vast financial resources.[157]

Rajiv's inability to reform the party ultimately made it impossible for him to deliver the other parts of his programme. The dwindling support base of Congress was already in evident in the state elections of 1985 which led to some ventilation of dissatisfaction by party functionaries. Again, in December, 1985, after the party's electoral set-back in Assam, a section of the Congress(I) became circumspect about the efficacy of new PM's clear-cut modern management style of functioning which, according to them, proved to be hurdle in winning

over the larger segments of the electorate. Rajiv's confidence in his ability to use power in order to effect a turn-around strategy in reviving the sagging image of the party organization also began to show crack as he shelved his plan to implement organizational revamping in 1986. He also dropped ambitious plan to train party workers so as to imbibe the party ideology in them in a bid to enhance commitment. He also drove senior leaders away from the party. In 1987, corruption charges were levelled against him. V.P Singh, an important Minister in his cabinet, resigned in 1987 protesting against corruption in the Congress (I) , began to occupy the high moral ground by his upright and 'saintly' image. The loss of the state Assembly elections in Haryana in June shattered finally his plan for the reorganization of the party. During the last two years of his premiership, Rajiv's style of political management was 'more Indira than Indira's.' Raids were carried out on the offices of the English language daily, the Indian express, after that paper's exposure of the Government over the Bofors deal. Freedom of the press was in jeopardy when efforts were made to pass the Defamation bill through parliament in September 1988.[158] Stuart Corbridge and John Harriss wrote in this context, "That State power was used as far as possible to suppress dissent was an eloquent testimony to the failure of Rajiv's initiatives in the face of familiar political pressures".[159] The policy process initiated to find a solution to the Punjab Imbroglio followed a similar trajectory. Encouraged by the popular mandate behind him, Rajiv made huge concessions to the Akalis. The introduction of the open political Process generated broad support which led to the decline of militancy and terrorism. But very soon, it was realized that the agreements reached on paper were difficult to implement. Party's electoral interests especially in Haryana, were promoted at the expense of the transfer of Chandigarh and the settlement of disputes over river waters. Rajiv's apathy to bring those to book who were behind the anti-Sikh rioting and the carnage following Indira's assassination also did not help. The failure to implement the

accord delegitimized the Akalis which provided a shot in the arm of terrorism.[160] During the first Six months of Rajiv Gandhi's term in power, there was a genuine attempt at a new beginning. He pioneered a decisive shift from the state-controlled import substitution model to a liberal model of Development. As that initiative ran into rough weather, the pace of change was slowed down. The next two years were marked by utter indecisiveness vis-à-vis the defined agenda. With Rajiv's political popularity started waning, the third phase began with the electoral reversal in Haryana in May 1987. The Third phase entailed a return to India's muddle through model of economic policy – making with little changes in actual policy though policy makers remained loyal to economic liberalization. So, the euphoria about a new economic beginning in India was quickly evaporated.[161]

Reservation, Mandal Commission recommendation and V.P. Singh:

Meanwhile, V.P. Singh emerged as a symbol of public probity in Indian politics and took over Rajiv's mantle as 'Mr. clean'. He, then, went on to launch his Jan Morcha (Peoples' platform) movement in October, 1987.[162] The small party he founded along with a few Congress dissidents became the rallying point of other opposition parties with which it constituted the national front, the most important of them being the Janata, Lok Dal and Jan Morcha. [163] During this time, V.P. Singh also mentioned that the left was his 'natural ally' and he kept referring very frequently, to the proponents of Indian socialism.[164]

In 1989, notwithstanding Chandrasekhar's hostility towards V.P. Singh's leadership, the Janata Dal (JD) backed V.P Singh whole heartedly and the JD and BJP were able to strike a deal on seat-sharing in a large number of constituencies. Thus, the Janata Dal was finally capable of forming a minority Government with the out-side support of the BJP and of the communist parties. This marked the beginning of a new phase in parliamentary politics.[165]

The Janata Dal turned its attention less on class and moved towards positive discrimination as its main social remedy.[166] The only promise which had a direct bearing on agricultural labourers was about land reform, though once in power the JD readily forgot it. On the contrary, Devilal with agriculture portfolio and second only to V.P Singh and Sharad Joshi as one of his advisors, managed to write off all agricultural loans under central jurisdiction upto Rs. 10,000.[167]

Christophe Jaffrelot makes a very succinct point here when she says. "yet, Kisan politics was not pursued as resolutely by the V.P Singh government as 'Quota Politics', for two reasons. From a pragmatic point of view, V.P. Singh was more eager to cater to the needs of the lower castes, especially the OBCs, than those of the middle peasants (who were more numerous among intermediate castes such as the Jats) because this constituency had already been won over by Ajit Singh and Devi Lal. From an ideological point of view, like most socialist leaders of the JD, V.P. Singh believed less in economic and financial support than in the reform of society's power structure".[168] Essentially, V.P. Singh's policy was not in tune with the wishes of Devilal. As a matter of fact, the social potential of V.P. Singh's reform was regarded as detrimental to the Kisans' interests in so far as it might in-centivise the assertiveness of tenants and agricultural labourers from the lower castes.[169] In any case, V.P. Singh announced his Government's decision to implement the Mandal Commission recommendations in both houses of parliament on 7th August, 1990, and he justified it in his independence day address on 15 August on the ground of giving a share to the poor in running the Government.[170] The criticism surrounding V.P. Singh Government's decision on implementation of Mandal report for backward castes suggesting he should have been more cautious and circumspect was utterly baseless. Because the fact of the matter was that as many as 11 years had been elapsed since the submission of the Mondal report and two successive long-serving Governments in power simply wasted the opportunity to

implement it. A policy aimed at providing social justice to the poor and deprived segments of society can only be implemented with a lot of courage and firm resolve. And what the prime Minister had done on 7th August 1990 was a step in the right direction.[171] However, the principal achievement of V.P. Singh was to cobble together a broad coalition of castes by promoting the OBCs to be inlcuded in the Reservation list and thus, to rival the elite groups' domination more successfully than ever before. The 'OBCs' had become a relevant category for the lower castes as they had a material stakes in it, thanks to the Quotas promised by the Mandal Commission report. These lower castes people had been accustomed to this administrative definition of their identity in the early 1990s on the simple belief that some benefits could accrue from it.[172] This development coupled with that of the increased level of electoral participation of the low castes prompted one social scientist to comment that India has experienced in the 1990s a 'second democratic upsurge'.[173] However, reservations remain a source of conflict between those who are included and those who are excluded. Any proposal to extend reservation to new groups - given the decision of the High Court that no more than 49 percent of Jobs and educational places can be reserved automatically reduces the benefits of reservation for existing beneficiaries. To exclude the children of well educated members of the lower castes from the purview of reservation is still another contested proposal and is charged with the ill-motive of destroying their caste solidarities. Conflicts are likely to be erupted among the beneficiaries as well. Among the hundreds of scheduled castes and OBCs there are differences as to how well they could position themselves in order to reap benefits accrued from the system of reservation. The competition and tension between the castes is quite discernable as the political leaders of each caste is very meticulous and sensitive about their respective 'quotas' in Jobs and political offices. No doubt, India's democratic system has proven resilient in its capacity to incorporate hitherto excluded groups, and that the lower castes have indeed moved

into positions of power in the administrative services, in parliament and in executive positions. But the material benefits to the lower castes have largely gone to their advanced sections while the majority of them have to be content only with a pittance.[174] Myron Weiner points out in this regard, "The system of reservation simply provides a window within which a small section of the lower castes can enter into the middle class; in this fashion, the old Varna system provides some flexibility but persists in maintaining the fundamental distinction between those who have access to knowledge and those who do not, between those who use their minds and those who work with their hands."[175]

Regionalism, the future of federalism and the advent of the coalition era in Indian politics:-

The Congress party in the 1950s, under Nehru, was mostly prepared in practice to allow a measure of political and fiscal independence to the states and worked sincerely through informal channels for the resolution of day-to-day conflicts.[176] Paul Brass contended that Nehru sought to manage Centre-State relations by following four rules : that central government would not recognize groups making secessionist demands, that central government would not accommodate regional demands based upon religious differences; that demands for the creation of separate linguistic states would not be conceded capriciously; and that central Government would not agree to the reorganization of a province if the demand was made by only one of the important language groups within the State concerned.[177]

However, democracy and expanding participation in the Indian social and cultural context, led to a 'Democracy of castes' and caste and communal competition and conflict, has put the majority-minority Frame work at stake, and also intensified the fundamental tension between a strong government and decentralizing proclivities.[178]

Again, a Marxist Scholar looked at this centre-state conflicts and inter-state tensions as arising out of economic and political sources

rather than originating from cultural context. He identified class force as the single most important factor for precipitating this conflict involving the agrarian bourgeoisie, supported by rural petty bourgeoisie of the concerned states.[179] But the Conflicts were exacerbated when the emerging tensions between the 'inherent pluralism of India and the centralizing structures of Government' found themselves at odd with the expanding sphere of democratic politics and the withering away of the Congress's organizational and electoral bases of support. The only route for resolving the conflicts may be attained by effecting a better balance of political and economic power between the centre and the states.[180] Therefore, in the 1970s and 1980s the relative weakness of the Congress party encouraged its leaders notably Mrs. Indira Gandhi, to adopt strategies charaterised by cooptation, deceit, division and straight-forward repression for Governing the country. Thus, the Congress Party undermined the democratic foundations of modern India by trying to protect one version of 'Federalism' and in the process, resurrected dormant authoritarianism.[181]

As a matter of fact, the primary impact of the decline of the congress in all the states of India, has been the continued regionalization of their party system. In the summer of 1998, there were only two states (e.g. Madhya Pradesh and Orissa) where congress was able to form their governments. The BJP, on its own, was in power in Rajastan and Gujrat only. But they were also running Governments in league with other parties in U.P., Himachal Pradesh, Punjab, Haryana and Maharastra. Various splinter groups of Janata Dal ruled in Karnataka and Bihar. CPI (M) led left-Front were at the helm of authority in Kerala and West Bengal. Regional parties were controlling their respective state Governments in Kashmir, Andhra, Tamilnadu and Assam.[182]

As indicated earlier, the dynamics of centre state relations in India underwent a sea change in the post Nehru era. In the period from 1967 to 1991, president's rule was imposed on 78 occasions and the

average tenure of chief Minister was cut down from 3.9 years in the period from 1950 to 1967 to 2.6 years for a Congress politician. Contrarily, tenure of chief minister rose from 2.0 to 2.6 years for non-Congress politicians. It is true that the central Government was making larger per capita plan-outlays available to the less developed states, but the Governments of Indira and Rajiv Gandhi manipulated the grants in aid fund to augment their political interest in the regions. In west Bengal, the CPI(M) has intensified a campaign charging New Delhi of a 'step-motherly attitude' against states which were responsible for sharpening hostility towards Congress. The map of Fiscal federalism was distorted beyond doubt as the successive governments in Bihar including some Congress Governments were to apportion blame on new Delhi for the sorry state of economic affairs in the state.[183] It is a well-known fact that strong centripetal forces were at work in the formative years of independent India. This resulted in a highly centralised Federal structure which prompted experts to interrogate whether India is a federal or Quasi-federal country. The high level of centralisation manifests through the vesting of overwhelming constitutional powers, of the Union Government vis-à-vis the Constituent units. The system of administration and even the judiciary have had its share of centralizing instincts. The vertical structural imbalance between centralisation of revenue raising and borrowing powers and the assignment of relatively greater expenditure responsibilities to lower level Governments is seen as part and parcel of the centripetal features of Indian federalism. So, given this vertical imbalance, transfers have an important role to play in achieving the goal of horizontal equity across states. However, multiple transfer channels, and the political economic factors influencing these channels have stood in the way of the transfer system promoting horizontal equity across states. The overlapping jurisdiction of and limited assignment of powers to local Governments can also be attributed to the same centripetal political economic forces which has only begun to change recently following the 73rd and 74th Constitutional

amendments. However, it is pointed out that despite Panchayati Raj being a cherished idea in India, the assignment of powers to local Governments in actual practice has been extremely limited. No doubt, the73rd and 74th Constitutional amendments are important legislative landmarks in empowering local governments. But to give any real teeth in the legislation, several reforms are to be implemented in terms of reallocation of revenue and expenditure responsibilities and institutional arrangements, in particular.[184] Moreover, the policies of cooptation and divide and rule pursued by the Congress party had their debilitating effects as in Jharkhand or even Assam. The centralizing instincts of the Congress party was responsible for paving the way for an equal and opposite politics of reaction and decentralization in many States of South India and in West Bengal. The Congress Party has been dislodged from power there and is hard-pressed to regain their lost grounds. The Punjab and Kashmir are the classic cases where the Congress Party worked to scuttle the dream of consensual national unity to which it claimed to be wedded to. They also rode roughshod over regional and religious traditions that threw up a challenge to the mighty central authority in modern India.[185] An American scholar has attributed Four factors contributing to this weakening of power sharing after the late 1960s.

First, The Congress Party was transformed from an internally democratic, federal and consensual organization to a centralized and hierarchical Party under the leadership of Indira Gandhi.

Second, the Federal system which was never very decentralized made liberal use of the instrument of President's rule for partisan purposes.

The third force of weakness is that the pressures from below have specifically targeted crucial consociational rules put in place by power-sharing arrangements like separate personal laws, minority educational autonomy and Kashmir's constitutionally-mandated autonomous

status. The Bharatiya Janata Party (BJP) was the greatest beneficiary of the Government's alleged pandering to minorities. The BJP as a Hindu Nationalist Party is manifestly anti-consociational and its growing might poses a serious threat to power sharing in India. The fourth and final source of weakness stems from a combination of the inherent tensions of power-sharing and the typical Indian form of grand coalition, based on the preponderance of a broadly representative party. All the pressures from below make the matter difficult to retain broad support for a party which is openly committed to power sharing and minority Rights. The Congress Party has never won a majority of the popular vote and in 1967, its popularity waned to only marginally more than 40 percent. It was on the losing side both in 1977 and 1989 elections. It could somehow manage to form a minority cabinet in the election of 1991. The verdicts of 1989 and 1991 elections unfailingly proved that Indian's transition from a dominant one party system to a multi party system has completed a full circle.[186] A succession of minority or coalition Governments through the Nineties reflected the intense democratic churning in the States. But they failed to generate confidence in their governance capabilities. Both the National Front (1989-1991) and the united front (1996-1998) were minority Governments. They were precarious from the start and both of them were very short-lived.[187]

The electoral strategies and Governance policies of the congress Party over the past two decades were, precisely, responsible for providing the context which shaped and determined the contours and contents of coalition politics in India. The Congress has failed to obtain a convincing majority since the 1980 Lok Sabha elections. Voter preferences were certainly influenced in favour of Congress Party in the 1984 Lok Sabha election following the dastardly killing of Mrs. Indira Gandhi and again, in the second round of the 1991 elections, when Rajiv Gandhi was assassinated by the Sri Lanka-based Tamil Militants. The Congress was still sticking to its policy of combating regional

parties and identified them as the main impediment to obtaining a single party majority.[188] V.N. Gadgil, an ideologue from the Congress, advanced three main arguments against Congress's participation in any coalition Government. The first was a principled objection based on the immorality of entering into a 'dishonest' arrangement. The second argument against coalition was the negative impact on Governance, especially on the principle of collective responsibility and on the powers of the office of prime minister. The Third and most important reason cited was the impact on Party prospects in future elections and on the morale of state party cadres.[189] It is to be noted here that the BJP and the Congress drew diametrically opposite inferences from the results of the April 1996 General Election. While BJP was frantically searching for allies and coalitions, the Congress Party under president Sitaram Keshri adopted a totally different strategy.[190] However, Party president Sonia Gandhi responded rather reluctantly to the 'hot topic' of coalitional strategy at Panchmarhi in the November of 1998. She said, "Friends, there has been much talk about the Congress's attitude towards a coalition Government. The fact that we are going through a coalitional phase at national level politics reflects in many ways the decline of the congress. This is a passing phase and we will come back again with full force and on our own steam. But, in the interim, Coalitions may well be needed".[191] By contrast, the BJP appeared to have embraced the reality of coalition politics whole heartedly and the confirmation of which came from the party's executive meet at Bangalore in January, 1999 when they declared, "India's interests can be served best by involving regional parties in the process of Governance.[192] A perceptive observer of the scene argued forcefully in this context, "Few things are inevitable in politics. Nevertheless, in the Context of India's diversity, coalitions may well be one of them. To hold that coalition politics is not only here to stay but can also become a viable alternative to earlier arrangements is not merely the triumph of hope over experience. It is based on an understanding that democratic

accountability is best achieved in plural societies through parliamentary federalism. Those who bemoan the costs of coalition Governance ignore similar deals cloaked in the secrecy of dominant party discipline. The multiplicity of partners and sub-agendas obviously brings about greater transparency, but the policy out-comes are not necessarily different or even inferior to those emerging from single-party dispensations."[193]

The Politics of polemics around religion- secularism at stake:

It would have been difficult to imagine in 1980 that the BJP could position itself as the leading opposition party and 'the party of the future' in India, by the end of the decade. At the beginning of the 1980s the Rashtriya Swayamsevak Sangh (RSS), too had lost a lot of its dynamism, notwithstanding the fact that it still had a very strong cadre base across North India. But, the 'family' of organizations around the RSS includes the BJP and most importantly, the Vishwa Hindu Parishad (VHP, the world Hindu Council) which was instrumental in bringing about huge changes of the 1980s.[194] As T.B. Hansen argued that what was new in the 1980s was not so much the employment of the idiom of communalism per se, but rather the ingenuity and the scale with which this idiom was differentiated and disseminated through an array of new technologies of mass mobilization.[195] Its objectives were to mobilize Hindus against the perceived threat being posed to them by Christianity, Islam and Communism. This defensiveness got transformed in the 1980s into an aggressive, anti-Muslim cultural nationalism. This position contradicted the principles of secularism as espoused by the constitution, because going by the VHP's definition, Muslims and Christians are not part of the Hindu Nation. With this stated position and the growing influence and strength of VHP in the 1980s, one of the fundamental pillars of constitutional Democracy in India-Secularism was at stake.[196]

However, it really took off as an organization following the much-publicized event of the proslytization of lower caste Hindus to Islam at Meenakshipuram in Tamilnadu in 1981. Many of these untouchables were, in fact, Christians. VHP was capable of responding to the sense of Hindu vulnerability that it was partially instrumental in arousing a response to the conversions, and subsequently, spearheaded a campaign for 'the defense of Hinduism' which rapidly gathered momentum.[197] In 1986, Rajiv Gandhi's Government decided to give support to Muslim personal law by passing a Muslim women [Protection of Rights] Act, which raised a political storm. Hindu Nationalist forces led by BJP lost no time in grabbing the opportunity and asserted that minorities were being pampered and privileged, at the cost of the majority community'.[198] Rudolph and Rudolph, writes in this context, "The BJP's post-Shah Bano advocacy of a uniform civil code had placed the contest between legal uniformity and legal pluralism at the centre of Indian Political debate. It was a contest which fanned the flames of Hindu nationalism that leaped ever higher between 1985 and 1992. On December 6, 1992 thousands of Hindu nationalist youths wearing saffron head bands and wielding pick-axes destroyed the sixteenth century Babri Masjid (mosque built by the Mughal Emperor, Babar), while the prime minister of India stood helplessly by. They did so on the ground that it desecrated the site on which a temple to Lord Ram had stood. The internationally televised event became the symbol of monumental crisis in India's self-definition as a secular state."[199] The growing powerlessness of the congress in the 1980s made it unsure as to what position it should take vis-à-vis the politics of communalism or religious nationalism. Sometimes, it played the secular card to keep intact its traditional support bases among the rural and urban elites and among the scheduled communities. At other times, as in Assam, it sought to accommodate the Hindu sentiment by moving against 'alien Muslims'[200]

This is also apparent from the short-term strategies evolved by congress leaders to make sure that they get the maximum share from the so-called Hindu Vote, and simultaneously, tried to curry favour with Muslims and scheduled castes with whom congress's honeymoon was already over. So, in 1986, the Congress Government led by Rajiv Gandhi slammed through a bill which denied Muslim women a right to access civil law in matters of marriage and divorce, only to placate leaders of Muslim community. These policies, no doubt, contributed in a big way to the process of hollowing out of the constitutional principles of secularism. It is to be noted that the unleashing of increasing pressures by Hindu nationalism on the political structures of the State coincided with the politics of this period.[201]

Again, the 'Family' of organizations around RSS including BJP and VHP received a shot in their arms when the central Government decided to allow Hindu worship inside the Babri Mosque in Ayodhya and this provided them with an opportunity to spearhead a movement through massive mobilization in an effort to change the political discourse and steering the state in the name of Hindutva.[202] Corbridge and Harriss opined in this context, "The bankrupting of the Congress party went hand in glove with a weakening of the (State) secular principle in India. In so far as any political party offered a coherent vision for India at the start of the 1990s, it was not Congress; it was, rather, the BJP with its ideology of Hindutva, or the claim that the unity of India is to be found in the Hindu culture which defines it and gives it meaning".[203]

In November, 1990, V.P. Singh led Government failed to win in a parliamentary vote of confidence as the BJP decided to withdraw support. This resulted in one of the more curious twists in India's democratic politics as Chandra Sekhar, an erstwhile young turk of Mrs. Gandhi's populist days, somehow, managed to form the government with Congress backing. Predictably, the Government did not last long and a fresh elections were to take place in the months of may and June

1991. Amid tragic assassination of Rajiv Gandhi, the Congress managed to emerge as the single largest Party in parliament by remaining marginally ahead of a loose alliance of the National front led by the Janata Dal and the left front led by CPI-M as well as the BJP. However, Congress was literally wiped out from North Indian States. The BJP captured not only the Majority of seats from Uttar Pradesh but also formed the state Government there. It also emerged victorious in Madhya Pradesh, Rajasthan and Himachal Pradesh while Bihar went with the Janata Dal. Eventually, Congress led by P.V. Narashima Rao, managed to constitute a Government at the centre despite being dwarfed in terms of electoral politics in the Hindi-speaking heart-land which is, indeed, unique in India's post independent political History. The Economic reform introduced by the congress minority Government led by P.V. Narasimha Rao marked a break with the Statist socialist principles of the past. The failure to prevent the destruction of the Babri Mosque in December 1992 along with the allegations of close links between corruption scandals in the Bombay stock market and the Prime Minister's office damaged the image of the congress Party Considerably. Thus, an immensely discredited Congress regime had to preside over a new and dangerous conjuncture in the overlapping dialectics of nationalism and communalism as well as centralism and regionalism in the 1990s.[204] Zoya Hasan, an eminent political scientist of our times, captured the emerging trajectory of political process of this period in these languages, "By the mid-1990s the Indian political process had evolved considerably. At the centre of transition was the democratic process which had given a voice to the marginalized. Among the leading changes were the electoral upsurge of the disadvantaged groups, the political organization of lower castes and dalits in opposition to the upper castes, fragmentation of political parties and the emergence of Hindutva as the most important challenge in the constitutional vision of the liberal democratic state. It is debatable whether such outcomes were all inherent in the diversity and

heterogeneity of Indian society, or if pre-existing divisions were being deliberately manipulated by politicians to widen social conflicts in order to advance their own power and economic gain."[205]

Social Transformation and the politics of the 1990s and beyond.:-

This decade-known and remembered both in popular and academic literature for its Governmental instability, rise of coalition politics, decline of the congress and advent of the BJP in a big way, and inauguration of the era of economic liberalization has witnessed a fundamental though silent transformation, aptly described as the 'second democratic upsurge'.[206] The political assertions of the historically-disadvantaged castes in the 1990s have, at least partly, been attributed to the implementation of the Mandal commission report by the V.P. Singh Government, guaranteeing reserved quotas for members of these castes. Constitution had already provided for reservation in parliament as well as the State legislatures, public employment, and education for the scheduled castes and scheduled tribes roughly in keeping with their proportion in the population. But, with the acceptance of the Mandal Commission's recommendations, India witnessed the emergence of a political alliance of the dalit – bahujan castes, often intending to encompass the Muslim minority in its fold. The political parties representing these social groups were the Bahujan Samaj Party (BSP), the Samajwadi Party, and sections of the Janata Dal.[207] T here is a participatory upsurge among the socially underprivileged cutting across caste hierarchy, economic class, gender distinction or the rural-urban divide. They do not lag behind the socially privileged as they did in the past, in some respects, they even surpassed the former by their active participation in politics. This is, indeed, a unique development when compared with India's own past. Even one can hardly find a parallel in the existing Democracies. It also does not square with the dominant ways of making sense of Indian politics.[208] However, the parties representing these social groups have been somewhat limited in terms of their ideological Programme. BSP,

for example, has been essentially devoid of an economic or even larger political programme. So, it failed to articulate a comprehensive programme of long term social change. Democratizing Indian society and polity would, crucially, depend upon its ability to forge not just political coalition but also ideological alliances with social majorities of oppressed groups sharing a more common vision for the future. The idea of 'social justice' in dalit-bahujan political Discourse does not seek to transform the entire social order, or even to impart a more equitable meaning to the universalist idea of citizenship. Instead, it tries to create special categories of citizenship in relation to certain social goods like education and public employment. It also looks forward to capturing political power as the first essential step to the transformation of Hindu society.[209]

The growth of new forms of representation is a direct consequence of this upsurge from below. The early congress system, despite being an inclusive coalition of interests, provided representation in the legislature and in the Government to only a 'tiny elite' segment. Thus, it amounted to recognizing the basic inequality between the status of voters. New parties and organizations have sought to correct the imbalance in representation, but, in so doing, they have divided and fragmented the political space into castes and sub-castes and communities and sub-communities. This social churning process has contributed immensely to the increase in lower caste representation in Government especially at the local and regional levels. The scale of transfer of power varied from region to region with social constellations of these groups giving rise to these shifts. But, unmistakably, the decline of the early congress system led to the displacement of upper castes from positions of power and responsible for catapulting backward and lower castes into positions of power and authority. This development has been dubbed as a 'quiet social revolution' in Indian politics.[210] India is, perhaps, the only large democracy in the world today where the turnout of the lower orders of society far exceeded that

of the most privileged groups. It also stands to reason that it is not merely an upsurge in turnout, but in political participation, in general.[211] However, as one scholar has reminded us that even as we take cognizance of the fact that previously marginalized groups entering the political arena in large numbers than ever before, we need also to remember the terms on which they are being inducted.[212]

It is a truism of sorts that much of the political space vacated by the congress has so far been filled by three different sets of political forces. The first force is represented by Hindu Nationalism. The second one may be equated with the emergence of regionalism, and the third force encompasses a wide array of political parties and organizations that embrace groups normally classified under the umbrella category of "lower castes" (i.e. the so called scheduled castes, the scheduled tribes and the other back ward classes. (OBCs).[213]

In the 1950s, India's national politics was dominated by English-speaking, urban politicians mostly trained in law. Most of them, invariably, belonged to the upper castes. An agrarian and "vernacular" elite dominated the proceedings at local and State level politics. In North India, lower level political leadership tended to come from the upper castes.[214] As Ashutosh Varshney writes, "weighed down by tradition, lower castes do not give up their caste identities; rather, they "deconstruct" and 're-invent' caste history, deploy in politics a readily available and easily mobilized social category (lower caste), use their numbers to electoral advantage, and fight prejudice and domination politically. It is the upper castes beneficiaries of the caste system for centuries that typically wish caste did not exist when a lower caste challenge appears from below".[215] Dalits in India are in a new era of defining their positive identity and aspire to rebuild their identity. One important way is the process of symbolic influence that symbols and myths generate in the actual world of social relations and group interactions. Dalit and their leaders are increasingly concentrating on conventional symbols of domination. Not only do they challenge the

meaning of impurity and inferiority that some non-dalits have so far attributed to them, but also actively reverse their meaning transforming them into symbols of self respect. By and large, they are eager to develop them as their art form to communicate freedom and liberation.[216]

By the 1960s much of south India had passed through a relatively peaceful lower caste revolution.[217] In the 1980s and 1990s a southern style plebeian politics has swept across North India which brought into limelight "vernacular" politicians like Mulayam Singh Yadav, Laloo Yadv, Kanshi Ram and Mayawati. Unity among them is elusive because, substantial obstacles to unity, both vertical and Horizontal, remain to be removed. However, the power of the new plebeian political elite went beyond the precinct of the States as the center has also been socially recon-figured. Delhi has twice had primarily lower-caste coalitions in power between 1989 and 1991 and between 1996 and 1998.[218] The BSP's (Bahujan Samaj Party) influence has spread across almost all north Indian states quite substantially. By 1996, the BSP had started receiving a whopping 20 percent of UP's vote, clipping the wings of once mighty congress in its own citadel. In the 1996, 1998, and 1999 national elections, the congress Party's vote in UP was considerably reduced compared to that of the BSP.[219] Combined with job reservation, increasing literacy among UP Dalits led to the emergence of a small middle class 'priviligentsia' among dalits in U.P. (Uttar Pradesh), especially the Jatavs, who constituted the vanguard of the new Dalit assertiveness in the 1980s and 1990s.[220] Chandra makes an interesting point here by arguing that the BSP's success in replacing congress in UP is built upon two factors. First, affirmative actions for the scheduled castes has led to the emergence of a middle class constituting almost entirely of Government officers and clerks. Second, the scheduled castes within the congress had to experience what Chandra calls a "representational blockage". Therefore, since the early 1990s, the congress clientelism did not work as this

newly mobile scheduled castes segments of the populations were increasingly interrogating this tokenism.[221] Another commentator argues that both affirmative action and democracy have opened up new vistas to the tribes. These opportunities have contributed substantially towards material advancement for many, and led to a new awakening of politics and power for the whole group. [222] Ideally, the BSP as an 'Ambedkarite' party would establish 'real' and 'substantial' democracy upon attaining power. The BSP sees no difference between the philosophy of Ambedkar, the emancipation of the untouchables, and the ideals enshrined in the constitution. It believes that socialism can transform Indian society, but major impediments exist such as caste, and the plurality of languages, religions, and customs which have destroyed the unity of the working class. The new social order that they intend to build up, would be informed by great ideals like social justice, brotherhood, equality, and humanitarianism.[223]

Notwithstanding BSP's 'anti-Manuwadi' stance, its political strategy has always been accommodative of other castes (Bahujan), not anti-caste. As a matter of fact, the BSP makes best use of this caste instrumentality and does a better job than other political parties. The BSP's electoral strategy, especially its formula of seat distribution in successive elections to the Lok Sabha and the assembly, proves the point. In the Assembly elections of 2002 in U.P., the BSP followed the principle of allocating seats to communities corresponding to their proportion in the population and its leader Mayawati claimed to have truck only with all castes and communities but not with political parties. Such a democratic strategy of representation in keeping with proportion of population proved quite effective for BSP as it emerged as the Number two player in UP politics in 2002 .[224] However, Zoya Hasan points out, "The BSP faces a strategic predicament: its autonomous politics has raised the political profile of dalits at the local level, which requires the Government to support local resistance. But tackling local problems entails a class approach to pressurize the Government for

implementation of economic redistribution, which a caste based following can not achieve and which the party wants to avoid. Far from generating social and political dynamism, caste mobilization and sectional governance tend to block much needed structural change."[225] In any case, 'elitist' background of the movement's leaders and the fact that the BSP is not an out-come of struggle and contestation at the grassroots, the ideology of BSP is moderate. Indeed, compared to the radical Dalit panthers of Maharashtra, the BSP seems statist and conservative, eager only in grabbing political power, not in transforming the abject poverty and backwardness in which majority of Dalits live today.[226]

The political transformation brought about by Dalit assertion has no doubt, contributed significantly to make India a more inclusive polity and a participatory too. So Yadav's Characterization that India is going through a "second democratic upsurge" has considerable purchase. However, whatever may be the tussle between the votaries of the liberating potential of democracy and those of reducing inequalities, it is a certainty that India is still well short of becoming a 'democracy from below', but democratic power is increasingly moving downward. As a result, Democracy in India is, no longer, a Gift from above.[227]

Democracy, BJP and the politics of India since the 1990s

There are, precisely, two opposing schools as to the implications of Hindu Nationalism as represented by BJP for Democracy in India. Some believe that as the most disciplined political party, it could provide the greatest hope for political stability in this era of short lived minority Governments. In addition to it, dynamics of electoral competition and the imperatives of governance have considerably contributed to the moderation of BJP's militancy. Other commentators veer around the opinion that in connossance with the philosophical commitments of its leadership, the BJP will, each time, return to power with a more militant Hindu Nationalist posture. This stance of BJP

poses a serious threat to secularism, cultural pluralism and minority rights.[228]

As indicated earlier, Janata Dal Prime Minister V.P. Singh made up his mind in mid-1990 to implement the recommendations of the Mandal Commission report which was largely symbolic in nature and also invariably dictated by Singh's partisan electoral calculations. But, predictably, a violent anti-Mandal agitation was launched by upper caste youth and students among the middle and lower middle classes of urbanized north India.

For BJP, outright rejection of the Mandal commission's recommendations would mean alienating a huge number of 'Hindu' voters, what they cannot afford to loose going by political arithmetic. So, the party tried to resolve this dilemma by resuscitating the symbol of Hindu/ national 'unity', 'Pride' and 'honour', the demand that a temple be constructed on the site of the Babri Mosque. The other important development was the popular uprising against Indian rule in Kashmir valley at the beginning of 1990. The BJP was very consistent in its emphasis on the Kashmir issue and accordingly, it became a core issue in its programme and strategy. BJP's ultra-hawkish stand on Kashmir and the just charges levelled against congress for poor handling of the Kashmir issue, particularly, in the face of a covert war against India's territorial integrity being waged there by Pakistan, found a huge purchase among many Indians, Vastly expanded urbanized lower middle and middle classes, in particular. [229] As Corbridge and Harriss write "By the 1990s the Congress had lost this mantle because of its perceived corruption and inefficiency, and its factionalism. It was for this reason-amongst others, perhaps - that the BJP also began to win support not only from its traditional base in the trading castes but also from prominent executives, ex-servicemen and former top administrators. The National Front/Janata Dal, meanwhile, lost support amongst the middle classes, who are predominantly from higher and middle ranking castes, both because of its advocacy of the

policy of reservations for members of the other Backward classes, and because of the mayhem which was brought about in 1990 by that policy."[230]

A correlation between the crisis of Hegemony of the Congress party and the rise of BJP may easily be established. The BJP stood to gain most in northern, central and western India where the Congress base had been steadily eroded over the years. Conversely, the Hindutva forces faced an uphill task to make decisive inroads in those provinces and regions where the decline in congress hegemony has witnessed the ascendancy of a relatively coherent and resilient alternative political formation to substitute congress. They are Tamil Nationalist parties in Tamil Nadu, Telegu Desam in Andhra Pradesh, CPI(M) led leftist groupings in west Bengal and Kerala and even in Uttar Pradesh (U.P) and Bihar, Mulayam Singh Yadv and Laloo Yadav, respectively, were capable of weaving together coalitions involving intermediate castes, Harijan and Muslim Popultion.[231]

The electoral successes of BJP in the February 1990 legislative elections brought to the fore the fact that the BJP was pursuing a party-based approach that involved taking part in coalitions and electoral arrangements as well as a movement-based approach which entailed its close collaboration with the VHP. In the Assembly election of 1991 in U.P., BJP was voted to power and this, further, complicated BJP's position because it could not afford to antagonize either its movement or electoral constituencies.[232]

However, L.K. Advani Launched his Rath Yatra ('chariot procession') which covered 10,000 kilometers across eight states and was scheduled to reach Ayodhya on 30th October 1990 to inaugurate the Kar Seva ('the building of the temple'). With congress compromising on the issue, V.P. Singh was in a mood to go ahead and finally, authorized Laloo Prasad Yadav, Janata Dal chief Minister of Bihar, to arrest Advani on 23rd October. Predictably, BJP withdrew

support for the Singh government. V.P. Singh was, further, weakened by a split in his party which saw Chandra Sekhar leading a Minority Government with Congress backing only for the few months upto March 1991.

The debate over Mandal and Mandir remained unresolved. The political atmosphere was marked by communal violence and continued through the early months of 1991. The BJP tried to capitalize on the Ayodhya issue as much as it could in the run up to the elections.[233]

Nevertheless, the BJP has to make a difficult choice at this stage as Amrita Basu writes, "As the 1991 elections approached, the BJP was anxious to broaden its reputation from being a single issue campaign. Thus the party changed its rallying cry from "Ram" to Ram aur Roti" (Ram and Bread) and for good measure added swadeshi (Economic nationalism) to its plat-form."[234]

The fear of a fresh elections and the concern of other parties to keep the BJP out of power had cleared the deck for Minority Congress Government led by Narasimha Rao to be installed at the centre. And this shifted the focus of political Debate on economic reform for the time being at least .[235]

It seemed that the BJP did try to steer a middle course by pursuing its demand for the construction of a temple in Ayodhya through negotiation rather than agitation. However, in July 1992, the VHP undertook pilgrimage to Ayodhya in order to construct a platform within the Mosque complex. On December 6, 1992, crossing the police cordon, the Hindu activists descended on the Mosque and razed it to the ground quite methodically.[236]

The destruction of the Babri Mosque was followed by appalling communal carnage, especially in Bombay. Surat, Bhopal also witnessed communal violence on an unprecedented scale. In fact, this event itself fundamentally changed relationships between Hindus and Muslims throughout India. As a result, the Hindu nationalist movement gained

from the destruction of the Babri Masjid in the immediate terms.[237] But, as Jeffrelot argues, "while the demolition was in one sense the logical culmination of the Ayodhya movement, it deprived the RSS-VHP-BJP combination of a powerful symbol. As the results of the 1993 (State) elections .....show, it was easier to mobilize Hindus against the Babri Masjid than for anything else."[238]

The tentative taming of BJP and the strength of India's Democracy:

Moreover, the 1993 and the 1995 election results confirmed that BJP's militant social movement tactics has lost its sheen. The BJP's backtracking from militant social movement tactics may well have been the cost of its expansion. Again, BJP may have adopted a moderate party-based approach in order to increase its support among the lower castes.[239] Evidently, BJP was pursuing a more cautious line with obvious interest in OBC (Other Backward Castes) vote. Uma Bharati a leading woman leader from BJP, admitted frankly that Kashi Ram has woken them up with the populist-nationalism of its economic policy and attacks on the economic reforms.[240]

Congress was able to obtain Parliamentary majority in 1994-95 and recovered some grounds in terms of popularity among the middle classes for its economic reform policies. Notwithstanding the fact, the decline of the Congress seemed inexorable. On the other hand, BJP's rise was also tentative and its influence was confined to the Hindi-speaking areas. The social constituency for a 'third force' had, indeed, expanded, but it remained fractured and divided between varied regional and sectional parties, which, otherwise, could have been an alternative to both.[241] BJP emerged for the first time as the largest single party in the 1996 General elections. Nevertheless, it could not help to significantly expand the basis of its support numerically, socially or geographically, over 1991. A Government was formed under the leadership of Atal Behari Vajpayee which lasted for thirteen days.

The Vajpayee led-Government was replaced by a thirteen party 'United Front' Government, combining the left and the National Front. The U.F. experiment was kept going under two Prime Ministers – First H.D. Deve Gowda, and later I.K. Gujral. It survived for eighteen months with the outside support of the Congress.[242]

In June 1993, at its national council meeting in Bangalore, BJP projected itself as a responsible alternative to the Congress Party and vowed to opening up the economy and ending corruption. It reaffirmed its faith in a secular state and downplayed the possibility of constructing a temple in Ayodhya. Two years later, at Goa conclave, the BJP tried hard to shed off its anti-Muslim posture. Party President, L.K. Advani asked the party members to remove apprehensions about BJP from the minds of the Muslim. The BJP also realized that occupying office at the state level and in attaining power at the centre, it has to take part in Governments. So, embracing regional parties and championing a cause so close to their hearts like effecting a devolution of power from the centre to the States, became an important pillar of its poll strategy. BJP, even, threatened to start an agitation if the centre failed to implement the Sarkaria Commission recommendations to reshape centre-state relations by the end of 1997. This marked the triumph of electoral compulsions which significantly influenced BJP's agenda from its militant stand of the early 1990s to a moderate position.[243] Commenting on the BJP's apparent softening of militant stance, Ashutosh Varshney said that it too has increasingly become a centrist Party.[244]

Thus, the BJP made somewhat more progress than in 1996 in the Twelfth Lok Sabha elections of February-March 1998. It was able to capture as many as 179 seats and more significantly, a larger share of the popular vote went in favour of BJP despite electoral defeats in Maharastra and Rajasthan. So, the BJP's rise during the 1998 elections was indeed an important development. But, the electoral gains were modest and most importantly, it was wholly dependent upon regional

allies. Of them, the most unpredictable was, indeed, Jayalalitha's All India Anna DMK which withdrew support causing the downfall of Vajpayee's second longer-lived BJP Government in April, 1999 for obvious self-interested reasons.[245]

In a Democracy, Coalition-building is an integral part of the process of attaining State power. Politics and the quest for power in the context of a diverse and fragmented society like India required that the BJP as a Political Party ought to be inclusionary and had to seek coalitions, under compulsions, with other political groups.[246] As a leading scholar has argued, "In brief, India's institutionalized political structure dictates that power can be acquired only through the Democratic process. That process, particularly as reinforced by India's social diversity, further dictates that political groups engage in coalition building. In turn, coalition building requires compromise among narrowlybased political groups and the moderation of their narrow and extreme political positions toward a centrist stance. The BJP cannot be and is not immune to that process, at least over the longer run."[247]

However, the movement dimensions of Hindu nationalism as represented mainly by the VHP and RSS became active around cultural issues creating a chasm between the priorities of the BJP in power and the unelected Sangh Parivar even during the largely moderate phase. They resorted to violence in silencing creative works as they did by launching an attack on Deepa Mehta's film 'Fire'. Again, VHP and RSS workers objected vehemently to the same director's film 'Earth' on the ground that the film portrayed widows who ertr forced into prostitution in the 1930s in such a way that amounted to denigrating Indian culture.

Identically, the Bajrangdal went on a rampage against young boys and girls for their celebration of valentine's day in Kanpur. This was done, as they claimed, to prevent younger generations from falling prey to decadent western ways of expressing love.

In February 2000, the UP legislature passed a bill prohibiting the construction of religious sites. This led VHP President Ashok Singhal to publicly declare that construction work on the Ram temple at Ayodhya would start within four to six months. Singhal further said that the VHP's stand on the temple issue had not changed which was in gross violation of BJP's official stance that the temple was, no longer, a part of the Government's agenda.[248]

Another uncomfortable situation arose between movement and party loyalists over the BJP's economic philosophy on the one hand, RSS was deeply committed to Swadeshi, on the other, the NDA (National Democratic Alliance) led by BJP was an ardent supporter of economic liberalization. BJP's stance on economic policy moved from Swadeshi to favouring acceleration of reforms in insurance, banking and that areas of the financial sector, rationalization of subsidies, and cutting down Government-expenditure to help restore fiscal discipline.[249] The budget of 1999 had all the praise from the big business in India and outside. It also confirmed the orientation of the BJP towards finance capital. This was, further, corroborated by the fact that the new BJP-led Government while taking over following the 1999 General elections, declared its commitment to a 'second round' of economic reforms.[250]

In 2001, the budget speech of the Union Finance Minister suggested drastic changes in existing labour laws favouring the Factory owners. On the other hand, the formal sector faced further shrinkages with the unrestricted outsourcing of production in all sectors of Employment. The budget of 2002 was, particularly, anti-poor, even anti-middle class interms of fiscal and pricing policies, which the BJP also subsequently acknowledged as a major factor in electoral reverses in a number of states and municipalities.[251]

However, the BJP can not afford to snap ties with the Sangh Parivar. Because it hoped to extend its political influence riding

piggyback on the mobilizing skills of the 4,000 RSS full-timers and the 40,000 Shakhas (branches). So, incurring the wrath of the RSS may have a direct bearing on its electoral prospects.[252]

Sudipta Kaviraj warned in no unambiguous terms when he suggested that the main enemies of Democracy in India are those who would like to merge democracy and 'majoritarianism', as if both things would mean the same. They do not oppose democracy openly; on the contrary, they are in fact the greatest supporters of majority rule. But they do not want democratic Government to be a complex arrangement in which majority rule is counter-balanced by a system of secure enjoyment of minority Rights.[253]

In any case, the BJP emerged victorious in the multiple attempts to reconstruct India politically following the decline of the 'Congress system' and failure of the Nehruvian master-frame to live up to the expectations of the people at large. The parties of the left seemed, until the 2004 elections, to be moribund. On the contrary, the satellite organizations of the BJP – the Viswa Hindu Parishad (VHP) and RSS – now appeared vibrant and in a buoyant mood. The fractured political space of the seventies and eighties, underpinned as it was by de-institutionalization, has been substituted by a new institutionalization, with twin ideologies of market and Hindu nationalism holding the sway over the political landscape.[254] But an observer's assessment provides some glimmer of hope in India's democratic pathway when he argues, "Yet India's massively complex and diverse social-structural formation still represents a serious obstacle to the taking of state power by the Hindutva movement. The 'Hindu nationalist' world-view, deeply rooted in the outlook of its core base, the banias and upper-caste Hindi-speaking Hindus of north India (and to some extent Maratha Brahmins, the founders of RSS), continues to have rather little resonance with numerous caste, ethnic, linguistic and regional groups throughout India, even in the present situation of anomic and confusions in civil society. The Hindutva movement's war of position will doubtless

continue, yet it remains uncertain that this mobilizational effort, beset with internal contradictions and external challenges, will be able to translate the movement's agenda into reality. Ironically, but appropriately, it is the enormous heterogeneity of a country which is in its essence a panorama of minorities that stands as the most formidable barrier to the triumphant consummation of the majoritarian myth."[255]

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    The 1991 Lok Sabha elections were conducted in two phases and Rajiv Gandhi's assassination in the intervening period evidently improved the Congress's strength. The united Front Prime Ministers, Deve Gowda (01/06/96- 21/04/97) and Inder Kumar Gujral (22/04/97-18/03/98) were both removed from power as the congress pulled the rug from under their feet all on a sudden.
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CHAPTER-IV

SOCIAL JUSTICE AND THE ROLE OF JUDICIARY IN INDIA IN THE CONTEXT OF A CHANGED DOMESTIC AND GLOBAL ARCHITECTURE OF GOVERNANCE

CHAPTER - IV

SOCIAL JUSTICE AND THE ROLE OF JUDICIARY IN INDIA IN THE CONTEXT OF A CHANGED DOMESTIC AND GLOBAL ARCHITECTURE OF GOVERNANCE

Section-I

Meaning and Nature :

In the realm of Political philosophy, it is the discussion of the concept of justice that has generated perhaps the worst, and on occasions quite loud and violent, controversies. In fact, while philosophers from the time of Plato down to the present day have spared no endeavours in explaining and analyzing the concept, it, still, remains a polemical idea as our experience suggests. The moral philosophers contributed heavily to the making of the issue more complex and debatable, leaving behind a trail of confusions. Possibly, the concept has suffered such a fate because of its ambiguity. The striking feature of the concept is that votaries of both the old and the new order have invoked the cause of justice to morally defend their respective positions. This abstract, universal and all-pervasive characteristic of justice ignites our mind to raise two questions. First, how does the idea of justice germinate in human mind? Secondly, since the concept of justice is invoked to defend the rightness of a cause, is justice fundamentally a moral concept? A satisfactory clarification of these two issues would require further probing into the meaning of their concept.[1] The debate about justice was not only confined to the western intellectual domain, the debate centered around Dharma, about Juga dharma, about the relationship between Dharma and Karma, is, in a central way, a debate about the concept of justice in the Indian intellectual traditions as well. In the west, there are several traditions of thinking about justice: the Homeric or the heroic tradition, the platonic – Aristotelian tradition, the Christian tradition and the Thomist tradition and above all, the modern liberal humanist tradition

of thinking.[2] However, man's desire for justice can be analysed as "the active process of preventing or remedying what would abuse the sense of injustice"[3]. The origin of justice, therefore, has to be traced to man's awareness of injustice in society and, consequently, to his craving for changing the situation. So, justice, fundamentally, is a social concept, which has its genesis in man's life in society.[4] Social justice is presumably opposed to individual justice. The concept of social justice is characterized by the idea that one can be just or unjust not merely towards an individual but also towards a community or a society – a community or a society is just because it is a community or a society of a certain kind – definable or describable in a certain way. It presupposes, among other things, that a community as a whole, and not just an individual human being, can be a moral entity, that it can be the object of moral assessment or moral sympathy as a community. However, in the liberal way of thinking, it is the individual - the individual, characterisable independently of a community, society etc. that has deserts and merits, that is the object of moral sympathy. So, the liberal humanist debate about justice has been almost entirely a debate about justice to an individual, to an individual human being. And there is a great deal of unclarity about how the conception of justice to a community can be incorporated into this debate.[5]

On the whole, justice is not an abstract and a static notion; rather it is a concrete and a dynamic concept to be comprehended in terms of the changing social relations of man. The concept entails an idea of change for the better in a definite direction, away from those human relations which is characterized by injustice in society.[6] F.H. Knight also argues in the similar vein, "The real task faced is that of social progress, definable only as a direction of change (in a complex sense, mostly negative) through alleviating some of the grosser injustices that a society can agree upon and find remediable. In short, there is now no such thing as justice "in general"; one can meaningfully discuss only fairly concrete injustices and procedures for their

mitigation with existing social machinery or the possible ways of improving the overall social organization".[7]

However, justice essentially entails an element of desirability or goodness in social life. It means that characterizing a thing as just, objectively we pass a moral judgement, justifying its desirability on the basis of the principle of goodness. Justice, thus, presupposes an idea of interpreting social relations of man in relation to ethics.[8] As Maurice Cornforth is of the view that the logical consequence of such ethical interpretation of conflicting interest in social life gives rise to the idea that "rational moral judgements are those that promote the reconciliation of interests and mutual tolerance of ideals."[9]

Broadly speaking, there are two such principles of reconciliation of interests as recognized by the normative concept of justice. The first of these principles is known as commutative justice. The principle of commutative justice suggests that it is the defence of the negative view of liberty, the implication of which is that the individual is in a position to best realize his own self if his activities are interfered with by others to the minimum. The other principle of reconciliation of conflicting interests in society is known as distributive justice. The problem of distributive justice does not arise simply from inequality of opportunities, benefits or total good; the central problem of distributive justice is one of determining the quantum of distribution in relation to the value of the attributes of those among whom the distribution is made. John Rawls, the most influential exponent of the liberal theory of justice, argues that rational individuals will choose two major principles governing justice in society. These two principles Rawls desires from what he describes as the "original position"; this he explains as a hypothetical situation in which no one knows his place in society nor his future. Logically, the two principles of justice, which are so derived from a fair agreement or bargain, establish what Rawls describes as the propriety of the statement that "justice is fairness."[10] However, a critic of Rawls has suggested that the "original position" is

an invention of Rawls so as to insert beneath the real edifice of liberal theory in order to justify it.[11] On the other hand, Marxism envisages a completely radical approach to morality. It strikes at the very roots of liberal morality and points to the necessity of emphasizing rationality and objectivity in ethics, whereby the vast majority of mankind would not be held at ransom by the standards of ethics practised by an oppressive minority.[12] Justice, therefore, can not be a principle of realizing the balance of antagonisms in social life. It has to be regarded as the principle of resolving the contradictions in society by locating and then overthrowing the basis of these contradictions, that is, by ending forever the domination of the exploiting classes in every sphere of society. But the pursuit of moral ideals, or the emphasis on moral reasoning, in the name of justice, only strengthens the status quo and the cause of that section which gains most from the continuation of that system.[13] As one perceptive observer writes, "..... the idea of justice in a class divided society requires the identification of the conflicting social forces and an inquiry into how the conflict of interests is intended to be resolved. In other words, it will have to be examined, institutionally and ideologically, what efforts have been made not to strike a balance between the conflicting interests, but to weed out the forces that lead to injustice and social conflict."[14]

The issues of justice and the Constitutional Scheme:

The demand for inclusion of fundamental rights in the constitutional scheme for India was first mooted by nationalist leaders after the Montford Declaration, 1918, that the progressive realization of the self-Government was the ultimate objective of the His Majesty's Government. The Nehra Committee in its report demanded a declaration of rights in the future constitution of India. The Indian National Congress at its Karachi Session in 1931 for the first time in its resolution drew up a comprehensive scheme not only of the fundamental rights and duties, but also of economic re-organisation which could ensure "social justice" to workers and peasants. In keeping

with cabinet Mission plan, 1946, the Constituent Assembly was constituted to draw up constitution for independent India. Intellectuals of different hues a nd colours were enabled by the Indian National Congress to be elected to the Assembly. The Congress was never ideologically a homogenous political outfit and therefore, it was not unnatural that people elected on congress ticket had divergence of opinions and visions on fundamental issues.[15]

The problem of justice in the newly born Republic was that of striking at the roots of those social, economic and political forces in the Indian society which give birth to injustice. The ugly manifestations of injustice are very much, evident in the untold miseries of the toiling masses. The New Constitution of India, which was adopted on November 26, 1949 by the Constituent Assembly provided the roadmap in which the problem of justice would be dealt with. Further, the constitution was the outcome of a series of debates among the framers of the Constitution in the Constituent Assembly and the debates were largely centered around the problem in identifying the factors responsible for precipitating and perpetuating injustice which would have to be removed in the new republic through the instruments enshrined in the new constitution. So, a reading of the mind of the framers of the constitution would throw enough light on the perspective in which the problem of justice in the newly born republic was supposed to be grappled with.[16]

During the British Raj in India, injustice had been manifest in the alienation between the people and the colonizers. People were denied their freedom socially, politically and economically. People were deprived of their rights to govern thereby paving the way for absolutising the ruling authority's position. Thus, Colonial Injustice in social and economic sphere was coupled with the denial of the ruling power to allow popular participation in the political sector.

Against this backdrop, it is, therefore, understandable that for the makers of the Indian Constitution the problem of justice was the problem of ascertaining the extent of socio-economic mobility and facilitating political participation in sync with the demands of the people of free India. Thus, it also entailed the question of priority and importance to be given to socio-economic or political mobility.[17]

In the Constituent Assembly, the framers of the republican constitution of India debated and discussed for almost three years which eventually, threw up polemic issues regarding the identification of the problem of justice. But Pandit Nehru tabled the objective Resolutions the words of which well reflected the image of free India and they were unanimously accepted in the constituent Assembly.[18] The concerned clauses read,

"..... wherein all power and authority of the sovereign independent India, its constituent parts and organs of Government, are derived from the people, and wherein shall be guaranteed and secured to all the people of India justice, social, economic and political; equality of status, of opportunity, and before the law, freedom of thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality, ..."[19]

Therefore, the resolution stood for political mobility. The position of the ruling authority in independent India would be relative and not absolute. It would be relative to the will of the people. This is another name of political democracy or political justice, hitherto denied to the people of India. But political justice was not enough. The objectives resolution stood for social and economic justice too. As a matter of fact, socio-economic justice would demand removal of the alienation gap between sections of society, socially and economically. It presupposes mobility in social and economic life. It expresses concern for the common man, for the poor, particularly, for those who have been the object of social and economic exploitation for centuries. So, socio-

economic justice in the negative sense entails curtailment of the privileges of the lucky few in society, and its positive connotation demands that the poor man, the sufferers, the exploited should have the full right and opportunity to rise to the highest position in life. Socio-economic justice is also qualitatively higher than political justice. Nehru regarded that freedom from want as the basis of liberty and that the essence of justice in free India would be measured in terms of substantive benefits to the poor, the hungry and the wretched. Therefore, the stability of the ruling authority is relative to its capacity to espouse the cause of socio-economic justice for the common man.[20] K.M. Munshi, one of the members of the Constituent assembly, was very much emphatic about the point when he says, "The next danger arises from the sagging economic structure of the country ..... Independence will be weighed in the scales of the essentials of life. If they are not forthcoming, the political structure is sure to collapse."[21]

It is, therefore, quite understandable that there were a good number of members in the constituent assembly who were eager to place socio-economic justice on a higher footing than political justice. However, some leading members of the assembly including Pandit Nehru, expressed strong reservations with regard to the inclusion of the idea of socialism in the constitution on the contrary, Shri V.D. Tripathi reacted sharply to the kind of skepticism about socialism among some of the members and suggested that it was urgently necessary that some safeguards should be so incorporated in the constitution as they would render the capitalists incapable to interpret social and political justice on their own terms.[22] A sub-committee under the chairmanship of Sardar Patel was constituted to advise the constituent Assembly about the rights which ought to be included in the Constitution.[23] It was felt necessary because the constituent assembly was sharply divided in two groups on the problem of differing versions of the concept of liberty. One school was represented by such stalwarts as K.M. Munshi, A.K. Ayyar, Thakurdas Bhargava. They attached priority to a code of

fundamental rights, to be guaranteed through the constitution against state intervention of any kind. The other school was represented by members like K.T. Shah, Seth Damodar Swarup and V.D. Tripathi. They declared their faith in the positive concept of liberty, suggesting thereby the incorporation of certain basic socio-economic rights for the common man to be protected by the state.[24] The Contrasting view points held by the members of these two schools are worth noting. A.K. Ayyar, for example, advised the fundamental rights sub-committee to follow the united states as their model for the protection of the basic rights of the people.[25] Munshi, in his note, also pleaded for judicial review for the protection of fundamental rights against possible encroachments by the state.[26] On the other hand, the absence of economic rights led V.D. Tripathi to declare that except for the right to vote, the poor man has not yet got any other right under the Constitution.[27]

Sarder Patel, after assessing the situation, mentioned in the Constituent Assembly:

There are two schools of thought in the committee and there was a large number of very eminent lawyers who could scrutinize every words of every sentence .... These two schools viewed the matter from two angles. One school considered as advisable to include as many rights as possible in the report – rights which could straight way be enforced in a court of law .... The other schools of thought considered it advisable to restrict fundamental rights to a few very essential things that may be considered fundamental. So, rights relating to social justice such as citizen's right to work and employment, education, maintenance in old-age, sickness or loss of capacity to work, living wage for workers, their participation in management, uniform civil code for the citizens were made non-justiciable while the rights pertaining to equality, life and personal liberty and property were declared as fundamental and justiciable.[28]

No doubt, the article dealing with the individual's right to property became the most contentious issue in the debate of the constituent assembly. Obviously, there was divergence of opinion among members of the constituent assembly regarding the sanctity of private property.[29] The right to property is an economic right, meaningful only to those who do actually possess property. The landless, property-less teeming millions have virtually no stake in it. The right to property, if recognized as a fundamental right, would facilitate economic discrimination and perpetuation of privilege. So, the implications of the right must be understood in the context of the rational standard of justice and accordingly, its operation must be a qualified one.[30]

In the sub-committee on fundamental rights, K.M. Munshi opined that the right of the state to expropriate private property should be subject to two restrictions, namely, (i) that expropriations should be permitted for public reasons only, and (ii) in exchange for just and adequate compensation to be decided in keeping with the conditions laid down by law. Prof. K.T. Shah put forward counter proposal as follows: (i) that private ownership in certain industries and in various forms of natural wealth shall not be recognized; and (ii) that the state shall have the right to acquire any private property on such terms and conditions as the legislature may deem it fit.[31] The sub-committee, going ahead on the basis of P.299 of the Government of India Act, 1935, said in clause 27 of the report, "No property, movable or immovable, of any person or corporations including any interest in any commercial or industrial undertaking, shall be taken or acquired for public use unless the law provides for the payment of just compensation for the property taken or acquired and specifies the principles on which and the manner in which the compensation is to be determined.[32]

The implications of the clause are highly intriguing. The two expressions "just compensation" and "due process", once incorporated,

would thus fortify the right to property against any possible legislative encroachment.[33] Drawing inspirations from the laissez-faire doctrine, Munshi said, "Right to property is one of the pillars on which democracy rests; remove it and the structure is sure to collapse once it is denied under the name of any 'ism', however glamorous, to secure social justice, individual freedom goes down with it; the citizen becomes helpless, impotent and without the means to assert his individual rights against the state."[34] Therefore, in the Advisory Committee, a serious controversy erupted following disagreement regarding the two expressions, namely, "due process of law" and "just compensation". Thus, K.M. Panikkar and G.B. Pant were very much critical of these two expressions and argued forcefully their position by suggesting to drop the word 'just' from this clause as well as leave the matter of the payment of compensation to the Government concerned to decide. This staunch opposition in the advisory committee, led them to delete the word 'just'.[35] However, commenting on the Interim Report on fundamental rights, Shri Ajit Prasad Jain raised an important Question: "Fundamental Rights in my opinion are embodied in the constitution with a view to protect the weak and the helpless. The present clause will have just the contrary effect. It will protect the microscopic minority of propertied class and deny rights of social justice to the masses."[36] However, in view of these charges and the discussion on it being far from satisfactory, Clause (19) was given further consideration which resulted in the incorporation of two new sub-clauses by the Drafting Committee. Though the spirit of the right remained as it was; there was no significant changes. In fact, the enforceable character of the right to property empowered the propertied few to protect their interests against the economic rights of the masses. So, the right of the few was given primacy vis-à-vis the Directive principles of State Policy and thus rendered the meaning of the latter irrelevant to the common man.[37] K.T. Shah, commenting on the draft constitution, regarded the rights as having "an exclusionist or

exclusivist tendency, in which the individual emphasizes his exclusive claims or possession of privileges or possibilities far more than that of his membership of a group or of a society, or of a community."[38] Intervening in the debate in the constituent assembly, Jawaharlal Nehru moved an amendment to Article 24. As a matter of fact, Nehru's amendment did not alter the substance of Article 24 materially. Nehru himself called his amendment a "compromise formula" and tried to justify and clarify the compromise formula by arguing that the concept of property had changed with changes in History; that property right could not be treated as an absolute right since this would lead to concentration of assets of the community in a limited number of hands to the detriment of the exercise of the same right by others. However, Nehru also categorically mentioned that there was no question of any expropriation without compensation in this connection, Nehru made a distinction between acquisition of property for "Governmental Purposes" and acquisition of property for "Social Purposes". The question of fair compensation, would, however, be applicable only to the former case, leaving the latter to parliament to determine various aspects involved in it.

Thus, Nehru's construction of the clause suggests, firstly, that the sovereign will of parliament on questions of compensation would be final and, secondly, that the judiciary was not expected to play a role in such matters and substitute its own judgement for the judgement of parliament. However, Nehru also felt that the judiciary should be allowed to rectify the wrong committed by the representative of the people. So, Nehru's attitude towards the role of the judiciary vis-à-vis the question of compensation was marked by ambivalence.[39]

In any case, the right to property, a right relevant only to the microscopic propertied class, became well protected by the highest law of the country in the new republican constitution of India. Firstly, judiciary is empowered to declare any legislation that threatens the exercise of the right as ultra-vires. Secondly, laws enacted for realizing

the directive principles of state policy may be invalidated by the courts, if they came into conflict with the right to property because of the non-enforceable character of the Directive Principles of State Policy.[40] Professor Shibban Lal Saksena criticized article 31 in relation to the Directive Principles of State Policy in these languages,

"I also regard Article 31 about property as the charter of capitalism in this country. The Directive Principles of State Policy which have been so beautifully described in Part-IV cannot be realized so long as Article 31 forms part of the constitution. I would have wished that these Directive Principles had been incorporated as Fundamental Rights in the Constitution."[41]

No doubt, the constitution declined to alter the economic structure of the country and the class relations between the teeming millions and the propertied few by providing safeguards to the economic rights of the microscopic minority. As a result, the Directive Principles reduced to mere pious wishes – a catalogue of good intentions which are not backed by legal sanctions to make it a positive obligations. Socio-economic justice for the common man, in the substantive, positive sense, was not guaranteed by the constitution against the right to property. Thus, the meaning of liberty continued to be projected in negative and not in positive ways for the common man. The spirit of the objectives resolution was not properly appreciated in the provisions of the new constitution of India. The objectives resolution envisaged that the meaning of liberty would be judged in the perspective of equality and common good. The new Constitution betrayed even that sentiment.[42]

The ideal embodied in the objectives Resolution is dutifully reflected in the preamble to the Constitution, which as amended in 1976, summarizes the aims and objects of the constitution:

"We, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN, SOCIALIST, SECULAR, DEMOCRATIC, REPUBLIC and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity; and to promote among them all;

FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;

IN OUR CONSTITUENT ASSEMBLY this twenty sixth day of November, 1949, do hereby adopt, enact and give to ourselves this Constitution."[43]

However, the preamble to the Indian Constitution crystalises the concept of "social justice". It determines the objectives and the socio-economic goals for the attainment of which the Constitution has been established. The ethos of "social justice" found its expression from the slogans of "liberty, equality and fraternity" in the French Revolution into Dicey's rule of law and the American war of independence. The echo of these words is felt in articles 38 and 39 of the Indian Constitution.[44]

As Article 38 reads : "The state shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life." Articles 39 provides for certain principles of policy as set out in clauses (a) to (f) to be followed by the state in order to secure "Social Justice" in specific situations. Articles 39A contains provisions for equal and free legal aid. Article 40 provides for organizing village panchayats as units of self government and Article 41 provides for Right to work and Education.[45]

According to Article 37, Directive principles, though they are fundamental in the Governance of the country and it shall be the duty of the state to apply these principles in making laws, are expressly made non-justiciable. It means that the courts in India including the Supreme Court have no power to enforce them. This is in sharp contrast to the position of Fundamental Rights which are justiciable and, therefore, enforceable by the courts of law. Thus, while there is a judicial remedy for every violation of a fundamental Right, there is none available for the enforcement of Directive Principles.[46]

Nevertheless, Granville Austin considers these directives as aimed at furthering the goals of social revolution, "by establishing these positive obligations of the state, the members of the Constituent Assembly made it the responsibility of future Indian Governments to find a middle way between individual liberty and the public good.... between preserving the privileges of the few and bestowing benefits on the many in order to liberate the powers of all men equally, for constructions to the common good."[47]

However, the way in which the fundamental Rights were set against the Directive Principles, a contradiction was bound to occur. The concerned constitutional provisions precipitated an artificial antithesis between the rights of the individual and the obligations of an interventionist state to guarantee justice to the common man. The Part III of the Constitution dealing with Fundamental Rights enjoys a definite preponderance over Part IV dealing with the Directive Principles of State Policy. In course of actual working of the Constitution, it was envisaged that the provisions of Part IV were bound to clash with the provisions of Part III.[48] Dr. Ambedkar commented rather prophetically on November 25, 1949, when the new constitution was being adopted by the Constituent Assembly; he said, "we must begin by acknowledging the fact that there is complete absence of two things in Indian Society. One of these is equality. 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 .... we must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which the Assembly has so labouriously built up."[49]

Ambedkar's statement on what the constitution of India was going to concede to the common man in the name of justice is a revealing commentary. Nehru's analysis on the spirit of the objectives resolution had obvious emphasis on "common good", "equality", the substantive, socio-economic content of justice. The preamble to the Constitution as well as the Directive Principles of State Policy further, strengthened the idea. However, the non-enforceable character of the preamble and the Directive Principles of State Policy paved the way for promoting the interests of the few at the expense of the teeming millions of the masses of the population.[50]

The Debates in the Constituent assembly led to the emergence of a "Compromise formulae" which many theorists regarded as an excellent cover for defending the liberal Democratic perspective of justice that has guided the development of the Constitution.[51] A perceptive observer of the scene has correctly pointed out, "In other words, the idea of compromise led to a defense of unequal positions in society. Quite inevitably, this wrong perspective led to grim tensions, institutionally and ideologically, which soon became manifest in the years that followed."[52]

Section – II

Justice and the Constitutional Arrangement:

With the proclamation of the Republic and the Launching of the new Constitution in 1950, the Journey of Parliamentary Democracy began in India. This entailed a change in the composition of Political Powers. Under the new Constitutional arrangements, political power would be exercised by the chosen representatives of the people and not by a small number of bureaucrats characterizing the British rule. This change in form as well as content in power, it was presumed, would intensify interaction with the people, in the process, bringing them closer to the new ruling class. In any case, the common man had been the worst victim of the infamous legacy of British rule. During the British Raj, agricultural labourer, the Industrial worker and the poor artisan had to face, by far, the crudest form of injustice. The Indian masses had no voice in shaping the form and content of Political Power. Naturally, they used to lead a subjugated status in political terms. Since the colonial masters dictated the terms of Indian economy and it was eventually, reduced to an appendage of the British economy, so, the crass exploitation of the worst type was the order of the day.[53]

The concentration of economic power had reached to such an extent that the per capita national income in 1948-49 stood at Rs.255, one of the lowest in the world at that time.[54] Equally deplorable were the plights of the under-privileged classes which were plagued by the age old policy of untouchability and social segregation and were forced to lead a sub-human existence. So, this people of so-called low origin were helpless against the hazards and injustice of a social order which was marked by gross inequalities.[55]

The historic resolution of Pandit Nehru adopted by the Constituent Assembly on January 22, 1947 reads "wherein all powers and authority of the sovereign independent India, its constituent parts and organs of government are derived from the people; and wherein

shall be guaranteed and secured to all the people of India-justice-social, economic and political; equality of status, of opportunity, of freedom of thought, expression, belief, faith, worship, vocation, association and action." It was, further, inserted "wherein adequate safeguards shall be provided for minorities, backward and tribal areas and depressed and other backward classes." In keeping with this aim, Nehru maintained that "a vote by itself does not represent very much to a person who is down and out, to a person who is starving or hungry." He went on to add "political Democracy by itself is not enough except that it may be used to obtain a gradually increasing measure of economic democracy, equality and the spread of good things of life to others and removal of gross inequalities."[56]

Art. 12 of the Indian Constitution defines the term "the State" whereas Art. 13 provides for the rule for resolution of conflicts between a 'law' and a provision of the Constitution in connection with fundamental Rights. Fundamental Rights are safeguarded and protected because the right to constitutional remedies, available under Art. 32, is itself a fundamental right. So, Fundamental Rights as contained in Part III of the Constitution are enforceable in the Supreme Court by the operation of the Right to Constitutional remedies. On the other hand, Art. 226 Confers on every High Court the power to issue to any person or authority within its geographical jurisdiction, directions or orders or writs, for enforcement of any of the Fundamental Rights or for any other purpose. The powers Conferred by these two articles on the Supreme Court and the High Courts respectively, have helped them, to function as the custodians of Fundamental Rights.[57] The inclusion of Art. 13(1) and (2) in the Constitution is indicative of the desire of the Constitution makers to provide for all precautionary measures to protect Fundamental Rights. Art.13(1) states that all laws in force immediately before the inauguration of the Constitution which came into conflict with the provisions vis-à-vis the Fundamental Rights, be void. Art.13(1) can, therefore, have no retrospective effect. Art.13(2)

prohibits 'the State' from making any law which takes away or abridges any of the Fundamental Rights and also provides that any law made in contravention of the clause shall, to the extent of contravention, be void. Thus, post-constitutional laws in-consistent with any of the Fundamental Rights are void abinitio.[58] The incorporation of Art.32 in the constitution amply demonstrates the significance attached to the right to constitutional remedies by the framers. As Dr. B.R. Ambedkar observed, rights without remedies would remain 'glittering generalities without any binding effect on the state.[59] Further, he explained the importance of Art.32 as follows:

An article without which this constitution would be a nullity .... It is the very soul of the Constitution and the very heart of it.[60]

The Constitutional provisions relating to the right to equality forbids all kinds of unjust, undeserved and unjustified inequalities. The concept of equality is a recognition of the fact that men are equal in their final estimate. So, the concept of equality is a noble ideal which imparts dignity to the individual. Although absolute equality is an impossibility and what equality really means is that among equals the law should be equal and equally administered. Thus, the idea of equality is closely enmeshed with the concept of justice.[61] In our Constitution equality is sought to be achieved through Arts.14,15,16,17 and 18. The principal rule is stated in Art.14 which prohibits the state from denying to any person equality before the law or the equal protection of the laws. Art.15 elucidates the meaning of equality by prohibiting discrimination. Art.16 provides that there shall be equality of opportunity for all citizens in respect of employment or appointment to any office under the state. Art.17 prohibits untouchability and Art 18 forbids the state from conferring any title, besides a military or an academic distinction.[62] The framers of our Constitution have recognized the paramount place of the individual in society and in state and have made adequate provision to guarantee his right to freedom. They have also endeavoured to strike a balance between the spheres of personal

freedoms and social control. The right to freedom is guaranteed by Arts. 19 to 22. Art. 19 guarantees to the citizens only the enjoyment of certain civil liberties while they are free, whereas Arts.20 to 22 secure to citizens as well as non-citizens certain constitutional guarantees in regard to punishment and prevention of crime. Judicial pronouncements on the rights to freedom have revolved around the restrictions which have been imposed on them by the Constitution. Absolute individual rights can not be guaranteed by any modern state. So, our constitution itself has conferred upon the 'State' a power to impose by its laws reasonable restrictions as may be necessary in the larger interests of the community.[63]

So, the Constitution endeavours "to strike a balance between individual liberty and social control."[64] Art.23 and 24 guarantee the right against exploitation. Clause(1) of Art.23 provides for two different subject, namely, traffic in human beings and forced labour. The term 'traffic in human beings' should include not only prohibition of slavery but also of traffic in women or children or the crippled, for immoral or other purposes. Special provision for the protection of children is incorporated in Art.24 by providing that no child below the age of fourteen years, shall be employed to work in any factory or mine or engaged in any other hazardous employment.[65] India being a multi-lingual and multi-religious state, the protection of the cultural and educational interests of minorities based on religion or language is of paramount importance. Arts. 29 and 30 have been incorporated in the constitution to safeguard the interests of these minority groups which have virtually no parallel in the constitution of other countries. Clause(1) of Art.29 provides that any section of the citizens having a distinct language, script or culture of its own shall have the right to conserve the same. The right of conservation vis-à-vis a linguistic minority implies: (i) the right to free use of the language; (ii) the right to impart instruction in the language; (iii) the right to publish books or periodicals in the language; and (iv) right to perform any other lawful

act or to adopt any other lawful measures towards furtherance of conservation of the language. Clause(2) of Art.28 guarantees the right of admission into an educational institutions which provides that no citizen shall be denied admission into any educational institution maintained by the state or receiving aid out of state funds on grounds only of religion, race, caste, language or any of them. Art.30(1) confers on all minorities whether based on religion, language, the right to establish and administer educational institutions of their 'choice'. So, it may be said that adequate judicial protection has been provided to the minority rights. However, the courts have also authority to see that these rights cannot be enjoyable in absolute and unqualified terms. So, the state has the right to impose limitations on them.[66]

Property is a vital social institution affecting the social, economic and political life of the community. So, the state determines the extent to which the right to property shall be guaranteed. Under our constitution, Arts. 31, 31A and 31B uphold the sanctity of private property. The aim of Art.31 is to secure private property against arbitrary expropriation by the state. It safeguards the right to property by defining the limitations on the power of the state to take away private property without the consent of the owner. One of the limitations is incorporated in Cl.(1) of this article which provides that "no person shall be deprived of his property save by authority of law."[67] Thus, Cl.(1) of Art.31 protects the right to property against deprivation by the state acting through its executive organ, the government. It may be observed that the power of the legislature to deprive a person of his property is not absolute for Cl.(2) of Art.31 imposes certain restrictions. It clearly lays down that no property shall be compulsorily acquired or requisioned except for a public purpose and under a law which provides for compensation for the property so acquired or requisioned. Cls. (3) to (6) of Art.31 and Arts. 31A and 31B are concerned with the exceptions to the general provisions of Cl.(2) of Art.31. The constitution promises to every citizen for promoting the ends of social justice and of

equality of status and opportunity and accordingly, the right to private property will have to be suitably held in check. In interpreting socio-economic laws, judges should keep in mind the dynamics of law and should be ever responsive to what justice Holmes stated as 'the felt necessities of the times.'[68]

The Constitution and the Directive Principles of State Policy:

The genesis of the Directive principles may be traced back to the Karachi Resolution of 1931 which stated that in order to end the exploitation of the masses, political freedom should be combined with real economic freedom. Part IV of the Constitution (Arts.36-51) contains the Directive principles which give a detailed exposition of the ideals set forth in the preamble of the constitution. The Directive principles are designed to supplement the Fundamental Rights and secure for collective well-being certain rights which are at variance in nature from the Fundamental Rights and which Part III of the constitution by its very nature cannot guarantee to the individual. But, the Directive Principles of State Policy are in the category of rights which are conferred by the state on the individual for the specific end of promoting the social well-being. The Directive Principles are also in the nature of duties that the state is called upon to discharge certain responsibilities to promote the welfare of the people by ushering in a social order based on social, economic and political justice.[69] Article 38 states, "The State shall strive to promote the welfare of the people by securing and protecting as effectively as it can establish a social order in which justice, social, economic and political, shall inform all the institutions of the national life." Art. 39(b) lashes out against concentration of wealth in the hands of a microscopic minority. It reads, ".... that the ownership and control of the material resources of the community are so distributed as best to sub-serve the common good". Article 39(c) is more straight forward, "....that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment." Article 43 deals with

labour welfare. It reads, "The state shall endeavour to secure, by suitable legislation or economic organization or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities...." These Directive Principles are of non-enforceable in nature but they 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," it is guaranteed in Article 37. The constitution, thus, leaves the impression that it recognized the essence of socio-economic justice as a value, that is, the constitution attached importance to these group of rights in order to bridge up the gap of inequality, prevalent among different classes of society. The constitution also made it an imperative for the Government to translate the socio-economic ideas into a reality for the common man through state intervention.[70]

In India, it appears that the Fundamental Rights have both created a new equality that had been absent in traditional Indian (largely Hindu) Society and have helped to preserve Individual liberty. A strong indication, therefore, of the reasonably healthy condition of civil liberties in India is the lack of criticism of their absence - and the credit for this, in some measure at least, must go to the Constitution.[71]

However, the presence of the Directive principles of state policy has prompted Dr. Wheare to comment "whether there is any gain, on balance, from introducing these paragraphs of generalities into a constitution".[72]

The political foundation of the Indian Republic being parliamentary Democracy, the notion of justice is likely to be constrained in its operation by certain typical parliaments' procedural regulations, as laid down in the Constitution laws, howsoever socially and historically important they are, would not be allowed to clash with the Fundamental rights contained in the Constitution. So, any

legislation to secure social justice would be allowed only to the extent as it would not take away the liberty of the individual, howsoever violative of social justice its operation might be.[73]

Other means in the Constitution for espousing the cause of justice: Universal adult franchise and social justice-

The decision of the constituent Assembly to grant universal adult franchise can be considered as a bold and momentous decision which was reflective of the faith reposed by the members of the Constituent Assembly in the Political wisdom of the Indian voters.[74] However, the formal process of exercise of vote may be termed as a reflection of the increasing involvement and participation of the voters, but, mere guaranteeing of universal suffrage has never resulted in the mobilization of the masses. The 'user attitude' as opposed to the 'participatory attitude' seems to be more common amongst the citizens. Nevertheless, guaranteeing of universal adult franchise provided an opportunity which was earlier denied to Indian citizens for giving expression to and reflecting the multi-track diversities of the society at which they are embedded in.[75] Oommen has very rightly pointed out, "....once freedom was achieved the temporarily frozen identities (particularly the regional-linguistic; religious caste; and tribal identities) gradually started assuming saliency".[76]

The fact that caste factor has come to play a critical role in shaping the electoral verdict also lends support to M.N. Srinivas's view that universal adult franchise has resulted in the re-assertion of caste based loyalties. However, Rajni Kothari has opined that universal adult franchise has neither given caste a 'new solidarity' nor has it 'reestablished its legitimacy'.[77] If the search for social justice were to be seen as establishing individual autonomy in society, the guaranteeing of universal adult franchise could well be hailed as being a positive measure in the direction of strengthening individual autonomy. But, obviously, caste based politics has precipitated caste solidarity in

society at the expense of individual autonomy.[78] Inspite of universal adult franchise, Kashyap castigates first Lok Sabha as the 'highly elitist body' and assessing the future prospects, he warns,

"The patience of the people seems to be on the verge of collapse. It has come to be widely believed that behind the disintegration and fragmentation of society and threats to national unity, the single most potent force is our politics of vote merchants and power brokers busy building their vote banks."[79]

Justice and centre-state relations under the constitution

The political structure of the Indian constitution is of an unusual variety which constraints one to describe it briefly. Some have characterized it as 'Quasi federal', others have labeled it as 'statutory decentralization' The members of the Assembly themselves declined to adhere to any theory or dogma about Federalism. Instead, they produced a new kind of Federalism to meet India's unique requirements. Right from the start, the Assembly was in favour of cooperative Federalism. Another important issue which is worth mentioning here that the drafting of the Federal provisions was marked by the relative absence of conflict between the 'centralizers' and the 'provincialists'. In any case, co-operative Federalism presupposes a strong central, or general Government, yet it does not necessarily produce weak provincial Governments that are generally administrative agencies for central policies. Indian Federalism may, possibly, fall into this category.[80] However, the political emphasis of the Indian constitution rapidly moved from a confedaral to a Federal to a unitary conception of the Indian Union during the brief period of existence of the constituent Assembly. As a matter of fact, the congress party used to enjoy overwhelming popularity throughout the country at the time of independence. This payed the way for the installation of a homogeneous Government at the centre as well as in all the States. This objective situation enabled the Indian Government to successfully

create the impression that the constitution was Federal in character and power-sharing between the two levels of Government was done on the basis of mutual consent.[81]

In any case, let us briefly discuss the constitutional position vis-à-vis centre-state relations and the institutions of Governor to understand and appreciate the true nature of Federalism in India.

Legislative Relations: Part-XI, chapter I of the constitution deals with the legislative relations between the union and the states. Arts.245 to Art.255 make up the entire gamut of legislative relations of the articles which have an interface with both the central and the state lists, Articles 246, 248, 249, 250, 251, 252, 254 may be specially mentioned. Art. 246 states (i) Parliament has exclusive powers to make laws with respect to matters enumerated in the union lists, enumerated in the seventh schedule of the constitution; (ii) Subject to clause (i) the states have power to make laws with respect to matters contained in list 111; (iii) subject to clauses (i) and (ii) states also have the power to legislate for such state or any part of it with respect to matters contained in list 11. Art. 248 vests the residuary powers of legislation to the union Parliament. Art. 249 authorizes the union Parliament to make laws with respect to any matter contained in the state list in the national interest. Again, Art. 250 empowers Parliament to legislate on any matter in the state list if a national emergency is declared. Art. 251 says that the State legislatures have authority to legislate on any matter which they are entitled to but, if such a law passed by State legislature is repugnant to any provision of a law made by Parliament, the union law whether passed after or before the state law, shall prevail. Again, Art. 254 through the clause of 'inconsistency', can dislodge state laws to uphold the union law.[82]

Administrative relations - Articles 256 to Art. 263 comprise the administrative relations between the Union Government and the States as enshrined in the constitution. The articles 256 - 257 along with Arts.

356 and 365 (the Emergency Provisions) provide huge opportunity to union Government to encroach upon the domain of the state Governments. The union Government can also give directions to the state Governments under Arts 339 (2) and 350(A) respectively. The former deals with drawing up schemes for the welfare of scheduled tribes and the latter to directions for providing facilities for instructions in the mother tongue at the primary stage to children of linguistic minorities.[83]

The constitution provides for three kinds of 'Emergencies' or abnormal situations. To deal with these Emergency situations, 'proclamation of emergency' may be made by the president at any time if he is satisfied that the security of India or any part thereof has been threatened by war, external aggression or armed rebellion (Art. 352). It may be made even before the actual occurrence of any such disturbance. But no such proclamation can be made by the president unless the union Ministers of cabinet rank, headed by the Prime Minister, recommend to him, in writing, that such a proclamation should be issued (Art. 352(3).[84] The major fall-out of a proclamation of emergency may be discussed below: under a proclamation of emergency, the Government of India is empowered to give direction to a state on 'any' matter, so that though the state Government will not be suspended, it will be under the complete control of the union executive, and the administration of the country insofar as the proclamation goes, will function as under a unitary system with local sub-Divisions. Once the proclamation of emergency is in vogue, the president shall have the constitutional power to change the provisions of the constitution vis-à-vis the allocation of Financial relations between the union and the states by his own order. But no such order shall have effect beyond the financial year in which the proclamation itself ceases to operate and further, such order of the president shall to be subject to approval by parliament.(Art. 354).[85]

The effects of a proclamation of emergency upon Fundamental Rights.

Art. 358-359 lay down the consequences of a proclamation of Emergency upon Fundamental rights. As amended up to 1978, by the 44th Amendment Act, This may be summarized as follows -

I) Art. 358 provides that the state would be free from the limitations imposed by Art. 19, as the rights available to a citizen under Art. 19, would cease to exist against the state during the operation of a proclamation of emergency. On the other hand, the right to move the courts for the enforcement of the rights or any of them, may be suspended under Art. 359, by order of the president.

II) Art. 359 would be applicable to an emergency declared on any of the grounds mentioned in Art. 352, i.e. war, external aggression or armed rebellion, while the application of Art. 358 is restricted to the case of emergency on grounds of war or external aggression only.

III) With the proclamation of emergency on the ground of war or external aggression, Art. 358 comes into operation automatically to suspend Art. 19. The application of Art. 359, specifying those Fundamental rights against which the suspension of enforcement shall be operative, requires a further order to be made by the president.

IV) Art. 358 suspends Art. 19; the suspension of enforcement under Art. 359 shall relate only to those fundamental rights which are mentioned in the presidents' order, besides Arts 20 and 21. So, under Art 20 or 21, a prisoner's or detune's right to move the courts cannot be taken away notwithstanding the fact that an emergency is in operation.

V) Neither Art. 358 nor 359 shall have the effect of suspending the operation of the relevant Fundamental right unless the law which affects the aggrieved individual contains a recital to the effect that "such law is in relation to the proclamation of emergency". In the

absence of such recital in the law itself, neither such law nor any executive action taken under it shall have any immunity from challenge for infringement of a fundamental right during operation of the Emergency [Cl. (2) of Art. 358 and Cl. (IB) of Art. 359].[86]

The Governor is the main functionary with respect to the continuing dialogue between the centre and the States Art. 154(1) lays down that the executive power of the state is vested in the Governor and is exercised by him either directly or through officers subordinate to him. The following set of articles define the Governor's role in the centre-state administrative relations. They are: 1) Art. 239 (2), 371, 371(A) and 356; (2) Appointment of the Chief Minister under Art. 164; (3) Proroguing or dissolving the Assembly under 174(2); 4) withholding of state bills for the president's assent under Arts. 200 and 201 of the constitution; 5) The Governor' use of discretionary powers under Art. 163(I) and (2).[87]

Constitutional Emergency in the States under Art. 356

The Constitution provides for carrying on the administration of a state in case of a failure of the constitutional machinery. It is a duty of the union to ensure that the Government of every State is carried on in accordance with the provisions of the constitution (Art. 355).[88] If the president is satisfied on receipt of a report from the Governor or otherwise that a situation has arisen in which the Government of a state cannot be carried on in accordance with the provisions of the constitution, he is empowered to proclaim an emergency.

The President may assume to himself all or any of the functions of the state or he may vest all or any of those functions in the Governor or any other executive authority; (ii) he may declare that the powers of the state legislature shall be exercisable by parliament and (iii) he may make any other incidental or consequential provisions necessary to give effect to the object of the proclamation.

However, the proclamation will have to be approved by the Houses of Parliament in the same manner in which a war emergency proclamation has to be approved. Every such resolution approving the emergency has to be passed by each house of parliament by a majority of the total membership of the house and by a majority of not less than two third of the members of that house present and voting.[89]

Reservation and the Constitution :

In the debate on social justice, policies of positive discrimination have frequently been regarded as 'compensation for past injury', while this representation has come essentially from western liberal democracies, in India, Marc Galanter has used this framework to discuss the special provisions for the Scheduled castes and scheduled Tribes. Against characterizations of this kind, it is important to stress that the objective of positive discrimination was to ensure that the effects of past social practices do not remain defining feature of the social landscape for all time to come. Members of the constituent Assembly singled out caste-based inequalities as the root-cause of unacceptable discriminations that necessitated to be set aside and removed. Positive discrimination was an instrument for realizing this goal.[90]

As Prof. Gurpreet Mahajan points out, "In making special provisions for the scheduled castes, the Constituent Assembly did not choose between various victims. Instead, it sought to see that inequalities on account of caste identities would not persist in independent India. This was in keeping with the primary concerns of liberal Democracy: in fact the latter has generally been concerned about inequalities that stem from social attributes or identities Guided by such liberal sentiments the constituent Assembly tried to establish a system of Governance in which caste, as a form of social identity, was not the basis of excluding people from the benefits of equal rights of citizenship. If anything, positive discrimination was to ensure that

groups that had previously been excluded from social and political life were now included on equal terms."[91]

The constitution provides for various special provisions for the promotion of the interests of the scheduled castes and Tribes. They are:

i) measures for the advancement of the Scheduled castes and Tribes are exempted (Art. 15(4) from the general ban against discrimination on the grounds of race, caste, and the like, enshrined in Art. 15.

ii) While the rights of free movement and residence throughout the territory of India and of acquisition and disposition of property are guaranteed to every citizen, the state many provide that the members of scheduled castes and scheduled Tribes shall not be entitled to alienate their property except with the concurrence of a specified administrative authority or except under specified conditions [Art. 19(5)].

iii) Art. 335 lays down that the claims of the members of the scheduled castes and the scheduled tribes shall be taken into consideration, consistently with the maintenance of administration, in the making of appointments to services and posts in connection with the affairs of the union or of a state.

iv) A special officers shall be appointed by the president to look into all matters relating to the safeguards provided for the scheduled castes and scheduled Tribes and to report to the president upon the working of those safeguards as enshrined in Art. 338.

v) Under Art. 339(i) the president may, at any time, and shall at the expiration of ten years from the commencement of the constitution, by order appoint a commission to report on the administration of the scheduled areas and the welfare of scheduled Tribes in the states.

Art. 339(2) provides for the executive power of the union to give directions to any such state as to the drawing up and execution of schemes specified in the direction to be essential for the welfare of the

Scheduled Tribes in the State. And, financial aid for the implementation of these welfare schemes is laid down in Art. 275(i).

Art. 164 mentions that in the states of Bihar, Madhya Pradesh and Orissa, there shall be a Minister in charge of tribal welfare, who may also be in charge of the welfare of the scheduled castes and other backward classes. Special provisions are enshrined in the Fifth and Sixth schedules of the constitution along with Art. 244, for the administration of areas inhabited by Scheduled Tribes.

Above all, there is a general directive in Art. 46 that the state shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the scheduled castes and the scheduled Tribes and shall protect them from social injustice and all forms of exploitation. Besides, there are temporary provision for special representation of and reservation of seats for scheduled castes and scheduled Tribes in the legislatures under Arts 330, 332, 334 of the constitution.[92]

Under Art. 340, the constitution provides for the appointment of a 'commission to investigate the condition of backward classes. The first such commission was appointed in 1953, with Kaka Saheb Kalekar as its chairman. The second Backward Classes commission was constituted in 1978 during the Janata Party rule. It was headed by B.P Mandal. The commission considered that 52 per cent of the total country's population belonging to other back-ward classes. (OBC). It suggested educational concessions, reservation facilities and financial assistance in order to uplift the conditions of the OBC, They recommended that the reservation for the OBCs in Government services and educational institutions should be extended to 27 percent. As the Scheduled Castes and Scheduled Tribes were already enjoying 15 percent and 7.5 percent reservations respectively, the commission proposed further reservation in a manner so that, the total amount of reservation would add up to 49.5 percent, without dishonoring the

Supreme Court of India's direction in this respect, that overall level of reservation should not cross the 50 percent mark. But the decision of the V.P. Singh - Led Government to implement the Mandal Commission recommendations in 1990, evoked robust protests from the so-called upper castes leading to caste flare-ups in different states.[93]

Legislative action and judicial responses to the issue of justice in India.

The issue of social justice during the era of single party dominance (1950-1976) -

In his classic work on the Indian constitution, Granville Austin writes, "The Indian Constitution is first and foremost a social document. The majority of its provisions are either directly aimed at furthering the goals of the social revolution or attempt to foster this revolution by establishing the conditions necessary for its achievement".[94]

The Indian constitution which became operational three years after independence, displays the progressive views of the westernized intelligentsia in many respects within the constituent Assembly. This group was led by Nehru, Ambedkar, the chairman of the drafting committee, also belonged to this group.

Guided by wider notions of human rights, Fundamental rights a kind of preamble to the constitution promoting equal rights without discriminations on grounds of religion, of race, of caste, of sex or of geographical origins - as well as respect for the liberty of speech and religion, are strongly advocated.[95] on the other hand, Directive principles of state policy which is incorporated in the constitution asserts that the state shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and Political, shall inform all the institutions of the national life.[96] A robust opposition around property rights gained ground which Nehru had to face immediately after

independence, testified to the fact that even for Nehru it was an uphill task. It was, no longer, Gandhi standing in his way of promoting the ideas pertaining to his brand of socialism, rather, conservative Congress-men scuttled his initiative favouring 'socialist lines'. Thus, the simmering tensions grew within the Congress fold and turned the agrarian reform, the role of planning in the Indian economy and agricultural co-operatives into hotly debated issues.[97] Nevertheless, as Sudipta Kaviraj Writes, "Feudal and other conservative resistance could, in principle, be broken down if the congress encouraged the mobilization of the masses and was willing to use the already achieved mobilizational levels for radical purposes consistent with its own programmes. But one of the central decisions of the Nehru Government was on this question even though it sometimes did not abrogate its reformistic programmes, it decided to give them a Bureaucratic rather than a mobilizational form."[98]

In the Nehruvian scheme of 'law and social change', the essential elements of law as a tool of planned development in a liberal democratic society could perhaps be described as follows.

i) Law is not a mystical creation.

ii) It consists of rules that are created by a Sovereign Parliament and other legislative bodies.

iii) Law acquires legitimacy if and when: (a) it serves the overall principles of justice, and (b) it is arrived at by a process of democratic discussion.

iv) Once a law is made it cannot be undermined but has to be respected.

v) If people want to change the law, they have to do so by constitutional methods; and the constitution imposes no substantive limits on the change.

vi) Law can be an instrument to achieve social and political transformation; but such changes have to be crafted into a law and not just left to the good sense of the people.

vii) In order to achieve social and economic change, powerful bureaucracies have to be created to enable the transformation of society.

viii) Such Bureaucracies, along with the assistance of courts, where necessary, are expected to plan, persuade, cajole, threaten and punish in order to effect compliance where there is a lack of congruence between a declared norm or goal and its compliance.

ix) The courts are not centres of rebellion; they are needed to interpret the law and to keep the various bureaucracies from straying too greatly out of their jurisdiction and exceeding their powers.

x) People have fundamental rights; but Judges are expected to interpret these in a reasonable way.[99]

When the constitution became operational, there were no great expectations from Judges; nor, for that matter, were there any great fears that Judges would place any major impediment in the way to planned social change through law. With its 'any process' as opposed to 'due process' clause, the constitution had given an edge to parliament over the judiciary. The Judges had no other choice but to accept the 'procedure' enacted by the legislature, even if they felt that it fell short of what they would have wished. The Judges themselves had been schooled in the 'black letter' law tradition. Deep down, even within that tradition, the judges knew that their job was a lot more creative than simply interpreting the law. However, given the juristic techniques they had inherited, they were expected to get involved in controversies; at the same time they were expected not to be controversial. It did not

take long for these assumptions about the judicial role to be disproved.[100]

Legislative action and judicial responses to the issue of justice - Changing perspective of Socio-Political and Economic Dimensions of Political Process.

With the proclamation of the Republic and the coming into effect of the new constitution in 1950, it was expected, that It would draw the people closer to the new ruling class. Needless to say the common man had been the worst victim of the British rule. The plight of the agricultural labourer, the industrial worker and the poor artisan had been characterized by the cruelest form of injustice. Politically, the Indian masses had no voice in shaping the form and content of political power during the years of British rule. Socially and economically, they were wedded to a type of economy that permitted exploitation of the worst type.[101]

Therefore, It is necessary to keep in mind that in order to understand the magnitude of the problem of justice it is essential to study the depth and extent of socio-economic injustice in India at independence. It is also important to analyze the steps taken by the Government, through the enactment of different legislative measures, towards providing substantive justice to the masses of the population and examine, to what extent, these measures have measured up with or fallen short of the peoples' expectations[102] A close look at India's economy shows that it was essentially a backward country, dependent primarily on agriculture and industry playing a very minor role. Agriculture and not industry, constituted the backbone of Indian economy. While in 1948-49,49.1% of the national income came from agriculture, in 1949-50 it rose to 49.8% and in 1950-51 it stood at 51.3%. Income from mining, manufacturing, land-trades, transpor t, communication and commerce showed a declining trend. In 1948-51, 72.4% of India's working people were engaged in agriculture. No doubt,

it is indicative of the typical features of an under-developed economy, that is, over-dependence on agriculture and extremely poor return from the industrial sector. The agrarian sector itself presented a very dismal picture. Agrarian relations were marked by gross discrimination in the pattern of land holdings with around 60% of the agricultural labourers occupying less than 20% of the total cultivated area while 20% of the farmers controlled 50% of the total land holdings. The Industrial scene also displayed an equally disturbing picture. The growth of the Industrial sector was characterized by two significant features. First, Industrial development in India proceeded mainly under the auspices of private enterprise, both foreign and Indian. Secondly, already in those years of slow Industrial growth, a tendency of concentration of a number of Industries in a few hands was very much in evidence.[103] Commenting on this concentration of economic power, M.M. Mehta opined, ".....Judged from broader social, moral and even economic consideration it may as well be argued that such concentration may, in the long run be highly detrimental to the economic and social well being of the community. They may tend to perpetuate and even aggravate the existing inequalities in the distribution of wealth and income between different classes of society .....they may even deny to a large section of the populace equality of opportunities for self-development and progress".[104]

Given this concentration of economic power in the hands of a microscopic section of population of the country, India was ranked one of the lowest in the world in terms of per capita national income with only Rs. 255 in 1948-49.[105] In social terms, the position of the under privileged classes were equally deplorable as the age old policy of untouchability and social segregation had forced them to lead a life of sub-human existence. The untouchables do actually come from the poorest strata of society which rendered them vulnerable against the hazards and injustice of a social order characterized by inequality.[106]

The constitution of India sought to address these questions by incorporating provisions under the directive principles of state policy, part XVI pertaining to the protection of the scheduled castes and Tribes and by declaring in the preamble that one of the major aims of the constitution would be to promote "Justice Social, Economic and Political".[107]

It should, however, be remembered that the Parliamentary notion of justice was limited in its scope by certain typical norms of bourgeois legality. Firstly, such laws would have to be framed within the framework of Parliament's procedural regulations, as laid down in the constitution, secondly, laws, howsoever socially and historically urgent they are, would not be allowed to collide with the Fundamental Rights contained in the constitution. In case of such a conflict, the judiciary would intervene and declare such piece of legislation ultra vires on the basis of Art. 13(2). Therefore, any legislation to guarantee social justice would be allowed only as long as it would not take away the liberty of the individual, howsoever violative of social justice its exercise might be.[108]

Following independence, the state apparatus altered its character and mode of functioning because of the pressures from society released by the democratic process and through the operation of self-serving state policies. Rapid industrialization and subsequent social equity were the two primary objectives of the Nehruvian State. Its programme for social reform was not completely disingenuous but its strategy was fully bourgeois. While it raised the aspiration for alleviation of poverty, it seemed reluctant, in practical terms, to risk sacrificing the support of the propertied classes in Indian society for its immediate achievement.[109]

However, an examination of the character of the legislative enactments in different spheres is thus indispensable for an understanding as to how the Indian parliament has, over this long

period of time, come to terms with the problem of justice and in what way social legislation has run its course to provide justice to the ordinary people.[110]

Legislative enactments vis-à-vis Agrarian reforms

After independence, it was strongly felt to institute reforms in the agrarian domain. Firstly, there was the problem of the abolition of intermediaries (The third actor placed between the tiller and the state, the Zamindars as well as the 'middlemen' who with the blessings of the Zamindari system, thrived during the British rule). Secondly, there was the need of conferring rights on the tenants safeguarding their tenure. Thirdly, there was the issue of deciding the size of the land holdings and thereby, put a brake on the concentration of land-holding.[111]

The need for removing the bottlenecks characterising the system, especially in the face of opposition from the conservative elements in the judiciary, led to the enactment of the constitution (First Amendment) Act 1951 and the consequent incorporation of Article 31A in the constitution. The proprietary rights of the Zamindars could now be taken away by the states through suitable enactment of legislative measures (Agriculture being a state subject under the constitution) and the initial legal impediments were thereby removed to bring the statutory tenant in direct relationship with the state. By virtue of this amendment again, Article 31B was incorporated in the constitution. It made abundantly clear that the land reform Acts passed by the different State legislatures were made immune from judicial scrutiny, since these Acts now had come under the Ninth Schedule of the constitution.[112] The right to property guaranteed under Art.31 of the constitution seeks to achieve economic justice. The provisions of the constitution relating to this particular right have been significantly changed by the constitution (First Amendment) Act, 1951, the constitution (Fourth Amendment) Act, 1955, the constitution (Seventeenth Amendment) Act, 1964, and the constitution (Twenty Fifth

Amendment) Act, 1972. It may be said that these amendments rightly recognize that the rights of the community in the final balance are more important, because eventually they affect the rights of the individual also. Thus, it hinders the process for the establishment of a welfare state on a socialistic pattern.[113] In fact, in the mid-50s it was reported officially that as a positive fall out of the adoption of these slew of legislative measures, the system characterized by middlemen, had almost disappeared between 1947 and 1956.[114] A Government of India document stated, ".....by the end of the first plan period intermediaries have been abolished almost entirely throughout the country. But few pockets remain where action is still needed."[115]

The real situation, however, is far from satisfactory. The cherished goal of eradicating intermediaries has not been achieved, notwithstanding the fact that all the states have passed laws to this effect. A crucial factor is that the laws themselves are not radical enough to do away with the vast amount of privilege that go with the big landlords Another factor may be that such laws have been framed in a number of states which are characterized by lack of conformity and devoid of substance.[116] The share-croppers and the poor agricultural labourers were at the receiving ends of injustice vis-à-vis land-related issues. An inquiry committee was appointed by the Government of India in the late 50s which brought to the fore that massive ejectment of tenants all over India has been a regular feature in violation of the provisions of the various land-reform Acts. Since the land-lord is allowed to eject a tenant to resume land for personal cultivation, taking advantage of such provisions which are essentially inserted to help the bonafide cultivator to return to the land, the absentee land-lords get the lands back and cultivation is done by hired labour or through crop-sharing. The failure of the ceiling laws has been particularly caused by the laws themselves, as there is no uniformity. Since the second plan, it is left to the individual state Governments to decide whether ceiling should be imposed on the basis of family as on unit or an individual.

The ceiling laws were made further ineffective by exempting plantation of tea, coffee, rubber etc. from their purview which helped the big landlords to by-pass the legal hurdles comfortably by getting orchards established overnight or setting up mechanized or co operative farms. Apart from these, nexus between officials of civil administration and revenue department with the big landlords and the poor shape of land records were two other impediments responsible for skewed implementation.[117] The Government has committed itself to make heavy investments in irrigation, rural electrification, community development etc. in order to promote "Green Revolution". Needless to say, the big farmers are the direct beneficiaries of these Governmental endeavours[118] As the Appu Committee Report notes, "All these measures have led to a marked increase in agricultural productivity and naturally, those with more land have derived a larger share of the increased prosperity. This process has also led to greater concentration of wealth in the hands of the rural elite in direct contravention of the Directive principles of state policy."[119]

Parliamentary enactments vis-à-vis Industrial labour's interests.

At independence, the Indian industrial scene was characterized by the concentration of major industries in a few hands. Obviously, this leads to unequal distribution of economic power spawning further inequality in the society. In the post-independent India, justice presupposes a fair deal to the industrial workers as well as a firm commitment to labour welfare. A study of the various enactments relating to labour would help us to understand the role of parliament in this context.[120]

Art. 39(c) of the Indian constitution places a moral injunctions upon the state to make sure that the operation of the economic system does not "result in the concentration of wealth and means of production to the common detriment."[121] Moreover, the constitution enables the state to impose certain duties upon the citizens, so that the

directives are implemented in making a law to ensure minimum wages to workers in keeping with the directive under Art. 43.[122]

A very important legislative enactment has been the Factories Act of 1948, amended subsequently by parliament to meet the changing needs of society. The Act provides a 48 hour-week for adult workers and prohibits the employment of children under the age of 14 in any factory. The Act also prescribes the minimum standards of lighting, ventilation, safety, health, etc. to be provided to the workers which the employers are legally bound to comply with.[123] The Industrial disputes Act. (1947) prescribed for conciliation and adjudication of labour disputes for which an elaborate system of labour courts and industrial and national tribunals were also provided. Thus, Industrial relations laws may be said to have established a regime of active Government intervention. Such Interventionist industrial relations regime was justified on the ground that it could achieve several important objectives, namely, protecting the workers in their conflicts with the employers; secondly, ensuring certain minimum rights to workers which were expected from a democratic and a welfare state; and most importantly, maintaining Industrial peace so important for achieving Industrial growth. To achieve these ends, some additional welfare legislations were enacted by the Government over the years, such as, the Employees provident Fund and miscellaneous provisions Act of 1952, maternity benefit Act of 1961, payment of Gratuity Act of 1977, Employees pension scheme of 1995. In the similar vein, Industrial disputes Act was amended in 1982 and 1984 respectively, to protect workers against the unfavourable impacts of lay-off, retrenchments and closures.[124] In addition to these labour welfare laws, Parliament has passed laws to provide benefits to specific categories of workers. The plantation labour Act., 1951, the Mines Act, 1952, and the bidi and cigar workers (conditions of Employment) Act, 1966 are few such examples of this category of Parliamentary enactments.[125] In keeping with the recommendations of the Monopolies inquiry commission which

clearly warned against the growing danger of the monopoly houses, the monopolies and restrictive trade practices (MRTP) Act was passed in 1969 and the Industrial licensing policy, too, was altered in February 1970.[126] During the '70s, the fragmentation of the working class was presented in ideological terms as the division between the organized and unorganized sectors came to the surface. The more privileged organized sector secured its interests at the cost of the less-privileged unorganized sector. Throughout this period, and more importantly after the 70s, workers organized spontaneous actions as a protest against the failure of organized union to agitate for the improvement of their working conditions. A clear pattern could, however, be noticed in these actions. Now, for the first time, employers started to serve their 'charter of demands' on unions. These included demands for a ceiling on dearness (or cost of living) allowance, rationalization, and automation. The dismantling of the norms and structures of collective bargaining completed the process of fragmentation of the labour movement that had begun with the emergence of political unions 10 years earlier. By the mid-80s it had become practically impossible to initiate a concerted and unified 'labour' response to the industrial policies that had weakened the old order.[127]

During the 1970s, the Government emerged as the single largest employer of contract and casual labour. In 1970, the contract labour (regulation and abolition) Act was passed. This Act merely regularized the system of contract labour. Though the title of the Act suggests the abolition of contract labour, but the contract and casual labour were divested of judicial remedies, and the Government presented itself as the sole arbiter to decide on whether or not contract labour ought to be abolished in any industry, operation or establishment. The traditional trade unions with their formal structures and approach, did not come forward to provide assistance for the articulation of the demands of unprotected and unorganized labour. Instead, many a voluntary organizations and groups came forward to espouse their cause and

sought recourse to constitutional provisions and in particular, Articles 14 and 21 of the constitution providing for protection against discrimination and for the right to life.[128]

Welfare of children, parliamentary initiatives and Governmental programmes.

The constitution (Ninety-third Amendment) bill 2001 which is called the (Eighty-Sixth Amendment) Act 2001 casts a duty on the state through Art.21 to provide free and compulsory education to all children of the age of six to Fourteen years in such manner as the state may, by law, determine. Article 24 provides that no child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment clauses (e) and (f) of Article 39 provide that the state shall direct its policy towards securing inter alia that the tender age of children is not abused, that citizens are not compelled by economic necessity to enter avocations unsuited to their age and strength and that children are given opportunity to develop in a healthy manner and in conditions of freedom and dignity and that children and youth are protected against exploitation and against moral and material abandonment. These constitutional provisions, says justice Bhagwati, demonstrate the great anxiety of the founding fathers of the constitution to protect and safeguard the interest and welfare of children in the country.[129]

The declaration of the Rights of the child was adopted by the general Assembly of the United Nations in 1959 and Article 24 of the international covenant on civil and political Rights 1966 contained the said provision too. The children's Act 1948 has made elaborate provisions to cover this.[130] Notwithstanding, the absence of specification of construction Industry in the schedule to the employment of children's Act 1938, the constitutional mandate that no child below the age of 14 years can be employed in construction work is

prone to violation. Therefore, Government should make sure that the Constitutional mandate in this respect is duly honoured.[131]

Government data reveal in September 2007 that only three out of 100 child labourers have made it to school twenty years after India launched its ambitious programme to put every child in classroom. This also signals the failure of the National child labour policy pioneered by Rajiv Gandhi's Government in 1988. A planning Commission Working group on child labour has suggested detailed changes to the policy ahead of the 11th Five year plan and the ministry of labour which is responsible for eradicating child labour, have accepted the recommendations. On 10th October 2006, the union Government banned children below the age of 14 from working in residences, Hospitality industry and hazardous jobs. The ban imposed in 2006 is an extension of India's child labour (prohibition and regulation Act of 1986) which banned children under the age of 14 from working in hazardous industries like fireworks and match-stick making.[132]

Parliamentary legislative initiatives vis-à-vis Backward Community and Depressed classes.

Social legislation in this area involves mainly to improving the lot of the scheduled castes and tribes of the so-called "untouchables" and of the women.[133] We would confine ourselves in the context of this study only with the parliamentary enactments that aim to improve upon the conditions of the backward community and the depressed segments of the society. Towards this end, an important legislation has been the untouchability (offences) Act. 1955.[134] Article 17 of the Indian constitution abolishes "untouchability", and its practice in any form is made an offence punishable under the law.[135] However, the substantive aspect of justice in the field of untouchability too remains an issue of. Economic justice. The terrible poverty and economic degradation constitute the utter helplessness of those "untouchables" is,

particularly, in evidence in the magnitude of indebtedness prevalent among these backward communities.[136] The untouchability offences Act was amended in 1976 making its penal clauses more stringent. The Act has also been renamed as the protection of civil Rights Act. One significant new provision of the Act is that a person convicted of an untouchability offence, will be disqualified from contesting the elections.[137]

The spirit of equality pervades the provisions of the constitution of India as the main aim of the founders of the constitution was to create an egalitarian society wherein social, Economic and political justice prevail and equality of status and of opportunity are made available to all.[138] However, certain classes of Indian citizens are, for historical and traditional reasons, under severe social and economic disabilities that they cannot effectively enjoy either equality of status or of opportunity.[139] The constitution, therefore, accords to these weaker sections of society compensatory or protective discrimination through various articles including articles 15(4) and 16((4). Articles 15(4) authorizes the making of any special provision for the advancement of any socially and educationally backward classes of citizens or for the scheduled castes and the scheduled Tribes and Article 16(4) authorizes the making of any provision for the reservation of appointments of posts in favour of any backward class of citizen which in the opinion of the state is not adequately represented in the services under the state.[140]

However, the court "may scrutinize the Government's designation of backward classes to see that the beneficiaries are indeed the backward classes".[141] Similarly, the courts may examine the Government's schemes to see that they work in favour of the intended beneficiaries and not to their detriment and that the extent or method of operation of the schemes does not unduly impair the rights of others.[142]

After the transfer of power, when India adopted a constitution of her own the Right to equality became one of the Fundamental Rights of the Indian citizens. Simultaneously, the founding fathers of the new polity and constitution felt that there is a crucial need for a policy of positive discrimination for the welfare of the backward people in the Indian society. Accordingly, provisions were made so that, 15 percent and 7.5 percent seats and posts respectively are kept reserved for the people belonging to scheduled castes and scheduled tribes in educational institutions and Government and public sector undertakings. The provision of reservation is meant for various legislatures also. The constitution envisages withdrawal of these privileges after a stipulated period of time when the disparities between the people belonging to the so-called upper and lower castes appear to be insubstantial.[143] The Twenty third (1969), Forty Fourth (1979), sixty second (1989) and seventy ninth (1999) Amendments to the constitution have been made thus far, in order to extend the reservation for scheduled castes and scheduled tribes in parliament and state assemblies respectively, for ten years each time.[144]

The constitution of India provides for separate provisions for the amelioration and advancement of all 'backward classes', in general. But, It does not define 'backward classes'. Instead, Art. 340 provides for the appointment of a commission to investigate the conditions of 'backward classes". Accordingly, a commission headed by Kaka Saheb Kalelkar was appointed in 1953. The report was submitted to the Government in 1955. But, the tests recommended by the commission appeared to be too vague and bereft of much practical value. With the Janata Party coming to power, the second backward classes commission was set up under the stewardship of B.P Mondal in 1978. It submitted its report in 1980. It suggested educational concessions, reservation facilities and financial assistance to ameliorate the conditions of the OBCs (other backward classes/castes). They also fixed

the reservation for the OBCs in Government services and educational institutions at 27 percent.[145]

Nearly a decade later, on August 7, 1990, the then Prime Minister V.P.Singh announced that the Mandal Commission recommendations would be implemented and that consequently 27 percent of all jobs under the direct control of the central Government would be reserved for persons from backward castes.[146] However, when the National Front Government under the leadership of V.P Singh decided to implement the recommendations of this commission in 1990, the announcement antagonized feelings of the bulk of the upper caste people which gave birth to several protest movements and eventual caste clashes in different states.[147]

Some other legislative enactments including a few land-mark amendments/acts:

The Seventeenth Amendment (1964) amends the definition of the term "estate" in Article 31-A to include lands held under Ryotwari settlement and also other lands in respect of which provisions are normally made in land-reform enactments. The Amendment has retrospective effect from January, 26, 1950, the day on which the constitution was inaugurated. It also amends the Ninth schedule of the constitution to include 44 state enactments relating to land reforms in order to remove any uncertainty or doubt that may arisen in regard to their validity. Again, the thirty-fourth Amendment (1974) provides constitutional protection to 20 Acts passed by the various Legislatures of states facilitating land-reforms, by including them in the 9th schedule to the constitution. The constitution (Sixty Sixth Amendment) Act, 1990, added a further group of land reforms enactments passed by the state legislatures to the ninth schedule of the constitution, thus taking them out of the purview of judicial review.[148]

Of all the amendments of the constitution during a period of twenty six years since its inauguration, the Forty Second Amendment

stands out as the most comprehensive one. No proposal for amendment of the constitution has attracted so much of attention and criticism in the past as this amendment does. The exponents argued that the amendment was necessitated for removing the difficulties which had arisen in achieving the objective of socio economic revolution which would end poverty and ignorance, disease and inequality of opportunity. On the contrary, those who criticized and opposed the amendment alleged that they were intended to destroy the democratic character of the constitution as it was originally crafted.[149] By expanding the scope of Art. 31C, it was provided that if any law seeks to implement any of the directive principles included in Part-IV, such law would be altogether immune from judicial review on the ground of contravention of Fundamental Rights. This runs counter to what was provided in the original constitution. The load on Fundamental Rights, in short, became ruthlessly heavy after the cumulative burden of Arts. 31A, 31B, 31C, 31D, 51A. Apart from correcting some of the distortions introduced by the 42nd Amendment, the 44th Amendment Act introduced additional changes, e.g. by removing the Fundamental right to property in Art. 19(1)(f) and Art. 31(2). Besides, the Janata Government have themselves retained some of the provisions as amended by the 42nd Amendment, which they considered to be beneficial, e.g. Art. 74(1), Art.311.[150]

Two more legislations relating to local Government and decentralisation are worth-noting here because of their compatibility with commitment to social justice.[151] The Constitution (Seventy-third Amendment) Act, 1993, is a landmark amendment of the Constitution, which provides for an elaborate system for establishing panchayats, as units of self-Government, which for the first time in the Constitutional history of independent India, details the Constitution of Panchayats, duration for which they would function, membership of Panchayats, Constitution of Finance Commission to review financial position of Panchayats and several other related matters. It also adds a new

schedule, namely, Eleventh Schedule to the Constitution, listing 29 subjects which are to be handled by the Panchayats. The constitution (seventy fourth Amendment) Act, 1993 is also a very important amendment and deals with the establishment of Municipalities as a part and parcel of the constitutional system.[152]

Judicial Responses

Apart from the parliament, the other important institution the role of which has been critical in shaping the idea of justice is the Indian Supreme Court. It is important to study how far the Supreme Court has demonstrated its awareness about the importance of the larger social interests as distinguished from the interest of the individual. An enquiry into the judicial decisions of the Supreme Court as to how the court has responded to the issues of socio-economic justice may, perhaps, help us to better appreciate the role of the judiciary vis-à-vis the issues which are of relevance to the masses.[153]

Once the constitution came into effect, the courts came up with a series of judgments that held up constitutional provisions on both property and special provisions for disadvantaged citizens, and struck down state Government actions curbing freedom of speech as unconstitutional.[154] The first amendment bill was introduced in May 1951 which involved three significant changes. They were a)the addition of clause 4 to Article 15, by which Government was empowered to make special provision for backward classes of citizens (b) the insertion of 31a and 31b, by which acquisition of land by the Government could not be challenged on grounds of inadequate compensation and the Ninth Schedule was created in which land reform legislation was to be placed, protecting it from judicial review and (c) clause C was added to Article 19, by which Government could limit freedom of speech " in the interests of the security of the state".[155] The first Amendment Act, 1951 added Cl.(4) to Art. 15 to supersede the decisions of Madras High Court and the Supreme Court in Champakam

Dorairajan v. State of Madras. This deals with Right to equality and this clause makes special provision for the advancement of any socially and educationally backward classes of citizens.[156] Regarding the insertion of clause c to Article 19, Nehru must have been influenced by the armed peasant insurrection in Telengana led by CPI, which finally prompted him to argue - "Every state must have the right of ..... 'police power' ..... every state has to defend itself against an external enemy or an internal enemy and freedom is limited for that purpose."[157] The courts had been holding up many of the land reform legislations.[158] Naturally, these land reform related cases led to a major political conflict with the Government.[159] Zamindari abolition legislation was doing the rounds but no thought was given to protecting it through constitutional safeguards. So, predictable judicial decisions led to predictable panic. Article 31b was inserted in part-III of the constitution by the constitution (First Amendment) Act, 1951. It added the Ninth Schedule Containing 13 items, all relating to land reform laws, immunizing these laws from challenge on the ground of contravention of Article 13 of the constitution, which inter alia, provides that the state shall not make any law which takes away or abridges the rights conferred by part –III and any law made in contravention thereof shall, to the extent of the contravention, be void. Art. 31A was inserted to enable acquisition of estates, take-over of property for a time, abolition of managing Houses et.[160] Its constitutional validity was upheld in Sankari Prasad Singh Deo Vs. Union of India (1952) as well as Sajjan Singh Vs. State of Rajastan Cases. However, in Golaknath and others Vs. State of Punjab (1967), a bench of 11 judges by majority of six to five, overruled these decisions. It was held that constitutional Amendment is "Law" within the meaning of Article 13 of the constitution and therefore, if it takes away or abridges the rights conferred by Part-III thereof, it is void. It was declared that the parliament would have no power from the date of the decision (February 27, 1967) to amend any provisions of Part-III so as to take

away or abridge the fundamental rights.[160] As Sudhir Krishnaswamy writes, "By declaring that amending power draws from the plenary legislative power of parliament the Golaknath Majority alludes to the doctrine of parliamentary sovereignty in the united kingdom; a constitutional principle which is not easily accommodated by the text of the constitution. While it is true that Article 368, as it then stood, did not contain the word 'power' and its marginal title employed the word 'procedure', the conclusion that amendments were an exercise of legislative power leads to absurd consequences".[162]

Again, the Supreme Court gets locked up within the narrow confine of legal formalism vis-à-vis its other roles. The Supreme Court looks upon its owns role within the narrow framework of legal formalism. Moreover, while parliament applies its political expertise in evaluating an issue and thereby, is in a position to relate it to the dynamics of social change, the Supreme Court's expertise of legal formalism prevents it for placing an issue that comes before it in its specific historical context. This explains why the Indian Supreme Court has not been able to follow consistently even some of the very well-known established principles of liberal and non-conservative interpretation in its handling of cases where the issues of socio-economic justice have been involved.[163] Obviously, there was a conflict between the interests of legality and the interests of social justice. The Supreme Court, however, guided by the reasoning of legal positivism, gave its verdict in a number of cases. In 1957, the Supreme Court took up the case of Raja Bahadur Motilal Poona Mills Ltd. Vs, Tukaram Piraji Musale and others. The judiciary was supposed to give verdict on the stand of the management as well as right of the workmen to go on strike.[164] The Supreme Court, in its judgement, justified the stand of the management, its argument being,

"In our view, the true test was to find out the reason for which the strike was commenced or continued, and it was unnecessary to consider or decide whether there was a common law right of the

workers to go on strike or whether the workmen had the right to go on strike as a means of collective bargaining against a change which they did not like....."[165]

Again, in 1957, the Supreme Court gave its verdict in the Kerala Education bill, 1957, being confronted by two conflicting issues: Whether the Education bill, passed by the Kerala legislative Assembly with the purpose of discharging the obligation of the State to introduce free and compulsory education under Article 45 of the Directive principles of state policy, would be upheld or whether the right of the minorities to set up and administer educational institutions of their own choice under Article 30((i) was to be protected, since this right was going to be affected by the aforesaid bill in the interest of providing free and compulsory education to children below fourteen years.[166] However, the chief justice, in the final section of his verdict, said in categorical terms, "No educational institutions can in actual practice be carried on without aid from the state and if they will not get it unless they surrender their rights they will, by compulsion of financial necessities, be compelled to give up their rights under Article 30(i). The legislative powers conferred on the legislatures of the states by Arts. 245 and 246 are subject to the other provisions of the constitution and certainly to the provisions of Part-III which confers fundamental rights which are, therefore, binding on the state legislatures....."[167]

Further, in 1967, the Supreme Court reposed its faith in the logic of legal positivism in the case of L.C. Golaknath & others Vs. State of Punjab. The petitioners, who tried to justify the possession of surplus lands and the non-amendable character of the Fundamental Rights, had their arguments based on the following reasoning. First, the Fundamental Rights are a part of the basic structure of the constitution. Secondly, Articles 368 only lays down the procedure of amendment, but the power to amend is only a legislative power conferred on parliament under Article 245, 246 and 248 of the constitution. Thirdly, the expression 'law' within Article 13(2) of the

constitution does not exclude amendment and so an amendment that clashes with the fundamental right is rendered void. The Supreme Court by a decision of 6:5 declared that Parliament had no power to amend Part–III of the constitution with effect from 27th of February, 1967 and held the constitution (17th Amendment) Act as ultra vires.[168] After Golaknath, the Supreme Court's orientation towards legal positivism in the pronouncement of its verdicts became far more menacing. This was abundantly clear in the court's judgment in H.H. Maharajadhiraja Madhav Rao Jiwaji Rao Scindia Bahadur & others Vs. Union of India [(1971) (3) SCR 9] which is popularly known as the privy purse case.[169]

To what wild extent the subjective reasoning of the judges can go was, however, revealed most glaringly in R.C. cooper V. Union of India (1970 (3) SCR 530), popularly known as the Bank Nationalisation case. The major ground of the petitioner's argument was that since Articles 19(i) (f) and 31(2) were not mutually exclusive a law providing for acquisition of property for a public purpose would be tested for its validity on the ground that it imposed limitations on the right to property which were not reasonable.[170]

The Supreme Court upheld the cause of the petitioner and showed total lack of social awareness, combined with the subjectivist premise that the Rights of a few individuals, however, microscopic they may be, have to have preponderance over societal claims which, led Shah J. to make the following observation:

"There is no satisfactory proof in support of the plea that the enactment of Art. 22 of 1969 was not in the larger interest of the Nation, but to serve political ends, i.e. not with the object to ensure better banking facilities or to make them available to a wider public, but only take control over the deposits of the public with the major banks and not to use them as a political lever against industrialists

who had built-up Industries by decades of Industrial planning and careful management."[171]

Even after the constitution (Seventeenth Amendment) Act, 1964, the Supreme Court tried to re-assert its supremacy in the two decisions of P.Vajravelu Mudaliar vs. special Deputy Collector, Madras & another (1965 (i) SCR 614) and L.C. Golaknath & others Vs. State of Punjab (AIR 1967 SC 1643), thereby escalating the tension between parliament and the Supreme Court to a dizzy height. As a matter of fact, the Supreme Court's verdict in the Golaknath case created such an unprecedented situation that parliament had to hurriedly amend the constitution (Twenty Fourth Amendment Act.) in 1971, so as to give effect to atleast some of the policies so loudly announced by the Government for quite a long time.[172]

In 1965 the Supreme Court gave its verdict in Sajjan Singh Vs. State of Rajastan, notwithstanding the enactment of the constitution (4th Amendment) Act, 1955. When some legislative measures adopted by different states for giving effect to land reforms were collectively challenged in the courts, parliament enacted the constitution (17th Amendment) Act, 1964, by virtue of which the validity of these as well as other Acts, which were likely to be struck down ,was safeguarded. As a result, Article 31A was amended and 44 Acts were made immune from judicial scrutiny by their inclusion in the Ninth schedule of the constitution.[173] Notwithstanding Judiciary's conservative reaction, there has been in the parliament, as one commentator has correctly pointed out, no unanimity on the meaning of land reforms, on the attitude towards compensation, or on any of our national policies. This situation has considerably contributed to the Supreme Court's rather conservative position mainly on issues of social justice.[174] S.P. Sathe was, perhaps, right when he argues, "Although the judicial restraint is very creditable, it is submitted that the restraint has stemmed more from a restricted view of the judicial functions entertained by the court

rather than from a conscious effort to make the constitution responsive to the needs of the society."[175]

Property Rights under the Indian constitution and the tussle between the judiciary and the legislature.

Art. 31, 31A, and 31B recognize the sanctity of private property. The object of Art. 31 is to secure private property against arbitrary expropriation by the state. It protects the right to property by defining the limitation on the power of the state to take away private property without the consent of the owner. One of the limitations is contained in Clause (1) of this article which provides that "no person shall be deprived of his property save by authority of law" It may be noted that the power of the legislature to deprive a person of his property is not absolute for Clause (2) of Art 31 imposes certain restrictions. It expressly, lays down that no property shall be compulsorily acquired or requisitioned except for a public purpose and under a law which provides for compensation for the property so acquired or requisitioned. Clause (3) to (6) of Art. 31 and Arts 31A and 31B are concerned with the exceptions to the general provisions of cl.(2) of Art. 31. The constitution (First Amendment) Act., 1951, inserted Arts. 31A and 31B to secure constitutional validity of the Zamindari abolition laws in general and certain specified state Acts enumerated in the Ninth Schedule of the constitution in particular.[176] The main issues involved in property cases may be grouped under two Heads, namely; (i) what amounts to deprivation, acquisition or taking possession of property ; and (ii) Justiciability of compensation. Thus, the Judgment in Chiranjitlal Chowdhury V. Union of India and Dwarkadas V. Sholapur Spinning and weaving Co. has laid down two important principles, namely:

(i) That mere deprivation does not confer any right to compensation on the person so deprived; and

(ii) The right to compensation only arises when there is acquisition or taking possession by the state of the property of which an individual is deprived. These principles were reversed by the Supreme Court in State of West Bengal V. Subodh Gopal Bose and others and Saghir Ahmed and another V. State of U.P and others.[177] These cases established that 'acquisition' does not necessarily mean acquisition of legal little to the property by the State, but might comprehend cases where a person has been 'substantially dispossessed' of his property, or where his right to use and value of his property has been 'materially reduced'. All these three types of deprivation being similar to an 'acquisition', compensation should necessarily be paid. To override the above-mentioned judicial decisions which were considered an impediment in the way of social welfare legislation, parliament enacted the constitution (Fourth Amendment) Act, 1955. By Fourth Amendment Act, the words 'taken possession of ' or 'acquired' in Cl.(2) of Art.31 were substituted by the words 'compulsorily acquired or requisitioned ; The Act also made explicit, what was implicit in the original CL. (2) of Art. 31, namely, that property could only be acquired for a public purpose.[178] Even after the Fourth Amendment Act, in several cases decided by the Supreme Court between 1955 and 1968, it was held that the. Question of compensation could be raised despite the constitutional provision to the contrary if the compensation was illusory as to be no compensation at all.[179]

Art. 31A was introduced in the constitution by the constitution (First Amendment) Act, 1951 with a view to implementing agrarian reforms. Art. 31B also added by the First Amendment Act. It specifies laws included in the Ninth Schedule which was also added by the First

Amendment Act. Art. 31B provides that notwithstanding any decision of a court or tribunal, none of the Acts included in the Ninth Schedule can be impugned on the ground that they have contravened any of the Fundamental Rights. It may be noted that the immediate object of the enactment of Arts. 31A and 31B was to override the judicial decisions in Kameshwar Singh V. State of Bihar and to protect the acquisition of Zamindari estates and reforms in the system of land tenure in various states against any attack on the ground of infringement of any of the Fundamental Rights.[180] The constitution (Fourth Amendment) Act, 1955, has widened the scope of Art. 31A and the Ninth Schedule by removing some of the limitations springing from fundamental rights which stood in the way of promotion of several social welfare legislation. The Fourth Amendment Act also widened the scope of the Ninth Schedule so as to include seven new Acts. All these Acts have been placed beyond Judicial Review. Similarly, the constitution (Seventeenth Amendment) Act, 1964, was enacted for the purpose of giving further effect to certain socio-economic policies laid down by various provisions of the constitution. In fact, the Seventeenth Amendment Act was passed after the decision of the Supreme Court in Karimbil Kunlickoman v. State of Kerala. The Seventeenth Amendment Act also amended the Ninth Schedule in order to include Forty-Four State Acts within its purview to secure their immunity from unconstitutionality.[181] In a recent article, Nivedita Menon brings out this disjuncture between the Supreme Court and the parliament in a very succinct manner when she says, "It seems to me that the judges of the Supreme Court, being unconstrained by democratic accountability, remained untouched by the pressures of 'Political Society'. The Supreme Court, therefore, could continue to uphold an impeccably 'liberal' version of rights such as it imagined to be prevalent in the 'civil society' of the west. The parliament, on the contrary, had both to be directed by political society as well as to control it. What we see in the first Amendment act is the logic of this situation."[182] There is no denying the fact, from the

instances discussed above, that the Supreme Court has been particularly sensitive on occasions when vital issues, like property interests, have been at stake, in the fast changing political landscape of the country. No doubt, the enormous scope of judicial charisma as manifested in so many decisions, indicates that, objectively the Supreme Court is structured in a situation that places judicial supremacy definitely on a higher pedestal than the paramountcy of parliament. This implies that, in the independent Republic of India, the Judicial notion of justice, fundamentally flawed with the ideas of obsolete laissez-faire individualism, has been prioritized.[183]

Indira Gandhi's triumph in the 1971 parliamentary elections afforded the executive and parliament an opportunity to evolve adequate response to the Court. As Prime Minister, she took a series of measures to clip the wings of the Supreme Court. New constitutional amendments were brought in, to shield social legislations that abridged fundamental rights from the purview of judicial review, specified that the amendment procedures conferred sovereign powers on parliament, directed the directive principles to be controlled by fundamental rights, and said that 'no law containing a declaration that it is giving effect to specified directive principles shall be called into question on the ground that it is not giving effect to such a policy.' The parliament passed the 24th and 25th amendments, which sought to reduce the level of judicial review of legislation, especially laws enacted to implement some directive principles.[184] The court mulled over these measures in Kesavananda v. Union of India on 31 October, 1972. It overruled Golaknath's emphasis on the 'transcendental nature of Fundamental rights' but said that the parliament could not 'alter the basic structure and framework of the constitution.' The verdict rejected the attempt to exclude statutes from judicial review but accepted that directive principles could override fundamental rights subject, however to judicial review. The preponderance of the executive over the judiciary intensified during the Emergency, which Prime Minister Indira Gandhi

promulgated after a high Court verdict pertaining to election went against her. The challengers of the Emergency also suffered a setback when the Five judge Supreme Court bench led by Ray, and comprising Beg, Bhagwati, Chandrachud and Khanna ruled 4:1 (Khanna dissented) that the actions of the executive could not be examined by any court. The majority said that section 16A (9) of MISA (Maintenance of Internal security Act) was constitutionally valid since the grounds for detention were a matter of state and not to be revealed to the detainee.[185]

Simultaneously, Indira Gandhi initiated measures to pack the court with pliable Judges and as part of the initiative, she also got rid of judges who were seen as anti-Government and perceived to be hostile to her policies. The 42nd Amendment passed by Indira Gandhi's Emergency regime in 1976 tried to 'kill' the basic structure by asserting that there shall be no limitation whatsoever on the constituent power of the parliament to amend the constitution' (clause 5) and removed the jurisdiction of the court on the issue (clause 4). Judicial independence was severely compromised in the period preceding and during the emergency.[186]

The Minerva mills case challenged the validity of two clauses in the 42nd Amendment. The majority struck down a constitutional amendment that took away challenges to any law that gave effect to the directive principles. Chandrachud opined that while harmony between fundamental rights and directive principles was a basic feature of the constitution, retaining the purity of the means (Fundamental Rights) to achieve the directive principles was of momentous importance.[187] Bhagwati's opinion in Minerva Mills v. Union of India developed the distinctive character of basic structure review in a sharper fashion. He carefully analyses the opinion in Kesavananda and Indira Gandhi carefully, and points out that the majority view in these cases show that Fundamental Rights are not part of the basic structure of the constitution and therefore they could be abrogated or taken away by

parliament by an amendment under article 368.'[188] In Minerva Mills case, the court was faced with the constitution (42nd Amendment) Act, 1976 which sought to amend Article 368 and conferred unlimited constituent power on parliament and excluded judicial review of constitutional amendments. This amendments sought to replace the textual basis for the Keshavananda opinion. Any useful model of judicial review of constitutional amendments has to be necessarily in sync with substantive constitutional principles traceable to the constitution, taken as a coherent whole, and not attached to the particular phrasing of any article.[189]

However, as Jacobsohn (2008) points out, the court also marginally asserted its authority to invalidate a constitutional amendment that contravened the basic structure of the constitution. Notwithstanding the ambiguity as to what constituted the basic structure-only a judge could tell if something contravened it. The judgments in Golaknath, Kesavananda, and Minerva Mills embody the articulation of a rights-based framework of the constitution that would be regarded sacrosanct by the court.[190] The court's verdict in the Prime Minister Election case also upheld the court's 'assertion of power to review constitutional amendments but without challenging the executive' and provided 'social legitimacy' to the basic structure doctrine.[191]

If during Nehru's era the judiciary was placed on the defensive, in the early 1970s there was the remarkable support for it that was partly political and partly the expression of discontent with the overtly majoritarian, arbitrary and increasingly personalized rule of Mrs. Gandhi. As a matter of fact, gains were squandered away during the Emergency when the Supreme Court was charged of being not just an 'institution of state' but a 'regime' Judiciary.[192]

The issue of reservation, court system and the parliament:-

Observers of Indian social scene are sometimes baffled by the fact as to how the Indian constitution emphasizes equality and at the same time provides for reservation in education and employment and in representative bodies. This seemingly dichotomous position has often been resolved by the judiciary and when it failed to do so, by parliament in favour of substantive equality as originally envisaged by the constitution makers. The framers of the constitution engaged in efforts to eradicate the effects of past discrimination by providing an effective equality and equalization code, well supplemented by a mandate for social justice that would finally result in a unified India.[193] With the promulgation of the Indian Constitution in 1950. the affirmative action programmes were first contested before the courts because they ran counter to the fundamental rights regarding equality and the idea of equal opportunities. The first amendment was passed in 1951 as a reaction to this new trend. But the Judges continued to interrogate that their quotas really benefited 'socially and educationally backward classes' and not castes. This conflict crystallized in the early 1960s when the central Government and Supreme Court turned out to be equally hostile to caste based quotas. Soon after the cabinet rejected the Kalelkar report on the ground, inter alia, that its definition of the backward classes relied to a large extent on caste criteria, the Supreme Court gave a land-mark judgment based on the same premises in the Balaji v. State of Mysore case in 1963. The verdict of the Supreme Court was guided by two considerations:- Firstly, it disapproved of quotas whose total exceeded 50% of the posts in the administration or places in educational Institutions and secondly, it considered that caste should not remain a predominant criterion of affirmative action.[194] Mare Galanter assertively argues that the supreme courts' judgement was especially hostile to taking caste ranks into account as a measure of backwardness. On the other land, it was prepared to regard caste as a relevant unit for assessing low literacy rates and any other form of

social backwardness. But the court failed to make this distinction clear and therefore, encouraged the notion that 'caste' was in all respects removed from the selection of backward classes.[195]

On the other hand, Congress also demonstrated reluctance to recognize caste as a legitimate criterion for affirmative action. Caste and caste based reservations were disregarded in favour of Economic criteria, socialist Programmes, or national unity, even though these claims clashed with article 16 (4) of the constitution in which economic criteria are not mentioned. In any case, they were often pretexts for cloaking the desire to maintain the status quo.[196] In the 1970s, as the case of Andhra Pradesh demonstrates, the Supreme Court Questioned the maximalist interpretation of Balaji and recognized caste as an important criterion of backwardness. It was especially evident in Tamil Nadu where the political impetus was sanctioned with sympathy by the judges.[197] At the national level, another attempt for the welfare of other backward classes was made in 1978 by the Janata Government by appointing the second Backward classes commission under the chairmanship of B.P Mandal. But the Janata Government could not survive to see the commission to complete its report. The national Front Government under the leadership of late V.P. Singh, announced on August 7, 1990 that his Government had decided to implement the 'first phase' of Mandal commission recommendations and that 27 percent jobs in central services and public sector undertakings were to be reserved for socially and educationally backward classes.[198]

The Supreme Court okayed the V.P Singh Government's order on 27 percent quota for OBCs and 49.5 per cent overall reservation and struck down the Narasimha Rao Government's order of September 25, 1991, including 10 percent reservation on economic criteria and raising the total reservation to more than 50 percent. The Supreme court ruled that the 'Creamy Layer' among the backward classes must be excluded from reservation. The Mandal Commission recommendation to reserve 27 percent Jobs in central Services for persons from backward classes

excluding the 'Creamy layer' became effective on September 8, 1993, with a notification issued by the then welfare Minister, Sitaram Kesari.[199]

The core of various Supreme Court judgments on reservation is the consistent ruling that caste alone cannot be the yardstick for identifying the beneficiaries as it would run counter to the principle of anti-discrimination enshrined in Article 15 (i). The judiciary, therefore, had to invent the concept of the "creamy layer" in order to bring in the economic criterion, along with caste, to justify reservation. The creamy layer principle has been followed since 1993 to exclude economically well-off persons from the preview of reservation in the public services, following the Supreme Court's judgment in the Indra Swahney case. Since its decision in the M.R. Balaji case in 1961, the Supreme Court has been consistently following another principle, i.e. maximum limit of 50 percent for reservation in the public services and in educational institutions. This is because the court believes that reservation exceeding 50 percent would militate against merit and efficiency which would, eventually, result in reverse discrimination with very few seats or vacancies remaining for the non-back-ward classes. This merits and demerits of both these principles have been debated since then and the Supreme Court is still to dispose of some cases posing serious challenges to them.[200]

The Constitution (73rd Amendment) Act, 1992 and the Constitution (74th Amendmen t) Act, 1992 introduced a third-tier of local Government at rural Panchayats and urban municipalities respectively. Moreover, these amendments extended quota-based representation on elected bodies for scheduled caste and scheduled tribe communities and introduced new quotas for women. The validity of these amendments has not been challenged.[201] The constitution (77th Amendment) Act, 1995 added Clause 4-A to Article 16 which provides for reservation in favour of Scheduled Castes and Scheduled Tribes even where public jobs are filled up by promotions. Again, the

Constitution (85th Amendment) Act, 2001 Amended article 16 (4-A) to protect consequential seniority of those who benefit from affirmative action in promotions.[202] In Indra Sawhney Vs. Union of India, the Supreme Court contended that equality was a basic feature of the Constitution and that the 50 percent limit on Reservation quotas, the ban on quota based promotions in public employment, and the exclusion of the 'creamy layer' in the identification of other backward caste beneficiaries are mandatory legal propositions which emerge from this basic feature.[203] Subsequently, the parliament has amended the Constitution to clearly override these restrictions and when these amendments were challenged under the basic structure doctrine, the court upheld the Constitutional Amendment in the case of M. Nagaraj V. Union of India in 2007.[204]

Industrial Labour and the State since the 80s

We have already mentioned that several Labour laws have been enacted for improving conditions of workers through the initial decades of independence. But, the New Industrial policies were put in place by the Government during the 80s which saw a clear break from the earlier ones. The thrust consisted of the geographical relocation of industries and technological up gradation, combined with liberalization, de-regulation, and delicensing. This new policy regime is underpinned by competition, liberalization and exports. Since the 80s though employment has been static, labour productivity has steadily been increased. These policies also gave rise to new and distinctive problems for labour organizations. Industrial sickness was widespread in the old Industrial centres.[205]

Industrial sickness involves more than job losses. It also entails social security benefits to which workers have contributed through-out their working lives. Workers began to experiment with Industrial Cooperatives and started to take over sick units. However, such strategies have by no means been common occurrences and are indeed

exceptions. In fact, they were fiercely resisted by all concerned, including Government, Industries, financial institutions, the Judiciary and established trade unions.[206] The Industrial policy which is characterized by liberalization, competition, and exports now, requires emphasis to be laid on the sanctity of the market and on globalised capitalism. It envisages the removal of such distinctions as that between small-scale and large scale Industry, and between monopolistic national and international corporations, as well as to bring Government's involvement in Industry to an end. This policy shift, in particular, meant for labour an end to protection of employment to any degree and any deliberate endeavour to generate employment. In short, the new policies seek to limit the Government's role to providing for education and health, leaving all other issues to the market. Therefore, the new policy-orientations have allowed Industry enough liberty and latitude in its dealings with labour.[207] A perceptive observer on the scene serves a note of caution when she says, "Thus, for the first time, labour is faced with a situation in which it is reborn with no crutch to bear on, obliged to stand on its own two feet and articulate its own interests, i.e. interests that are inherent to it in its role in the productive process. The legal support structures that gave rise to a great deal of optimism during the 80s through public interest litigations by voluntary groups is rapidly losing its appeal by the judiciary. Indeed, at a recent conference of lawyers and judges, Manmohan Singh, the Finance Minister openly appealed to the higher judiciary not to put the brakes on the process of marketization and liberalization of the economy by invoking constitutional provisions, such as the right to life and equality in the name of social justice".[208]

The issue of social justice, social Rights and the proactive courts in an age of Globalized Governance:-

The role of judiciary in India can better be appreciated by dividing it into various distinct, but overlapping phases in sync with Political and public evaluation. In the First phase, the early 'tension' years of the 1950s the Government charged the judiciary of standing in the way of progress. In the second phase, from 1960 to around 1965 or so, came the 'compromise' years dominated by justice Gajendra Gadkar, when the judiciary became interested in using the law for 'social engineering' and evolved compromises, seeking a quietus to the controversy . The third phase overlaps with the second and is largely an assertion of judicial power, leaning in favour of 'libertarian' values. The fourth phase comprised the ill-fated years of the Emergency, when judicial power was curtailed and the judiciary lost some of the ground that it had won for itself. The fifth phase was the post Emergency phase, when the judges not only placed their power over all authorities, public or private but claimed the status of an independent Institution of Governance that had its own separate public interest, people oriented, constitutional goals. The sixth phase was primarily a consolidation of the post emergency phase, even though the judges of the late 1980s and early 1990s have sometimes been criticized for blunting the radical edge of the public interest litigation which developed immediately after the emergency. The seventh, the contemporary phase represents the Supreme Court's direct involvement in issues of Governance, forcing other institutions of Governance to do what they are supposed to do by using the new and powerful methods of investigation of public interest litigation.[209]

We have already discussed the judiciary's Journey almost through all the phases as outlined above. We could now move into a discussion pertaining to the changing role of judiciary in a post-emergency situation and subsequently, we would also examine the role of judiciary for promoting the issues of social justice when the state

itself is undergoing a metamorphosis under the influence of Globalization.

One of the leading legal minds of independent India, justice Gajendra Gadkar said, 'Judges realize that the main strength of judicial administration in a democratic country is the confidence which the public in general and the litigating public, in particular, places in their fairness, impartiality and objectivity of their decisions.[210]

But, during Emergency in India from 1975-7, the leader (in this case, Indira Gandhi) did attempt to control courts by restricting their independence or impartiality; limiting the scope and depth of the court's decision-making by putting several issues beyond the scope of judicial scrutiny; or by proclaiming the non-challengeability of decrees vital to establishing and maintaining her rule. During 'crisis' regime of this kind, courts are not expected to perform their functions as cheeks on the executive and as promoters of citizen's rights. [211]

Therefore, one of the ways the Supreme Court could engage to recover public legitimacy within the restrictions imposed by the draconian laws and the most unfriendily political environment, is to negotiate an public image as a protector of civil liberties without incurring the wrath of the Government. This assertion by the courts, as some scholars believe can only explain post-emergency 'Activism'.[212] As Rajeev Dhavan writes, "The immediate post-emergency phase of the judiciary turned out to be a dramatic social double promotion for the judiciary. Not only did it recover from its all time low as a 'regime' judiciary and restore its position in constitutional polarity to the Government. It slowly worked its way into becoming an institution of Governance. Such an institution is one that arrogates wide powers and responsibilities to itself to achieve the public good, has a direct rapport with the people, and acts with a self-assured sense of autonomy to achieve the purposes for which it claims to be ordained."[213] In any case, most experts concur that India's Supreme Court and lower court's pro-

active behaviour on social rights can be traced to the immediate post-emergency era when justices evolved user-friendly approaches to the court. A high court ruling that the Prime Minister was guilty of corrupt electoral practices was one of the prime reasons for Prime Minister Indira Gandhi's assumption of emergency powers. The Supreme Court, rejecting Nine High courts' objection as to the constitutionality of the executive order when the detainees appealed, overruled the lower courts and in the process experienced an erosion in its authority for allowing Indira Gandhi and her associates to violate civil liberties. In so doing, the court not only refused to grant relief to the victims of preventive detention but also came close to endorsing the emergency regime itself. The peoples' out-cry against the judgement precipitated a crisis of legitimacy for the Indian supreme court.[214]

As a matter of fact, the middle classes groaned under excessive regulation and the poor were constantly reminded that welfare schemes and resources meant for them had been siphoned off by politicians. Justice Krishna Iyer and a host of other Supreme Court judges masterminded a judicial policy that ensured moves towards establishing the judiciary as an institution of Governance. The Apex court devised a new procedure for dealing with such cases arising out of the faith in the judiciary that it was not just a backstop but a corrective institution of last resort. Therefore, the public interest law movement was aimed at establishing a direct link with India's discontented segments of the society and give them a voice of sorts in Governance which they had never experienced before. Alongside, the second object was to make social justice the essential goal of the constitution, enabling the judiciary to play the role of a custodian of social justice with a positive obligation to ensure that it was achieved.[215] Lloyd I. Rudolph and Susanne Hoeber Rudolph made a very succinct point when they wrote, "The practice of judicial review survived the buffeting of the 1970s, though the court emerged chastened. It showed skill in recapturing its role in 1980s when, by

beginning to entertain public interest legislation (PIL) similar to class action suits in the US - it laid the basis for the judicial activism of the 1990s. Because the court's PIL version of judicial activism suited Indira Gandhi's (1980-4) and Rajiv Gandhi's (1985-9) populist agendas, the two congress Prime Ministers did not perceive PIL as a threat to their Governments' claim to parliamentary Sovereignty. The court's decision and actions in the pre-economic reform phase of judicial activism sought to enforce citizens' fundamental rights (Basu 1994:433, table VI) and, more broadly, to protect the human rights of the poor and powerless. The court sought to safeguard human rights against state abuses, e.g. Police brutality and torture, custodial rape, inhuman treatment in Jails and "protective" homes. In the late 1980s and early 1990s the court extended its judicial activism to protecting the viability of public goods, e.g. clean air and water and uncontaminated blood supplies"[216]

However, public interest litigation could begin and did flourish in India because its Supreme Court exercises original jurisdiction not only with respect to disputes between different units of the federation (article 131) but also with respect to the enforcement of Fundamental rights (Article 32). Evolution of the court's original jurisdiction under Article 32 led to the so called "epistolary jurisdiction" which recognizes even postcards from jail in-mates or victims of state impropriety and lawlessness as writ petitions. In the early 1980s chief justice P.N. Bhagwati and justice Krishna Iyer seized the initiative in promoting this novel jurisdiction. Subsequently, the court modified article 32 by allowing PIL litigators to bring class action suits on behalf of the poor, oppressed, and victimized because, in the view of the court, they are often not capable of representing their own interest.[217] But the Judiciary of the 1990s beat a hasty retreat and returned to the practices of the 1960s whereby judges monitored official action for illegality, unreasonableness and procedural lapses. While accepting the broad tour de force of the new public interest law, the judiciary acted,

largely, as an overseer of the rule of law, a problem solver when issues became too hot politically and a facilitator when the Government was seen not pursuing its own promises sincerely.[218]

Judicial activism in a post-Emergency era vis-à-vis social justice issues especially Right to health and Education.

The analysis of court's approach in Minerva Mills demonstrates that section 4 of the 42nd constitution (Amendment) Act, 1976 amended Article 31-C to provide that no law giving effect to the policy of securing 'all or any of the principles laid down in part –IV' shall be deemed to be void if it takes away or abridges the fundamental rights to equality, freedom or property set out in Articles 14, 19, or 31 respectively. It was argued that this amendment destroys the harmony between part III and IV of the constitution by making the fundamental rights conferred by part – III subservient to the directive principles of state policy in part IV of the constitution. The balance between part-III and IV was accepted as a basic feature by Chandra Chud in Minerva Mills.[219] In 1978, parliament by the constitution (forty-fourth Amendment) Act, amended the constitution to drop the right to property and compensation from the chapter of fundamental rights and make it only legal right which could be taken away by the authority of the law. The amended right was placed under Article 300A of the constitution. It is to be noted that parliament could delete the right to property as a fundamental right by constitutional amendment in view of the unanimous finding of the Supreme Court in Kesavananda Bharati V state of Kerala that right to property was not a basic feature of the constitution. In that sense, the judiciary took the position that it was for the parliament to decide the extent of property rights in the constitution and determine the economic policies of the nation without the Judiciary sitting in judgment over them.[220]

The first PIL case involving 'under-trials', many of whom had been detained for period longer than the maximum prison terms

awardable for the offences with which they had been charged. The Supreme Court issued orders releasing such prisoners en masse on personal bonds close on its heels, another case Khatri V State of Bihar came up for consideration of the Supreme Court in which several in mates of a jail, also in Bihar, had been willfully blinded by the police. Here, the Supreme Court apart from ordering rehabilitation of the inmates through vocational training in an institution for the blind, awarded also monetary compensation to the victims. Later the areas under PIL expanded to include bonded labour, unorganized labour, Tribes affected by development projects, Environmental Protection, Public health, public sanitation, management of state run hospitals, management of blood banks, conservation of wildlife, distribution of government largesse, Road traffic management, maintenance of standards in public education etc.[221]

In the first three decades after independence, Supreme. Court judges treated social rights as part of the directive principles, thereby allowing it to play a second fiddle to fundamental rights; in the 1970s, the court talked of harmony between two sets of rights; and by the 1980s and 1990s several judgments of the Apex court read social rights as part of the fundamental right to life with dignity.[222] The system of Bonded labour stands prohibited by article 23 of the constitution. However, as justice Bhagwati points out that though the constitution became operational as far back as 26th January 1950 and many years elapsed since then, no sincere effort was made to implement Art 23 to banish the inhuman practice of Bonded labour. It was only in 1976 that parliament enacted the bonded labour system (abolition) Act. 1976 providing for the abolition of Bonded labour system with a view to preventing the economic and physical exploitation of the weaker sections of the people. However, the pernicious practice of bonded labour has not yet been totally wiped out even after the enactment of the Bonded labour system (abolition) Act. 1976 from the national scene and that it continues to cast a shadow over the social and economic life

of the country.[223] Again, Article 17 of the Indian constitution prohibits the practice of untouchability. While the Fundamental rights are not enforceable against private individuals, Article 17 is an exception and it makes it mandatory for the state to make sure that private individuals do not indulge in untouchability. The protection of civil Rights Act, 1955, and the Scheduled castes and scheduled Tribes (prevention of Atrocities) Act, 1989, were both enacted to give effect to Article 17. The Supreme court struck down a challenge to the 1989 Act and upheld its constitutional validity in State of Madhya Pradesh Vs. Ram Krishna Balothia in 1995. Nevertheless, the continued practice of untouchability across the country reinforces the need to continue reservation for the SCs and the STs beyond the constitutionally-stipulated definite time frame.[224] In a celebrated case on bonded labourers, Bhagwati talked of a right to live with dignity but went on to say that since the directive principles were not enforceable in a court of law, it may not be possible to compel the state through the judicial process to make provisions by statutory enactment or executive fiat for ensuring these basic essentials which go to make up a life of human dignity but where legislation is already enacted by the state providing these basic requirements to the workmen and thus investing their right to live with basic human dignity, with concrete reality and content, the state can certainly be obligated to ensure observance of such legislation....[225]

In Olga Tellis, a journalist and two pavement dwellers challenged a Government order on demolishing their make-shift accommodation. A five-judge bench led by Chandrachud observed that a right to life included a right to livelihood, and the petitioners' argument that their right to livelihood would be at stake by the evictions was right. Nevertheless, no one had the right to encroach on public lands. Therefore, the verdict allowed the Government to evict the dwellers without making it obligatory on the part of Government to provide them with alternative accommodation facility.[226]

The justiciability of 'Right to health' and a more substantive interpretation of the right to life (Article 21) came up for consideration of the Apex court in the CESC Ltd v. Subhash Chandra Bose. Ramaswamy expanded the definition of health from the absence of disease to a more positive state of complete physical, mental, and social well-being. But the majority led by Ranganath Mishra said that it was a matter for the legislature, not the court. Subsequently, in consumer Education research V union of India, Ramaswamy's opinion became the dominant view. Ramaswamy argued that the workers had a fundamental right to health and medical aid during service and after retirement in the case of hazardous industries like asbestos. But this judgment did not extend the right to health to even all categories of workers. So, the right to health to all citizens remains a distant dream.[227] In education cases, the notion of a 'right' came before the law. Forty-five years after independence, the court transformed education into a fundamental right for children aged 6-14 years. However, the judgment in the famous Unnikrishnan v. state of AP provided a weak remedy where the judges made a declaratory statement affirming the strength of the right without necessarily designing a remedy. In 2002, the parliament passed the 86th constitutional amendments providing for free and compulsory education for all the children aged between 6-14 years as a fundamental right under Article 21A. However, the judiciary had a huge impact on legalizing the right to education and at the policy level, the Unnikrishnan judgement must have contributed handsomely to the Government's universal education policies and the education guarantee scheme, the midday meal scheme in primary schools and a ruling on free text books until Class IV. These schemes must have facilitated more access by poor children to learning materials.[228]

However, a recent study indicates that the supreme court seems to be showing a c onservative bias on social rights during the late 1990s. This study further confirms that as the memory of the

Emergency receded, and a newer cohort took -over at the Supreme Court, judges reverted back to their traditional stance of legal positivism. The judiciary's response, during the late 1990s fell short of addressing the key concerns in education with remedies suggested on improving access rather than quality. Private rather than Government providers were at the receiving end of court's flak for failing in their obligations. By and large, the judiciary harped more on client-provider obligations and less on regulations and financing, perhaps, because judges saw state provision and financing as a legislative or executive prerogative.[229] Krishna Iyer's caustic comment in the late 1980s is worth mentioning here:

Who is more against directive principles is easy to answer ....Every progressive educational measure, every price-control order, every policy decision even land acquisition for welfare measures has been Canvassed before the 'Third chamber' with consequences not often complimentary to the court.[230]

EPP argues that a rights' revolution did not occur in India because rights advocacy groups in India were weak and fragmented, handicapped by weak institutionalization and dependence on charismatic leadership. Further, EPP's survey of cases shows that the court's support for rights claims increased from 35 per cent during emergency to about 70 percent in 1990. The judge-led social action litigation produced a vibrant support-structure of NGOs and other groups on environmental issues. Such vibrancy, however, has not resulted in NGOs, choosing litigation as a viable strategy for ensuring the delivery of health and education rights.[231]

Addressing a conference of chief ministers and chief justices on 8th April 2007, Dr. Manmohan Singh, the Prime Minister of India, Zeroed in on PILs - the opinion often used by interest - Groups and individuals to challenge Government policy-to argue that these should be subjected to filter. Again, delivering on 26th April 2007, the K.N.

Katju Memorial lecture on 'separation of powers under the constitution and judicial activism' the then Lok Sabha Speaker, Mr. Somnath Chatterjee forcefully argued that the lines separating the different organs of the state were getting blurred as a section of the judiciary seems to be of the view that it has authority by way of what is described as "judicial activism" to exercise powers which are earmarked by the constitution for the legislature or the executive.[232] On the contrary, Fali S. Nariman, a leading constitutional expert and practising lawyer of the Supreme Court opined that "judicial overreach" the prime Minister spoke about is the direct result of legislative and executive neglect or "under-reach", that is, poor performance in the making of laws and their execution. If the judges need to introspect, politicians also need to introspect and ask themselves whether they have fulfilled the aspirations of the people who put them at the wheel of Governance. If judges are to get off the backs of parliamentarians, politicians and bureaucrats those who claim the right to govern-must come up with a much better record of performance, only when they do, will the people of this great country give us back, majority Government both at the centre and in the states.[233]

As a matter of fact, after the germination of the seeds of the concept of PIL in the soil of our judicial system, the rule of PIL has been nourished with care, nurtured and developed by the courts of India led by the Apex court of the land. PIL gained momentum over the days, got rooted firmly in the Indian judiciary and it finally, came of age in S.P. Gupta v. Union of India. Fostered by judicial activism, PIL has become an increasingly important vehicle with a valuable and respectable record in the domain of constitutional and legal strategy for the 'unrepresented and under-represented'.[234]

People of India, no w, know that the court has constitutional power of intervention which can be invoked to ameliorate their miseries arising from repression, governmental lawlessness and administrative deviance. Under-trial as well as persons charged with committing

crimes, women in protective custody, children in juvenile institutions, bonded and migrant labourers, unrecognized labourers, untouchables and scheduled tribes, hapless agricultural labourers who fall prey to ill conceived mechanization, women who are bought and sold, slum dwellers and pavement dwellers, kins of victims of extra judicial execution, these and many more groups now flock to the supreme court under Article 32 and the High Court's under Article 226 of the constitution seeking justice.[235]

However, there is now a large body of cases decided in the last decade where the court has not only betrayed a lack of sensitivity towards the rights of the poor and disadvantaged sections of society but has also made gratuitous and unmerited remarks vis-â-vis abuse of public interest litigation. This decade has also been the decade of 'economic reforms'. Several public interest cases were filed during this period challenging alleged perversions, corruption and other illegalities involved in the execution of the new economic policies. Almost all these cases were struck down. In some of them, the court indicated and made remarks implying an abuse of public interest litigation. Hence, one could reasonably argue that a change in the philosophy of the supreme court with regard to public interest litigation has been discerned during the era of economic reforms.[236]

In the BALCO Employees union Vs union of India (2002 Vol. 2 SCC 343) case, where the employees union of the Government company had challenged its disinvestment on several grounds including the arbitrary and non-transparent fixation of its reserve price, the supreme court while dismissing the petition observed that public interest litigation is now tending to become publicity interest litigation or private interest litigation and has a tendency to be counter-productive, surprisingly, the court while refusing to consider the petition of B.L. Wadhera came up with the argument that he was not directly affected by the disinvestment of BALCO.[237] In Ekta Vs Union of India, the Supreme Court declined to stop the eviction of slum-dwellers in Kolkata

who had been living in those slums for the last 30 years or more, notwithstanding the fact that they had no other access to housing nor were they being offered any alternative place to go by the Government. This was a case where the High Court had ordered the eviction describing slums as a public nuisance. In another case (Azadi Bachao Andolan Vs Union of India, 2003), the Supreme Court even refused to investigate the issue whether the land Acquisition Act in so far as it allowed compulsory acquisition of land from persons who are dependent upon that land for their livelihood is transgressive of their fundamental rights, since the act does not require the Government to provide them with alternative land or an alternative means of livelihood. Hence, it deprived them of their livelihood by such compulsory acquisition of land.[238]

Again, the I.R. Coelho judgement of the nine judge Bench is disturbing because it accords priority to fundamental rights over the directive principles of the constitution at a time when the neoliberal agenda of the State is being upheld in various judgements of the court. Interestingly, the bench opines that it is wrong to suggest that directive Principles are the exclusive domain of equality and justice under our constitution. Thus, there was an obvious shift from the earlier position of Supreme Court when they used to give emphasis on maintaining the fine balance between fundamental rights and the directive principles. It may be noted here that Article 38(2), inserted by the 44th Amendment in 1978, directs the State to strive to minimize the inequalities in income and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different occupations, The aim of this Amendment is that the fundamental right to equality under Article 14 cannot be delinked from the larger question of egalitarianism. In fact it is equalitarianism that gives meaning and content to the right to equality.[239]

An expert on constitutional law observed, "It is indeed tempting to argue that the recent drawing back of the court in PIL, and the fears expressed by it of the possible abuse of PIL is because the court has in fact bought the ideology underlying the economic reforms - an ideology which venerates the virtues of the free market and undermines the role of the state in providing education, jobs and the basic amenities of life to its citizens. Such an ideology runs counter to the court's earlier expansive interpretation of Article 21".[240]

Some scholars have interrogated the commitment of the Indian Courts to the rights of the poor and to the constitutional imperative of creating an egalitarian Socialist Republic. No doubt, the Indian Courts have failed to safeguard the socio-economic rights of the common people of India who constitute the vast majority of the Indian population. The class structure of the Indian society and the consequent elite domination of the Indian judiciary may be in part attributable to the overall lacklustre performance of the judiciary in mitigating the miseries of the multitude. In the 'consequentialist' assessment of the judiciary, judges had stood by agrarian land-lords at a time when the legislatures were trying to abolish feudalism; sided with business against labour, generally supported a monopolistic press, undeserving princes, the corporate sector and privileged property owners Finally, the judiciary dealt the final blow to the sovereignty of parliament and the people by denying legislatures the power to amend the constitution. However, the consequentialist theory that the judges were class biased received a jolt during the emergency when the Government's commitment to planned development and poverty alleviation became strikingly questionable. The early years of the public interest law movement was characterized by social justice concern as against the Government's suspect intent vis-à-vis laws favouring poor tenants, workers and the unemployed. But, the judiciary seemed to be a little less positive about social justice issues since the 1990s. On the

whole, the judiciary has still to carry the class bias tag in a milder form.[241] In an ultimate analysis, the welfare of a society is mediated by the structure of entitlements available to its constituent members, and that the nature and scope of these entitlements are crucially shaped by the legal framework and Governance system regulating society's functioning.[242]

Thus, the supreme Court has broached the problem of justice in a fundamentally flawed perspective. In its fascination for peddling the idea of justice as a balance of conflicting interests, it has, in essence, made a regular plea for the defence of the liberty of the individual where social interests have been at stake, in the name of 'harmonious construction', 'defence of the constitution', 'rule of law'; finally, the Court, guided as it is primarily by a conservative philosophical ethos, has failed most singularly to trace the social roots of such conflicting demands.[243] As an observer writes, "The Demand for Democratic rights Cannot entirely be separated from the demand for social change..... while maintaining the position that the gamut of rights touching the entire spectrum ranging, say, from health, education and forestry to land reforms is to be considered in a comprehensive discussion of democratic rights, and that this requires fundamental changes in the social order, the system is tested on its own premises and confronted with violation of the more limited range of constitutional rights that it in fact claims to recognize."[244]

However, over-reductionist inferences about the consequences of judicial decision-making strengthened the allegation of class-biases which, finally, depicted the judiciary in a bad light. But, 'more objective evaluation of judiciary' demands to take cognizance of the fact that the judiciary, has, over the years, taken long strides and in the process, evolved from being a mere institution of state to an institution of Governance in its ownright.[245]

Therefore, judiciary's contribution to the overall Governance process in India should not be underemphasized as it provides one of the pillars of Democracy and buttresses the Democratic Governance to meet the challenge of a billion mutinies.[246]

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CHAPTER-V

THE POLITICAL ECONOMY OF DEVELOPMENT OF INDIA WITH SPECIAL REFERENCE TO THE ECONOMIC POLICY UNDER GLOBALIZATION

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I

Changing Dimensions in the Post 1991 situation – Historical and contextual – a brief reference to changes in the Global Political-economic context after the demolition of Soviet system-

There is no denying the fact that the Indian economy has of late, broken into the ranks of one of the world's fastest growing economies. But, what is more important, unlike in much of high growth east Asia, the Indian economy has registered this robust growth within the framework of a democracy. There has been cumulative changes in the nature of the Indian economy since independence as well as the shifts in the global context of India. However, a changing role of the state within India remains a central issue. India's earlier sluggish growth was largely a product of a highly interventionist state and of a misguided import substitution trading regime. In 1991, India adopted a pro-market strategy that liberalized its internal regulatory framework, reduced tariffs, adopted appropriate exchange rate policies, and allowed foreign investors to play a significant role in the economy resulting in capital accumulation and improving the efficiency of the economy and finally, catapulted India into the ranks of the world's fastest growers.[1]

The origins of the crisis can be traced to the large and persistent macro-economic imbalances during the 1980s. The widening gap between the income and the expenditure of the Government led to huge fiscal deficits which were met by borrowing at home. The steady increase in the difference between the income and the expenditure of the economy as a whole meant persistent current account deficits in the balance of payments, inevitably financed by borrowing from abroad. The internal imbalance in the fiscal situation and external imbalance in the payments situation were intimately

enmeshed through the absence of prudence in the macro management of the economy. The problems associated with these macro-economic imbalances were sharply increased, and perhaps brought forward in time, by the impact of the Gulf Crisis on the economy in late 1990.[2] As Vijay Joshi and I.M.D. little write, "The Crisis had been simmering since the mid-1980s, with Government, relying on unsustainable levels of foreign and domestic borrowing. It was brought to the boil by the Iraqi invasion of Kuwait in August 1990 resulting in a rise in the price of oil. The Janata Government of V.P. Singh, and the successor 'Lame duck' Government of Chandrasekhar, failed to take action commensurate with the rapidly growing crisis. Immediate drastic action, including a large devaluation and deflationary fiscal measures, was essential to prevent default by securing the co-operation of official donors and lenders.[3]

However, the dirigiste strategy followed upto the 1980s had been and continues to be strongly criticized on the ground that it was marked by 'export pessimism', which led to the cordoning off of the domestic market resulting in 'inefficiency', uncompetitive production, and hence low export growth, foreign exchange constraints and the eventual atrophy of growth. This position is, however, countered on two grounds: First, a cordoning off of the domestic market is a strategic weapon in the export thrust itself and consolidation of the home-base is a pre-condition for any aggressive thrust into the International market as the experience of the East-Asian 'success' stories brought it to the fore. Second, any element of export pessimism in India's earlier development model could have been avoided when a host of export subsidies was tried out during the Third Plan period. However, India's poor show on the export front compared to East Asian Countries may be attributed to the following factors: liberal market access offered by the advanced countries to East Asia owing to its strategic importance in a period characterized by cold war rivalry, the neo-mercantilist policies of protection by non-tariff measures and dual foreign exchange markets were nevertheless allowed to practice until the advent of the General Agreement on Tariffs and Trade (GATT) in 1994 and finally, internal class configuration

factors which allowed East Asian States to monitor closely micro-level decision-making by business.[4]

The real problem with the Indian Strategy, according to Utsa Patnaik and Prabhat Patnaik, lay not in its so called 'inward looking' character, but elsewhere. It tried to promote capitalist development without any significant land reforms. East Asia also underwent thorough going land reforms programme after the World War II. India's failure to initiate any radical redistributive land reforms comparable to the East-Asian magnitude had three important consequences. First, it failed to provide a wider base to capitalist development. Second, it was unable to break the strangle-hold of the higher caste landlords on the one hand and on the other, failed to mobilize historically disadvantaged lower caste and outcaste rural masses in support of the programme. Third, as a consequence, overall rate of growth of output and employment in the economy suffered hugely.[5]

Indira Gandhi returned to power in 1980 with a new awakening that her support base in the Hindi heart land was, at best, soft which required her to build up that support quickly. So, she adopted a new political posture which was characterized by two ingredients: (1) an emphasis on "Hindu chauvism" and "communalism" that had great appeal in the Hindi heart-land and (2) a more pragmatic, pro-business attitude to accelerate economic growth and to build up her support with industrial and commercial groups. Thus, her continuing popularity with the poor was not due to concrete rewards but rather to her ideological and rhetorical appeal. She could successfully combine the rhetoric with the diluted version of her oveall "socialist programme".[6]

Apart from these clear political considerations, the Government's decision to enter into an arrangement with the IMF (International monetary Fund) for loan facility must have pushed India toward Economic liberalization. Meanwhile, advisors like L.K. Jha were given key-position in the policy-making body signaling a clear message to the business community that the days of 'socialism' were over and a new policy agenda would be put in place favouring them.[7] Atul Kohli captures this subtle shift

in economic policy under Indira Gandhi in these languages, "That Indira Gandhi's attempts to liberalize the economy did not draw sharp political reaction was the result of a number of factors: the scale of the change, the deliberate attempt to maintain an image of continuity as well as to depoliticize economic decisions, and of course, other pressing political circumstances that drew attention away from the economy. The tension between the pursuit of "economic rationality" and the "rationality of Democracy" was kept within manageable bounds during Indira Gandhi's last few years".[8]

During Rajiv Gandhi's term in power, India's economic policy may be characterized as passing through several phases. During the first six months of his rule, a decisive shift from the state controlled, import substitution model to a liberal model of development was attempted. The following two years were marked by lot of dithering and indecisiveness vis-à-vis the defined agenda. The third phase entailed a return to India's muddle through model of economic policy making, wherein the policy makers' commitment to economic liberalization notwithstanding, actual policy changes were not to happen. Thus, the impression that a new economic beginning was to be ushered in, was quickly evaporated.[9] Vijay Joshi and I.M.D. little wrote in this context, "Rajiv Gandhi had embarked on some liberalization in 1985. Although he seems to have quickly lost interest, this helped to put such reform on the political agenda. One way or another the ground was sufficiently prepared to use the crisis as an occasion for embarking on a programme of reform whose pursuit would result in a radical transformation of the Indian economy."[10]

In the 1980s the most significant external change was the decline and disintegration of the Soviet Union which proved to be profoundly consequential for India. The pressures emanating from the decline and disintegration of Soviet Union were very concrete and serious for India for several reasons. First, the Soviet Union was an important trading partner which provided India Oil, armaments and defence materials in exchange for a variety of goods. Most of these exchanges were carried on without

involving hard currencies. The decline and disintegration of the Soviet Union saw a sharp decline in exports to Russia which, in turn, complicated the issue of maintaining and upgrading defence forces as it was directly related to the availability of hard foreign exchange. These issues must have contributed to the development of a new sense of urgency for "liberalization". As a matter of fact, the disintegration of the Soviet Union meant for India the loss of a military and political ally which prompted India to improve political relation with the U.S. Improved political exchange with U.S. never occurred without heavy economic engagement, the precondition of which being the opening of economy to American goods and capital. A second important global change was the growing availability of investible resources in the form of portfolio investment over the 1980s. it appeared less threatening to Indian businessmen as one has some control over it compared to Greenfield foreign investment not to speak of acquisitions and mergers. And finally, the Indian decision-makers seemed convinced that WTO (World Trade Organization) would come into being and India would be a signatory to WTO agreement. In keeping with WTO's requirements, India was needed to dismantle import Quotas and tariffs were to be slashed within a definite time-frame. This was corroborated by some key decision-makers as being important external considerations as to why India had to liberalise in the early 1990s.[11]

The roots of the crisis can be traced back to India's reaction to the earlier crisis of 1979-81 when world oil prices skyrocketed. This externally - induced shock altered India's current account position from near balance in 1978 to a deficit of 2 percent of GDP (Gross domestic product) which meant 30 percent of exports in 1981. The current account deficit stood at 25 percent of exports from 1982 to 1984 and from 1985 to 1990 it rose to no less than 40 percent to exports. These deficits were met by heavy borrowing from the IMF and from commercial sources. India suffered almost complete stagnation of exports owing to the persistence of current account deficits from 1982 to 1985 which was in turn largely an outcome of an inappropriate exchange rate policy. Since 1986 exchange rate policy was made more flexible and the real exchange rate depreciated substantially. As a result,

exports revived significantly and it registered a growth of 10 percent per annum in real terms between 1986 and 1990. However, the rising interest payments on external debt and the rapid growth of imports induced by fiscal deterioration were the two crucial factors that finally proved to be decisive despite the export boom.[12]

The fiscal crisis was neither an accident nor a coincidence. It was a direct outcome of the financial profligacy on the part of the government. The gross fiscal deficit of the Central Government, which measures the difference between revenue receipts plus grants and total expenditure plus net domestic lending, was 8.2 percent of GDP during the second half of the 1980s, as compared with 6.3 percent during the first half of the 1980s and 4 percent in the mid 1970s. The internal debt of the Government got accumulated very fast. It rose from 35.6 percent of GDP at the end 1980-81 to 53.5 percent of GDP at the end of 1990-91. The burden of debt servicing also became worrisome. Interest payments jumped from 2 percent of GDP and 10 percent of the total central government expenditure in 1980-81 to 4 percent of GDP and 19 percent of the total central government expenditure in 1990-91.[13] A leading Economist of the country argued in this context, "The underlying fiscal crisis was bound to create a situation where the balance of payments situation would become unmanageable and inflation would exceed the limits of tolerance. The decision makers then, oblivious to criticism, were convinced that they could borrow and spend their way to prosperity. But the inevitable crunch did come."[14]

Again, the Development strategy followed required the state to play two different roles simultaneously. It had to maintain growing expenditure, in order to keep the domestic market expanding. At the same time, its exchequer was strained to a considerable extent as large-scale transfers were made to the capitalist and proto-capitalist groups. Internal credit-financed rather than tax-financed expenditure played a significant role in this respect. These two roles assigned to the central state were mutually incompatible in the long-run. Another problem was the incapacity of the state to impose a minimum measure of 'discipline' and 'respect for law'

among the capitalists, small business and highly paid professionals for making the capitalist system a viable one. This resulted in a massive growth of unaccounted money which, in turn, through its demand effects, created unplanned pressure on the output structure towards luxury goods. This is suggestive of the fact that a successful transition could not be made from a Nehruvian dirigiste regime to a viable capitalist system characterized by state intervention of a different kind.[15] Deepak Nayyar, writes in this context, "The inadequate resource mobilization effort was compounded by a profligate increase in public expenditure whether transfer payments in the form of explicit subsidies or unbridled consumption expenditure which was driven in part by the competitive politics of populism and in part by the cynical politics of soft options."[16]

It may be stressed that the origins of the crisis at the beginning of the 1990s may be located in the Cavalier macro-management of the economy during the 1980s and not in a misplaced strategy of Development since the mid 1950s, as claimed by some. However, given the complexity of the Indian development experience over the past four decades, it would be naive to suggest that everything we did was wrong and everything we did was right.[17]

II: Need for a re-look into the Pre-1991 Politico-Economic Policies-Brief Review

The national Planning Committee of the Indian national Congress led by Pandit Jawaharlal Nehru argued forcefully in 1938 that the problems of poverty and unemployment, of national defense and of economic regeneration in general cannot be solved without Industrialization.[18]

However, the debate on the need for Industrialization was sought to be politically reconciled by successfully constituting planning as an arena beyond 'the squabbles and conflicts of politics'. By the 1940s, planning was also viewed as a crucial Institutional wherewithal by which the state would determine the material allocation of productive resources within the nation, although it was firmly situated outside the political process it self.[19]

In the post-independence era, even prior to the establishment of the planning commission in 1950, the Industrial policy resolution of 1948 was put in place which was subsequently amended and elaborated in 1956. The resolution was inspired by the idea that infrastructure and Industries Catering key raw materials constituted what Lenin had described as the 'commanding heights' of an Industrial battlefield.[20]

India's development model since independence has been anchored in a system of indicative plans within a mixed economic structure in which both private capital and a state owned public sector have played a key role. A basic objective of this strategy, authored mainly by professor P.C. Mahalanobis, was to promote rapid and balanced economic growth with equity and justice. The genesis of this commitment to social welfare within a self reliant pattern of development may be traced back to two key factors. First, it was aimed at escaping from the pattern of dependency inherited at independence by establishing competitive industrial production for domestic and global markets. Second, it was based on a political and economic culture which drew on principles such as swadeshi (self reliance) inherited from the Nationalist movement in its struggle for independence.[21]

The growth strategy cannot be sufficiently and correctly appreciated unless it is given due recognition to the fact that it was an endeavour by a post-colonial society. The growth strategy was greatly influenced by the nature of the world economy, the complexity of diverse linkages between India and the rest of the world, especially with the ex-colonial powers since underdevelopment and the colonial past was inextricably inter-woven in the Indian context, so the growth concept had to invariably embrace the objective of self reliance but not autarky which was neither feasible nor desirable. In any case, there was a general recognition of the primacy of internal factors in our development strategy since removal of constraints on international resource transfers, foreign exchange and technological gaps would not have taken place without compromising National economic independence. It is this perspective which informed the policy guidelines characterized by developing capacity to pay up the import bills in international markets, import-substitution in key production areas, diversification of trade and financial partners, etc. which remain the live concerns of India's development strategy.[22] According to K. N. Kabra, the entire strategy of growth was central on the will and capacity of the state to implement the following tasks:

1. To raise the rate of savings and capital accumulation, particularly for financing planned investment projects;
2. To restructure agrarian relations and make farmers improve yields;
3. To induce large private investments in a regulated way according to the plan priorities, mainly in the Industrial sectors, in order to ensure fast growth, increase in employment and create a basis for self sustained growth;
4. To borrow from the world economy and obtain modern technology from its proprietary owners in former colonial countries at economic prices without getting into a debt trap and dependency syndrome; and

5. To prepare and implement plans and programmes for the public sector and policies for the regulated behaviour of the private entrepreneurs which would require a new administrative system. This required a planned, rather than an ad hoc exercise, in order to ensure coordinated development with predictable and acceptable costs.[23]

However, Democracy in the Post-Colonial India was unique in a sense that universal adult suffrage was introduced in a predominantly agrarian society with an insufficient crystallization of class forces. In this context, state was assigned a strategic role in mediating between economic development and social needs. The conflict between political Democracy and economic democracy was sought to be reconciled by allowing state to play a pivotal role for ensuring inclusion of poor people in the economic arena. Thus, the role of market was not perceived sufficient to meet the aspirations of a late comer to Industrialization.[24] The central focus of development was placed on accumulation. But, the specific context in which planning was taken up in India required accumulation to be reconciled with legitimation. So, planning was sought to be 'a way of avoiding the unnecessary rigours of an industrial transition in so far as it affected the masses resident in India's villages'. Again, planning was to become 'a positive instrument for resolving conflict in a large and heterogeneous subcontinent'.[25] Late Professor Sukhamoy Chakraborty poignantly argues in this context, that the development model first adopted in India was a variant of the Lewis model, with a 'modern' sector breaking down and superseding the 'traditional' sector, the two significant variations being that the modern sector itself was disaggregated into a Capital goods and a Consumer goods sector, and instead of capitalists in the modern sector the major role was assigned to a development bureaucracy.[26]

India's slow growth economy was the result of the strategy of development that it pursued, which was, largely, an import substitution Industrial strategy (ISI). However, import substitution soon got coalesced with self-reliance. In order to boost self-reliance, imports were curbed to

only one time, followed by assimilation of the imported technology. So, the guiding parameter in the drive towards self reliance was characterized by the reduction in import content rather than the domestic cost of production. Again, the strategy for industrialization was based on a heavy-Industries-first-strategy. To protect high-cost domestic Industry against foreign imports, trade was restricted and protection through tariffs and quotas was provided. Moreover, subsidized capital was arranged through cheap credit to domestically produced capital goods resulting in distortion of factor prices. Notwithstanding the fact that there was abundance of labour in the country, the capital intensive methods was accorded priority over an appropriate technique. The problem was, further, compounded by the introduction of a series of controls, procedures, permits and bureaucratic restrictions that led to the creation of a labyrinth, the fall-out of which, mostly, undermined the net effects of these policies. Added to this, India's strategy was underpinned by protection of organized labour. Thus, the birth of 'labour aristocracy had all the incentives for entrepreneurs to restrict regular employment by resorting to subcontracting and ancilliarization. Moreover, the locations of public sector enterprises to promote regionally balanced industrialization had its share of economic costs as they were mostly politically determined.[27] The widespread controls provided tremendous opportunity for proliferation of what economists call rent-seeking activities and industrialists, traders bureaucrats and politicians all became hand in glove with each other seeking these rents rather than enhancing the efficiency of domestic production or improving the functioning of the domestic economy.[28] As Kuldeep Mathur writes, "The systems for economic planning and those for mobilizing financial resources tended to reinforce the centralizing tendencies of the entrenched administrative system. In a situation where a strong bureaucracy had sought to curb local initiative in order to gain social power and create a strong control and command system, the vastly expanded state intervention merely entangled the individuals in increased socio-economic obligations toward the state. Autonomy without concomitant accountability meant bureaucratic license, and bureaucratic networks increasingly became opportunities for colluding for personal

aggrandizement".[29] In sync with India's Development thinking of this period, trade policy has also been consistently marked by stringent controls. As there was a huge potential for generating rents through the maneuvring of these controls, there was substantial and continued support for their retention for a long period.[30]

The high noon of the Nehru-Mahalanobis strategy was the decade between 1955-56 and 1965-66, when India was able to draw vast foreign aid resources from both the capitalist and socialist countries and built the heavy industrial base for the country in steel, chemicals, machine tools, cement, and a host of other mega-Industries. However, a major crisis for the public sector, capital intensive, heavy industrialization strategy was discerned during the discussions as to the formulation of the fourth five year plan as the decline in foreign aid, problems of internal resource mobilization, and the absolute reliance of India on the U.S. (United States of America) for food aid brought to the surface the neglect of agriculture in the earlier plans. The basic pattern of rural development was extensive and integrated rural development with programmes that were to be implemented evenly across the country so as to benefit people across the board. It would not only hinge upon improvements in agricultural techniques, but also strive to ensure overall improvements in the quality of rural life in general. In the 1960s, as a consequence of perceived failures in the earlier approach, the focus shifted to intensive development of favoured districts through the Intensive Agricultural District Programme (IADP) and to technical changes in agriculture through the development of an elaborate research and extension system. The new Agricultural strategy was to follow up and reinforce the change in policy already introduced in favour of intensive agricultural development with the focus on new technologies and the adoption of the new High-Yielding varieties rather than on overall rural development. But, the High-Yielding Varieties Programme (HYVP), like the IADP before it, could be integrated into the plans without compromising on the priority commitments to urban, capital intensive industrialization. However, with some intellectual and ideological support already gaining ground in favour of an alternative development strategy, the focus, now, shifted to agriculture

which saw a steep hike interms of allocation of resources. Alongside, another interesting development that was bolstered up by the political movements in the Indian states generally since the 1960s, witnessed breaking away from centralized planning and urban industrial development to demands for more resources from the center for agriculture and rural development in the states.[31] Prof Manoranjan Mahanty writes in this respect, "At the same time, there is clear evidence of capitalist trends in terms of modern inputs into agriculture, increasing commercialization in several parts of the country and entry of finance capital into the countryside. The old power structure in the villages dominated by traditional upper-caste landlords has changed significantly in many parts of the country. But the new power structure is not totally devoid of the social basis of its power in land, caste and culture. In addition, it now uses the new capital entering the village. It is linked with the political party, and manipulates both the old and the new instruments of power. The new landed gentry of the intermediate castes which has emerged in North India, Andhra Pradesh and Maharashtra is not a typical capitalist farmer, nor a semi-feudal of the earlier years, but is part of the complex social formation carrying pre-capitalist and capitalist elements placed in a process which is moving towards capitalism."[32] As a matter of fact, beginning with the mid - 60s, it is the agricultural sector which took the lead in the growth process. State support in the form of a cost plus procurement policy was introduced that rendered agricultural prices upwardly flexible and jacked up profit margins. It also helped to curb overall Government expenditure that incentivised spiraling of prices. However, the rate of growth itself was not very impressive in absolute terms, slightly ahead of the rate of population growth. But if we take the national agricultural economy as a whole, especially regions and districts, the growth rate was amazing and the social implications of this huge growth rates in some regions and districts of the country were enormous. This so called 'green evolution' phase saw the emergence and consolidation of a powerful agricultural capitalist stratum which signaled imperfect qualitative changes taking place in the countryside.[33] Prabhat Patnaik, C.P. Chandrasekhar and Abhijit Sen wrote

in this respect, "These changes consisted of the following: a section of the old rent receiving land-lords was stimulated by the enhanced profitability of agriculture in the mid-60s to undertake productive investment in this sphere. At the same time the rich peasants who acquired ownership rights over lands which they had cultivated earlier as tenants of the large Zamindari estates, also started investing in agriculture and undertook it as a commercial operation. Through this admixture of 'landlord capitalism' and 'rich peasant capitalism', the precise mix depending upon the extant social formation in a particular region, a new class of agricultural bourgeoisie emerged, which consolidated, its position in the period after the mid 60's".[34]

Since the inauguration of the new agricultural strategy, there have been considerable increases in aggregate food grain production in India, from 95 million tons in 1967-68 to a record 170 million tons in 1988-89, although the quality of the monsoon remained the most critical factor determining the total quantum of annual food grain production. However, such considerable increase in production, concentrated in particular regions, on particular crops, especially in irrigated areas and in the winter season, have, contributed to perpetuate existing regional imbalances and created new ones, which led to increased inter-regional disparities in agricultural production and the resultant prosperity as well. In this respect, one must not be oblivious of the fact that the principal persisting issue concerning Indian agriculture was largely of subsistence type based on manual and animal inputs for most cultivators. It is also worth noting that scarcity and even famine conditions remained recurring phenomena in the less favoured areas of the country.[35] Paul R. Brass writes in this context, "Those who have benefited most from the Green Revolution have also become ever more market oriented and price conscious and, therefore, more oriented to influencing state policies on product and input prices and grain procurement. In the 1970s, non-party political movements among middle peasants and larger farmers demanding "remunerative prices" for farm products and other adjustments in the terms of trade between agriculture and the non-agricultural sectors acquired strong support in western U.P. and Maharashtra which threatened the local support bases of previously

entrenched political parties and caused concern to national policy makers."[36] The polemic around the urban Industrial and professional classes on the one hand and the rural hegemonic class of such farmers on the other, has become particularly sharp and open in public discussion. One of the leaders and ideologues of the Farmers' movement, Sharad Joshi of Maharashtra, has identified the principal cleavage in Indian politics today as that of Bharat Vs. India, the countryside Vs. the city. Being inspired by the rhetoric of the International dependency literature, he, further, contended that the 'unequal exchange' between India's metropolitan capitalist Industrial economy and the vast agricultural periphery of primary producers was responsible for India's economic catastrophe.[37]

A debate on the institutional constraints on agricultural growth in India was there for long and it gained further momentum especially after the spread of the green revolution from its North Western bastion to the rest of the country. In parts of eastern, central and southern India, the historical legacy of sub-infeudation, of the extensive hierarchy of land rights, and of tenurial insecurity affecting production and accumulation incentives for the direct producer, has been identified as the impediment to agricultural progress. But even in some of these areas, recent years have witnessed unclogging the channels of productivity growth backed by the expansion of irrigation and public credit. This is true of atleast rich and middle farmers and even in many traditional monsoon paddy regions, the rise in productivity, spring and summer crops in particular, has been significant.[38] struggles over prices and subsidies were not only confined to fertilizers. It was also extended to irrigation and electricity which was vital inputs for ushering in Green Revolution to many parts of India. Since the late 1970s, the so-called new Farmers' movements came into being which played a pivotal role in mobilizing huge numbers of farmers across large tracts of rural India in placing demands upon the state for higher output prices and lower input costs or writing off of agricultural debt or waiving irrigation charges. [39]

However, those who extolled the virtues of "Green Revolution" in purely technological terms, without giving any serious thought to the way social relations might constrain investment, and seemed to be confident of the gradual spread of the 'Green Revolution' to the other regions of the country, found to their utter surprise that landlord capitalism is thriving only in limited pockets of assured irrigation and given the right profitability conditions. The outstanding feature of this land-lord capitalism is its inability to usher in a productive transformation in agriculture.[40] Utsa Patnaik, a noted Marxist scholar, writes poignantly in this respect, "Wherever the classes of well-to-do peasantry have been historically attenuated no socially broad based trend of investment can take place; it is not very surprising therefore that the era of the 'green Revolution' from the mid sixties to the mid seventies has not been one of accelerating growth, but rather the Converse".[41]

Further, while private capitalist investment in 'Green Revolution technology is initially land augmenting and raises the demand for labour as it is reflected in a higher absorption of labour per unit of area, but as soon as labour displacing mechanization is put in place in response to additional output expansion, it shows a declining labour absorption. Moreover, inadequate agricultural expansion which constitutes the whole of India excluding the North, reinforces the fact that internal market for capitalism is increasingly constrained by the reliance on private investment to accelerate growth within an unreformed structure. The proposition is also corroborated by the macroeconomic data.[42] According to the General Marxist understanding, the growth of capitalism in agriculture would be characterized by differentiation among the peasantry, leading to the formation of a capitalist farmer class exploiting a growing 'proletarianized' agricultural labour class. This, would, in turn, provide the basis for the mobilization of the latter. Evidently, this process has failed to generate adequate momentum in India. But the exponents of new agrarianism like Sharad Joshi and others put forward a new formulation counter-posing 'Rural Bharat' against 'Urban India'. They contend that 'remunerative prices' for agricultural commodities could solve the farmers' problems. Thus, a

vertical mobilization of agrarian classes was sought leaving aside the internal class contradictions of agrarian society. [43].

Therefore, one can see the post-green revolution years as representing an increasing accommodation of the interests of the surplus producing farmers. The new Agricultural strategy which was responsible for generating surpluses, provided the needed clout to this class to have the decisive influence over the policy-making apparatus of the Government. The price-based struggles led by shared Joshi, Nanjundaswamy, Rudrappa Naidu and Mahendra Singh Tikait were launched with this particular end in view. They have also stoutly resisted any attempt at reducing subsidies on inputs and outputs as well as keeping agricultural income exempted from taxation despite huge food-grain stocks in the warehouses and massive subsidies doled out to this categories of farmers.[44]

The most polemical issues that have cropped up following Green Revolution, is its social implications, in terms of its effect on social disparities, in particular. One radical Marxist critique of the Green Revolution contends that it has benefited mostly the big farmers, "Rich Peasants", Kulaks, or capitalists. Thus, it has led to an increasing gap between rich and poor peasants and landless, to "differentiation of the peasantry", class polarization, "growing landlessness", and "agrarian revolts". On the other hand, most non-Marxist perspectives highlighted the greater diffusion of the gains of the Green Revolution, though conceded to its "differential spread". They also argued that it is not an alternative solution for other problems of agrarian order, industrial agrarian relations, and economic development, in general.[45] However, a truly agriculture oriented economic development strategy would require both a reallocation of resources away from urban, industrial development and a keenness to accept a slow, gradual process of change instead of crash programmes with spectacular results. The overall policy was ideally to promote extensive, continuous, incremental change with a focus on preserving the viability of small farmers and promoting the interests of marginal farmers.[46]

As a direct consequence of the Green Revolution, the successful middle peasant now faces the state above them, and the landless and the rural poor located below them in the power hierarchy. The emerging 'new' crisis core and the nature of the conflictual dynamics of the Indian rural society have moved their site away from struggles against landlords to struggles against the state and against the poor, located at the lowest strata of the economic and power hierarchy of the society as the data on peasant movement studies indicate.[47] A perceptive observer has made a very insightful comment in this respect, "No doubt these overarching contradictions are in many ways the natural product of the apparently sweeping developmental policies of the state, democratic political participation in the sharing and shaping of power in the making of the state, the new production technology, the heightened sense of rural urban exchange (See Breman 1985; D. Gupta 1988), the rise of the dominant class of rich peasants (Macdougall 1979), the relatively unchanged condition of the rural poor and the lower castes, accelerated process of social mobility, migration, movement and communication-all merging to make Thorner's title, 'The shaping of modern India' (1981). It is in the midst of these transitions (see Desai 1979a; Oommen 1984) that we identify and locate the transformed nature of the of the 'old' Indian rural crisis-core into the 'new' crisis-core."[48]

However, Bardhan's model of the political economy of India was suggestive of the outcomes of conflicts and compromises between three dominant propertied classes: the Industrial capitalists, the 'rich farmers', and the class of white colour workers and public sector professionals. But, none of them was strong enough to hijack the state individually and thus, was engaged in relationships of competitive interdependence.[49] As he writes in this respect, The Indian public economy has become an elaborate network of patronage and subsidies. 'The heterogeneous proprietary classes fight and bargain for their share of the spoils of the system .....'[50]

A strikingly important expression of conflict between the urban industrial and professional classes and the dominant agricultural interests

is observed in the struggles over farm prices and input costs.[51] Which, according to Varshney, have been a major political question ever since the inauguration of the 'Green Revolution' era.[52] Michael Lipton, another critic of the Nehru Mahalanobis model, lambasted Indian planning for its neglect of agriculture. The policies regarding the allocation of public sector investments and the inter-sectoral terms of trade were accused of urban bias.[53]

However, the chief beneficiary segments of the society who have been centrally entangled in the politics of agricultural prices, whom Byres describes as 'Kulaks' (originally Russian term), became increasingly effective, and finally, appeared in many parts of India as the new dominant class in the emerging agrarian structure.[54] Gail Omvedt, based on NSS (National Sample survey) data, argues that there is no evidence to prove the existence of a 'capitalist farmer', 'rich farmer' or a 'Kulak' class in the Indian countryside. In her view, the rural bosses of the village are a goonda class (i.e. hired thugs) who derive their prosperity and power from non-agricultural sources like political corruption, smuggling, contracting, investment in other business, high level employment and control of local power structures like Panchayati Raj and co-operative bodies. According to her, contradictions within the village are primarily non-antagonistic in character.[55] In any case Chakraborty notes that increased public investment in agriculture is likely to crowd private investment in and lead to an outward shift of the supply function. Moreover, an agriculturally-oriented growth pattern is desirable on regional and distributional grounds. It would provide a cushion against reappearance of the Food crisis that affected the economy adversely untill the 1970s. The economy's highly stressed anti-poverty safety-net could also be strengthened by enhancing the sector's production capacity.[56]

III: Indira Gandhi and the Political Economy of Development in India.

The crisis in the economy and the political setback to the Congress Party in the late Sixties, led to rethinking in economics and politics. The emergence of the rich peasantry and the clamouring of this new force demanding its due share in benefits accrued from economic policies as well as seeking an upward mobility in the political process, was a hard reality. Another important development was the assertion of voting rights by the poor in a political Democracy who did not experience any perceptible change in their living conditions over the decades. Taking into account these emerging realities, the response was twofold in the sphere of economics. First, there was a strong, new emphasis on agriculture. The aim was to augment the output of food grains because the nation could not afford to continue its 'ship-to-mouth' existence. Moreover, a concern that if there was a shortage of food, the poor people suffered most. In any case, the Government, on the one hand, subsidized the prices of inputs like fertilizes, seeds, water, power or credit, on the other, ensured higher prices of output through a mechanism of procurement prices for producers and shifting of the inter sectoral terms of trade infavour of agriculture. Implicit in those array of policy measures, the political purpose of placating the rich peasants was quite obvious. Second, poverty alleviation programmes were introduced, though on a modest scale, in order to provide the poor with entitlements or assets to combat their exclusion. The crash scheme for rural employment, the Drought-prone Areas Programme, the small Farmers Development agency, and the marginal farmers and Agricultural labourers Development Agency were among the first few initiatives of the Government. In the sphere of politics, a strategy was devised characterized by three elements. First, a deliberate effort was afoot to co-opt the rich peasantry into the ruling coalition and preferably the Congress Party. Second, the dissent and the regionalism in the Congress Party was sought to be combated through a policy of 'divide and rule'. Third, populist rhetoric like the slogan of 'Garibi Hatao' campaign was launched in order to capture the popular imagination. The nationalization of Banks and the abolition of privy purses were the steps that helped Indira Gandhi to dominate politics right up to the withdrawal of

emergency rule in 1977 and maintained stranglehold on the political process through the democratic, populist and authoritarian phases of her rule.[57]

The problems confronting the Congress were partly symptomatic of wider changes in society and partly the outcome of its own actions. The first was due to centralization and the consequent tensions in the relationship between the centre and the states. Second, the emergence of the rich peasantry or surplus producers, promoted by the Green Revolution, was responsible for ushering in far-reaching economic and political changes. This class of farming community stood benefited from a series of Government Programmes like land reforms, the Community Development Programmes, Panchayati Raj system and the networks of co-operatives. In fact, they were more reluctant to be associated with the Congress and more willing to be a part of the coalition of opposition parties. This was, indeed, an important landmark in the process of economic and political Development of India.[58]

From the early 1970s, the Congress Government began confronting considerable discontent in the societal sphere. The rising prices, food shortages, industrial stagnation and massive unemployment ignited widespread protests adding to the Congress's woes. It was, no longer, regarded as a force of radical change, but as a party endorsing social inequality.[59] A Marxist scholar, while trying to capture the social scene of this period, explains, "since the 70s, rural areas in the heartland states of India (especially Bihar and Uttar Pradesh), and also in other large states such as Andhra Pradesh, have witnessed a steady increase in feudal oppression that has coincided with rising conflict between the forward castes (in Bihar, for example, they are the Brahmins, Rajputs, Thakurs, and Bhumihars), on the one hand and on the other, the other castes (Yadavs, and other Backward Castes, Scheduled Castes/Dalits, and Adivasis). In the post Emergency era, however, the oppressed castes often with the support of radical political organizations have in a number of states, offered resistance and struggled against such repression, with the result that caste violence against them has been unleashed by the forward castes with redoubled

force"[60]. With socio-economic crisis spiraling out of hand since mid-sixties, Congress Party and its leader Mrs. Indira Gandhi's position was threatened. She came up with a structural response to the crisis by introducing land reforms and some other social democratic measures which proved to be inadequate to meet the political challenges emanating from social contradiction. Around the mid-Seventies, she went in for a policy of structural freeze along with a series of power maintenance measures.[61]

Rudloophs, in their analysis of India's political economy, highlighted the role played in production and politics by small scale, self employed "bullock capitalists", cultivators who benefited from land reform and the "Green Revolution" and who rely more on family labour and their own human capital than on wage workers and machines They are more like 'yeoman farmers' who are both numerically dominant and control more land than any other group in the Indian country-side. The dominance of 'demand group', in their view, may be facilitating the 'centrism' of Indian politics in general, and constraining class politics, in particular'. The Congress Party, being the principal aggregative force in society and polity, has nurtured centrist politics with sufficient skill.[62] However, the Indira period witnessed steady disintegration of the Congress hegemony and its substitution by a populist and authoritarian leadership. The politics of this period is described as increasingly a politics of survival rather than a politics of development. The commercialization of agriculture and the increasing politicization of the lower classes had led to the emergence of new political forces within the Indian society.[63] Since the mid-1970s local civil wars have often taken the form of group atrocities perpetrated by higher castes and classes against local Harijans, ex-untouchables who happen to be, mostly, landless and agricultural labourers. State's inability to intervene effectively to promote citizen's civil rights and facilitate economic transformation was constrained by weak articulation and dependence on powerful local elites at the grass-root level.[64] Rudolphs argued again quite convincingly in this respect, "The paradox of India's weak-strong state arises from the juxtaposition of the Congress party's durable command of a centrist ideological and foreign policy consensus, social pluralism, permanent Government and a dynastic

charisma on the one hand. With highly mobilized albeit fragmented social forces that threaten Governability, political stability, and national purpose, on the other. Four developments have given concrete shape to state weakness: (i) Governments led by Indira Gandhi deinstitutionalized the Congress party and state structures; (2) increasing levels of political mobilization, embodied in demand groups that press for immediate and hard to fulfill demands, have created an overload on the state, (3) unofficial civil wars among castes and classes have beset the countryside, particularly in North India; and (4) a new religious fundamentalism is exacerbating hitherto latent or low level social cleavages, making it difficult for the state to accommodate them".[65] Against this socio-political background, Indira Gandhi sought to strengthen her power position vis-à-vis competing political elites by going "directly to the masses". She tried to gain the support of the lower classes by promising them redistributive policies. But, hollowing out of the party organization and a bureaucracy hostile to her social goals rendered her incapable of realizing these policy objectives.[66] It was recognized that neither agricultural nor industrial growth would be sufficient to address the problems of unemployment and underemployment. So, special programmes were incorporated into the Fourth five years plan in 1970 which included projects for small farmers and schemes for marginal farmers and agricultural labourers, all of which involved subsidized loans for the provision of productive assets, and subsequently an experimental crash scheme for rural employment and a drought-prone Areas programme.[67] Church argued that her populism may not be equated with political opportunism.[68] But, her role in recreating the Congress during the 1970s and the 1980s as a much more populist and personalistic organ, can hardly be ignored which eventually, created a significant institutional vacuum in the Indian polity.[69] populism, leadership dominance, and the organizational weakness was the basic hallmark of the entire Indira period. The chasm between promise and performance was being widened. Prior to the emergency, the political opposition also crafted a strategy of going directly to the masses with Jaya Prakash Narain led movement gaining

momentum, Indira Gandi's position was threatened like never before which prompted her to promulgate National Emergency in 1975.[70]

The dominant agricultural interests in India had genuine reasons to be alarmed of the Emergency regime. The basic class alliance between the bourgeoisie and the landed gentry was threatened by the regime of emergency."[71]

However, the bureaucratic excesses in North India, the urban resettlement programme and coercion associated with family planning were the immediate causes responsible for the massive setback that the elections of March, 1977, had produced for Mrs. Gandhi.[72]

Deepak Nayyar writes in this context, "An erosion of the political mandate strengthened the opposition both inside and outside the Congress Party. In response, Indira Gandhi sought to control and curb the political opposition, to establish herself as an undisputed leader in the mode of Caesar. The majoritarianism soon turned into an authoritarianism. But this was not consistent with the checks and balances needed in a political democracy. And, it was this, rather than an economic crisis, which led to the Emergency".[73]

But, the emergency itself demonstrated the limitations of authoritarian rule from the centre, when it extended only to control over state-level politicians, without having any wherewithal to rein in the kulaks, in particular. Partha Chatterjee found a roadblock for the secular, socialist, democratic India in 'the message of Charan Singh's politics'. The expanding political power of the rich peasanty was firmly established in North India. But, the end of Emergency had inaugurated a new phase of rural agitations as Gail Omvedt has observed. C. Narayanasamy launched a stir over the issues of writing off loans and the reduction of electricity rates in Tamilnadu. Movements based on identical demands were also reported from different parts of North India. It was evident that the rich peasant power did not fit into the ruling power bloc.[74]

In any case, the weak representation of the middle peasatry in the Congress of Mrs. Gandhi, the break-up of the Janata Coalition and the return of Mrs. Gandhi to power at the Central Government in 1980 posed serious threats to peasant interest. The danger to the middle peasantry emerged in the possibility that MRs. Gandhi and the congress might be moving in the direction for resolving the dual contradiction between agrarian social structure and economic development strategy at their expense, by reinstating the policies of rapid large scale industrialization coupled with measures to keep the poor content such as rural works programmes, cheap food, and tolerable wages for the industrial workers.[75]

Thus, the Farmers movements was gathering momentum based on issues of market dependent, bureaucratically - oppressed peasantry which 'really exploded' in 1980.[76]

IV: The Political Economy of Development in India in the Eighties.

Indira Gandhi returned to power in 1980 following the premature demise of the Janata experiment, and decided to move 'rightwards' and be more 'pragmatic' in her approach to economic issues. Congress was literally, wiped out by the Janata Party in the 1977 elections in the entire Hindi heart-land. Notwithstanding 'Victory' in the 1980 election, she was not very confident of her support base in the Hindi heart land. Moreover, seeing the business communities in India standing solidly behind Morarji Desai's Government, she felt quite insecure especially in regard to future electoral financing.[77] More importantly, in the 1980s, the Farmers movement spoke with one voice that exploitation by the Indian elite (identified variously as the state, urban India etc), was responsible for the poverty of the entire population. One of the chief architects of the movement, Sharad Joshi used "India versus Bharat" imagery to highlight the urban-rural distinction – 'India' standing for the modern, westernized, urban elite, 'Bharat' for the rural poor. All these regional movements led by peasant leaders were characterized by the major line of contradiction between the exploiting urban/state based elite and the rural community as a whole. However, the peasant leaders might have articulated their demands in different ways. In Karnataka, Nanjundaswamy with a Lohia socialist background, spoke of 'internal colonialism'. Tikait in Uttar Pradesh raised his accusing fingers against urban exploiters and anti Brahmanism was explicit in the case of Tikait. On the other hand, Sharad Joshi drew, Quite often, extensively from the language of phule and the non-Brahman movement. [78]

Again, the Janata victory in the 1977 state assembly elections owed a great deal to the support of the middle peasantry. The second period of non-Congress rule in U.P (Uttar Pradesh) witnessed an even more sincere attempt to promote peasant interests and agricultural development. Government policies were directed virtually exclusively towards rural development and promotion of agriculture. The UP (Uttar Pradesh) Government's determination to insure a good return to the cultivators of sugar-cane was quite discernable when it went a step further by adding its

own subsidy to the cane-price in addition to the support prices provided by the Union Government.[79]

Meanwhile, leaders of agrarian based parties in India such as Charan Singh called for major changes in Indian economic development strategy and envisaged a massive shifts of resources for extensive agricultural development to benefit all the viable peasantry, for vastly increased funds for rural development generally, including provision of basic amenities of life for the villages of India, and for a promotion of labour absorbing local, small scale Industries.[80]

In this context, Atul Kohli writes, "After 1980, Mrs. Gandhi sought to build her support in the Hindi heart-land and among the business communities by shifting away from the earlier themes of "Secularism and socialism". The new political posture had two ingredients: (I) an emphasis on "Hindu Chauvinism" and "Communalism" that had great appeal in the Hindi heart-land and (2) a more pragmatic, pro-business attitude to accelerate economic growth and to build up her support with Industrial and commercial groups. It must have been clear to Mrs. Gandhi by then that her "Socialism" was not working. The anti poverty programs had not been particularly successful. Thus, her continuing electoral support among the poor was not due to concrete rewards but rather to her ideological and rhetorical appeal. She believed that she could maintain the rhetoric even sticking to a watered down version of the overall "Socialist Program".[81]

However, the compulsions of political democracy inaugurated an era of populism in both economics and politics. In the realm of economics, some important changes in policies were put into effect. First, there was a proliferation of subsidies on Food, fertilizer and exports. Both public utilities like irrigation, electricity and road transport and public sector such as Steel and Coal were either to give under-priced services or produce under-priced goods. The implicit and explicit subsidies was, evidently benefiting the rich peasantry. But, the Industrial capitalist class stood benefited as the public sector provided them with cheap inputs and the nationalized banks extending to them loans which eventually turned into non-performing assets

and the Government came to the rescue of the big firms through the loan waivers. Second, besides subsidies, there was a striking dissimilarity between the rapid increase in public consumption expenditure of this period and the expansion in public investment expenditure. Some of them contributed to social consumption and, thus, paved the way for an inclusion of the poor. But, a lot of such public expenditure like salaries of those employed in the Government and in the public sector, supported increases in private consumption. All of these contributed to an increase in aggregate demand.[82] As Deepak Nayyar argues elsewhere "In so far as the increase in fiscal deficits did not translate into a corresponding increase in current account deficits, the increase in aggregate demand would, in the presence of excess capacity and unemployment, have led to an increase in output. Such an increase in capacity utilization would also have raised the productivity of investment which is reflected in significant productivity growth during the 1980s".[83] Third, a good number of anti-poverty programmes were launched. They were designed to create employment or provide incomes to the poor. On the other hand, through the integrated rural development programme, an attempt was made to provide the poor with entitlements, assets or capabilities.[84]

At the level of politics, a competitive politics of populism began under electoral compulsions both at the centre and in the states. As a result, the promises made multiplied, but the number of promises kept dwindled. The state was increasingly unable to mediate between conflicting interests and competing demands. Thus, it resorted to a politics of patronage in a bid to promote the interests of the constituent of the ruling elite through a wide variety of schemes and programmes.[85]

Mean while, the Congress Party had already lost interest in the slogan of peasant unity after it returned to power. The Indira Gandhi led Congress devised a different strategy for undermining strong leaders from farming communities. She tried to mobilize the electoral support from the dalits and minorities along with the top stratum of the social hierarchy. In a sense, this had democratized politics but at a cost of constricting political space for the

farming communities. The main plank of the electoral strategy of the new Congress under Indira Gandhi, was populist promises for enlisting the support of the back-ward, dalit and minority vote by appealing to their ethnic identities.[86]

However, Indira Gandhi herself altered India's political economy around 1980 in the direction of an alliance between state and business for economic growth. Evidence shows that the post-emergency Indira Gandhi down played redistributive concerns and prioritized economic growth; sought an alliance with big business; adopted an anti labour stance; put brakes on the growth of public sector industries and diluted the significance of economic planning and of the planning commission.[87] A leading Indian daily, editorialized in 1981, "A change of considerable significance is taking place in India ..... the emphasis has shifted from distributive justice to growth".[88]

Indira Gandhi and her advisors also estimated that an alliance with big capital may not be too costly in political terms. She thought that the country's poor were already with her. Moreover, state support to business would lead to increased productivity. This would, surely, lower inflationary pressure on the economy and would, invariably, receive appreciation from India's largely poor electorate.[89]

But, this political estimate did not turn out to be true as Atul Kohli observes, "The shift in development strategy also created significant political problems, especially how to win the support of a majority, where the majority poor, or near poor, and the rhetoric of socialism and of *garibi hatao* are slowly being put on the back-burner, while this is no place to discuss these issues, Indira Gandhi's flirtation with ethnic politics in this period, especially themes of Hindu Chauvinism and interfering with Sikh politics, was part and parcel of the new political economy."[90] Jagdish Bhagwati, a renowned economist, was of the opinion that India's 'weak growth performance reflect (ed), not a disappointing savings performance, but rather a disappointing productivity performance'.[91] He, further, argued that Indian planning model was bound to produce an inefficient, bureaucratized,

over-licensed and often corrupt economic system. Not only that, it would take on a nightmarish, even Kafkaesque quality and finally, it was a failed experiment.[92] The Government under Rajiv Gandhi was, initially, swayed by a pro-reform idea and produced the budget in 1985 which reduced income, corporate and wealth taxes, cut import duties on capital goods, provided tax breaks to exporters and largely removed licensing restrictions on investments in twenty five Industries.[93] Around this time, Rajiv Gandhi himself summed up his Government's economic approach as entailing a "judicious combination of deregulation, import liberalization and easier access to foreign technology."[94]

As discussed earlier, Indira Gandhi was increasingly diluting her commitment to socialism after she returned to power in 1980. But, Rajiv Gandhi went one step further by dropping the pretense of socialism altogether and publicly making a strong case for his Government's commitment to a new "liberal" beginning. Individuals like L.K. Jha, Manmohan Singh, Montek Singh Ahluwalia and Abid Hussain were appointed as Rajiv's key economic advisors at this point of time. The basic point that one needs to emphasize here that the decision to undertake major reforms of the economy was already up the sleeves of these key policy-makers during the 1980s. They were only looking for an opportune political moment to come.[95]

The drive towards liberalization of the economy under Rajiv Gandhi, was slowed down after the initiatives of 1985-86. Possibly, it incurred the wrath of two numerically significant social groups: the "middle peasants" and the "scheduled castes". As a result, Congress felt politically threatened. Thus, the "logic of democracy" prevailed over the "logic of efficiency". So, the trajectory of development, as planned by Rajiv Gandhi, in conossance with liberal ideas, had to be re-directed towards the underlying tendencies of the Indian economy-towards increasing public expenditure, increasing imbalance in taxation which prodded it to go for commercial borrowing. Consequently, India found it increasingly difficult to balance its books given the fact that it had limited commercial intercourse with other countries.[96]

During the 1980s, no government in India could afford to ignore altogether the power of the rural lobby. The hike in the fertilizer subsidy in the years from 1982-83 to 1984-85, is a testimony to this. This lobby gained in enormous strength through the second half of the 1980s notwithstanding the differences among the key leaders. Sharad Joshi, one of the chief exponents of this lobby, is reported to have said that: 'our farmers' movements is a movement for a second independence..... The British tried to squeeze this country for the benefit of the empire. The "Black British" are doing the same for the benefit of "India" at the expense of "Bharat". On the other hand, Mahendra Singh Tikait emerged as the chief spokes person of richer farmers of North India after the death of Charan Singh. The Bharatiya Kisan Union under Tikait, achieved some local successes in the late 1980s and early 1990s. The Bharatiya Kisan Union (BKU) enjoyed support mainly in western Uttar Pradesh (UP) and Haryana and was engaged in campaigning for lower input prices rather than higher farm out-put prices. In any case, poor peasants and landless labourers were brought into the fold of these farmers' movement largely through coercion and ties of caste and kinship.[97] The agrarian populism of the Farmers' movements might have also contributed to the enhancement of communalization of political symbols and form for generating and reinforcing undifferentiated notions of a community of commodity producers.[98]

Rajiv's overall political popularity suffered setback in late 1986. His party has virtually conceded defeats in every state election that took place after the assembly elections in March 1985. But, the loss in Haryana which was a traditional Congress stronghold in the Hindi heart-land, was, indeed, a barometer for understanding the fall-out of economic policy shifts since 1987. Two important implications of the Haryana election stand out quite prominently: First, opposition's attempt at painting Rajiv and his Government as pro-rich was successful. Second, Reverting back to populist socialistic economic policies could only arrest further slide of Rajiv's electoral popularity. Predictably, Rajiv re-established socialism as the framework between 1987 and 1989. He also slowed down the rate of change

in economic policy as India returned to its usual 'pattern of muddling through'.[99]

As Rajiv's popularity waned, the opposition parties took populist posture and started lambasting Rajiv for the neglect of farmers and the poor. This political move was orchestrated by V.P. Singh in the Hindi heart land and by others like Jyoti Basu of the CPI(M) in West Bengal and NTR and Hedge in the south which threatened to alienate Rajiv from the lower classes. The increased allocations to pro-farmer and anti-poverty programmes proposed in the budget for 1988-89 bore testimony to the fact that electoral pressures compelled Rajiv to backtrack on his pet project of liberalizing the economy, at least temporarily.[100]

In any case, with the installation of the national Front Government led by V.P. Singh in 1989, outstanding loans of small and middle farmers were written off. Thus, the fiscal crisis was, further, deepened and it had doubled over the previous decade. So, the country was unmistakably, moving towards the economic crisis of 1991.[101]

The 1980s witnessed a Keynesian type of spending boom in the economy. As a result, growth rates averaged around 5 per cent per annum over the decade and it got past the 'Hindu' rate of growth of 3.5 per cent which had been the characteristic feature of growth trajectory in earlier decades. However, the multiplier effects of this process contributed to a modest growth of employment in the rural areas. But, employment elasticities in all the important sectors had dwindled. Inflationary pressures were sought to be contained by the gradual moves towards import liberalization. This led to a substantial growth of non-oil imports over the decade as well as the increasing import intensity of domestic manufacturing production. Obviously, this expansion fuelled by fiscal deficit could not be sustained as the internal and external imbalances in the economy paved the way towards a situation in which a crisis of payments became unavoidable.[102]

At the end of the 1980s food prices had spiraled despite three consecutive good monsoons. The contributory factors to the inflationary

pressures on the economy, were also the huge fiscal deficits and an excessive growth in money supply. In the 1980s, domestic resource mobilization by way of direct taxes was progressively reduced while imposition of indirect taxes were fraught with the danger of fueling inflationary pressures on the economy or ended up being regressive or both. The problem was, further, compounded by a profligate increase in public expenditures triggered in part by the competitive politics of populism and in part by the cynical politics of soft options. However, the root cause of the fiscal imbalance was the revenue expenditure incurred in excess of the revenue receipts. The financing of this revenue deficit through borrowing implied that borrowing was used to meet consumption expenditure. Besides, the defense and social sectors expenditure did not bring in tangible returns, so the rates of return on public investment elsewhere had to be exceedingly high so as to ensure healthy income flow to the state coffers, such a fragile fiscal regime was destined to be collapsed beyond a point of time. [103]

Deepak Nayyar, following the same logic, argued in this context, "The drift to an overwhelming reliance on patronage in the 1980s, however, simply represented a path of least resistance and a strategy of survival in state power. It was a means of buying time. This populist politics and cynical economics, taken together, translated into soft options, which had the most serious consequences for the economy. It was possible for the Government and the country to live beyond its means, on borrowed money, for some time, but it was not possible to post-pone the day of reckoning forever. The inevitable crunch did come at the end of this phase."[104]

Pranab Bardhan in trying to understand and analyse the political economy of development in India argued that the autonomy which the Government might have enjoyed in the 1950s, when the planning commission was in greater control of things, was lost by the 1960s in the wake of opposition to agrarian reform by richer farmers and the industrial bourgeoisie lobbying actively to insulate them from competition. As a result, there was a role reversal from a developmental state to a regulatory one and naturally, the state in India could not rein in the rent seeking proclivities of

the proprietary classes who were instrumental in keeping Governments, especially the Congress Party in power. The people, at large, had to pay a heavy price because of this inaction despite high rates of growth in the 1980s. It could not, eventually, make any serious impact on poverty reduction. Although public spending had a small impact on the rural poverty in the 1980s and job creation.[105]

Partha Chatterjee, another perceptive observer of Indian politics, using his theoretical sketch of 'passive revolution' in India contended that the deepening of Indian democracy and the ruralisation of Indian politics facilitated for a more extensive capitalist transformation of the Indian country-side. The agricultural growth in the 1980s and of the new farmer's movements, virtually, clipped the wings of the Congress Party which had to, willy-nilly, respond to their demands knowing it fully well that they stood benefited enormously from congress's policies, and still, was being branded as 'their' (Bharat's) principal enemy. Thus, the political power, slowly, travelled to the states and districts to be followed only by fiscal transfers. So, the hollowing out of the Congress Party in the 1980s was a foregone conclusion.[106]

V: Reforms, state and Development since the 1991

A change in Government policy was finally taken place in 1991. Some maintain that the reforms of the 1990s were essentially a response to the economic, fiscal in particular, excesses of the 1980s. In accepting this view, one must not be totally blind to the successes of the 1980s and the critical role played by some of India's business leaders in making a strong case for reforms to promote their corporate interests. However, the Indian economy in the late 1980s got a little overheated and as a result of which a chasm was created between the real economy and the financial economy. Moreover, increases in rural wage rates in the 1980s were not financed in full or by more than 50 per cent by increases in productivity. Other contributing factors like increased Government spending, loan waivers and subsidies went unmatched vis-à-vis increases in Government tax and other receipts. In fact, Rajiv's reforms eased tax burden on middle class households. It is worthy to note that India decided in the 1980s and in the late 1980s in particular, under Rajiv Gandhi and V.P. Singh, respectively, to finance its deficits by borrowing liberally from domestic captive financial institutions and from commercial banks abroad. Despite the fact that savings in India continued to be high through the 1980s, the public sector comprising the union Government, state Governments and public sector enterprises indulged in increased dissaving. It, thus, pushed India's fiscal deficit to nearly 9 per cent of GDP and inflation was going above 10 per cent mark. Obviously, the fiscal deficit impacted negatively on India's balance of payments in the late 1980s. So, Indian economy was cripped by mounting debt burden as well as dwindling reserves of foreign currency. By the early 1991, India reached an even precarious condition when she could only pay for barely two week's worth of imports from its reserves of foreign currency. Accordingly, India's credit rating was downgraded by leading International rating agencies. In 1991 when a Congress Government led by Narasimha Rao took over, Manmohan Singh, a respected economist and ex-governor of the Reserve Bank of India, was appointed as finance minister, with a clear-cut goal of reinstating India as an economically competent country to the outside world.[107]

The crisis of 1990-91 was precipitated by a number of factors: They were (a) the repayment needs for the 1981 IMF (International monetary Fund) loan borrowed by Mrs. Indira Gandhi after her 'second coming' as the prime minister of India. The loan was meant for structural adjustment and the loan was a whopping five billion dollars. (b) the large size of the private international bank loan, coupled with rising fiscal deficits that created uncertainties about loan repayment,; (c) the Gulf crisis of 1990, which, on the one hand Jacked up the oil import cost massively and on the other hand, caused sudden disappearance of $ 2-3 billion of annual remittance from Indian working in Kuwait, Iraq and other Gulf countries. (d) the heavy speculative outflow of NRI (non-resident Indian) funds to East Asia within a short time.[108]

A scholar tuned politician wrote in this context, "The crisis came about partly because of events that were outside the control of the Government (such as the Gulf crisis) and partly because of a shift in the policy objective in the mid 1980s, when the Government had decided to build the domestic consumer durables Industry, for catering to the needs of the domestic elite, with money borrowed from privately owned International banks. We can also add that while macro-economic management was, on the whole, satisfactory during the 1970s and the first half of the 1980s, the system went out of balance during the second half of the 1980s, as loans and debt service ratios soared, fiscal deficit widened and inflation reached new heights. All these were compounded by a sharp drop in India's credit rating and the unwillingness of the private international banks to offer any more loans, thus repeating history."[109]

No doubt, the crisis provided an opportunity for a major overhauling of Indian economic policy. Prime Minister Narasimha Rao and his finance minister Manmohan Singh, seized the opportunity and major reforms were under taken.[110]

The new Government led by Narasimha Rao which took over at the end of June 1991 committed itself to a programme of structural reform, but, stabilizing the economy was on the top of its agenda. The immediate

objectives were to contain inflation, improve the balance of payments position and restore the fiscal health. The objective was also to minimize the adverse consequences of stabilization on real income and output, and put the economy on a high growth trajectory as fast as possible.[111]

The structural reform advocated by multilateral financial institutions, seeks to shift resources (a) from the non-traded goods sector to the traded goods sector and within the latter from import competing activities to export activities; and (b) from the Government sector to the private sector. Besides resource allocation, structural reform seeks to improve resource utilization (a) by emphasizing upon the openness of the economy and (b) by reducing the role of state intervention to make way for increased reliance on the market-place. It also seeks to curb controls to rely more on prices and de-emphasizing the public sector to depend more on the private sector.[112]

The package introduced in 1991, contained liberalization, privatization and globalization as essential parts and was popularly known as the LPG model.

Liberalization – The kernel of liberalization is that economic management should be left to the market forces. The rationale behind the idea is to make sure that allocation of resources, commodities, labour power, foreign currency etc. would be optimal and efficient. And any deflection from it would entail avoidable social costs. So, in order to ensure smooth functioning of the market, all controls and regulations including entry barriers, ought to be dismantled. In this scheme of things, state has to take a back seat as any intervention from the state in the form of controls, subsidies, selective protection etc. would distort prices and render the resulting allocation inefficient, thus slowing down economic growth.

Privatization - In sync with this Economic Philosophy, all public sector economic activities, save, perhaps, a few natural monopolies and strategic industries, should be either closed down or phased out or handed over to the private sector. P rivatization is important because it would not only improve their efficiency but also prevent further drain on the state's

resources and bring in much needed funds for narrowing down the fiscal gap.

Globalization – The third major aim of the new economic policy (NEP) is globalization. The idea is that any action that hinders the free flow of capital, goods and services, is bound to produce sub-optimal results. Thus, Import substitution strategy makes the economy inward looking, increasingly backward and deprives it of cutting edge technology and managerial expertise. It strongly argues that a country should specialize in production and export only in those areas and items wherein it enjoys a comparative advantage.[113]

The very first set of measures in June 1991 deregulated all but eight Indian Industries by virtually dismantling the licensing system and allowing Indian Industries to decide what, how much, where, and how to produce. The private sector was given green signal to enter into areas hitherto reserved for public sector. Towards trade liberalization, import tariffs were lowered drastically. It was followed by devaluation of the Indian rupee which was made convertible on trade account very shortly. The requirement to obtain import licenses was virtually scrapped as increasing number of importables came under open general license (OGL).[114] Restrictions under the monopolies and restrictive trade practices Act were relaxed. Entry requirements including limits on equity participation for foreign direct investment were eased. Private investment both domestic and foreign, were thrown open to sectors such as powers which had hitherto been exclusively reserved for public sector investment. Disinvestment of equity in the public sector was also under-taken.[115] Selling part of the equity of PSEs (public sector enterprises) to the public was the standard procedure followed for privatization of the PSEs. It also discouraged and drastically cut fresh investment in PSEs.

Financial sector also underwent a series of reforms. Interest rates have now been freed. Private Banks are allowed to set up their shops. With the open electronic trading and establishment of securities and exchange board of India (SEBI) as an apex regulatory authority, the functioning of stock market was made much more transparent.[116] Narasingham Committee

recommended the pruning of inefficient bank branches, ending of interest subsidy, allowing foreign and private Indian ownership in banks and insurance, and making a strong case for no further Nationalisation.[117] Stuart Corbridge and John Harriss wrote, "India's banks thus served a social role and were only indirectly required to make lending decisions on the basis of commercial considerations. The reforms have changed the context in which India's banks have to work. Staffing levels have not yet been greatly altered, and nor have domestic banks been faced with a rigorous programme of privatization. But new private banks have been allowed to emerge (including a significant number of foreign banks), and they have been allowed to raise funds in the capital markets".[118] By mid-1998, private banks were able to carve out a niche for itself contributing for about 17 percent of bank assets surpassing its earlier share of 11.5 percent in 1991-1992. At the end of the 1990s a huge momentum was being gathered for further reforms in the non-banking financial sector with the insurance sector not beyond the scope of this reform agenda.[119]

However, the reforms in India adopted a gradual approach by focusing, in the first phase, on macro-economic stabilization and in the second phase, simultaneous reforms of industrial policy, trade and exchange rate policies, coupled with tax reforms, financial sector reforms and public sector reforms would be attempted. Most importantly, in addition to stabilization measures, structural reforms were introduced that minimized the extent to which the public sector controls and influences the private sector.[120]

A measure of 'privatization' has been put into effect by new policies which have encouraged the entry of private firms into areas that were categorically reserved for nationalized sectors. However, robust exit policy for sick firms, reforms of the agricultural sector with a special focus on harnessing export potential, proposal for possible dismantling of the Food Corporation of India, downsizing the public distribution system, ostensibly, for better 'targeting' of its beneficiaries - were proposals doing the rounds but actual implementation seemed to have dithered. At the end of the

1990s, there were signals that future reforms would take a new course by phasing out controls on domestic trade in agricultural products and de-reserving of agro-industries which are presently on the small scale industry reservation list. Some of them would certainly open up opportunities for the new class of rich farmers. Again, resistance to the reform process could not be ruled out when this new class of rich farmers are exposed to competition from foreign seed suppliers or Agro-chemical Corporations. However, the crucial question for which the Government would have to take a call vis-a-vis the fertilizer, water and power subsidies, which the rich farmers had long enjoyed and protected through the 1990s.[121]

Utsa Patnaik and Prabhat Patnaik pointed out the imperfections involved in the reform process in the 1990s in these words: "The post-reform period from 1991 has been in fact not a consistent but a fluctuating picture with respect to macro-economic contraction largely because of the exigencies of elections. In the first two years up to 1993 the Finance Minister of the minority Government under the guidance of the international monetary Fund and the World Bank, undertook a large fall in the net fiscal deficit to GDP ratio (from 8.4 percent to 5.9 percent in the first year), and manufacturing growth decelerated sharply. Some expansionary rise in the ratio took place however from 1993-94 onwards, despite warnings from the international monetary fund, as seeking public support became important; combined with trade liberalization and sharp increase in the growth rate of both exports and imports to over 20 percent, this then allowed play to the pent-up demand for consumer durables, resulting in much higher growth in the three years 1993-94 to 1995-96. Such a one-time stimulus, once it was played out, led to growth petering off, turning into a recession by 1996-97, a situation inherited by the new coalition Government formed after the 1996 elections"[122]

Another scholar focusing on the period from 1991-98, argued that the reorientation of India's development strategy could be seen as a process of 'reform by stealth'. This was made possible by a combination of three factors; the political management skills of India's politicians, the fluid

institutional environment within which they operated and the political incentives generated by the initial policy measures they adopted to overcome the 1991 economic crisis.[123]

Bhagwati and Srinivasan as critics of 'dirigiste development' of the 1970s and 1980s, praised the reforms initiated by Manmohan Singh and lauded his determination to push them through in the face of opposition from 'vested interests' and 'academic orthodoxies'. However, they maintained that the reforms introduced in the 1991-93 had yet to complete a full circle.

Chidambaram in the Deve Gowda Government, carried forward many of Singh's good initiatives' and a 'second round of reform was promised in October 1999 by the new BJP led Government.[124]

Kuczynski and Williamson in a recent book entitled 'After the Washington consensus', made three main points crucial to understanding reform's second Generation which would help assess NDA's (National Democratic Alliance led by BJP) performance during its term in office. First, Conceptualising a second generation reforms agenda must include the unfinished business from the first generation. Second, reformist momentum would be stalled and the functioning of the market would be difficult without giving top priority to institution building. And, third, the political sustainability of the reform project is crucially contingent upon the issues of equity.[125]

India's composite budget saw a steep rise between 1997-98, the last year before the BJP came to power, and 2002-3. In 1997-98 it hovered around 7 percent of GDP which exceeded 10 per cent of the GDP and was still rising by 2002-3. It was, indeed, difficult for a Government to hastily reverse the course of trends inherited from its predecessors on Government salaries, in particular. And the BJP-led NDA did not want to leave an impression that it intended to try anything dissimilar to those used by its predecessors. Naturally, it also fell back on privatization proceeds for bridging the widening budgetary deficit. NDA's performance in the area of public expenditure was obviously limited both by imperatives of coalition politics and external forces. In fact, the limits imposed by coalition

Governance evidently exerted much more influence than did the external forces.[126] Rob Jenkins writes in this context, "In the current phase of India's electoral politics, in which regional parties are significant contributors to the forging of parliamentary majorities, the category of 'coalition constraints' overlaps very substantially with what might be termed regional pressures. This, by implication, highlights the important role played by those non BJP coalition partners that also ruled state Governments. The large bloc of MPs from the TDP which ruled Andhra Pradesh, was a crucial component of the NDA coalition's parliamentary majority. The TDP leader, and then chief minister of Andhra Pradesh, N. Chandrababu Naidu, exerted pressure on the NDA that made it difficult, if not impossible, for the Government of India to exercise fiscal restraint."[127]

The pressures from coalition politics scuttled a number of other reforms having a direct bearing on public expenditure. VAT (value added tax) is a classic case in point. It is, again, political pressures which compelled the erstwhile Finance Minister Jaswant Singh to backtrack on the issue just before the deadline - 1st of June, 2003. However, the NDA could successfully pass the fiscal responsibility and budget management Act (FRBMA). But, the FRBMA set 2008 as the target year by which India's fiscal deficit would be eliminated. The UPA (united progressive alliance) Government under Prime Minister Manmohan Singh in late May 2004, shifted the deadline back to 2009 immediately.[128]

Nevertheless, the reforms has made some steady progress and quite a lot has been done over the 1990s The two united front (UF) Governments and the two BJP led coalition Governments that followed the Congress Government of Narasimha Rao, have not avoided the route and by and large, remained loyal to the reform process. Political mindset has changed to the extent that no Party talks of rolling back the reforms. Over the decade, tax rates have been rationalized, Import tariffs have been lowered and consumer goods imports have been eased. The process of tariffication of quotas has started. Financial market liberalization has made much head-way. In February 2002, there was a talk of heralding further reforms in the areas of

subsidy reduction and privatization. The Indian economy is still showing up several loopholes. With poor infrastructure, not putting any exit policy in place as yet, subsidies and loss-making public sector enterprises still straining Government exchequer, the Government is faced with a mounting fiscal deficit which emerges as a key problem to be addressed. Procedural delays and corruption opportunities are still there and which are looked upon as important areas of concern.[129]

Coming back to Second Generation reforms, World Bank president James Wolfensohn's conceptualization is worth-noting here. He argues that the second Generation issues revolve around the questions of the structure of the right institutions, of the improvement of the administrative, legal, and regulatory functions of the state, addressing the incentives and actions that are required to have private sector development and to develop the institutional capacity for reforms. He also wants equity and fairness to be incorporated as core issues and forms a cardinal feature of political discourse and not just a part of the economic strategy and this should invariably address a broader social constituency.[130]

The economic and distributional consequences of the trade and fiscal reforms are important. Economic efficiency requires that prices ideally reflect the costs and benefits of different products and activities. It leaves no room for doubt that the Indian trade and fiscal systems have had the baneful effects on the economy as a whole, possibly, for neglecting economic efficiency criteria leading to distortions. Thus, economic inefficiency is thrived. There are other sources of distortion, including much industrial and labour legislation, and many controls that are, still, there. Ignoring reforms in these areas, benefits from the fiscal and trade reforms remain an elusive goal.[131]

However, despite being a Champion of Reforms, Joshi and little warned the votaries of reform in these languages, "But every reform has distributional consequences. Even if the vast majority will eventually gain, there will always be losers who never gain if only because they die too soon. And in the short and medium run, there will be many losers who fear they

may never gain even if they will. Many of the losses and gains will be quite small: and we should not worry about some of the losers because they are rich enough to be ignored. All we should do is to try to identify significant losses among the very poor, and look for ways to compensate them. We need not warn politicians of other less deserving potential losers who may be able to mount opposition to the reforms."[132]

Reforms and its impact on some vital sectors of India's of Economy

Agriculture is the mainstay of the Indian Economy from the perspective of poverty alleviation and the associated goal of employment generation. Agriculture provides gainful employment to nearly two thirds of our labour force. Casual agricultural labourers, tenants and share croppers and marginal and small farmers constitute the overwhelming majority of the rural poor. Nevertheless, economic reforms and liberalization process that was inaugurated in July, 1991, largely by-passed this segment of population.[133]

The shift in economic priorities during the early 1990s ensured a near complete marginalization of the rural society and agrarian economy in the popular discourses in India. This neglect of agriculture and rural economy has affected not only the farming communities but also the landless labourers who were the hardest-hit to securing employment on viable wage because of crisis in agriculture.[134] Jayati Ghosh captures this process very brilliantly when she writes, "The complete collapse of rural incomes or job opportunities has created an almost unprecedented situation of desperation among the landless, who rely exclusively on wage labour to survive. Some of this problem originates further back, in the inadequate development of non-agricultural work opportunities in most of rural India. This was directly related to the decline in public expenditure on rural development, which had adverse multiplier effects on rural non-agricultural economic activity in general. More recently, farm related activities such as dairy have been hit by the decline of cooperatives (some of them killed by official design) and the pattern of trade liberalization"[135]

A sharp rise in agricultural production was expected after the introduction of globalization. However, there were not enough agricultural goods for exports under the new political economy, as envisaged by the advocates of comparative advantage, who wanted India, a poor country with surplus labour, to specialize in agricultural production. But, notwithstanding the fact that many favourable conditions such as high support prices occasioned by the new political economy (NPE), good rainfall for fifteen consecutive years and the support of the Government, the agricultural production during the 10 years under structural adjustment was recorded less than the figures for the previous 10 years.[136]

Higher agricultural prices have, surely, benefited the agriculturist. But, poor and non-poor households of agricultural labourers, artisans, the urban poor and Industrial workers had to suffer because of higher food prices. The distress-selling by the poor agricultural producer who are rather forced to sell their agricultural produce at a throw away prices immediately after harvesting only to purchase the same produce at a premium price subsequently.[137]

After the Green revolution which was based on high yielding seed varieties and associated inputs, land reform was de-emphasised. During most of the 1950s and 1960s, land reform was, in fact, buzzword in Government and bureaucratic circles. This was virtually reversed in subsequent years as they maintained not only silence but also talked of undoing land reform by changing the laws on land reform.[138] While talking about possible reform agenda in agriculture, Prof. T. N. Srinivasan, an ardent supporter of Economic reform, also tried to under-emphasize land reforms, in these words, "it is useful to organize the discussion of the possible reforms of agricultural sector policies into those relating to foreign trade, inputs such as fertilizer, water and fuel, infrastructure such as transportation and communication, outputs, processing, distribution, and marketing. Although it is no longer politically correct to talk about land and tenancy reform, let me note that although 'Operation Barga' of West Bengal has successfully registered share-croppers, thereby providing security of the

terms of tenure, it is unlikely that other states will follow. There is also some controversy on the contribution of 'Operation Barga' to the apparent acceleration of agricultural growth in West Bengal in the 1980s."[139]

However, liberals contend that there are many agriculture related areas, such as research extension, and investment in infrastructure, where reforms and increased investment are badly needed. But, the removal of input subsidies and the freeing of international trade are two major areas of concern. They argue that input subsidization work eventually ensured fall in the employment elasticity of output and therefore, tended to be poverty creating, given the level of output. According to them, trade liberalization would lead to higher output prices if it is linked simultaneously with removal of subsidies. An estimate for 1992/1993 indicated that output prices might rise by 15-20 per cent. Evidently, it might compensate for the loss of subsidies which may be around 11 percent to agricultural GDP (Gross domestic product). Therefore, input subsidization itself is not an equalizing or poverty alleviating measure. The compensation for reduced subsidies meant higher output prices for the farmers. But, for the subsistence farmer, this is virtually no compensation at all. This makes a strong case for retaining some subsidies for the very small farmers where targeting, by the size of ownership and operational holdings, may be the criteria for identification.[140]

However, agriculture being a way of life for more than two thirds of the population and more importantly, most of whom largely produce for their own consumption, agricultural development is inextricably linked with the concern for food security. Of late, 'food security by way of trade' argument is being put forward dismissing the quest for domestic self-sufficiency in food production. But, the fundamental task of producing food for meeting domestic needs cannot be ignored.[141]

Both the early 1980s and the early 1990s were periods which witnessed substantial stock accumulation. In the 1980s, part of the stocks were used for food for work programmes which had obvious poverty reducing impact. But, in the 1990s, in sync with market reforms, stocks

were largely used for exports and open market sales to processed food enterprises leading to a poverty-augmenting effect. In agriculture, cropping pattern changes began in the 1980s in response to more skewed domestic demand. However, it got accelerated in the post reform period with opening up of trade in agricultural products and policy thrust towards promotion of agro-exports. This led to significant decline in the area under food grains in favour of export crops. The cultivation of coarse grains declined by 4.8 million hectars between 1990-1991 and 1995-96 and the cultivation of pulses witnessed a net loss of nearly a million hectars between 1990-1991 and 1995-96. The fall in area under cultivation of food grains saw a corresponding rise in area under oilseeds and raw cotton. The export of these items had been allowed to increase six-fold over five years. As a result the domestic price of yarn rose sharply and the situation was, further, complicated by large volume of yarn exports leading to the closures of a large number of power looms.[142]

The rise in food prices would certainly hit the poor very badly as food expenditure constitutes a larger part of the budget of the poor, even in a very rich society. However, in a rich country, incomes of non-workers also compensated in part for change in relative prices through familial or public transfers.[143] Vijay Joshi and I.M.D. little wrote in this respect. But in India with no public welfare system this certainly cannot be relied on. The upshot is that one might expect the old and the incapacitated to be most affected by a relative rise in food prices. Food subsidies reduce or prevent a rise in the retail price of food when farm gate prices rise. If, as seems likely, this largely prevents a compensating rise in money wages, then the subsidy does not go mainly to the workers. This suggests that it would be better to target the poor and make direct transfers to them."[144]

VII: Social sectors, Reform and the state in India

The social sector as a whole is constrained by funding in India, with a huge role for private provision.[145] The social welfare reforms proposed consequent on the economic reforms of 1991 entailed reductions in public expenditure on education, health, investment in drinking water and sanitation, in subsidies on food and anti-poverty policy. On the top of it, GATT (General agreement on trade and tariff) ratification would lead to increased prices for internationally patented drugs.[146] As Dolly Arora warns against this anti welfare tendencies, in these words, "Many of the state policies have not only sustained but also furthered gender, caste and class based inequalities by worsening the state of those at the weaker end of the relationship. These patterns of decline of welfare of the poor, weak and marginalized are likely to be furthered as a result of the recent policy of structural adjustment, for despite all talk of 'adjustment with a human face', state support is clearly being withdrawn, not strengthened. Expenditure cuts and the swift dismantling of welfare provisions, however unsatisfactory their present status might have been, will only have numerous extremely anti-welfare fallouts".[147]

A comprehensive public distribution system (PDS) may be put in place in order to ensure remunerative prices for the farmers as well as insulate the food purchasing sections from price spiraling. However, the trend under globalization was not to nourish and nurture the public distribution system, at the same time, dismantling the PDS might invite popular backlash interms of political opposition. So, a watered-down version of PDS which is known as 'targeted' public distribution system was put in place with the promise of supplying around 35 kilograms per household meant for below poverty level consumer households.[148]

It is to be noted that in 1997-98 spending by the central Government on all major poverty alleviation and basic needs programmes combined together, stood at 8.9 per cent of the central plan budgetary expenditure. Although it was narrowly defined, it came close to a modest 1.45 per cent of the gross domestic product (GDP). Most importantly, more than a third of

this expenditure is devoted to taking care of the untargeted food subsidy of the PDS. Some argue that even the meagre expenditures on anti poverty programmes were largely misspent and cost ineffective. The study of Radhakrishna and Subba Rao (1997) points out that in 1986-87, the PDS and other consumer subsidy programmes accounted for less than 2.7 per cent of the per capita expenditure of the poor in rural areas and 3.2 per cent in the urban areas. PDS's impact on poverty and the nutritional status of the population was negligible. At the most, the PDS was credited to have brought down the poverty ratio to 38 per cent from 40 per cent that year. By and large, the abolition of PDS would have had a minimal impact in the rural areas where overwhelming majority of the poor people live. The cost of the transfer through the PDS and other subsidies was very high and compared to the PDS, the most cost effective scheme was the ICDS (Integrated Child Development Scheme) which cost 1.80 rupees to transfer one rupee to the poor. Therefore, the PDS subsidies are not particularly pro-poor in its impact.[149]

Under revamped PDS in 1992 additional quantities of cereals were made available at a subsidized issue price covering 1,775 blocks in backward areas. Given the inefficiency and corruption of the Food Corporation of India (FCI) and the food departments of state Governments, the efficiency of the revamped PDS may well be questioned. To remedy the situation, doing away with the corrupt PDS while retaining some food subsidy would be the best option. Bhagwati and Srinivasan (1993) came up with an idea of Food stamps which can do everything the PDS or a reformed PDS can do and do it more flexibly and in a cost effective manner.[150]

Vijoy Joshi and I.M.D. little seem to be in agreement with the idea of food stamps when they say, "The value of the stamps issued can be varied to take care of variations in the price of commodities. Their permissible use can cover a wide basket of commodities, or be limited to a few, for example to cereals only. There would be no need for public distribution and Government shops. Government buffer stocks could still be operated,

purchases and sales being made through normal commercial channels. The problem of targeting would however remain."[151]

Nevertheless, the impact of PDS is socially redistributivist.[152] With high inflation in food and in the prices of necessities, the incidence of poverty increases. The price rise which is concentrated in the price of wage goods, probably, contributes to the process of redistributing incomes away from the poor leaving them worse off.[153] public spending as a percentage of agricultural GDP in 2000-2002 was about four times larger on subsidies than on pubic investment. However, at the beginning of the 1980s public investment was larger than the subsidy component. The net effect of this subsidy component on food articles is that most of the subsidized food do not reach the poor. This is particularly true of the rural consumers in the poorest states where the public distribution system is dilapidated and corrupt.[154] Bhaduri and Nayyar make a very succinct point in this connection when they argue that public spending in itself is neither a vice nor a virtue. What matters is the uses to which such public spending is put and the social rate of return that it earns.[155]

VIII: Reform, labour and the public sector enterprises

The main objectives underlying reforms were to reduce the activities of the public sector, to facilitate the closure of sick units in the public sector and off-loading of the burdens on the exchequer on account of public sector.[156] The Industrial policy statement which was laid before parliament on 21 July 1991, by the then finance minister, Manmohan Singh raised some important issues, namely, downsizing and out-sourcing, growth of insecure employment and gradual dismantling of the public sector.[157] On attaining independence India opted for planned development in conformity with the 'standard practice' followed in socialist countries such as erstwhile soviet union. It also went in for a mixed economy with both the public sector and private sector operating side by ride. But, the private sector had to live with regulations and controls. A license was needed to start Industry and these industries were not allowed to venture into core industrial areas. However, the Industrial policy statement laid before parliament on 21 July, 1991, differed fundamentally from the past policies. The new industrial policies were in sync with the prevalent approach of structural adjustment and globalization of finance and investment. The policy aims at undermining the public sector and thereby, restricted employment opportunities in the formal sector. It also stresses the need for reviving the economy through privatization. One of the strategies devised to oft-load public sector enterprises is to sell them to the private investor at throw away prices. BALCO, Modern Bakery, VSNL, etc were sold at prices that did not even match the value of the assets they possessed. Moreover, labour laws, the Industrial Disputes Act (IDA) in particular, have been under threat so that It becomes less protective of permanent employment. Flexible rules to shut down enterprises are tried to be promoted by the Government in the name of 'exit' policy which met with stiff opposition from the trade unions eventually forcing the Government to shelve the idea temporarily. Another important tool for promoting such policy is the voluntary retirement scheme (VRS) through which companies can reduce the number of their work force through 'voluntary' retirement of their workers.[158] The Economic survey for 2004-05 brings to the fore that the total employment in the formal sector on

31 March 2003 was 27 million. So, employment declined by one million since 2000. Again, there seems to be no change in employment in terms of numbers since 1991. The informal sector, on the other hand, has expanded tremendously. The decline of the formal sector may well be attributed to closures of the public sector enterprises.[159] However, the inefficiency of the public sector has been documented and emphasized by many institutions, committees, and economists.[160] As Vijay Joshi and I.M.D. little wrote in this context, "The return to investment in public sector manufacturing from 1976/1977 to 1986/1987 have been estimated as 3-5 per cent compared with 17-23 per cent for private sector manufacturing. The public sector has always absorbed a lot of investment and given little back. Most recently (1993/94) it absorbed 42 per cent of gross fixed capital formation while producing 29 percent of GDP. This was a big improvement compared to earlier years. For instance, in 1986/87 it absorbed 50 percent of investment while producing 27 percent of GDP."[161] In 1992-93 number of loss making public sector enterprises swelled to 104 out of a total of 237 central public sector enterprises. By the end of 1994, 53 loss-making manufacturing CPSEs (Central Public Sector Enterprises) had been referred to the Board for industrial and financial reconstruction (BIFR). The objective of the new liberalization is to make industry more efficient in its uses of resources and thus to contribute substantially to the welfare of the people. So, reduction in the labour force and a partial divestment of the equity of the central public sector enterprises (CPSEs) were two important policy initiatives designed to arrest further slide in the financial health of many CPSEs as well as unfolding intention of the Government that it is not going in for wholesale privatization. But, in any case, It cannot be considered as an alternative to privatization.[162] Vijay Joshi and I.M.D. little further, argued forcefully that the alternative to privatization is a reform of the principles and practice of controlling and managing PSEs that gives far more freedom and security to management, while maintaining reasonable public accountability. The need for such reform has been recognized for thirty years or more, but nothing seems to have been achieved.[163]

The formal sector registers a negative growth in employment whereas the small scale manufacturing sector records significant growth. The 2004-2005 survey demonstrates that this sector absorbs around 28 million workers and it is growing interms of employment by over 4 percent per annum. The considerable increase in the paid up capital for small scale industry implied that it is possible to upgrade technology and include high technology industries in this sector. Both the NDA and its predecessor Congress Government Operated in an identical manner in this respect. As a result, small scale sector accounted for 35 per cent of India's export earnings. This is a welcome development notwithstanding, corresponding improvements in terms of better wages and social security could not be extended to ameliorate the condition of its labour.[164] AS a champion of the market reforms cryptically comments "It is still the case that employees of the public sector and organized manufacture are a labour aristocracy which is a small proportion of the labour force. This aristocracy enjoys relatively high wages, security of employment, pension and health benefits, housing allowance, paid vacation and leave travel concessions, and other perquisites none of which is available to the over-whelming majority of the labour force".[165]

The economies of China and Vietnam underwent a sea change as they have been successful in expanding labour–intensive manufacturing jobs on a massive scale. The problems of inadequate long term finance for small firms and infrastructural bottlenecks coupled with rigid labour laws and a policy of reservation of a large number of products for small scale industries (over the years the list of such products has come down from more than eight hundred to less than forty) are factors responsible for tardy progress on this front.[166]

T.N. Sreenivasan, a pro- market economist, advocating for labour reforms, argues that the reform of our labour and bankruptcy laws are indispensable for moving forward privatization drive and rehabilitation of sick industrial units. By making hiring and firing costly, labour laws have raised the cost of labour relative to capital. The 1980s witnessed virtually no

growth of employment in organized manufacturing enterprises in the private sector. Output growth in part may be attributed to steady investment. Thus, It rendered production excessively capital intensive.[167]

However, trade unions of different political persuasions in India have been opposed to any labour market reforms. But, they represent a small fraction of the total industrial labour force. On job security, the policy of hiring and firing has to be combined with a reasonable scheme of unemployment compensation on adjustment assistance.[168] Therefore, it is undeniable that the trade union movement has largely zeroed in on problems of the organized sector workers. They represent around 8 percent of the total work force. The work force in the unorganized sector despite being the hardest-hit, failed to organi ze themselves and articulate their demands and needs as their counterparts in the organized sector did. Reasons are not far to seek as to why organized sector workers have been able to consolidate their gains in terms of improved conditions of work and living. Now, the informal sector is being pitted against the formal sector. As job opportunities shrink in the formal sector, informal sector provides employment to nearly 28 million people. These workers are not covered by the existing labour laws, thus, depriving them of protection in employment and social security. It makes a strong case for them to get unionized.[169]

Finally, Deepak Nayyar warns us against public sector reforms which are being carried on in sync with market principles, in these words "This approach to public sector reform which emphasizes asset sales and closures represents the most rudimentary forms of privatization and restructuring. It is neither adjustment nor reform. It may imply selling the flagships and keeping the tram-ships, or selling white elephants to the slaughter house, but there is no systematic attempts to address problems of efficiency and productivity. We also need to remember from experience elsewhere, for example, Britain that privatization is a good strategy to impose discipline on the public sector so long as it is a potential, credible threat. It loses its virtue as soon as it becomes a reality."[170]

IX: Farm sector and reforms in India

Farmers' movement ran out of steam in the 1990s following differences of opinion between its leading exponents. Sharad Joshi, a prominent mass leader of the farmers' movement, sided with liberalization, while Nanjundaswany of Karnataka established his credential as the staunchest critic of globalization. He organized semi violent campaigns against Cargill, Macdonald's and finally, Monsanto through much of the 1990s Sharad Joshi got the solid support of the Gujrat organization, a developing farmers' movement in Haryana and one section of the Punjab BKU (Baratiya Kisan Union), while Nanjundaswamy combined with Tikait and another section of Punjab farmers to oppose globalization. The split within the farmers' movement did not take place centering only around abstract support of or opposition to liberalization. Some concrete issues like technology, seeds, irrigation, and development came up for discussion and became a subject-matter of contestation in the context of liberalization. Thus, within the farmers' movement, two groups were at loggerheads with each other. It also turned against the state and other social movement organizations as well.[171]

However, the pro-GATT (General Agreement on Trade and Tariff) campaign led by Sharad Joshi coincided with the gradual demise of the farmers' movement. Congress (i) stood benefited in electoral terms when the rich farmers, the sugar-cane farmers of western Maharashtra in particular, rallied behind it. Both the Janata Dal(JD) and the BJP were locked up in a fierce competition for the support of the farmer's constituency in Karnataka. However, the Janata Dal scored a point over the BJP by championing the farmers' demands and won a comfortable majority in the state assembly Elections of 1994. However, the Karnataka farmers' association received a huge electoral drubbing in as much as the same manner as Sharad Joshi's Swatantra Bharat was reduced to a political non-entity in the neighbouring state of Maharashtra.[172] This prompted an expert to make a very poignant point in these words, "This only lends credence to my contention that political lobbying by mainstream political parties within the existing power

structure is far, far more effective than any political campaign that an 'autonomous farmers' movement' is capable of waging"[173]

Two factors stand out quite prominently from the farmers' movement. First, it is evident that both "Nehru model" of development as well as market-oriented reforms since the nineties, did not come up with big plans for agriculture, notwithstanding the fears of backlash from the farmers' lobby." And, second, the farmers' movement have displayed different intellectual orientations of the leadership of local and regional movements rather than the mass base character of farmers' themselves.[174]

However, reforms in agriculture must be preceded by consensus on issues like subsidies, internal free trade, procurement prices, etc. The first round of reforms failed because it didn't cover the states. It may be contended that the WTO (World Trade Organization) may be leveraged to evolve a consensus on agricultural reforms as it happened in case of Industry.[175] In fact, there has been very little changes in those areas which affect the common people. The issue of subsidy in agriculture is a classic case in point which has been handled with soft hands. The Government might think that the issues have a direct bearing on the common people and naturally, have had the potential of snowballing into an issue of mass politics. So, the Government decided to put them on hold.[176]

Nevertheless, liberalization policies have contributed substantially to the further degradation of agriculture. Agricultural policy under liberalization, is mainly, constitutive of two elements-removing state support to agriculture and diluting import curbs which contributed to further worsening of agriculture during the last two decades betraying the promised growth and development of the farmers in the developing countries. On the contrary, the developed nations, the USA (united states of America) and the European Union countries in particular, did not do away with policies of state support to their farmers and kept up pressure on the developing nations to scale down their tariff barrier for facilitating imports or paving the way for free entry of multinational companies in the seed and pesticide markets. The developed nations leveraged the WTO terms to their advantage

vis-â-vis tariff regimes, anti-dumping laws and dumping food in the name of aid or dumping other agricultural produce in the markets of the developing countries, with their farmers enjoying high subsidy, it must have a cascading effect on the farmers' economy of the developing nations. In fact, the agricultural growth in the post reform period recorded a decline to 2.4 percent per annum during the 1990s as compared to 3.5 per cent during the 1980s. In 2004-05, it, further, nosedived to 1.5 per cent. The share of agriculture in GDP (Gross domestic Product) has been coming down steadily. Public spending in agriculture has gone down. Thus, the farming community in India are hemmed in from both sides - by the high cost of seeds and pesticides of the foreign supplier groups and cheap imports from the western nations who subsidized their agricultural produce heavily, on the one hand, and the lackadaisical approach of the state coupled with withdrawal of its support to the farm sector, on the other.[177]

The terms of trade between agriculture and manufacturing in India showed improvements between the early 1980s and the middle of the first decade of the twenty-first century. As a result, private investment in agriculture increased substantially especially in the high demand non-grain products. However, public investment in rural infrastructural projects such as irrigation, rural electrification, rural roads and provision of extension services have gone down. In a sense, escalating Government spending on subsidies has crowded out public investment. As a matter of fact, most of the producer subsidies go to the big farmers and nearly half goes to uncompetitive fertilizer producing units. It is generally recognized now in Government circles that there is need for increased public investment. The bulk of public investment in agriculture is directed towards surface irrigation, but, most projects are affected adversely by time and cost overruns and lacked in sufficiently sustained efforts to promote local level management and maintenance. Thus, much of the irrigation potential generated at great expense does not have corresponding impact in improving productivity.[178] It is universally recognized that especially in traditional agriculture, smaller farms have higher land productivity, primarily because of labour advantage. But this labour advantage is increasingly dissipated by

the difficulties that small farmers are to face in arranging credit, insurance, and marketing facilities. With the diversification of agriculture into cash crops and more importantly, horticultural and livestock products, cold-storage and refrigerated transportation, insurance against market fluctuations, and organized large scale marketing become, all the more, important. Thus the smaller farms may be rendered economically unviable in view of the new needs of diversified production and the market and ecological risks involved.[179] World Bank has also acknowledged that the slowdown of the Indian economy in 1997-08 may be attributed to a decline in agricultural growth in the preceding years.[180] Stuart Corbridge and John Harriss argued in this correction, "what it chose not to acknowledge was that India's agricultural successes in the 1980s and 1990s depended heavily on just that Government spending which it now decried, or that, more generally, the reforms in India might have succeeded rather more in their own terms had they attended to the strengths as well as the weaknesses of the pre-reform system of economic accumulation and management".[181]

It is a truism of sorts that the Agricultural sector remains virtually untouched by the liberalization process, notwithstanding the fact that this sector alone engages two thirds of the working population and accounts for 30 per cent of the Gross domestic product (GDP). It hinges on the failure to create employment as an effective wherewithal to deal with poverty. An indiscriminate approach to foreign technology and investment coupled with opening up of markets to global competition have, further, widened rural-urban chasm which smacks of urban bias.[182]

X: The intersections of Economics and politics - the issues of concern

Some encouraging trends in the Indian economy in the recent years have been discerned interms of growth rate of GDP hovering around 8 per cent, savings rate rising to about 29 per cent of the GDP in 2004-05 compared with 23.5 per cent in 2001-02, gross domestic investment rate going beyond 30 per cent mark in 2004-05, reduction in revenue deficit, and direct taxes reaching 5 per cent of the GDP for the first time since independence. Nevertheless, India is credited to have a dubious distinction as a wide gap in inter-sectoral growth rate exists. For example, both industry and services recorded a 9 percent growth while agriculture registered a growth of only 2.3 per cent in 2005-06. The periodic reports of suicide deaths of farmers due to inability to repay relatively small debt stand in clear contrast with a small fraction of the population belonging to professional-industrial class flaunting a luxurious life. There has been an increase in unemployment rate both in rural and urban areas among males and females alike as the recent 60th round of National Sample survey organization (NSSO) data reveal. Unemployment of rural males went up from 5.6 per cent in 1993-94 to 9 per cent in 2004. The rise of unemployment among urban males in the same period increased from 6.7 per cent to 8.1 per cent. The unemployment rate for women, in general has also increased. Thus, the rise in unemployment across the board has a direct bearing on the incidence of poverty in India.[183]

Another disturbing factor which appeared as one of the most tangible implications of structural adjustment at the local level, has been the rise in prices of essential commodities. The removal of subsidies and restrictions on public expenditure has led to the skyrocketing of prices of food-grains and pulses which, despite high buffer stock levels, have recorded an increase by more than 60% since 1991. The wholesale price index have also registered an identical increase in the period between 1991 to 1996.[184] Atul Kohli argued that contemporary higher economic growth rate in India is characterized by increasing inequalities, growing capital intensity of the economy, increasing concentration of ownership of private industry and

almost stagnant growth in employment in manufacturing industries, in particular.[185] However, the debate on the extent of poverty ranges from Bhalla's argument that poverty has come down to as much as 15 percent to the much more realistic assessment of world bank economists that there has been a modest decline and much less than what has been possible from about 39 to 34 per cent.[186] As one scholar states, "There is, however, ambiguity regarding decline in poverty but inequality has increased. There is increasing in formalization of labour and weakening of their unions. Reforms have created losers who are opposed to it. This includes the marginalized sections of society, e.g, the poor peasantry, landless labourers, industrial/service sector labourers, the lower middle classes, SCs and STs. The apprehension is that they would get further marginalized."[187] It is important to observe that the state level behaviour of income poverty and human poverty indices are dependent on the policies toward rural reforms, public expenditures, the public distribution system, health and Education. It is evident from the fact that in the 1990s even operating within a framework of cutting down public expenditure in order to contain fiscal profligacy as part of reform measures, some states fared well in registering declines in poverty, who did lower than average degree of contraction in public expenditure coupled with the continuation of rural and tribal PDS coverage in addition to provision of additional food subsidy out of state resources. This may be attributed to the fact that basic food grains prices were kept affordable for the poor. Some states recorded a very marginal rise in poverty who followed one or the other of these policies. On the contrary, sates which adopted none of these policies, has to witness substantial rise in poverty. This is, further, corroborated from evidences in Haryana which witnessed a sharp decline in poverty to low levels in the 1980s while the 1990s drained out these gains quite significantly.[188] Datt, Kozel, and Ravallion state that the decline in poverty has been modest and the pace has been slightly slower than the decline recorded from 1987-1988 to 1993-1994. They attribute this to the failure of pro-poor growth. Agricultural growth has been impeded. This has crucially hurt the poor. The problems of joblessness and lack of growth in educational opportunities with no

manifest thrust interms of policy direction towards the funding of education and health, contributed to the further worsening of the conditions of poor.[189]

The new economic policy introduced in India in 1991 advocated for drastic cut on public expenditure meant for a slew of social welfare programmes like education, health, investment in drinking water and sanitation, in subsidies on food and anti-poverty initiatives[190] Even a World Bank paper argued that the positive welfare effects of higher rates of economic growth is contingent upon adjustment depended on the extent to which this growth is capable of generating employment opportunities and real wage increases.[191] Anand and Ravallion conclusively proved that while public and private expenditure for welfare may be historically sequenced, the role for public expenditure is a critical determining factor in the initial phase of poverty removal, which may be a long-drawn project. Thus, it makes a strong case for the state as the social welfare regulator.[192]

However, the fact that public spending has been shied away from the social sector since 1990, admitted by World Bank in its India: 1998 Macro-economic update:

As part of the fiscal adjustment, direct capital spending by the central Government (excluding defense capital) fell from about 1.4% of GDP in 1990-91 to 0.7% of GDP in 1997-98, representing 40% of the cut in its deficit. In the states, direct capital spending also fell ..... private infrastructure provision may eventually offset some of these investment cutbacks and raise efficiency. However, in many other areas, such as roads, power transmission, urban infrastructure, primary school buildings, and health infrastructure, a strong case exists for more public investment.[193] The editor of the India development report, 1999-2000, estimated that around 50 million children in the age group of 6-11 are deprived of formal schooling today. This implies that 50 millions uneducated citizens of India for the coming decades.[194]

The reluctance on the part of Indian state to invest in universal primary education may be described as an example of riding roughshod over her own stated intentions, on the one hand and on the other, depriving

children of school-going age of a colossus number who are in need of state support for an opportunity to improve their life chances or choices. But, this apathy and non-challant approach of the state vis-à-vis social sector investments, education in particular, cannot be identified with the inauguration of the age of economic reforms.[195] Right to education was out of focus in education policy. Even the National Education policy of 1986 did not mention the issue. But, of late, there has been a healthy revival of public concern for the right to education.[196]

The second National Family Health Survey (1998-99) states that 47 per cent of all Indian children are undernourished, 52 per cent of all adult women are anaemic, and 36 percent have a body mass index (BMI) below the cutoff of 18.5 commonly associated with chronic energy deficiency. These nutritional deficiencies have cascading consequences for the general well being and future of the Indian people. Under-nutrition arising out of all pervasive hunger contributes handsomely to the reduced learning capacities, greater exposure to disease and thereby, clogging the channels of individual and social opportunities.[197]

The data from National Family Health Survey confirms that in India, mal-nutrition among women as manifested in the very large incidence of anemia, has increased between 1998-99 and 2005-06. More shockingly, 1.5 million plus Indian children die every year falling prey to waterborne diseases like diarrhea and dysentery. In an era of high economic growth, this points partly to an outcome of policy deficiency.[198]

However, India after independence has never had a system of public health and sanitation on a scale as it is warranted by the exigencies of the situation. Systematic planning and delivery of public health services as opposed to curative medical services or sustained large-scale disease control were conspicuous by its absence.[199]

Nonetheless, the efforts underway in India seem to be moving in keeping with the health sector globally at the behest of international financial institutions. The experience of African and Latin American countries with a large sections of the population steeped in abject poverty,

widespread prevalence of hunger, huge morbidity and mortality rates and state abdicating responsibility in pubic provisioning of health care services, further impaired capacity of the poor to access to health care facilities. Against such a backdrop, Health sector reforms in India gave emphasis upon contracting, public private partnerships, user fees, and privatization of public facilities in the name of efficiency and effectiveness instead of providing quality care by public health services.[200] The impact of these health sector reforms on the common people has not been very pleasant. Escalating medical expenditure is emerging as a prime cause of impoverishment of families as the health system collapsed. The Decentralization endeavours have only widened the gaps.[201]

Household survey data indicate that 85 percent of all visits for health care in rural areas are done by private practitioners. Even the poorest people, who cannot otherwise afford are forced to visit chamber of private doctors. Around 60 percent of all hospitalizations in India are in private health care providers.[202] Even a protagonist of economic reform argued, "In analyzing the determinants of the health status of individuals and groups, it is useful to go beyond variables such as income, occupation, location and personal characteristics and examine factors related to policies in non-health sectors. These would include policies relating to the provision of education and physical infrastructure, public goods such as water, sanitation, and vaccinations, and lastly, health policy related factors such as access to health centers, hospitals, and other publicly provided services".[203] However, the expansion of child immunization programme is surely a positive development and the relatively rapid decline of child death rates during the last few years, may have been attributed to it.[204]

In the 1980s a good number of schemes had been initiated and these array of schemes were to be funded by the centre to the extent of around 80% and these were designed to benefit rural household. They included the Integrated Rural Development Programme (IRDP), the National Rural Employment Programme (NREP), the Rural Landless' Employment Guarantee Programme (RLEGP), Jawahar Rozgar Yojana (JRY), the

Employment Assurance Scheme (EAS) and a programme for the Development of Women and Children in Rural Areas (DWCRA).[205]

Central expenditures on elementary education increased in the 1990s primarily because the central Government finally decided at the end of the 1990s to borrow from external sources. A number of Externally - Aided Projects (EAPs) were launched mainly during the 1990s focusing attention on different aspects of the primary sub-sector of elementary education. Strategies were devised for improving access and retention of children belonging to disadvantaged groups, in particular. Improving the quality of primary education was also high on the agenda.[206]

However, since independence until 1990, 25-30 percent of education expenditure was devoted to higher education. That share dropped after 1990. But, the share of elementary education in education expenditure never reached 50 percent in the history of independent India. No doubt, fund allocated to education sector in respect of GDP is much lower in India. In 1990 central and State Governments together earmarked 35 percent of its education budget to primary education while Thailand devoted 56 percent of its education expenditure to the primary levels and Korea 44 percent. Unfortunately picture in India is not much different even in 2000.[207]

In 1995-96, the National Programme for nutritional support of primary education (NP-NSPE) was launched as a National Programme This programme is popularly known as mid-day meal programme which was expanded in a phased manner from 1995-06 to 1997-08. The primary objective of this programme is to give a fillip to the spread of schooling. It also aims at raising the nutritional status of primary school-going children. Since 2000-01 the central Government has launched an umbrella scheme, the SSA (Sarva Shiksha Abhiyan) or (Education for all" campaign). Incorporating all existing programmes of elementary education in the central and centrally-sponsored category under the new framework in consultation with the states, this major initiative to universalize education in India particularly at the primary and lower secondary levels was to reach the targets by 2007 and 2010 respectively.[208]

National Rural Health Mission was flagged off with the particular target of increasing access to primary health care for the rural poor. To achieve this end in view, the Government committed itself by more than doubling the fund devoted to this prgramme.[209] The United progressive Alliance (UPA) made a commitment in the National Common minimum programme (NCMP) in 2004 that the total public spending on health would be raised to the level of 2 to 3 percent of GDP. The 11th Five year plan also confirms this. Nevertheless, the combined budgetary allocation (that is, the total outlays from both union Budgets and state budgets) for health stands at a meagre. 1.06 per cent of GDP in 2009-10 (BE/Budget estimate). The union Government's allocation for health through the ministry of health and family welfare records a negligible increase from 0.35 per cent of GDP in 2009-10 (revised estimate) to 0.36 percent of GDP in 2010-11 (Budget Estimate). Therefore, even after budget of 2010-11, the Government is way behind the NCMP (National Common Minimum Programme) target of raising the total public spending on health to 2 to 3 per cent of GDP. The National Rural Health Mission (NRHM) has also failed to attract significant budgetary support to bridge the huge infrastructural gaps and address the human resource crunch in the health sector across the country so critical for any successful intervention in this respect.[210]

However on the education front, there has been a healthy revival of public concern for the right to education which has recently been incorporated in the constitution mandating elementary education as a fundamental right of every child. Nevertheless, It is to be noted that the reach of the schooling system has spread significantly in a period of structural adjustment amid general disengagement of the state. The growing recognition of elementary education as a fundamental right of every child has inspired the education activists to campaign relentlessly and successfully thwarted any attempt to bypass the constitutional commitment to free and compulsory education of children until 14 years of age.

Another encouraging development is the right to information movement which can substantially minimize disempowering effects

experienced by ordinary citizens due to lack of information and the in-accessibility of public records. This sustained campaign paved the way for Right to Information Act Subsequently. [211]

However, Aruna Roy, one of the pioneers of the movement that led to the formulation of the Act, cautions us in these words, "The whole nature of the right to information Campaign arose out of a demand to share power. It arose out of the premise that in a Democracy people must have the power to access not only services and resources but also information on policy planning and Government functioning. It was premised on the idea of people's inspection to determine whether there is ethical functioning of the Government or not, whether there are situations in which officials do not implement the law."[212]

In 2004, the National Democratic Alliance Government came up with a health insurance and old age pension social security scheme for workers in the un-organized sector. This could well be a starting point for putting in place a structure of social security that would take care of a vast majority of workers who are highly insecure and vulnerable. [213] The tenth Five-year plan notes with concern that growth rate of employment slowed down in the 1990s. However, average annual rate of growth of GDP was recorded 6.7 per cent in the 1990s than in the 1980s when it was hovering around 5.2 per cent. The rate of growth of employment nosedived to 1.07 percent in the 1990s compared to the preceding decade when it registered a growth of 2.7 per cent. The plan document mentions that with a higher rate of growth (8 percent per year) during the plan period coupled with an alternative labour intensive strategy for employment generation, it may be possible to absorb the additions to the labour force and thereby reduce the backlog by 50% at the end of the Tenth plan. Against this backdrop the National Rural Employment Guarantee Act. 2004 was enacted by the United Progressive Alliance (UPA) Government as part of their common minimum programme, to enable a significant number of poor people to come out of the quagmire of poverty as they failed to be absorbed in the mainstream economy even at the end of the tenth and eleventh plans.[214]

Jean Dreze who is actively involved in monitoring the implementation of the National Rural Employment Guarantee Act (NREGA) across India, high lights its social relevance by arguing that disadvantaged communities benefit from the NREGS not only as wage earners but also in many other ways. For instance, the programme is an entry point for their active participation in gram sabhas and other institutions of local governance. It is also an opportunity for them to organize around common interests - this may turn out to be one of the most important roles of the NREGA.[215]

Partha Chatterjee, one of the leading political commentators of our times, argues in the context of this social sector initiatives in a climate of general disengagement of the state, in these words, "Finally, as in other countries, Government agencies in India provide some direct benefits to people who, because of poverty or other reasons are unable to meet this basic consumption needs. This could be in the form of special poverty removal programmes, or schemes of guaranteed employment in public works, or even direct delivery of subsidized or free food. Thus, there are programmes of supplying subsidized food grains to those designated as "below the poverty line", guaranteed employment for up to 100 days in a year for those who need it and free meals to children in primary schools. All of these may be regarded, in terms of our analysis, as direct interventions to reverse the effects of primitive accumulation"[216] No doubt, the National Rural Employment Guarantee Scheme (NREGS) is the only plan scheme of the union Government anchored in an entitlement based approach. However, an entitlement based approach towards public provisioning in the social sectors would call for a significant strengthening of the regular and sustained Government interventions in these areas, which seem to be not on the Government's policy agenda as yet.[217]

XI: Issues of contemporary concern in Indian politics

The 1980s and 1990s were important milestones in the history of contemporary India. It was perhaps for the first time in the post independence period that there was a general feeling of unease and doubt about the efficacy of paradigm of development planning underpinned by pre-eminence of state which was pioneered by Nehru immediately after independence and by and large, continued until reform introduced in the Indian economy in the early 1990s. Therefore, the 1990s witnessed the Indian state embracing new framework of Economic development characterized by preponderance of market principles. The language of development discourses and politics of social change also underwent very many changes. Class analyses are, no longer, the focal theme. It moves on to address the question of culture. The focus shifts from revolution to empowerment, from politics to governance, from production to consumption. Questions of human rights, caste, gender, and ecology/Environment became the recurring theme in Indian politics. However, these changes also contributed considerably in according low priority to certain 'old questions' which are of critical significance even today and more importantly, have serious implications for a vast majority of the Indian people. The issue at stake is, obviously, the marginalization process experienced by the rural people in general and of those dependent on the farm sector, in particular.[218] A political analyst writes in this context, "Declining significance of agriculture, one would think, is quite 'natural' and perhaps a desirable process with the development of industry and modern servicing sectors, it has happened everywhere in the world. However, there is something quite unique about the Indian experience unlike other regions of the world, marginalization of agriculture in the Indian economy is not being accompanied by a similar degree of shift of population to non agricultural employment. Given that India is a democratic country, such a reality becomes even more challenging".[219]

XII: Farmers' Suicide Issue

The evolution of agrarian relations after independence, seem to have passed through three phases: reform and consolidation of the agriculture during the 1950s and 1960s on the lines charted out during the freedom struggle; the green revolution and the growth of political populism during the 1970s and 1980s; and that of liberalization and the deterioration of the farmers' condition during the 1990s and after.

Karnataka, Kerala, Tamilnadu, Andhra Pradesh, Maharashtra, Gujrat and Punjab are the worst-hit states by the new menace of agrarian distress. The new strategy employed during Green Revolution, paid rich dividend interms of boosting agricultural productivity, but, it also accompanied unintended consequences which negatively impacted rural life. The changing nature of agriculture demanding high investment in modern inputs and wage labour forces a farmer to draw more and more credit to plough it into the land. So, the demand for credit went up several times compared to the earlier period. Lack of remunerative prices, further, added to the woes of the farmers. Therefore, the farmers' economy became extremely vulnerable in case of crop failure with no insurance coverage around worth speaking of. The twin shocks of crop failure and fluctuating prices of agricultural produce are the contributory factors responsible for causing a great deal of mental distress to the farming community. The liberalization policies which are characterized by withdrawal of state support and easing of import curbs also constrained the options of farmers. But, with the expansion of markets both at the national and Global levels, a low crop yield in a region does not guarantee higher prices. Volatility in crop production and low prices for several years together wreak havoc with farmers' lives.[220] A perceptive observer of the scene writes in this respect, "whether it is low prices, Usurious interest rates, high input costs or high cost of education and health, all seem to be various ways to transfer wealth from cultivators to traders, manufacturers, money lenders, doctors, lawyers, educational entrepreneurs or the salaried classes. In development economics they call this extraction of surplus from agriculture. But, now,

the word surplus has little meaning because it is not the surplus, the difference between the value of the produce finally realized and the cost of production, but expropriation of a portion of investments made by the farmers in the form of paid out inputs. Due to this the survival of farmers is endangered."[221]

XIII: The debate around the Special Economic Zones

In India, more than 100 million people in the rural areas have no land of their own and another 80 million households own agricultural holdings less than five acres. But, under the new economic regime, the special economic zone (SEZ) policy has been tried to be projected for solving the unemployment problem of the country through massive industrialization. To achieve this goal, both the central and the state Government have been actively involved in acquiring arable land in huge chunks at the behest of Industrial Houses and real estate promoters only to be handed over to them at a throw away prices. Drawing inspiration from china in setting up SEZs, India has already set up 19 SEZs, approved another 234, accorded "in principle" approval for 162 and notified 19.[222]

In 2000, the first SEZ policy in India was drafted and the SEZ Act came into force in 2005. The SEZ was thought to be the locomotives of India's modern Industrialization that would (i) Spur economic growth at a very fast pace, (ii) usher in prosperity in rural areas, (iii) Create a huge number of job opportunities in manufacturing sector and other services, (iv) attract global manufacturing and technological skills, (v) bring in investments from both home and abroad, (vi) develop infrastructural facilities (vii) make Indian firms more competitive and (viii) help slow down rural-urban migration. A number of State Governments in India were, virtually, locked up in a competition to woo prospective investors to come into their respective territories. Needless to say, a large scale concessions and incentives were on offer to lure the prospective investors on behalf of the states. Strikingly enough, section 49 of the SEZ Act, 2005 authorizes the Government to make free any or all SEZs from the purview of any central

law. It implies that the SEZs would not be subservient to the law of the land. Further, it is feared that because balance between requirements and incentives is grossly skewed in these Zones that are subsidized by both the Government and public on a huge scale, substantial loss to exchequers in tax revenues cannot be reversed.[223]

The nature of the land which is being used for establishing SEZs in different States in India reflects to a large extent the vulnerability of the rural poor engaged in primary activity. An economist has expressed concern that this would pave the way for entry of foreign corporates into agriculture and allied activities through contract systems and domestic corporates into urban food retailing by sourcing from agriculture which would, obviously, negatively impact food grains availability and intensify the problem of unemployment among petty traders over a longer haul.[224]

Surveys have established that workers in SEZs work 5.3 percent more hours than those in non-SEZs and at hourly wages that are 34 percent lower. This shows that there is crass exploitation of labour for increased corporate profit and international price competitiveness in the Global Production System. More importantly, SEZs are declared as "public utility services". It renders the labour laws including the minimum wages act. and the contract labour (Regulation and abolition) Act, toothless as leniency in implementing them is permitted under SEZs. Even strikes may be declared illegal within the SEZ's Jurisdiction. On the other hand, Governments have taken recourse to the land Acquisition Act. (LAA) of 1894 to take away the rights of marginal people over the common property resources from where they are supposed to collect firewood, fodder for their animals and minor forest produce for their physical survival. Progressive legislations like the Panchayati Raj (73rd Amendment) Act of 1992 entitling rights to villagers to decide their own course of development as well as the Panchayats Extension to the Scheduled Areas Act, 1996, empowering the indigenous peoples for self-rule were thwarted. The preamble to the National relief and rehabilitation policy (NRRP), 2007 clearly states that while acquiring land the state needs to take utmost care to minimize displacement and accords

priority in taking over waste lands, degraded or un-irrigated lands over irrigated agricultural land. Multi cropped land may be avoided altogether. It also mentions that adequate rehabilitation packages for the weaker sections in particular, ought to be implemented speedily.[225]

However, the ground reality speaks otherwise as Sarma writes, "SEZs displace people on a large scale. The displacement is both physical and occupational. In coastal states like Andhra Pradesh, some SEZs are located along the sea coast, cutting off Fishermen's access to the sea from which the latter eke out their livelihood. In many places, small agriculturists are thrown out of their homelands and along with them, those that depend on agriculture, such as artisans and rural workers have also lost their livelihood".[226] In any case, the coming decades would witness land and water emerging as two intensely contented resources in our country. Good governance, not policies based on sops, subsidies and political patronage, can ensure Economic development, growth and industrialization. Good governance to be effective, it is imperative in a democratic country that it is anchored in the endeavours of providing genuine opportunities for public consultation.[227]

There is no doubt that over the past few years when the Government tried to acquire land for industrial, mining or infrastructural purposes, it created may flashpoints of peasant unrest and violence. The political debates and agitations revolve around the issues of highly inadequate compensation and inefficient and scanty efforts at rehabilitation of the displaced farmers. Of late, the Indian Government is trying to replace the land acquisition Act of 1894 with a new piece of legislation to address some of these grievances.[228]

XIV: Disinvestment of PSUs and the BALCO Episode

The liberalization of the Indian economy following the announcement of the new Industrial policy by Government of India in July, 1991,led to dramatic changes, facilitating the process of strategic restructuring of business firms in the country in sync with the emerging competitive environment, technology up gradation on a huge scale and organizational repositioning. To augment competitive advantage in the business, the focus of both public sector undertaking and private firms, had shifted to a combination of cost competitiveness and product and service differentiation. To optimize labour cost through downsizing the workforce became a critical element in the overall endeavour of organizational restructuring.[229]

Privatization of BALCo (Bharat Aluminum Company Limited) was one of the most hotly debated disinvestment cases in India. The leaders of the trade unions and the workers at large, expressed their apprehensions right from the beginning of the strategic sale of the company as they feared that job security of 7,000 workers might be put at stake. Nevertheless, the department of disinvestment was of the view that the strategic sale won't be detrimental to the interests of the workforce as adequate clauses to safeguard the interest of the employees of the company had been incorporated in the shareholders' agreement.[230]

However, the agreement made between the Balco Bachao Samyukta Abhiyan Samiti (BBSAS), that is, Joint committee for the defence of Balco and the sterlite Industries, the new management of Balco, was flouted. On March 2 the agreement was signed to sell off Balco's largest plant at Korba to Sterlite industries, the workers under the leadership of BBSAS went on a strike for registering their protests against this take over. Subsequently, an agreement was also reached between BBSAS and Sterlite Industries on the following conditions:-

a) Workers would be paid two months' wages;

b) There would be no retrenchment or victimization.

But, within a couple of days, Sterlite Industries retrenched 2000 workers on the ground that their contracts had expired. Moreover, Sterlite Management declared that two month's pay was merely an advance to be adjusted with the workers' future wages. Thus, the management operated at cross purposes with the spirit and substance of the agreement.[231]

However, the specific instructions in the shareholders' agreement and guidelines in the supreme court verdict must have clipped the wings of the Sterlite management to go for wholesale retrenchment. Nevertheless, they did try to get rid of the "surplus" workforce through two possible ways-first, by adopting a policy of non-filling of positions arising out of normal retirement or superannuation and second, introduction of an early retirement package or voluntary retirement scheme (VRS).[232] A Field study has affirmed that various modes of coercion were tried out by the new management in implementing the VRS agenda. Notwithstanding the fact that there was any open or direct threat from the management to accept the VRS, many VRS optees felt that they were being forcefully dragged into the scheme. The new management had resorted to indirect pressure tactics at workplace and manipulations of various kinds towards realization of the objective of rationalization of workforce.[233] It is to be noted here that Balco deals ran counter to the Fundamental Rights of the tribals. Supreme Court of India in its historical judgment given in the land-mark Samata Case, upheld inalienable right of the tribal people over their land and forbade its transfer to private companies or any other party.[234]

Therefore, any crucial policy decisions such as privatization or disinvestment should not only be judged in terms of economic efficiency, social and welfare aspects ought to be anchored in the overall design of such policy as inbuilt components.[235]

As Arnold C. Herberger has warned: Even people as generally market oriented as myself are advising Governments to move carefully, to go slowly and to think about the prices they are getting and alternate terms on which to achieve privatization. Governments should, in particular, try to have a saleable asset before putting it for sale.[236]

XV: Re-emergence of Corruption as a potential threat to Democracy and good Governance

In India, the Government programmes such as public works, public distribution system management and construction projects including roads and Dams etc. is plagued by major inefficiencies and rampant corruption, thanks to the politician-bureaucrat-private contractor nexus. And this trend is as much pronounced at the local level as it is found at the central level.[237] It is argued that the Nehruvian State-directed planned economy spawned rent-seeking through the grant of licenses and permits which made a strong case for substantial changes in the regime of bureaucratic controls.[238] At the central level, charges of inefficiency and corruption have figured in Government debates and press reports on a regular basis during the period of economic liberalization. The Bofors, Reliance and HDW scandals, dating from the period of Rajiv Gandhi's new economic policy, remain the subject of public probing. The multi-billion rupee Bombay Stock Exchange securities scandal involving offences which allegedly include the illegal withdrawal of Rs.965 crore from public sector banks by stockbroker Harshad Mehta hinges on the Government reforms in the financial sector which have privatization as important component. It is also marked by endeavours diluting the position of public sector banks by allowing entry of private and foreign banks into this segment.[239]

The privatization policies, have, no doubt, contributed substantially to the creation of new opportunities for corruption for bureaucrats or politicians. This has also legitimized land grabbing by politicians in league with criminal gangs. More importantly, ethos of liberalization and its accompanying rhetoric of necessity has created a friendly environment whereby such actions have become politically justifiable and have encouraged a new regime of private capital accumulation which is increasing levels of dependency and volatility in the Indian economy.[240] As an observer forcefully argues, 'liberalization process is also one that affects both the ideological outlook as well as values of public officials in a manner that makes them more inclined to act in the interests of private capital. The

positioning of private sector as more efficient than the public sector, the idea that the state should not interfere in the working of the market, and the concept of the public-private partnership are integral elements of the world-view associated with liberalization which public officials tend to internalize. There is also a celebration of money making in a liberalized context that can increase the proneness of corruption of public officials. Permissiveness in the Indian case, more than a decade and half of liberalization cannot be said to have reduced corruption".[241]

Throughout 2001, the National Democratic alliance Government (NDA) led by BJP reeled under a series of allegations beginning with the Tehelka.com scandal in March. In December 2001, 'Coffin gate' scandal broke in parliament which involved officials in the ministry of Defence who authorized payments of US-$ 2,500 per coffin meant for Indian casualties of the Kargil War (1999), the actual price being US-$ 172 per casket. In 2001, two financial scandals having wide-ranging implications, occurred. In the first scandal, Foreign institutional investors in league with local stock brokers, rigged share prices of equities in order to cream off profits worth Rs. 35 billion and that amount was illegally repatriated. And, in the second case, the price collapse of Unit Trust of India's (UTI) US-64 fund exposed the 'Promoter-Politician-Financier' network to dupe ordinary investors. Thereafter, a series of corruption charges, namely, the Taj Corridor scandal, Telgi Paper-Stamp scandal, Ajit Yogi bribery case and finally the death of Satyendra Dubey, following his complaint to the Prime Minister's Office in respect of 'looting' in Bihar of a $12 billion scheme to build 12,000 kilometers of roads across India, rocked the BJP-led Government at the Centre. However, Vajpayee and some of his minister's personal integrity helped them to sustain broad appeal emanating from these corruption charges notwithstanding its record of Governance was no less distinguished than its predecessors.[242]

Corruption as such is not a new phenomenon in India. But the scale of high level corruption in recent times have certainly made people angry at the impotence of the system to punish the guilty promptly. The 2G spectrum

scam, the irregularities in the conduct of the Commonwealth Games in New Delhi and the various instances of abuse of power and bribery exposed by wiki-leaks' India cables point to the ineffective anti-corruption laws and anti-corruption agencies in the country.[243]

On the whole, the way the state has directed the economic reform in India, has thrown open lucrative rent-seeking opportunities to state personnel, the political and permanent executive, in particular.[244] As Bhaduri and Nayyar argued that it should come as no surprise that the proposed escape from bureaucratic controls has led to a liberalization of corruption. It has neither unshackled the elephant nor uncaged the tiger....we have simply moved from an old world of licences or permits to a new world of percentages or kickbacks, for the Neta-babu raj has remained the same. This raj is no less adept at corrupting market forces than it was corrupting state intervention. That is the lesson to learn.[245]

XVI: Tribal People, State and the Maoists – the Dilemma of Democracy

Dalits and Muslims have had some impact in shaping the national discourse on Democracy and Governance in India after her independence. However, the tribals who constitute 85 million Indians, and particularly, around 70 million tribals who live in the heart of India spread over a clutch of states like Gujrat, Rajasthan, Maharashtra, Madhya Pradesh, Chattisgarh, Jharkhand, Andhra Pradesh, Orissa, Bihar and West Bengal remain largely unnoticed.[246]

B.D. Sharma, one of the most respected scholars on Tribal affairs, depicted a picture featuring some important dimensions of the tribal scene in the initial years of the new era characterized by Globalisation and free market. i) The Constitutional scheme of an autonomous tribal sub-system within a nation dedicated to the establishment of an egalitarian society stands virtually rejected. ii) Since the sub-system frame is not in vogue, there is no place for the habitat as the life-support system of the tribal people. iii) The superimposition of the concept of individual rights in total

disregard of the community and suppression of oral tradition has made it amply clear to the tribal people that their rights over land-water-forest resources rest on a shaky foundation. (iv) A new frontier spirit: In the earlier phase of the opening up of the tribal areas, there was a risk of unknown involved, a possible backlash and more importantly, constraints of State's moral responsibility. The constraints of state responsibility towards the tribal people have gradually disappeared because a studied indifference and non-action. In the context of a new socio-cultural millieu, enterprises are not being constrained by any guide-lines which is an important feature of public sector enterprise. (v) As the state is now formally wedded to the so-called liberalization, the message received by the administration is clear. And, this is paving the way for the loot, plunder and genocide of the tribals.[247]

The advent of Globalisation has negatively, impacted the tribals and as a result, they have been further marginalized. The fundamental right of the tribals to own land has been flouted by the state and the corporate sector. The outcome of growth of the market led to a process of privatization of formerly communal land and ownership from supra-village and community or clan is devolved upon family. This impact of market led to the rise of big men or big families tied to the external world. This also led to the demise of earlier forms of reciprocity that impeded accumulation.[248]

Going by conventional indicators of Development, the adivasis (Tribals) are even worse off than the dalits. The literacy rate of adivasis stands at 23.8 percent. Moreover, as many as 62.5 percent of adivasi children who enter school drop out before they matriculate. While 41.1 percent of dalits live under the official poverty line, almost half of the adivasi population is languishing under the shadow of abject poverty and destitution. Failing to provide Adivasis with decent education and health care facility, the Indian state has deprived them of equal opportunities for social and economic development as guaranteed by the constitution. Moreover, the policies followed by the Government were responsible for virtually dispossessing a sizeable chunk of the adivasis of their traditional

means of life and livelihood. The closeness of adivasi people to nature's bounty such as forests, rivers and mineral resources provided them with the means for subsistence and survival. But, the twin pressures and imperatives of 'Development' and 'Conservation' turned them into 'sacrificial lamb' forcing to leave their hearth and home to make way for the claims and Demands of Development and 'Conservation'.[249] By the 1960s, reports commissioned by the Government of India identified specific problems faced by the adivasis, namely, callous and corrupt officials, the loss of land, indebtedness, restrictions on the use of the forest, and large scale displacement. However, these reports did not advocate for a course correction through appropriate policy for reversing the ill-effects of India's Industrial and economic development on its tribal people.[250] On the contrary, the policy of the state has been directed to systematically attack on the life of the local people. The 'massive repression' unleashed by the Government led the forest people to embrace a 'path of struggle'. The Government's Forest policy showed a total disregard to the forest people's right to differ. The sources of their employment were under severe strain leading to a decent burial to their right to work. Thus, the democratic character of adivasi social and economic life was in jeopardy.[251] A recent FICCI (Federation of Indian Chambers of Commerce and Industry) report states, "Judging from their past experience with Development, the tribals have a right to be afraid of the mining and constructions that threaten to change their environment."[252]

Thus, Ramachandra Guha points out that Indian environmentalism stands in contradistinction to First world environmentalism and argues that the Indian variety links issues of ecology with questions of human rights, ethnicity, and distributive justice. Anchored in issues of subsistence and survival, it is also based on a wholesale critique of crass consumerism and unbridled economic development.[253]

In any case, the adivasis have been subjected to utter neglect by the state and its agencies - for example, public officials are reluctant to work hard, Doctors shy away from attending the clinics assigned to them or

school teachers do not turn up at their schools on a regular basis, or Magistrates remain busy for lobbying actively for transfer back to the plains. On the other hand, the Maoists do not behave with them as 'alien elements' and get coalesced with them for holding village-level meeting and attend sympathetically to their grievances. Thus, this intimate interface between the Maoists and the tribals have provided the former with an opportunity to thrive.[254] In certain parts of Bihar, it is found that 30-40 percent of development spending (for example, on the Employment Assurance Scheme) is siphoned off by contractors. But, the idea that the labourers might take their employers to court for failing to pay the statutory minimum wage flies in the face of reality in all, save, a few blocks where the 'Naxalite' groups are active in organizing the labouring poor.[255] The opening of the Indian economy has led to an increasing exploitation of unprocessed raw materials, particularly in the states like Orissa. This has exposed a more brutal face of globalization.[256] A perceptive observer writes, "Never had corporations had it so good in the country's history. Even the most culturally and ecologically sensitive areas are being opened up in the name of rapid growth and globalization to mining, industries, ports, express ways and the like. Profits of companies have naturally sky-rocketed, on account of cheap raw materials and labour, tax-treaks, relaxation of land and environmental laws, and all kinds of incentives offered by the central and state governments. The so-called 'free market' is actually able to show remarkable progress because the state heavily subsidises it. And it does so at the expense of millions of people whose land and resources and water are taken away to be handed over to corporations. The state even backs this up with the use of force against anyone who resists."[257]

Tribals now demand community-based rights to all forest produce which had been taken away by the colonial Act of 1870. However individual land purchase rights to tribals in tribal communities has been given by an act of UPA (United Progressive Alliance) Government. But, the act falls short of espousing collective rights of the tribal which they now want to be extended to agricultural land also.[258] On the other hand, social and economic advancement of the adivasis is not the primary objective of the

Maoists. The capture of state power through a process of armed struggle is their larger game-plan for which they are leveraging the dissensions of the tribals and directing their ire against the state.[259] Sumit Sarkar and Tanika Sarkar, while commenting upon the recent Lalgarh movements of the tribal people in West Bengal, assessed the role of the Maoists in these words, "Maoists have done incalculable harm to the movement. Their activities and intentions are shrouded in mystery, their secret terror operations express total indifference to human lives, their arms deals lead them, inevitably, into shady transactions with rich and corrupt power-brokers at different levels. The typical patterns of their activities is curious. They come into an already strong and open mass movement, they engage in a killing spree, discrediting the movement, and then they leave, after giving the state authorities a splendid excuse for "crushing it."[260]

Therefore, it is evident that the Adivasis (tribals) are being pressed and pierced from both sides, i.e., the state and the Naxalities. So they have a very vulnerable position being sandwiched between the two. However, ending Maoist insurgency or at least containing them should, above all, strive to make adivasis a true partners in the development process by granting title over their cultivated lands, allowing them to manage forests sustainably or by giving them a solid stake in industrial or mining projects which are coming up at the expense of their home, life and livelihood.[261]

As a commentator writes in this context very succinctly, "A course correction, urgently, radically and sincerely, is needed. This means pursuing the agenda not just of "development" – building roads, schools and hospitals, and so on – but of social justice and people's rights. It is only when the down-trodden are convinced that the state is willing to give them real rights over land, forests and natural resources and practise inclusion that the naxalite "problem" will be resolved."[262]

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CHAPTER-VI

NEW GOVERNANCE PARADIGM: EMERGENCE OF NEW SOCIAL CLASSES AND SOCIAL PROTEST IN INDIA

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I

Pedersen identifies two main theoretical perspectives in the debate on policy reforms in developing countries. First, there is a debate on the relationship between state and social structure and actors and its significance for explaining social change. Second, there is a focus on the nature of developing societies and their integration with the world economy. This brings us to the reforms package of the Bank-Fund duo. But the moot-Question is about the driving force for reforms – state elites or social classes or Global financial oligarchs like World Bank, International monetary fund and world Trade Organization or may be a combination of both, but with preponderance of one or the other factor. Pedersen, however, adopted a state-society oriented approach for a better understanding of the nature and dynamics of reforms.[1] As Pedersen writes, "The state is "embedded" in and reflects the configuration of articulated interests in its own society, and while substantial reform measures may be initiated autonomously by state officials, they will only take effect when supported by strong and organized social interests. A renewed focus on social forces as they organize and interact with state elites is therefore called for. For the debate on dependency and the external imposition of economic reforms the lessons from India so far conform with the experiences gained from other countries that while policies may be initiated at the behest of foreign agencies, the actual implementation and the long term effects of policies depend much more on the nature of the society in question and in particular, on the nature and strengths of the various social forces within it".[2]

The emergence of a more "Modern" segment of Indian Business not only appeared through the establishment of new companies but

also and equally important, through changes within the established circle of large-scale private Industry. The gradual movement toward a system of professional managers in contrast to the traditional family-based system is an indication of the changing pattern of organization in the private sector. These changes within the industrial sector ushered in a "Quiet revolution". The rise to prominence of a new industrial apex organization, the confederation of Indian Industry (CII), represented Concomitant changes in the pattern of political organization of the Indian industry. The rise of new elements in Indian Business were different from the traditional outlook of Indian Industry as reflected in the convictions and interests of Private Industry. Thus, the CII vowed to work towards a globalization of Indian Industry and espoused a Philosophy favoring de-regulation, de-control and de-licensing in all areas. It also supports strong professionalism in its work and a "Proactive", "Partnership approach" in its dealings with the Indian Government.[3]

Pedersen, further, writes, "The Quiet revolution" within Indian Industry has transformed the configuration of interests that on the one hand seek to influence Government policies and on the other provide the medium through which the new policies will take effect. The change to a new economic policy in 1991 may be interpreted as a political reflection of these changes within the Indian Society".[4]

In theory, there are three mechanisms through which a particular country can be influenced by international structures and international actors. They are: (a) the operations and impact of international markets in goods and finance; (b) ideological 'linkage' mechanisms which refer to external impact on ideas and interests of important domestic actors emanating from their exposure to the outside world; (c) a direct exercise of power, or leverage, by international actors in their dealings with national Government. In the Indian case, elements of all three types of International influences in the period between the aborted attempt to liberalize the economy in the

mid-1980s and the definitive liberalization policy introduced in 1991, were discerned. The ideological linkage will often be strong among externally-oriented business groups, among a consumer - oriented middle class and among top-level technocrats with extensive links abroad.[5]

II. The emergence of a new middle class

By the 1980s, rural landscape over much of India was more diversified than it had been before. There has been growth in non-farm employment and in the more dynamic rural regions of India, it witnessed diversified investments outside agriculture. This upwardly mobile rural segments of population in league with members of the historically dominant castes made business and consumption investments with capital flowing from sugar-cane cultivation and wheat agriculture and thus developed social links and cultural capital. However, the category 'middle class', in the Indian context includes small industrialists, businessmen and traders, employees in the corporate sector and the middle ranks of the professions and the civil service. The joining of large number of farmers into this category have swelled the ranks to such an extent that India is rated to be the most important potential market anywhere in the world which made international big business to evince a lot of interest in India's liberalization of trade and investment.[6] Again, over the 1980s, Indian Industries financial requirement was sought to be met through drastic changes in the financial architecture. The sale of Public Stocks became an important instrument for mobilizing industrial investment. The decade also witnessed large-scale purchase of stocks by this middle-income groups. This paved the way for a 'structural' link between middle income groups and big business. So, this Phenomenon assumed a political significance because this middle income groups now have a stake in the economic health of Industry and Commerce and more importantly, policies geared to promote this 'health', would receive their support.[7]

The emergence and expansion of a consumer-oriented middle class in India has been a polemical issue in recent years. Numbering from anywhere between 60 and 350 million people, this essentially but not exclusively an urban phenomenon, has become extremely visible. It is believed that the middle class provided solid support to the Bharatiya Janata Party (BJP) which was an ardent advocate of Economic liberalization. However, it launched into a scathing attack on the Congress-led United Front Government's economic policies containing liberalization proposals. But, after March 1998 when in Government, they, essentially, continued the same reforms. So, the process of ideological linkage have certainly thrown up more complex out-come than just the creation of a constituency for economic reforms that throws open the economy to international markets.[8]

Deshpande attributes the emergence of the new middle class as 'a key actor' today on the national stage in India. It has played a critical role in promoting the paradigm shift from state-led planned nationalist development to market-oriented structural adjustment and Globalization in the economy. There is change in self-understanding and social standing of this class. The middle class has become an indispensable part of the ruling bloc, the dominant segments being the agrarian Capitalists, and industrial and financial bourgeoisie. The upper-middle class reaped maximum benefits flowing from Globalization. They also stood benefited substantially from the preceding Developmental State. Now, they seemed to be opposing the virtues of Developmental state. The middle class no more claims merely to represent the people, but rather thinks that 'it is itself the nation'.[9]

III. International Actors and new liberalism and Governance reforms in India.

Another important channel for external influence is the direct exercise of power, or leverage, by the foreign actors while carrying out negotiations with the Indian Government. The 1990-1992 economic crisis which underlined the need for financial resources, saw the Indian Government to enter into negotiations with the International Monetary Fund (IMF) and the World Bank. As a direct out-come of these negotiations, India formally pledges her commitment to a plan of structural adjustment.[10]

The idea of Development in the last two decades of the 20th century were mainly shaped by what may be loosely termed as the 'new right back-lash'. The 1980s and more importantly the 1990s since the demise of communism, saw the near-universal main-streaming of a particular brand of liberal ideology referred to as neo-liberalism. New liberal ideology stands for championing a conception of freedom based on private power and clamours for universal legitimacy. It attaches paramount importance to individual choice in the market place and attacks the public realm and associated ideas of collectivity and society. Moreover, Neoliberal ideology pitches for some essentially local, western norms as universal. These norms constitute the kernel of perspectives on development of a variety of public institutions like the IMF (International Monitory Fund) the World Bank, other multilateral development banks, the world Trade organization (WTO) and the majority of western Governments. Thus, the neoliberal ideology is being propagated and promoted around the world as the proper approach to development. It strengthens global economic integration and is viewed as the most natural and universally acclaimed path towards economic growth which in turn, promotes development towards all humanity. Critics, on the other hand, lambasted the expansionary tendencies inherent in this development ideology as constituting a hegemonic project.[11]

Michael Sandel has suggested that in the study of Governance, political theory remains an integral part. Sandel went on to argue that political philosophy inhabits on practices and institutions. So, they are in a real sense 'embodiments of theory'.[12]

David Williams and Tom young also made a very succinct point in this respect, "The construction of Governance is based upon three levels of transformation: at the institutional level the creation of a 'neutral' state; at the social level the creation of a liberal public sphere, or civil society; and at the personal level the corresponding creation of a liberal 'self' and 'modern' patterns of behaviour. These three transformations were also at the heart of the gradual trans formation to modernity undergone in Britain, for example during the seventeenth to nineteenth centuries, a parallel on which the Bank itself draws.[13]

The vision of an interconnected cosmopolitan world is characterized by three interrelated propositions that make up what Fukuyama calls the "democratic syllogism". The first proposition of the syllogism holds, in practical terms, that liberal democracies tend not to go to war with one another. Therefore, the further liberal democracy spreads throughout the world, the greater will be the reaches of the so-called "zone of peace". The second element contends that Democracy is the best form of Government for promoting economic development and the best why of maintaining a stable democracy is routed through sustained economic growth. The Final part of the syllogism which is popularly known as the "Washington Consensus" prescribes to "open up" a country for triggering growth through complete integration into international trade and investment regimes. This calls for measures as entailing the privatization of state owned enterprises, floating the currency and removing subsidies and tariffs.[14] Therefore, a perception is gaining ground that progress, human rights, democracy and western-style modernity (or development) are inextricably intertwined with each other and very difficult to 'un-bundle'. This line of argument maintains that the observation of human rights and arrival at

modernity via economic development makes full membership achievable in international society and all these have become attainable because of democratic Government. Again, the role of the democratic syllogism is not in short supply in Fukuyama's Conflation of human rights, democracy, and modernity, which are intertwined with the idea of progress and his vision of a universal history of human kind. In other words, a pacific Federation of democracies are bound together in "positive-sum relationship(s)" by the ties of "trade and exchange". This vision is shared by the architects of international society and as such has become the bedrock of international public policy. And this is very clearly manifested in the world bank and, IMF's rhetoric on "good Governance".[15]

The World Bank first raised the issue of Governance in the Context of Sub-Saharan Africa where implementation problems during the 1980s involving project loans and, more specifically, structural adjustment lending, led them to refocus on Governance by defining it as "the exercise of political power to manage a nation's affairs". Further, elaborating on its definition on Governance in its world development report 1997 (WDR) on "The state in a changing world", the World Bank (WB) specifies of what Governance is all about.

The World Bank's notion of Governance is constitutive of three elements. First, an economic role for the state: this has been conceived as including 'five fundamental tasks', viz, (a) a legal foundation, (b) maintaining non-distortionary policy environment with macro-economic stability, (c) investment in basic social services and infrastructure, (d) protecting the vulnerable and (e) protecting the environment. Second, a set of specific policies designed to move towards such a state: these have been spelled out in the so-called 'Washington Consensus" and include, as the principal ingredients, fiscal consolidation, reduction and re-direction of public expenditures, the reform and reduction of taxes, the maintenance of competitive exchange-rates, financial, trade and investment liberalization, overall deregulation, and the privatization of

state enterprises. Third, other and basically non-economic dimensions of Governance which the WB could not ignore or leave out from any reasonably meaningful definition of it. These include electoral democracy, transparency, accountability, participation and responsiveness in the processes of Government; the assurance of safety and security to citizens; the non-arbitrary rule of law; effective enforcement of contracts; the protection of human rights and even the drastic cut on military spending.[16]

So, the Advocates championing the WB's notion of Governance suggest strong linkages between good Governance and economic growth at least at the national level. Good Governance, according to them, provides a platform without which sustained economic growth is hard to achieve. Economic growth in nation–states opens up the possibility of good Governance. Again Economic growth is more likely where there is good Governance.[17] Prof. Anup Sinha, in his penetrating analysis of Governance, argues, "Governance has two distinct but interrelated aspects. The first is the content of policies and strategies that define the priorities for action. For instance, the macro –economic policies of the state, its programme to enable investments and accumulation, and its approach to distributive justice, all combine to set the action agenda. The second aspect is the Quality of the institutions of Governance, the rules and processes through which policies are formed and implemented. Here the issues pertain to the participation and voice of the Governed along with the transparency and accountability of the institutions and offices of Governance".[18]

IV. The Indian Scenario

Certain economic reform measures were undertaken by the central Government in the 1980s. However, a systematic and comprehensive agenda of reforms began as the Balance of payment assumed a crisis proportion in 1991. The reforms package first came as conditionalities set by the IMF and World Bank as part of the financial

loans offered to India to tide over the immediate crisis. In addition to it , other major multilateral and bilateral agencies such as ADB (Asian Development Bank), USAID (United States Agency for international development, DFID (Department for International Development, U.K.) and NOVIB (Netherlands Organization for International Co-operation) that operate in India, made Governance reforms an important plank of their agenda. Reforms began systematically at the central level and have, subsequently, extended to the state level as well. However, in introducing reforms, some states like Andhra Pradesh and Gujrat, have taken giant strides while states like Bihar could not move fast. The state-specific factors like general environment, political dynamics and the nature of ruling regime may be accounted for uneven movement of reforms agenda. However, this resulted in effective penetration of top-down agenda of external-aid agencies at the state level and this increased level of competition between state Governments to obtain external assistance which provided the overseas aid agencies with an opportunity to generate pressure to implement their reform agenda. Moreover, deregulation of Industrial licensing at the central level has made interface between State Governments and entrepreneurs much more intensified. With competition intensifying between State Governments for attracting investment, both foreign and domestic, the states have to create an investor friendly environment for this purpose. This rivalry between states for attracting investment must have contributed to, further, weakening reform-related dissidence among state level politicians. Under the loan conditionalities attached to the fiscal consolidation and structural Adjustment Programme (SAP), the WB and IMF managed to secure through Indian Government the rollback of the state sector and changed regulatory frame-work for facilitating deli-censing, privatization, removal of restrictions on monopolies, trade and foreign participation in the country. The basic thrust involving these changes, was to promote market principles in different sectors. Thus, these agencies have, obviously, played a

consultative and supervisory role in monitoring the implementation of the reform proposals.[19]

However, the World Bank (WB) has been selective in bringing pressure to bear upon the Government to address short-falls in accountability and transparency in the name of promoting 'good Governance' in its 'supervisory' capacity. The World Bank has also been selective in its 'supervisory' role in supplying project finance to manage the public sector more efficiently. Nevertheless in some cases, more overt pressures have been exerted from Washington to modulate policy position by the Indian Government. A classic case in point may be cited when the World Bank tried to put pressure on the Indian Government to reorient its policies on environment and on resettlement and rehabilitation which ultimately led to the scrapping of Bank funding for the Sardar Sarovar project (SSP), deigned to cater to the agricultural needs of Maharashtra, Gujrat and Rajasthan in western India. In the sphere of trade, pressure exerted on India from the Washington Consensus, was quite palpable. The USA (United States of America) Government brought India along with Brazil and Japan, within the ambit of super 301 provisions, for allegedly denying entry to the US capital, especially in India's nationalized insurance sector. It is to be noted here that the US dropped its threat of retaliatory action under 301 in 1991, in recognition of India's substantial progress in the sphere of financial sector reforms. However, intellectual property rights continued to be a contentious issue. Reforms under Trade related investment measures (TRIMS), like the super 301, required India to pave the way for foreign companies to operate within its domestic economy, especially in the Insurance sector.[20]

Market friendly economic reforms do imply curbing considerably the negative role of the state in restricting and controlling markets through a complex web of licenses and permits. So, the role of Governance in terms of content as well as processes is to be re-invented. In terms of the content of Governance, the policy

prescriptions accorded priority to the private sector and market-activities over the state structure of Control. This would seriously erode the strategic role of the state in economic development and eventually, confine its activities to national defense, law and order, and legitimization of private property and contracts. But, there are scholars who argue that dismantling the apparatuses of control alone won't help. An active role of the state is warranted in terms of attention and resources to areas hitherto neglected in promoting sectors like education and health.[21]

Prof. Niraja Gopal Jayal identifies six models of Governance that have been articulated in Indian political discourse in the 1990s. They are (i) the rolling back of the state in the context of economic reforms; (ii) Challenges to the State from social movements of many kinds, (iii) attempts such as those by the Bahujan Samaj Party to gain control of the state so that its link with upper caste dominance may be snapped and social justice for historically disadvantaged sections of Indian Society made possible; (iv) franchising the state through the contracting out of public service delivery to non-Governmental organizations; (v) State civil society partnerships such as joint forest Management; and (vi) Decentralization of state structure through the political endeavours like the new Panchayati Raj institutions. [22]

Prof. Niraja Gopal Jayal and Prof. Sudha Pai argue in this respect, "Despite the advocacy of a more broad-based view of Governance, the state remains for the present, central to the developmental experiences and futures of countries like India. For a decade and a-half, the Indian debate on the state remained trapped within the either/or discourse of state Vs. market, such that the 'retreat of the state' was seen as a euphemism for a greater role for the market. It is only recently that the more alarming implications of the ascendancy of institutions of international economic and environmental Governance have come to be recognized. These developments pose a threat to many of the institutions-including the modern-nation-state

that we are accustomed to treat as somehow eternal, and the conceptual categories and assumptions that underpin them.[23]

Therefore, the 'leaner' state which has emerged as a consequence of the economic reform programme, is characterized by less personalized economic relations and a more autonomous civil society enjoying sufficient liberty and latitude in carrying out economic activity. But, the darker side involves the removal of subsidies leading to shrinkage of coverage provided by the state welfare system and the escalating prices of the cost of essential commodities, rendering life further miserable for the poor. So, social welfare became a casualty in India despite being a central component of the World Bank's 'good Governance' agenda. [24]

However, the source of this 'contradiction' emanates from the simultaneous insistence on the minimal state and on good Governance. So, good Governance is not regarded as being important in its own right on the contrary, it is being championed as a means to the achievement of better economic performance.[25] The new Governance agenda is informed by a concept of equality based on similar premises as earlier liberal theories used to espouse but with some striking differences which could distort the liberating potential of equal citizenship. A market concept of equality focuses on empowering citizens to turn them into economically self sustaining entity so as to enable them to enter into transactions in the market. The realization of this objective calls for the co-operation of private agencies and non-Governmental organizations (NGOs). Thus, the responsibility for development and welfare would be either shared between Government and civil society or be wholly shifted to civil society.

Some toxic trends are also noticeable in the intellectual endeavours of some social theorists like Anthony Giddens who advocated for restructuring the welfare state by substituting it what he calls the concept of well being. It envisages promotion of well-being

through investment in developing human capital and provision for continuous re-training of people whom markets have rendered redundant. Thus, guaranteed social security is giving way to a new concept of well-being anchored in market. Apparently, traditional goals of social justice and welfare are still receiving rhetorical support from the political leaders in India, however, when it comes to redressing inequalities, the new agendas of Governance is shaping the contour and content of policy-priorities flowing from the logic of market principles. Redistribution of basic resources and welfare has been pushed to the background while the idea of making the poor economically self-reliant became prominent. As part of this strategy, self-help groups and micro-credit facilities are being put forward as panacea to solving poverty. Basic facilities like health-care and primary education are sought to be promoted to increase human capabilities. But, depending on market mechanism for providing these basic goods to the people is not always an attractive option which reinforces the idea of a critical role of the state in public provisioning of basic facilities.[26]

Zoya Hasan captures the dilemma facing the Indian state in this context when she writes, "But the retreat of the state in the 1990s under the influence of Neoliberal ideas and right - wing politics, cuts in public expenditure and low tax revenues all of which contribute to stagnation are likely to reverse this process at the expense of the poor. Paradoxically, the state which seemed autonomous and stable when Indian Capitalism was relatively weak, has actually come to face a more serious crisis with the entrenchment of capitalism. Its problems have been compounded by conflicts between the economic demands of liberalization and the political compulsions of democracy".[27]

However, it is a truism of sorts that a polity and economy of India's dimensions which is characterized by social fragmentation as well as economic inequality in power and access to economic resources has, further, complicated the problem. A state which lacks in abiding

interest in the development of the country accompanied by marauding groups of particular interest trying to distort policy priorities, can not, at the macro level, put in place and implement major policy transformation. AT the micro level, delivery and maintenance of basic goods like education, health-care and physical infrastructure become all the more difficult impaired by inadequacy and inefficiency. So, the widespread institutional failures in India coupled with the culture of corruption and inefficiency and a fragmented polity which produces a complex set of pressures from particular interest groups - all these have combined together, as some argue, reduced India to a fragile democracy.[28]

But the Neo-liberal suggestions keep the social concerns aside from the economic processes of state or market. In other words, market principles become the defining rule of social issues like health, education, housing, commons, jobs and job-securities etc. So, privatization becomes an obvious thrust with profit motive as the guiding norm. Thus, in sync with the logic of liberalization, unemployment becomes a problem of acquiring skills, insecurity in jobs a matter of up-gradation of skills, health and education more a subject of consciousness-raising.[29] Therefore, the Indian State which had been understood to be of supreme importance, was reduced in significance relative to the private sector, and many state functions were privatized, in keeping with the new model of social and economic understanding. The idea that redistribution and an interventionist fiscal policy were central to the national interest was substituted by the notion that the reduction of tax levels and the unleashing of private energies was the real trigger to national economic growth. The commitment to economic self-reliance was diluted and the desire to attract increasing levels of foreign investment became the buzzword.[30] Peter Evans, however, seems optimistic about the future of the state when he argues, "powerful transnational economic factors may have an interest in limiting the state's ability to constrain their own activities but they also

depend on a capable state to protect their return, especially those from intangible assets. In this optic, the persistence of the state's institutional centrality looks more likely than eclipse". [31]

V. Democracy, Governance and Development - search for interconnectedness

There are, broadly, two schools of thought on the relationship between Democracy and Governance. The first school, favoured mainly by a variety of donor agencies and multilateral institutions, presents an anaemic and skeletal version of democracy which upholds regular holding of free and fair elections as a basic hallmark of Democracy. In this scheme of things, Governance subsumes democracy, and democracy is but one component of Governance. The second school of thought adopts a rather impoverished notion of democracy which with little respect for the nitty-gritty of Governance, believes that representation in legislative assemblies and parliaments is an end in itself, and the purpose of participation is rather cynically confined to the process by which political elites can be installed in power. The technical managerial view of Governance which originates in the womb of liberal democracy, talks of a certain modicum of democracy in the form of an electorally conferred legitimacy. Again, the instrumentalist and vehicular view of democracy with its over-emphasis on representation, is premised upon complete disregard for the rights and welfare of all citizens undermining accountability, a central component of the principle of democracy. Thus, the issues of accountability, transparency, and Governmental responsiveness-which make up. Governance Concerns can contribute to the re articulations of the idea of democracy to make it more substantive than its common Schumpeterian meaning.[32] Neoliberals are faulted for privileging Schumpeterian procedural democracy which views 'democracy as a set of rules and procedures devoid of specific content related to distributive justice or fairness in society, ignoring the ethical and normative of idea of democracy'.[33]

The Marxists believe that democratic participation in political decision making will emerge and be sustained only if the economic and cultural power of dominant groups is counterbalanced in civil society by the organizational power of the subordinate classes. So, the shift in the balance of class power is the most important factor accounting for the positive correlation between development and democracy.[34] However, citing the example of India, Pranab Bardhan argues, "Democracy persists in India against all odds, not because the subordinate classes are organized, but possibly because the divided elite groups have found in democracy the least arbitrary rule of negotiation among themselves and a useful device for each bargaining partner to keep the other partners within some moderate bounds".[35]

Nonetheless, there are two important challenges to the assumptions that connect this triad of ideas: democracy, development and good Governance. The first challenge hinges on the relationship between democracy and development, while the second relates to Governance as a goal interms of instrumental or intrinsic value.

It is possibly presumed in the 1960s that as an inevitable outcome of the processes of modernization and development, democracy emerges. But, the East Asian experience threw a robust challenge to this correlation between democracy and development. The weak patrimonial and undemocratic states of Africa could not make much headway on the development front. Again, undemocratic, 'soft' authoritarian states of East Asia achieved spectacular economic development outcomes. India belongs to a third category which has all the trappings of a formal democracy - a pluralist polity with an elected legislature, regular elections, a free press, and so on, but, fell way behind East Asian countries in terms of achieving comparable economic growth.[36]

Notwithstanding the fact that the Bank's avowed intention to limit itself to an apparently apolitical entity and largely a technical

strategy devising agency, it is crystal clear that its supposedly politically neutral recommendations are pregnant with the possibility of ushering in a profound political change representing a particular political vision. In fact, the concept of 'good Governance' has been constituted borrowing heavily from the model of liberal democracy as the notion of 'separation of powers' and 'rule of law' being the critical elements in the idea espoused by the Bank. Thus, Good economic policies are coalesced with the notion of 'Good Governance'. But, 'Good Governance' is propagated as a necessary prerequisite for development and so a valid condition for development aid. Thus, democratic good Governance is not viewed as an outcome of development in keeping with old ideological persuasions. It is, rather, viewed as a necessary condition of development.[37]

Atul Kohli expresses deep concern about the impact of this new orthodoxy on the quality of democracy in India which he fears, is being degenerated into a 'two track democracy' in which common citizens are required only at the time of periodic elections and then forget politics and allow the 'rational' elite to smoothly run a pro-business show.[38]

Referring to India, Rob Jenkins argued that reforms in India have been pushed through in the form of successive micro-reforms in different states at different times and in different situations in a bid 'to blunt the edge of opposition to reform'. Thus, his position is at variance with those of the Advocates of 'Democracy-in-general' or 'good Governance' who believe that democracy is all about open and competitive politics, accountability and transparency and who make best use of every opportunity that come their way to lambast the interference of politicians in economic issues.[39]

In sync with 'World Bank's definition, good Governance is perceived in its instrumental capacity for facilitating a better economic performance. If this is the only task of Governance, then, the East Asian countries qualify more than adequately as classic cases of 'wel-

Governed' state. However, good Governance is inherently valuable which must be negotiated by the political community in question, and focuses on the relations between citizen and state. Therefore, pursuing the agenda of good Governance independently of democratic political processes, is impossible. Indigenous political initiatives armed with an egalitarian economic and political agenda can work for maintenance and consolidation of democracy. However, the Governance agenda as espoused by the World Bank is premised upon the reinvention of politics, democracy and participation insulating them from political processes and political concerns which, obviously, operate at cross-purposes with the ideas that evolved through a Historical process in western societies. The agenda of 'good Governance', is thus marginalizing politics and in the process, transforming citizen into a subject who is a passive recipient of rights, enjoyer of Governance, and beneficiary of development.[40]

However, the Bank's agenda of good Governance can not adequately explain the 'East Asian miracle'. Dwelling extensively on the subject, Sylvia Chan concludes,, "This study has shown that the critical item in the connection between democracy and development is an effective institutional framework (including the state), which creates the conditions for both economic development and political consolidation. The effective state-institutional system that has emerged in Japan and the East Asian NICs and which has underpinned their successful economic development has arisen from a particular institutional and cultural –historical background and has given rise to a different mix of 'economic', 'civil' and 'political' liberties in achieving 'security', 'stability', 'openness' and 'information' and ultimately 'prosperity' and economic development."[41]

So, the kind and character of the state and its associated politics and not the regime type, is critically important in influencing developmental outcomes. This also brings to the fore the primacy of politics, not simply Governance, as a central component of

development.[42] Highlighting a very relevant point, an author has tried to show that Bank's affinity with democracy and 'good Governance' are surely important factors in shaping international trade and lending policy, but, it is flawed by selectivity and in-consistency. Citing the example of China, he tried to show that despite poor human rights record, China received substantial World Bank support. Again the USA restored MFN (Most favoured Nation) status to China in May 1994, leaving behind the traumatic Tiananmen Square episode, while, India's long standing demand for according MFN status is ignored. So, China's tremendous potential for future trade and economic co-operation may possibly be responsible for diluting democracy and good Governance criteria as the World Bank and the US, 'the citadel of democracy' has demonstrated over the years in conceding concessions to countries like China by turning a Nelson's eye to their own formulation on democracy and Good Governance.[43]

Social inequality in India clogged the channels of balanced development and distorted the logic of Democracy. So, Governance alone cannot take care of the demands of massive public provisioning of welfare for the protection of the vulnerable as well as addressing the concerns of distributive justice. So, Fukuyama's suggestion that liberal democracy is the ideological terminus of history and leftwich's Idea of the preponderance of politics as a factor conditioning development with scant regard to the need to democratize development, may not be the answer to India's problem of democracy and development as both of them are intellectually wedded to western Industrial model.[44]

It is, indeed, true that the Third world state could not live up to the expectations of ordinary people. It is equally true that the state could be re-invigorated and re-energized through people's movements in civil society, with demands for the realization of basic rights or what ordinary people expect state to do for them.

However, both the Neo-liberal consensus and the post-Washington consensus, facilitated and animated the emergence NGOs (Non-Governmental organizations) as definitive actors in civil society largely to withdraw 'third world' state from the social sector. So, the decline of the state was accompanied by a tremendous growth of civil society. Again, within the civil Society, the role of NGOs increased at the expense of other actors such as social Movements and voluntary social associations.[45] As Niraja Gopal Jayal writes in this context, "using and idealizing NGOs as having state-substitutive capacities, has a certain ideological and practical value for multi lateral agencies that cannot be underestimated".[46]

Therefore, the new perspective on Governance upholding the potential role of civil society owed a great deal of intellectual indebtedness to the economic side of Anglo-American ideology. The suggestion pertaining to re-invigoration of civil society was put forward at least by conservatives, for solving the social and political aspect of public well-being. This could render the state politically irrelevant as the global markets had already reduced the state to a hollow shell, economically speaking.[47]

VI. Civil Society, Social Movement-activism and Democracy

According to Hegel, civil society is defined as the arena of social interaction that falls between the family, on the one hand, and the state, on the other. Tocquevillian notion of civil society depicted it as a check upon the potentially arbitrary and even tyrannical proclivities of the state. Thus, civil society must be independent of the state and a genuinely participatory platform for a free civic engagement, deliberation, discussion, and dialogue by throwing it open to all its citizens.[48] Rajendra Singh traces the background to this 'new space' in these words, "The waning influence of Marxism as the ideology of class struggle, the gathering tradition of democratic struggles as a global phenomenon, developments in communication and technology on the

one hand, and on the other, the increasing contradictions of the capitalist social formation driving a wedge between the civil society and the political order, provide a historically new space for most of the oppressed groups to rise and fight for social justice".[49] The Uniqueness of (environmental) protest politics, as points out by Ramachandra Guha, characteristic of India and other nations of the "south" is premised upon a blending of the politics of red and Green. The ideas and identities guiding environmental protest in India, were inextricably enmeshed with a committed redistributive politics. This dual accountability underpinning a strong sense of commitment to the norms of redistribution and an adherence to the specific (environmental/ gender/caste/tribal etc) goals of a particular movement politics-was widely acknowledged as defining features of social movement activism in India. In fact, the post-Nehru 1970s and 1980s witnessed the invention of this dual politics combining together class ideology with the identities and issue specificities of social movement activism.[50]

However, the earlier movements of the 1950s and the 1960s - the Language, ethnic and anti-caste movements - were distinctive by their association with political parties and the electoral Process. With the emergence of the newer Movements of the 1970s onwards, it became clear that identity movements have captured the discursive space of electoral politics. On the contrary, the Non-identity movements have carved out institutional spaces for themselves. They – ranging from action or struggle-oriented groups to welfare delivery form of NGOs sought to effect changes locally by forging links with the channels to the bureaucracy, the courts or to global institutional fora.[51] But, the recent Indian experience brings to the surface the difference between the descriptive and prescriptive aspects of civil society. Because convergence between these two aspects doesn't always take place. Moreover, not all groups operating on this institutional space are wedded to democratic ideal and purposes. In the ultimate sense, civil

society remains an important terrain of contestation involving the project of Hindutva to redefine democracy in emphatically majoritorian terms and liberal secularism on the one hand, and on the other, threat emanating from globalization which is looming large on India as it lays down global standards for 'good Governance' and emphasizing upon forging network between non-Governmental organizations for facilitating the creation of a 'transnational' Civil society. This would, further, lead to constriction of the available democratic space for organizing politics as self-determination.[52] There is no denying the fact that the efficacy of the democratic institutions such as the courts and the bureaucracy have been increased substantially in evolving responses to meet the fluidity and diversity of India, thanks to the pressure being mounted on them through the range and dense welter of such movements and organizations. This is not to argue that these institutions can be a substitute for the state. But, it is to be acknowledged that the democratic institutions would have found it very difficult to achieve this modicum of success by evolving responses to meet the challenges stemming from India's diversity and changing conditions, unless social movement activism could not substantially contribute to the process of building up pressure on them by bringing the issues to the fore. Thus, social movement activism has, largely, worked as an effective cushion against potential authoritarian tendencies embedded in the polity. The Latin American experience in the 1960s, 1970s and 1980s is a pointer to the fact that the state resorted to blanket authoritarianism faced with rising frustrations of the people as they saw their hopes being dashed to the ground. So, it can be safely argued that interest-based social movement activism in tandem with the courts and bureaucracy played a decisive role in India in preventing her from going Latin American way. It is also most likely that electoral practices alone would have been deficient in securing an identical outcome.[53] Prof. Niraja Gopal Jayal sums up the whole debate in these words, "The importance of civil Society in India is intimately

linked to the future of democracy. One of the most important tasks of civil society in India is arguably to effect a bridging of the gap between democracy in the formal structure of Governance, on the one hand, and the absence of the necessary conditions for the realization of democracy, on the other. Further, the future of neither civil society nor democracy can be delinked from the role of the state, despite the gradual erosion of its pre-eminence in contemporary India. Democracy requires the state, because the state alone can create conditions for the effective exercise of citizenship, provide and sustain the framework within which the rights and obligations of citizens can be respected and guaranteed, and arbitrate and resolve disputes about these. But precisely because states are notoriously prone to undermining, and even destroying, democratic institutions, a strong civil society is needed as a bul-wark against these authoritarian tendencies."[54]

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CHAPTER-VII

THE RETREATING STATE, GOVERNANCE REFORMS AND SOCIAL CHANGE IN INDIA

CHAPTER - VII

THE RETREATING STATE, GOVERNANCE REFORMS AND SOCIAL CHANGE IN INDIA

I. Prospects for Democracy and Development

The reforms introduced in 1991, mediated the process of Globalization in Indian Society, is of a distinctive character which fundamentally altered the face of Politics in India by shifting the focus away from the all-encompassing state of Nehruvian India to a market friendly regime.[1] The reforms was 'nothing less than a repudiation of India's distinctive approach to development - a repudiation, that is, of Nehru's vision of Socialist self-reliance'.[2] The Nehruvian model of development with social democratic goals at its core, coupled with faster economic growth spurred by statist interventions was, essentially, in sync with modernization theories. Thus, India's programme of Planned Development, initially, received a lot of support from Economists and policy makers as they were being carried out in a nonpolitical and rational manner in the face of pulls and pressures of party politics. Moreover, it was considered to be an appropriate strategy to grapple with the glaring disparities in wealth and privilege that do exist in Indian society and its nonviolent and democratic nature of implementation.[3] However, prior to the introduction of Economic reforms, India was already moving from a 'command polity' to a 'demand polity' and remained a 'weak-strong state', notwithstanding. (Rudolph and Rudolph, 1987). Thus, the Indian State, despite assuming 'the commanding heights of the economy', could not trigger economic growth on a scale which was expected of it, largely because of the demands thrust upon it by different sections of society taking advantage of the democratic system.[4] As Pranab Bardhan argues, "The Indian public economy has thus become an elaborate network of patronage and subsidies. The heterogeneous proprietary classes fight and bargain for their share in the spoils of the system and often strike compromises in the form of 'log-rolling' in the usual fashion of pressure

group politics".[5] Therefore, the Indian experience suggests as pointed out by several studies, the failure of state-led development may be attributed to the lack of autonomy of state from organized interests in society which distorted decision-making and prevented the implementation of redistributive policies. The 'crisis of Governability' thesis as advanced by Atul Kohli (1991) also has its roots in the inability of the state to effectively pursue public goals because of such pressures.[6] In any case, India's experiments with 'socialist' planning may have contributed enormously by strengthening the economic foundations of balanced economic growth, but, it failed to harness India's growth potential. More importantly, the dirigiste development phase worked easily in favour of those who could negotiate access to the license and permit Raj than empowering and benefiting the poor except indirectly as a result of revised Government spending policies in the 1970s, and 1980s.[7]

India could have shifted from an import substitution regime to an export oriented policy from the mid-1960s as the objective conditions of the international economy might have favoured countries like India to leverage on labour intensive products. With the world economy reaching a dizzy heights after the second World War, there were virtually no competitor other than Japan in labour intensive products.[8] P. N. Dhar, an economic administrator during that period, writes in this respect, 'The economic side of the multidimensional crisis arose from the weaknesses of the earlier heavy-industry oriented development strategy, namely, under-emphasis on agriculture and over-emphasis on foreign aid. The initiation of Green revolution for expanding crop production by raising the yield per hectare with the adaptation of chemical–biological technology was the response to the first problem which met with remarkable success. The adjustment to the declining foreign aid following the war with Pakistan was to reduce public investment and accept the consequent slow down in the rate of growth'.[9] This low growth syndrome was perpetrated since the late 1960s because of the radicalization of politics in the wake of multi-dimensional crisis which saw tightening of controls on the market

and the private sector and huge expansion of the public sector in the name of Nehruvian socialism. The political and bureaucratic interference and soft-budget constraint, large over-staffing, higher wages and salary bills crippled the public sector, and nonetheless, a number of Economic interests and political constituencies which it created, enjoyed enormous power.[10] As early as the Third Five year plan, Nehru himself began to realize that a high rate of growth sustained over a long period could be a real trigger for achieving a rising level of living for all citizens, people in low income groups or lacking of opportunity to work, in particular.[11]

However, the country has taken significant strides since independence in developing an industrial base and achieving substantial increases in per capita GDP. Thus, it was successful in warding off the threat of famine which used to loom large over large part of India during the colonial period. Not only that, state intervention has been proved to be critical in Jacking up per capita food grain availability, in lowering the poverty ratio to some extent, in almost doubling life expectancy at birth, in raising the literacy rate on a modest scale and also, in scaling down the infant mortality rate and so on. It is true that the achievements could have been far more impressive, but, it does not imply that we rubbish them off altogether.[12]

The enduring legacy of the Nehruvian State, Zoya Hasan writes, 'was not its economic achievements, but in the establishment of a viable structure of a relatively autonomous and democratic nation state at the core of society, committed to the idea of building a reformist, politically independent, capitalist society. During this period, the state stabilized, assumed responsibility to direct economic development, established a constitutional regime, accumulated for itself a wide array of powers and responsibilities, ranging from the abolition of untouchability, establishment of places of higher education and culture, to building dams and nuclear reactors (Khilnani 1997: 38). The combined effect of developmentalism and democratic mobilization was a rapid penetration of the state into domains of society hitherto untouched by the state.

Nevertheless, we should not overrate the state's ability to restructure social economic formations".[13] But, the Nehruvian world-view had a contradiction at its centre between the rhetorical idea that the people are the creators of history and a pragmatic mistrust of their capacity to think rationally even about their most local needs. Thus, Political Practice moved in two completely different pathways. The duality of the Political world of the Congress in the early decades, the idealistic and the unprincipled, contributed to the system's durability. The political bloc, comprising of the state bureaucracy and a new class of professional politician, has come to acquire a peculiar ideological and practical relation with the Nehruvian State. They seemed to be disinterested for radical social reform for which it was originally intended. More importantly, they were running short of enthusiasm for dismantling the license permit regime and the increasing complexity associated with it. Again, contradictions arose out of the official pronouncements of the Nehru era which claimed the beneficiaries of the land reforms ought to be the poorest in the rural area, but, as a matter of fact, benefits accrued to the richest farmer following dissolution of feudal classes. The Green Revolution strategy for agricultural growth in the early 1960s, created new opportunities for the richer farmers with the state supporting them with subsidies. This richer segment of the farming community became very keen on translating their financial muscle into political power. This led to the creation of parties with exclusive following from the farming community in the 1960s and who eventually, shifted their loyalties to the oppositions culminating in the defeat of Congress in the fourth general elections. However Indira Gandhi renegotiated the distribution of economic benefits to their great advantage and effectively ensured these groups return to the fold of the Congress Party.[14]

The state-sector Industries which was to attain the commanding heights of the economy in sync with Nehruvian strategies, turned out to be inefficient, wasteful and unresponsive to valid criticism which prompted Sudipta Kaviraj to comment, "The use of public resource for

private ends and the bending of collective principles of operation to a new form of pre-feudalism and electorally sanctioned privilege have hollowed out all vestigial 'Socialist' pretences of the public sector. What has failed decisively is, therefore, not the public sector that Nehru established, but a travesty which had, taking advantage of the absent mindedness of political public, usurped its name and symbols instead of showing that the public sector had failed, the Indian experience shows beyond doubt that the sector had failed to remain really 'public' in any reasonable sense of that term".[15] Writing at the end of the 1970s, Francine Frankel blamed India's slow and uneven rates of economic growth since independence on the country's accomodationist politics and the failure of the state to effect radical land reforms. (Francine Frankel, India's political economy ... 1947-1977 (1978). During the Nehru years the period in which the foundations of India's modern Industrial economy were built the centre was greatly limited in what it could accomplish by way of institutional changes to help the poor in the vast rural sector. The prime minister and a host of committed officials inducted by him into the advisory planning commission could only lay down general principles of policy. But the actual power of implementation belonged to the state legislatures. The leaders of these state Governments, although virtually all Congressmen until 1967, either belonged to or depended upon locally dominant land-holding castes to mobilize the rural vote and win state and national elections. [16] Thus, the progressive policy designed to benefit the vast masses of the rural population was, virtually, derailed by the state level leadership whose interests operated, obviously, at cross-purposes with that of the policy bequeathed to them by the centre. Stuart Corbridge and John Harriss, are, perhaps, very correct in assessing Nehru's plans for India when they argue, "The failure of the Nehruvian dream of modernity might be explained, in part, in terms of the failure of successive Governments in India to invest in the educational systems which Nehru thought would bring reason to India's towns and villages. Moreover, the failure of the Nehruvian design for India and we agree that it was a failure

in large part should not be taken as evidence that all parts of that project failed in equal measure, or that its legacies have yet been fully worked out".[17] However, the Indian state eventually emerged as an interventionist, rather than a welfare state. This interventionism did not shed off a welfarist orientation, but its primary goal was develop mentalist. The Developmental initiatives of the state were, however, geared to largely serve the modern Industrial sector, while welfarist initiatives were mainly directed towards redressal of poverty arising out of inequalities in the ownership and use of land. However, it tried to achieve the lofty goal of eradication of poverty without disturbing the rural power structure.[18]

The project of state building suffered serious setbacks in the post-Nehru period. The axis of connection between state and society-the 'Congress System' - was under some real threats. The relationship between the centre and the states became a little uneasy and unfriendly following centralizing tendencies of the union Government came to the fore. And, the rise of rich peasantry following the Green Revolution, heralded far-reaching politico-economic changes.[19] The crisis in the economy and the setbacks suffered by the Congress party led to a new emphasis on agriculture. Alongside this Agrarian model, public policy agenda focused on redistribution and poverty alleviation since the early 1970s. This strategy promoted by Indira Gandhi had the effect among the poor and the oppressed groups who appreciated the importance of elections, democratic participation and finally, that access to power was crucial determining factor for their well being. As a result, the state had to contend with popular pressures by creating opportunities for the economic progress of these new groups.[20] Francine Frankel points out in this context, "Democracy and expanding participation in the Indian social and cultural context, resulting in a 'Democracy of castes' and caste and communal competition and conflict, has placed the majority-minority framework at risk, and also exacerbated the fundamental tension between a strong Government and decentralizing tendencies."[21]

As a matter of fact, Indira Gandhi through *'Garibi hatao'* slogan, recognized, for the first time, the need for separate dedicated programmes aimed at tackling poverty and unemployment. This was in contra-distinction to the earlier official economic strategy whose underlying assumption was that the benefits of growth would automatically "trickle-down" to the poor and the underprivileged. This period beginning from 1971 was marked by heavy taxation, rural public works programmes, deficit financing, massive state investments in agriculture, agricultural subsidies, state price support to and procurement of food grains, the public distribution system (PDS), abolition of privy purses and nationalization of Banks.[22] Nevertheless, she could not succeed partly because she was more attracted by an authoritarian, populist style of politics, partly because she could hardly ignore Congress notables and their 'Vote Banks', So, Congress under her leadership faced with a terrible dilemma either it had to dislodge democracy in order to put social reforms into action or it continued with the pattern of conservative democracy.[23] As a result, the state had entered a phase which is underpinned by some kind of a structural crisis. The ugly manifestations of this were the promulgation of national emergency in 1975-77 and the problems confronted by the secular polity since the mid 1980s. Mrs. Gandhi pioneered a process of centralization of Government functions under a politicized bureaucracy. Emergency facilitated the concentration of power within the offices in New Delhi. As a direct fall out of these policies, the space that existed in the Nehru era for the independent exercise of power by congress leaders at the State and district levels, shirnked to a considerable extent and in the process, affecting adversely the party, the Government and the state itself and eventually, hastened the process of decline of the Congress which was under way since the late 1960s.[24] In a desperate bid, after 1980, Mrs. Gandhi embraced a Majoritarian strategy to rebuild her party in the Hindi Heart-land and adopted a more pragmatic, pro-business attitude for giving a fillip to economic growth, which, she felt, might win back Industrial and business groups to her

party's fold. This strategy marks a break from her earlier pet-themes of "Secularism and Socialism" and possibly, positioned her towards liberalizing the economy. Simultaneously, she might feel that even a watered down version of "Socialism" would help her to bolster up Congress's dwindling support among the poor.[25]

Rajiv Gandhi was thrust into the Vacancy left by Indira's assassination amid the post-assassination trauma and crisis. However, the new regime led by Rajiv Gandhi was going to usher "in a new beginning" rather than continuity with the past. In the political sphere, he seemed to be favoring a more accommodating and compromising set of policies which stood in stark contrast to his mothers' approach to dealing with Punjab and Assam. Rajiv himself, after winning the election by a huge margin, stated clearly that his Government's economic approach would be characterized by "a judicious combination of deregulation, import liberalization and easier access to foreign technology". So, this approach itself gave a decent burial to Nehru as well as Indira Gandhi's emphasis on "Socialism, planning and self-reliance" is self explanatory.[26]

The business community and upper middle classes seemed solidly behind Rajiv's new economic experiments.[27] However, opposition came to the surface from within his own party with senior political leaders singing a different tune as Rajiv attempted to prune India's public expenditure on poverty programmes. As a matter of fact, different components of the liberalization package hurt the interests of groups cutting across social landscape. But, the opposition from the rural groups branded Rajiv's new policy measures as pro-city and pro-rich. In fact, Rajiv's new policies led to substantial increase in Industrial production, durable consumer goods, in particular The Government also came out with a slew of measures that induced urban consumer to consume more.[28]

As Atul Koholi writes in this context, "The resulting development strategy was, and could thus be easily characterized as, benefiting the urban rich. Peasant leaders took advantage of the new opportunity and

successfully mobilized rural groups against the Congress Party. When the Congress cost the election in 1987 in the crucial, Hindi heart-land state of Haryana, only then did Rajiv Gandhi realize how politically expensive the new economic rationality had become".[29] Congress under Rajiv was, steadily, suffering from electoral reverses, especially in many state elections between 1986 and 1987. It may not be entirely true to attribute to the Government's new economic policies for Rajiv's Generally declining popularity, but, there is reason to believe that the economic policies incurred the wrath of two numerically important rural groups, namely, the "middle peasants" and the scheduled Castes which eventually proved to be politically expensive for the Congress. With opposition parties like CPI(M) and the Lok Dal teaming up together under the leadership of V.P Singh espousing an economic strategy that focuses on "broad based, agriculture led development" and in view of the declining popularity, Rajiv wanted to shed off the "Pro-rich" image associated with his economic policies and his name, and committed himself in a populist direction.[30] No single party has been able to win a majority of seats in India's parliamentary election since 1989. Neither Congress nor the BJP, the country's two largest parties, can form a national Government without support from the smaller parties. Political parties became aware of the need to build electoral support by appealing to particular castes, tribes, and religious communities. In the parliamentary elections of 1989, the Congress party was unable to win a majority of seats. This facilitated the formation of a national front coalition Government led by the Janata Dal leader, V. P. Singh, with support from the BJP. V.P. Singh's efforts to enhance and consolidate his support base among the OBCs by promising reservation and his opposition to the campaign by Hindu Nationalists for constructing a temple to replace the sixteenth century mosque at Ayodhya led the BJP to withdraw its support. The tragic murder of Rajiv Gandhi on the eve of the parliamentary elections in 1991, must have helped congress considerably to emerge as the single largest party. P. V. Narasimha Rao with support from a few smaller parties constituted a minority

Government.[31] Zoya Hasan Captured the finer points involved in this evolving nature of Indian politics of this period beautifully when she writes, "During the brief period from 1989 to 1990, the Janata Dal led Government in New Delhi carved out a distinctive ideology based on the dual demands of the rural majority. One was for greater opportunities through investment in agricultural infrastructure and employment, and the other for higher social status through quotas for lower castes and OBCs in recruitment to the elite all India services. Ironically, the Janata Dal itself was the major victim of its political mobilization strategy. Subsequently, state and local leaders of the backward classes and Dalits rejected the mediation of national parties such as the Janata Dal, even though it was essentially a party of OBCs. Instead, they attempted to enhance their access to public resources of the state through direct participation in the bargaining process that preceded the formation of Governments at both the central and Sate levels."[32] In any case, by the late 1980s, caste questions began to occupy center-stage in national debates about modernity and citizenship in India.[33] The heightened political awakening among the lower castes and dalits challenged the structure of representation of power-sharing conceived and practised by the Congress and wanted to represent themselves by seeking direct control over the state by these hitherto excluded social groupings.[34]

In the subsequent years, the politics of identity continued to become increasingly important as the Babri Masjid was destroyed leading to a communal cauldron boiling across the nation. The most intriguing part of the whole episode is the resurrection of religion as another live political issue. It has generated identity-based social movements on the one hand and on the other, sought to grab political power through electoral competition. Around this time, two main contenders for political power in Uttar Pradesh were the Bahujan Samaj Party (BSP a dalit based political party) and the Bharatiya Janata Party (BJP, a Hindu right Political Party). The BSP was keen on protecting its dalit constituency by thwarting co-optation bid by BJP to its upper caste dominated, largely all-

encompassing Hindu political outfit championing organic unity. BSP also sought to put a secular front in place by weaving together the dalits, scheduled tribes, some lower castes and Muslims, in particular, in response to the challenges posed by the BJP's Hindu revivalist politics.[35]

Once again Zoya Hasan, writes in this context, "By polarizing castes into blocs and demanding representation on a bloc basis, the politics of caste identity disrupts the traditional definitions of caste based hierarchy in Hindu Society. Using political rather than religious criteria, caste-based political mobilization converges on control of the State. Such strategies of caste polarization can destabilize the political system, but appear necessary to achieve justice for lower caste group. In other words, what may be seen as destabilizing political process from one perspective, can be seen as deepening democracy by those groups who capture state power for the first time. By contrast, the politics of communalism practised by the BJP attempts to unify all Hindus within a traditional and hierarchical social order. The BJP is not known for its commitment to justice or democracy. The very concept of pluralism which is at the heart of India's democracy is challenged by its project to privilege a singular, Majoritarian identity".[36] The new lower caste politics hinges on a growing preference for the recognition of group claims on grounds of social discrimination. This has been used to increase group-based representation in existing political institutions. In sync with this strategy, the BSP champions a single point programme wherein proportional representation for all groups in Government, bureaucracy and educational institutions is emphasized. So, the Congress's welfarist approach was ignored, and BSP, successfully, exhorted the dalits to have share in power.[37]. The most visible outcome of this social churning process, after Congress's popularity nosedived, led to the displacement of upper castes from positions of power which, in turn, catapulted backward and lower castes into positions of authority. This political development is equated with a quiet social revolution.[38] (Frankel and Rao, 1989). No doubt, the BSP has managed to promote a strong dalit identity whilst at the same time reaching working arrangements with the

political representatives of the wider population. But, BSP's Quest for social justice appears to be rather partial and exclusivist in nature as they remain silent on any programme of distributive justice.[39] A commentator has, very nicely, brought this limitations of BSP to the fore: "Nothing has happened during periods of BSP rule to change the structure of landholding or the conditions of agricultural labour or to shake up the appalling state of the public education system nor is there any evidence that the BSP has made any contribution to halting the decline of UP and its increasingly poor record in public policy. The BSP has transformed the politics of UP and created a new phase of Dalit politics. It has restored Ambedkar's legacy to a central position in Indian politics but there is still no sign of exactly what the BSP wants to do or where it wants to go with its newly acquired power".[40]

However, the emergence of Hindutva, no doubt, posed the most serious challenge to the constitutional vision of the liberal democratic state. The Hindutva ideology championed by BJP as a unifying basis of national unity, may, eventually, jeopardize secularism and minority rights guaranteed in the constitution of 1950 Since 1996, there were three coalition Governments at the centre in which BJP was either important partner or led them. But, unlike the first two, the 1999 coalition Government headed by BJP enjoyed a parliamentary majority. With ideologically dissimilar partners supporting them, BJP had to make major concessions on its core Hindutva agenda and possibly, this moderation was an imperative to govern effectively a modern and culturally diverse society like India.[41]

Nevertheless, the BJP's electoral expansion would continue to be impeded by three factors. Firstly, Muslim voters would be solidly opposed to the idea of BJP's coming to power. Secondly, the backward castes have been sharply divided into adherents of the BJP and the supporters of the left-Janata Parties. And , finally, the BSP has achieved a near total grip over the most numerous caste among the scheduled caste voters especially in U.P.[42]

II. The State, reforms and the state of Democracy, Development in India.

Development and democracy were arguably integral and even non-negotiable parts of the modernizing project of the Indian State at independence, though the relationship between them could be said to have been ambivalent. As the strategy of imitatively traversing a path rehearsed and charted elsewhere, development was unproblematically assumed to encompass not only an industrial economy, but also a democratic polity, and a programme of social transformation. Thus, comprehensively defined, the project of Development was inspired by the happy if naïve image of a successful transition-institutional and ideological-from tradition to modernity, eventually mirroring the western experience.[43] Ramachandra Guha argued that India's programmes of planned industrial, development have plagued the country with 'a gross caricature of European Capitalism, reproducing and intensifying its worst features without holding out the promise of a better tomorrow'.[44] In a recent book, Prabnab Bardhan while assessing the economic rise of China and India, highlighted the positive legacy of communist rule over a couple decades or more, which provided China with a head start vis-à-vis India in terms of some key social and physical infrastructures. They are:

- A solid base of minimum social infrastructure (broad based education and health care) for workers,
- A fast pace of rural electrification that facilitated growth of agro-processing and rural Industrialization,
- A highly egalitarian land redistribution, which provided a minimum rural safety net that in the early years eased the process of market reform, with all its wrenching disruptions and dislocations,
- A system of regional economic decentralization making country Governments responsible for production enterprises and thereby creating a huge pool of manufacturing experience, skills, and net

works which contributed handsomely to the phenomenal rural industrialization in China during the post-reform period.

- Laying the foundation of a national system of basic scientific research and innovation by large scale transfer of fund towards this specific end.
- High female labour force participation and education leading to women's enhanced contribution to economic growth.[45]

World Development Report 2006 of the World Bank also confirms this view though in a veiled manner when they argue, "The key to china's equitable development was the combination of initial conditions and the economic reforms".[46]

Liberal ideas actually define the broad bases of modern Indian political thought. The idea of Nationalism, Socialism and even some variants of religious politics have evolved over this base and more importantly, this provided the foundation upon which India's democracy has been built.[47] For the Indian political elite, civil liberties mattered a great deal. The section on fundamental rights in the Indian constitution, with a core of civil liberties, bears testimony to this. The idea of fundamental rights remains potent even today.[48]

Sunil Khilnani traces the impact of liberalism on the nascent Indian state in these words, "Thus, the liberal belief in individual rights was given a communitarian slant: while the individual was seen a sovereign in the spiritual realm of belief and conscience, in the social realm individual rights might be curtailed so as to allow, for instance, diverse religions to co-exist, when it came to economic exchange, Indian drew on the liberal critique of monopoly as destructive of liberty. The remedy they proposed though, was not the free market, but more conscientious regulation. Again, Indian deployed the liberal critique of the state not to limit or weaken it, but to call for a more benign, welfarist state".[49] Socialist critique of individual rights is based on the fact that political and civil rights suffer from inadequacy when they are not accompanied by social

and economic rights. In other words, civil and political rights are reduced to a hollow shell without rights that ensure the basic conditions for a meaningful life.[50] The concept of rights as enshrined in the constitution, emphasizes formal equality and invokes the notion of abstract individualism. Thus, it fails to take note of relevant differences between individuals that call for diverse treatment. Again, It looks upon individual only as a citizen of the polity and brushes aside all other forms of personal identity. Hence, It becomes unable to take cognizance of the varied locations of identity which puts the diversified nature and complexity of social and political life beyond its comprehensibility.[51]

Rajni Kothari has made a very succinct point in this connection when he argued, "The point is that distributive justice also has to be institutionalized, just as are liberal freedoms and concepts such as equality before law. There is nothing automatic about either the institutions of parliamentary democracy or economic growth leading to distributive justice. It has to be deliberately built into the design for national development, and into the nature of the state structure. Failing this, liberal freedoms too would go under, at any rate for large sections of the people, 'Equality' then becomes an empty slogan which is used to take away the freedoms that exist, instead of providing benefits to the poor, raising their hopes, and, on that basis, gaining their loyalty and their votes."[52]

As a matter of fact, India's electoral multi-party Democracy failed to ensure good Governance in the economic realm.[53] In fact, the Nehruvian dream of India was challenged from the start. The mass of the Indian population never fully grasped or shared Nehru's plans for India. So, the commands of New Delhi were subjected to varied interpretations by bureaucrats and politicians who were based at India's states, districts or blocks.[54] Nehru's goal of development was attainable through Industrialization. And, the agent of Development was the State which was to play the leading role in the whole scheme of development. The development was to be achieved through the national economic planning

embedded in the macro-economic policy instruments, promoted at Bretten woods. In fact, planned Development played an important part of the legitimating ideology of the Congress in power. But, 'planning', remained beyond the political domain only to become a vital instrument of politics eventually. The Nehruvian regime as well as any of its successors in India were manifestly lacking the requisite capacities to direct and manage economic and social development in the pursuit of National interest in as much as these were effectively done by political elites of major East Asian Countries.[55]

However, Nehru's design for the country contributed handsomely for secularizing India's polity. (Bil-Grami, 1994) (Corbridge and Harriss, 2000). Following Nehru's Death and with the beginnings of the end of the congress's preponderance as characterized by one party system, the first Democratic upsurge in independent India took place. (Yadav, 1996). This, perhaps, led Khilnani to suggest that: 'The Democratic idea has penetrated the Indian political imagination and has begun to erode the authority of the social order and of a paternalist state. Democracy as a manner of seeing and acting upon the world is changing the relations of Indian to themselves.[56]

However, Indian Democracy suffered from a peculiar inadequacy and took an illiberal direction. Both Nehruvian reformists and populist politicians regarded the state as the primary agency for creating equality. This has resulted in a huge democratic pressure which, paradoxically, led to increase in the powers of the state on a sustained basis. The state is viewed as an agency championing equality for two reasons. First, the legislature has the power to enact reform legislations, and the executive has the responsibility to implement them; second, the state being a major provider of employment, so, expansion of the economic sphere under its control helps translate such legislations into reality. The discourse of this democratic force does not encourage an encirclement of the state by an active, oppositional, constantly vigilant 'civil society'. Thus, justification is provided for the expansion of the powers of the state, and at times, the

state displays scant regard for juridical restraint in the name of undertaking reforms on an urgent basis. Analyses of Indian politics demand more careful attention to the precarious balance between the elective and other dimensions of democratic politics and procedure. Elections constitute a hugely significant element in the procedural structure of democracy, but, there are other, equally important procedural and deliberative dimensions. An overemphasis upon the elective side might lead to evaporation of confidence in the whole structure if the politicians continue to harbour the idea that with the electoral mandate on their side and election being an indispensable constituent of democracy, they have the right to use or abuse legal rules at their sweet will.[57]. The challenges confronting Indian Democracy in the 1990s are distinctive in nature and it marks the beginning of an altogether new phase in Indian politics. The challenges posed to Indian Democracy came, mainly, from two sources: First, the process of globalization and its domestic face, economic reforms facilitating liberalization and this, in turn, led to the hollowing out of the state on the economic sphere, in particular; and, second, the advent of a discourse of civil society essentially underpinned by the mushrooming growth of Non-Governmental organizations (NGOs), who are willing to take over the development functions of the state which prior to the introduction of economic reforms were considered to be an exclusive preserve of the state. This signals a retreat of the all encompaning state of Nehruvian India calling for a re-definition of the existing modes of Governance.[58] This fundamental transformation of the nature of state is beautifully captured by Dolly Arora when she says, "What is accomplished in this era of 'reforms' is not really the separation of social and economic issues but a reversal of their relationship. Social concerns are not expected to interfere with economic processes of state or market, but market principles are supposed to become the defining rule of social issues - health, education, housing, commons, Jobs and Job security, etc. should be privatized and made to run with profit motive as the guiding norm. This is the intent of

liberalization. And this is meant to increase efficiency. The question of access to this efficiency is not considered important. Access comes to be defined as an individual problem, not a social concern. The social content of economic issues is thus easily dismissed in the logic of liberalization. Not only that, many social problems are simply dismissed as individual problems, calling for individual solutions."[59]

The notion of Good Governance in its current phase, appeared in a 1989 World Bank report on Africa, which argued that, "underlying the litany of Africa's development problems is a crisis of Governance".[60] In a subsequent publication, Bank's definitive statement on Governance and Development was confirmed when it treats Good Governance as being Co-terminus with sound development management.[61] This managerial approach towards Governance and Development was readily endorsed by a good number of Western Governments led by United States of America. Soon, they were joined by the main international development institutions and a variety of cooperative, intergovernmental and regional organizations. Despite differences of their views on the relationship of Governance, democracy and development, a common thread was running through the concept of democratic good Governance in keeping with the Bank's prescriptive formulae on Governance and Development.[62] As Adrian Leftwich tries to comprehend the evolving notion of Governance in these words, "Governance thus denotes the structures of political and, crucially, economic relationships and rules by which the productive and distributive life of a society is governed. In short, it refers to a system of political and socio-economic relations or, more loosely, a regime. In current usage there is no doubt that good Governance means a democratic capitalist regime, presided over by a minimal state which is also part of the wider Governance of the New world order."[63]

The Indian constitution contains the concept of equality which is essentially of a liberal flavour, is supposed to guide the action of the Indian state. Given the legacy of structured inequalities and power differentials in society, It could not have achieved anything but a modest

success so far. But, the adoption of the new Governance agenda which is characterized by a more market-oriented approach, would be necessarily shifting the focus from redistribution of basic resources and welfare to making the poor economically self-reliant while in a poor country, it should have been ideal for the state to undertake responsibility for empowering the people.[64] As Niraja Gopal Jayal argues, "In a third world context, the idea of Governance as a more or less technical facilitator of development, delinked from conceptions of democracy and welfare, is a highly impoverished notion."[65] Social inequality in India is a very widespread phenomenon. It throws a spanner not only on the way of attaining balanced development but also causes aberration in the logic of Democracy. This calls for effective welfare programmes on the part of the state in order to safeguard the interests of the underprivileged which cannot be attainable through Governance alone.[66] The good Governance agenda contains, among other things, freedom of information, a strong legal system and an efficient administration. These are, no doubt, vital instruments which ought to be available with the underprivileged segments of the society in realizing their demands of equality. However, the 'success' crucially depends upon popular mobilization through social movements or political parties.[67] Peter Evans, reflecting on stateness in the context of Globalizations opines, "East Asia demonstrates the possibility of a positive connection between high stateness (albeit not Nettle's classic European variety) and success in a globalizing economy and puts historical meat on Cameron and Rodrik's regression results. If such a positive connection exists, then the currently pervasive belief that the institutional centrality of the state is incompatible with globalization must be explained in terms of the ideological face of the current global order."[68] However, a scholar has tried to explore the link between Democracy and Development more dispassionately in the context of Japan and the East Asian newly Industrializing nations (NICs) and this explanation involves three steps in specific terms, First, it involved a wider institutionalist approach with decentring the focus on either the

state or the market, and the role played by extra statal institutions was particularly recognized. Second, using the distinction between the 'economic', civil' and 'political' dimensions of 'liberal democracy', it was argued how Japan and East Asian NICs have been reasonably successful in guaranteeing economic development with a different mix of these three components of liberal democracy embedded in a set of institutions which were at variance with each other as well as from western ones. Thirdly and more importantly, this produced some of the elements characterizing the democracy development link such as 'security', stability' and 'openness and information'. To put it in a different way Economic development has been the outcome of a definite set of functions and relations of state societal institutions that have given some of the virtues that have been believed to be peculiar to liberal democracy' itself, but not by virtue of providing 'liberal democracy'.[69] Thus, Prof. Jayal argues forcefully in this connection "The answer, therefore, is not to look towards the state, but at different ways of approaching and defining both democracy and development: a view of democracy, for instance, that goes beyond the procedural to seek the substantive democratization of not only the state, but also society and social relations; and a view of development that possibly departs from the conventional ways of measuring this goal by focusing not on GDP and GNP, but on the enlargement of human capabilities and the enhancement of the quality of life for all citizens."[70] Therefore, the Generation of substantial freedom, substantive equality or justice as championed by noted liberals like J.S. Mill, Ronald Dworkin and John Rawls would remain a pipe dream, if the minimalist version of democracy as prescribed by the votaries of formal democracy with the end in view of structuring a post socialist world in a particular fashion, is adhered to.[71] This minimalist avatar of democracy is in conformity with the contemporary invocation of a thinned out civil society which eulogizes the market principles and simultaneously, insists on abdication of responsibility of state from the social sectors in the name of furthering democracy. But, this watered down version of civil society as

conceptualized by donor agencies, would be consisted of non-Governmental organizations (NGOs) or the voluntary sector only to take charge of the 'social service delivery' following the 'roll back' of the state from social sectors.[72] As Dolly Arora warns in this respect, "The accent on civil society institutions in the globalization and reforms discourse does not, however, provide any significant support to those elements in society which derive strength from their struggle among people. Mere reduction of civil society to NGOs, with little or no regard for movements for people's rights which may pose a challenge to all manner of top down reforms cannot be seen very positively".[73] As a result, the concept of 'franchise State' has emerged with NGOs acting as public service contractor for the state. With privatizing the functions of the state there is a possibility that democracy is rendered toothless and meaningless.[74] However, the franchisee aspect of NGOs or even their co-operative relationship with the state should not be generalized to cast them into a 'basket category' There are NGOs who are essentially engaged in mobilizing people to tap the transformative potential of democratic politics. They don't allow them to be co-opted by the state to act as passive service provider. In India, the work of Tarun Bharat Sangh (TBS) in regenerating the natural water sources of the Alwar district in Rajasthan or of the Mazdoor Kisan Shakti Sangathan in demanding the right to information are two shining examples of this category. In Ralegan Shindi of Maharastra, Anna Hazare mobilized community to build storage ponds and embankments to collect rainwater and contain the run off. This resulted in recharging the ground water table which eventually boosted agricultural productivity. Anna Hazare also embarked upon a campaign for forestation and crusade against corrupt officials. Therefore, the mobilization technique followed by these category of NGOs, generates awareness among the people and the creation of awareness led to politicization, Naturally, NGOs indulged in such activities, are pitted against the state eventually and in the process, incur the wrath of the State.[75]

Niraja Goal Jayal, further, writes "However, while such movements challenge the state, they do not seek to truncate its functions. They seek rather to make the state more sensitive and responsive to the needs and rights of ordinary citizens, and less a captive of the modernizing developmental elites to the interests of which it has thus far pandered."[76]

National Sample Survey (NSS) data reveal that the rate of decline in poverty did not accelerate between 1993-2005, the period which witnessed intensive opening of the economy compared to the 1970s and 1980s. In fact agricultural output grew at a slower rate in the past decade compared to the earlier decade. This may be attributed to the decline in public investment in rural infrastructure such as irrigation, roads, and prevention of soil erosion. Again, this has virtually nothing to do with Globalization.[77] It is obvious that throughout varying political and economic regimes beginning with state oriented " Nehru model and since the 1990s, the market-oriented strategy of reforms agriculture has continued to be the casualty resulting in persistence of severe rural poverty even in the face of economic development.[78] Kohli maintains that higher economic growth rate in India in recent decade is characterized by increasing inequalities, growing capital intensity of the economy, increasing concentration of ownership of private Industry and almost stagnant growth in employment, especially in manufacturing Industries (Kohli. 2006: 1368) (Kameshwar Choudhary) PP. 34-35). In any case, slow growth in employment and feeble public action accentuates inequality as increasing output and income benefited the richer section of the population. The massive increase in wealth of the Indian 'corporate world' would not have been possible, except through transfer on land from the state and central Governments to the private corporations in the name of "Public purpose", for mining, industrialization and special economic zones (SEZs). Ironically, India of the 21st century has the dubious distinction of being, the home of the largest number of homeless, ill-fed, and illiterates in the world. About half of Indian children under six years are under weight and malnourished. Nearly 80 percent of them suffer from Anemia.

Again, 40 per cent of Indian adults are crippled by chronic energy deficit. So, destitution, hunger and poverty do accompany them. The picture is even grimmer in rural India, among small children, pregnant women, dalits and Adivasis in the poorer states, in particular.[79] Even in the mid 1990s more than one in ten rural newborns died before attaining the age of one, female illiteracy was as high as 60 percent and nearly 40 percent of the population could not even afford to consume food in conformity with requisite calorie in-take.[80]

There is, however, ambiguity regarding decline in poverty but inequality has widened. The increasing informalization of labour has led to the weakening of their unions. Reforms have, certainly, hurt the interests of the marginalized sections of society which include the poor peasantry, landless labourers, Industrial and service sector labourers, the lower middle classes and people who belong to scheduled caste and scheduled tribe category. It is feared that this vulnerable segment of the society might get further marginalized. [81] A survey data revealed that there is a strong feeling among the people that the benefits arising out of the new economic policy went in favour of the rich and well-to-do while the poor have very little to benefit from the policy of economic reforms.[82]

Social needs for which the perceived returns are deemed to be high is a moral question based on ideas of equality and justice. There is also a strong economic rationale for acquiring basic capabilities such as education and health. If half the population is malnourished and illiterate, then, this might lead to a situation characterized by a real shortage of labour endowed with basic capabilities of education and health in view of the expanding job opportunities, particularly, in the context of India's economy where labour is abundantly available. Therefore, if markets do not work in societies where people are steeped in abject poverty, good Governance requires for putting successful alternative arrangements in place for promoting these services in order to remedy the market failures.[83] A scholar has very clearly highlighted the point in these words, "Given the current knowledge that calorie in-take,

Quality of human capital and hence labour productivity, are major factors accounting for the growth performance of a country, policy responses to achieve growth will have to adapt accordingly. Thus, there is a need for a shift from the current emphasis on productivity growth from improvement in resource allocation, towards productivity growth from improvement human capital, and in turn, towards policies for public investment in human capital".[84] Dreze and Sen (1998) have held the view that India needs to go well beyond "liberalization" for effectively addressing its problems. They plead for a widely shared participatory economic expansion. They identified the overregulated economic Governance over the decades as primary contributing factor for retarding the growth process that eventually sapped the future potential of economic expansion. They believe that market can be 'an important yet quite incomplete part' towards expansion of social opportunities. They meant to suggest that these opportunities are, sometimes, constrained by counter-productive regulations and controls, by restrictions on economic activities, by the stifling of competition and its efficiency-augmenting advantages and so on. The dismantling of these restrictions and roadblocks must be viewed as playing a critical role in this respect. The major challenge, according to them, lies in creating and using social opportunities which require much more than mere market-reforms of course, the expansion of markets is an important wherewithal for promoting human capabilities and can provide the much needed thrust towards fast removal of endemic deprivation in India. But, this has to be combined with more relevant Government activity and public action towards the end.[85] Let us quote Jan Nederveen pieterse to appreciate the finer points involved in the issue, "There is no question as to the central and enduring importance of the state. In the words of Robert Cuttner: 'until word Government arrives the nation-state is the necessary locus of social contracts between market and society', unfettered markets increase inequality and in the age of information economies, which puts a premium on human resource development, inequality is an economic

liability. Generally, then, current arguments go far beyond the ideological dispute of state versus market, the real issue is the kind of role that the state is to play".[86]

The contemporary Global cacophony for democracy seems to be directed for setting up polyarchy rather than genuine democracy. Regimes are given multiple definitions so as to describe them as low intensity democracy, pseudo democracy, illiberal democracy, restricted democracy, mechanical democracy etc. periodic elections are held for legitimizing democratic power, but democratic norms and institutions are flouted in a systematic way through a good number of undemocratic methods like using money and muscle power, rigging polls, patronage based-political support, rule by a handful of leaders in parties, absence of inner-party democracy etc. Thus, democracy is reduced to a formality by stripping it of its elixir and essence.[87] Commenting on this contemporary democratization process, Sylvia Chan writes, "The paradox is that the very modes of transition that appear to enhance initial survivability by limiting unpredictability may compromise the liberties of some groups and preclude the future democratic self-transformation of the economy or polity. In other words, the conditions that permit democracies to persist in the short run may constrain the potential for resolving the enormous problems of poverty and inequality that continue to characterize so many parts of the developing world, which in turn affect the institutional content of democracy, often negatively, resulting in what Karl has called 'frozen' democracies".[88]

Turning the spotlight on India, by the late 1980s the Indian politics witnessed the development of the "new social movements" which resulted in a resurgence of assertions based on ethnic identities, of language, tribe, religion, farmer's interests, dalits and low castes. The strangle-hold of the Congress Party over the polity has finally been broken and the promise of distributive justice inspired by the Nehruvian model of development has been Questioned.[89] Some scholars have found the recent politico-institutional churning as supportive of democratic consolidation

in India. First, the coming to end of the hegemony of a single party, especially via family rule, is indicative of the vibrant nature of India's democracy. Second, this is further buttressed by the fact that a fundamentalist party like BJP had to moderate its ruling strategy for it could not defy the logic of Democracy. Though, there is no guarantee that the BJP would stick to its moderate ruling strategy in the future too but, India's current institutional matrix won't perhaps, allow them to pursue their 'original dreams'. And, thirdly, the new ruling arrangement in India characterized by both centralizing and decentralizing tendencies, would be more accommodating in nature and the chances of generation of conflict would be minimized.[90] The dalit challenge to the state entails a new stirring of consciousness emanating from their subjugation for over centuries which is premised upon rejection of patronizing attitudes by the ruling elite, to be replaced by a legitimate and due share in the power structure of the society.[91]

In any case, at this juncture of history, the Indian nation has to make some fundamental choices. Its people have to interrogate whether accommodating unrestrained special interests of Global Capitalism will have any positive impact on the quality of life of India's overwhelming 'social majorities'. The other important issue revolves around the survival of secularism and the role of the civil society institutions in safeguarding democracy.[92] As far as the Globalization and its impact on the future of democracy is concerned, Quan Li and Rafael Reuveny give us a stern warning in these words, "our analysis implies that globalization erodes the prospects for democracy. The post 1945 model of embedded liberalism served to sustain democratic Governance in the DCs with open economies. However, this model cannot be easily implemented in LDCs in the current Globalization. The emerging democracies among the LDCs lack the financial and managerial resources needed to build social safety-nets. As trade liberalization continues, the negative effect of trade on democracy may increase".[93]

However, it would be a sheer exaggeration to say that democracy has failed in India. As Ashutosh Varshney argues, "The democratic temper of India's first generation leaders contributed handsomely to building up the system's democratic base once such a solid base was in place, it became hard completely to undermine the democratic edifice, as Mrs. Gandhi's failure showed. Her attempt to centralize politics and suppress dissent in formal politics only led to a flowering of political activity in civil society, as groups feeling marginalized formed organizations outside the state and mobilized the people, thus exerting democratic pressure on the state."[94]

Rajuvenated judiciary and Indian democracy

Even Judicial focus on non-justifiable social rights after the emergency became sharper to 'seek new, historical bases of legitimation of judicial power and 'a bold' but controversial response to the perceived implications of social inequality and economic deprivation'.[95] So, during the 1980s, the judiciary in India began to transform itself into an independent institution of Governance by expanding its powers to include public interest litigation. Supreme court also armed the social activists, lawyers and journalists with alternative avenue for protecting the law against abuses by other institutions of Governance. Towards the end, the judiciary took upon itself the responsibility of upholding the avowed goals of social justice as enshrined in the constitution. Thus, the judiciary became successful in establishing an agenda independent of the Government which made it the most controversial institution of Indian Governance.[96] Epp's Survey of cases brings to light that the court's support for rights claim went up from 35 percent during Emergency to about 70 per cent in 1990. The judge-led social action litigation created a vibrant support structure of NGOs and other groups in environmental concerns.[97] However, the supreme court of India has, of late, taken a position favouring flexible labor law regime in the country. In an important judgement recently, the Apex court of India nullified the claims

of daily wage-earners for regularization of their services even if they worked for years together.[98]

As Rajeev Dhawan writes, "This retreat is self evident in the new labour and landlord tenant jurisprudence of the Supreme Court, and in the Supreme Court's problem solving decisions in the Affirmative Action, President's Rule, and Babri Masjid cases. However, this cozy retreat had to be cut off by insistent circumstances that the judges could not ignore. To begin with, it soon became clear that Indian Governance was riddled with corruption and human rights atrocities on a disturbingly excessive scale. The second and parallel concern was that corruption and atrocities were not just eating into the foundations of the rule of law, but eroding India's infrastructure of natural, ecological, human and administrative resources to levels from which there could conceivably be no reprieve."[99]

In a democratic country like India, it is only through the process of law, social change can be brought about. So, the legal process can be a potent weapon for bringing about change in the life conditions of the poverty-stricken people. It is through the process of law, benefits of welfare legislation can accrue to the poor and underprivileged segments of society. The legal process can also be of some help in eliminating administrative corruption, oppressive and lawless forces and abuse and misuse of power.[100]

However, in a democracy, legal action is not the only option for holding the state accountable to the people vis-a-vis its responsibilities. The failure to enforce rights through the courts may swing into action other democratic means such as parliamentary interventions, the electoral process, the media, international solidarity, street action or even civil disobedience.[101]

The judicial activism is the outcome not only as response to state processes but also from the interaction between state and civil society. The 1980s witnessed the birth of a colossus number of non-Governmental voluntary organizations and social movements dedicated to multiple goals

and causes, from opposing environmental degradation and big dams to exposures of child and bonded labour, dalit empowerment and historical and cultural preservation. A growing synergistic relationships have been found between the supreme and high court justices, a resurgent civil society and reform-orientated members of the middle classes.[102]

However, depending solely on the judiciary's pronouncements for getting the economic and social rights implemented, is fraught with the danger of non-implementation. For example, it was possible to implement the supreme court order on mid-day meals for school children on account of active public pressure on the Government. But, on the same day, the supreme court also issued an identical order for strengthening the integrated child development services (ICDS) in every habitation. However, this supreme court order did not receive as much attention and sincere effort on the part of the Government as the order on mid-day meal did. This explains the role of active public pressure for supplementing the court order and upholds the effective combination of legal action and social action in furthering the steady progress on economic and social rights.[103]

III. Refurbished election commission and Indian Democracy

Ever since T.N. Sheshan became the chief election commissioner in 1991, election commission (EC) focused upon improving legal conditions facilitating representative Government and democratic participation in tandem with the supreme court. Since 1990s, the electoral process in India was increasingly polluted by a host of factors such as criminalization, violence, bribery and intidimidation by gun-toting goons in order to capture "booths" or deprive people of their constitutionally guaranteed right to vote. Therefore, the challenge before the election commission was to restore and maintain free and fair elections in India.[104] To start with, election commission initiated a good number of measures to minimize the inadequacies that render the participation of marginalized segments of society in the electoral process a difficult task. This may be

comfortably regarded as one of the contributing factors of higher levels of voting among lower castes inclusive of dalits and underprivileged segments of the society.[105]

The most important achievement of the election commission was to get India's parties and candidates agreed to its code of conduct. The code puts a blanket ban on ministers and other authorities making promises of financial grants for any new construction activity or the laying of foundation stones for projects of any kind or even combining official visit with electioneering from the time elections are announced. The political parties are also prevented from reducing places of worship to platforms of political campaigning. They are also required to apply restraint in appealing to caste or communal sentiments in a bid to whip up casteist or communal passions, respectively. However, the election commission, still, faces the daunting task vis-à-vis criminalization of politics and making the parties internally democratic.[106] Notwithstanding the fact, curbing the influence of black money in politics, in general and during the election time, in particular, remains a perpetual issue in Indian politics.

Revitalized Panchayats raj institutions and Indian democracy

One of the epoch-making constitutional Amendments that devolve power to institution of local self-Government, have been hailed as the only radical alternative to emerge from within the womb of the state itself.[107] The 73rd and 74th Amendments to the constitution provided for regular elections, minimal suppression of Panchayati Raj (PR) bodies through administrative fiat, and regular finances through statutory distribution by state finance commission. The objective was to create a conducive climate whereby the decentralized institutions can be rejuvenated with people actively participating in the decision making processes.[108]

The Gram Sabha (village assembly) has been conceived as the base of this democratic structure without specifying its powers and functions in greater details. These Amendments have, surely, contributed positively in opening up empowerment opportunities to the erstwhile excluded

groups and, in the process, giving a Fillip to the Democratization endeavours. However, the decentralization of Governance appears to have suffered due to the stiff opposition emanating, predictably, from the structures of social and economic dominance in local society.[109]

The bureaucracy in India also epitomizes the legacy of colonial power, and, seems committed to safeguarding its well-entrenched interests in the political system. It is opposed to any attempt that belittles its power and prestige. However, the bureaucracy has always helped the predatory forces in society to thrive using its autonomy. This calls for bringing it under the purview of effective political control and social accountability.[110] Nevertheless the value of electoral spirit in general, and the penetration of local bodies and participation in them by the lower-strata of rural society is of utmost significance in a democracy. As Subrata K. Mitra writes, "By and large, diffusion of the norms of legal equality and the egalitarian ethos, and the steady expansion of Government into areas of village life that were for centuries immune to political manipulations from outside, have provided the lower strata of the rural society with the institutional means with which to confront the power of the upper strata. As such, elections to local bodies as well as to the central and state legislatures and, perhaps, more, the electoral spirit that is in the process of pervading the whole range of group activities in rural life, have been a major factor in the devolution of power.[111] Therefore, the deepening of democracy at least, offers an opportunity to the overwhelming majorities of Indian people to have some grip over the economic and political structures which determine their lives and thereby facilitating the process of their empowerment in the desired direction.[112]

The Democracy that travelled to India some six decades ago, was in the nature of charity, benevolence and paternalism (Jayal, 2001). As Kaviraj (1995) has pointed out very succinctly, "Democratic Government functioned smoothly in the early years after 1947 precisely because it was not taking place in a democratic society; as democratic society has slowly emerged, with the spread of a real sense of political equality, it has made

the functioning of democratic Government more difficult". The "turmoil from below" was a necessary condition for democratic movement forward and group self assertion. (Pranab Bardhan, 2010). The anti-poverty commitments of the Nehruvian state was a failed mission essentially because of inability of the state to deliver services for the poor, in particular, due to a failure of Governance.[113]

The Rights-based articulation of demands of the lower caste people and the under privileged was directed to the state. However , the developmental project of the state was a great source of discouragement and despair for them as it was perpetuating the prosperity of the rich and poverty of the poor. The structures and practices of Governance tended to consolidate the power of the rich and the influential groups at the expense of the claims of the poor and the powerless.[114]

The basic rationale for a welfare state is to prevent the exploitation of weaker members in an unequal society. This is accomplished through the transfer of resources by the state. Although, the traditional notion of welfare was marked by 'charitable mentalities' towards elimination of poverty and deprivation, but the modern concept encourages an idea of citizenship based upon entitlement. The welfare logic underwent a sea change with the recent dominance of neoliberalism which considers welfare state as destructive of growth and is accompanied by vices like inefficient delivery of services, creating obstacles to development and fostering dependency. It also advocates a leaner state with a decisive capacity for ensuring the free play of market forces.[115] with the collapse of communism in the former Soviet Union and the dismantling of the Berlin Wall in the 1980s and more particularly in the 1990s, an effort was afoot to near-universal mainstreaming of a particular brand of liberal ideology which is referred to as neoliberalism. Neoliberalism envisages a blueprint which legitimizes a conception of freedom based on private power, espouses individual choice in the market place and criticizes the public realm and accompanying ideas of collectivity and society. More importantly, neoliberal ideology promotes a set of essentially local,

western norm as universal and emphasizes upon Global economic integration and champions it as the most natural and the universal path towards Economic Growth. So, this is regarded as the panacea for developmental needs of all humanity. These norms have been actively promoted by the key public institutions such as the IMF, the world bank, other Multilateral Development Banks and the world trade organization (WTO) etc.[116]

Again, the good Governance agenda which is emerging from the womb of these institutions, stands for a project for the elimination of politics, for its banishment from the nation state' (Jayal,1997). It refuses to accept that a Governance agenda ought to be the outcome of democratic politics. The notion of Good Governance throws up a truncated version of participation. Thus, the discussion about the model of development, decision about development priorities, and non acceptability of particular development intervention strategy is accorded low priority in this scheme of Good Governance. As Leftwich writes, " To make market friendly strategies work, Developmental states in many societies will also need to liberate the poor, especially the rural poor from the continued domination of traditional landed elites and anti-developmental oligarchs who both oppose empowerment and often stand in the way of development and Democracy. All this is therefore not just a matter of 'Governance' as the technicist illusion would have us believe; It is a matter of politics".[117] The welfare of a society is mediated by the structure of entitlements available to its members and the legal system and Governance framework managing the society's functioning crucially determines the nature and scope of these entitlements.[118] The adherents of increased welfare expenditure are inclined to give more power to the ordinary people. They are also tolerant of popular challenge to the authority of the state. The political protest which germinates outside the normal machinery of representative democracy, is viewed as a way of securing changes. Conversely, those who oppose welfare expenditure, are also likely to be hostile to any challenge to the established system. To

them, legitimacy of challenges to the authority of Government is more important than the opinions that support for social service and welfare benefit expenditure. Thus, support for the redistribution of power to ordinary people is intertwined with support for the redistribution of income and wealth.[119]

However, Habermas and Mouffe contend that liberal democratic institutions may not be able to deliver adequately on such liberal goals as participation and freedom. It may happen so that avenues for public contestation and redress are fore-closed. Therefore, politicization of public spaces could be a necessary tool for taming and reining in state and market power. Habermas, further, makes a strong case for democratization of public institutions. He is of the view that opening up an administration to public participation, scrutiny and contestation is a surefire recipe for deepening democracy.[120]

Good Governance implies a better quality of life for the vast majority of people. It also means an equitable distribution of wealth, income and natural resources among the members of a society. It calls for dismantling of highly concentrated structures of property ownership. It presupposes full employment, access to housing, health and education, restraining privileges of elites, the right to choose alternatives, cultural development and so on and so forth. A good Governance system envisages a situation whereby all public policy matters are managed in a consensual, accountable, transparent, participatory and equitable manner. Such a scheme of Good Governance has not been achieved in the developed west, so, naturally it remains a pipe dream for the poor and the developing world.[121]

Therefore, the agenda of Good Governance as it is being pushed forward by the World Bank and others, is essentially, fraught with the danger of undermining both economic growth and democracy in developing countries like India. Thus the notion of democratic good Governance ends up being an integral part of the emerging politics of the

new world order. As Brett Bowden Warns, "Basic human rights, a decent standard living, and a just system of Government are achievable in societies that are something other than replicas of the west. There need not be an arbitrary distinction between "civilized" and "uncivilized" societies, the former looking down upon the latter with an unjustifiable sense of superiority closely accompanied by a missionary zeal. The "realistic utopia" of a Huxleyesque Brave new world is not the answer. People will revolt not only against totalitarianism, but against any universalizing system, be it well meaning and seemingly benign or otherwise".[122]

The Globalization process is resulting in highly uneven distribution of gains and thus, inequality accentuated, may, further, nosedive with all its accompanying implications without concerted action to reverse this trend. As a matter of fact, human security requires strategies that favour redistribution at their core rather than developmental strategies that are being dished out currently by Global Governance institutions. (Caroline Thomas, 2001)

In a country like India, through the constitution and the set of legislative Acts, there is formal recognition of the needs of the people. But, the demands now revolves around for a more universal de facto claim to these entitlements with the Global integration gathering momentum, market outcomes with distribution of material goods and services have become highly unequal. This along with the constraints of community and hierarchy of Indian society, exacerbated further tension between the egalitarian demands of political democracy and the distributionally inequitable possessive individualism of the market.[123]

However, Democracy can offer the best hope to the vast majority of the people who can engage themselves in struggles over questions of survival and sustained opportunities for them by re-inventing the meaning of democracy to remain ever vigilant against obscurantist and oppressive forces from within and outside. As M.J. Akbar, one of the

leading columnist of our times, redefines democracy rescuing it from the Schumpeterian procedural orthodoxy, in these words. "..... that leaves 800 million dependent on goodwill. Democracy is not about generosity It is about entitlement. Democracy is not about patronage. It is about equality. Democracy is about being inclusive, not exclusive. Democracy is about an equal vote in the political boardroom, not just in the ballot-box."[124]

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CHAPTER-VIII

CONCLUDING OBSERVATION

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Finally, any good Governance agenda must include freedom, equity, sustainability and efficiency. It must be capable of reconciling individual advantage nourished by the market with the societal demand for equity. It is also worth remembering that an acceleration in the rate of growth of the economy is indispensable. However, the process of growth must create employment and incomes for the poor. In India, however, all kinds of regulatory excesses have been spawned on the consideration of equity. The experience showed that eventually it helped the cause of neither efficiency nor equity. In fact, the expansion of market is one of the instruments that can be used to promote human capabilities which can be central to any endeavour for removing endemic deprivation in India. Again, more Government activity and public action remains a critical element in this scheme of participatory economic expansion', (Dreze and Sen 1998: 198).

It has been argued that democracy by itself has little role in removing poverty, what the economic strategies can do (Ashutosh Varshney, "Democracy and Poverty" conference on world Development Report, 1999). Similarly, economic growth itself does not automatically get translated into weapons for removal of poverty and endemic deprivation.

But, the role of democracy In terms of waging a war against poverty and deprivation should not be under-emphasized in the context of a country like India. As Pranab Bardhan argues, "Democracies in general experience more intense pressure to share the benefits of development among the people and to reduce the human costs of dislocation, thus making development more sustainable. They also provide more scope for popular movements against capitalist excesses and industrial fallout such as environmental degradation. In addition,

there are more political opportunities to mitigate social inequalities (especially acute in India) that act as barriers to social and economic mobility and to full development of Individual Potential." (Pranab Bardhan, Awakening – Giants - Feet of clay- Assessing the economic rise of China and India, Oxford, New Delhi, (2010) P.143)

However, despite broadening of political and civil rights, modern citizenship fails to provide necessary resources to effectively exercise socio-economic rights reducing democracies without an effective citizenship for large sections of the political Community. (Prezworski and Group 1995 : 34).

It is true that Globalization of the World economy in its current avatar has posed serious challenges to the Indian economy and polity. But the challenges must be met and the opportunities must be seized by recognizing, and not by ignoring political realities. Policies oriented towards improving the lives of ordinary people can be created in response to the imperatives of democracy. The concerns showed by both international and domestic legal structures about the protection of property rights and the "rule of law" don't really match its zeal when it comes to equally important rights of human beings. The Employment Guarantee Act (EGA) in India is a classic case in point whereby the human rights of the poor and working people is sought to be protected by creating concrete policy alternatives in the face of sweeping changes in economic policy regime under Globalization by intelligently mixing institutional politics with that of politics based on peoples' protest.

Thus, it facilitates the transition of State from a patronage-dispensing entity to a promoter of rights for a large segment of population. Either failure or apathy of the mainstream political parties to steadfastly pursue the interests of the majority of the Indian Population especially in the wake of Globalization have created a political vacuum paving the way for social movement activism to fill the void championing the rights encompassing majority of the population.

Thus, Social Movements activism, like political parties, does not weaken the State. Rather, it strengthens the roots of State by bringing more and more number of people within the ambit of state and thereby giving a boost to the Governance Processes. As Khilnani writes, "The meaning of democracy has been menacingly narrowed to signify only elections ..... (Sunil Khilnani, 1997, 'The idea of India'. London: Hamish Hamilton, P.58) 'They are the sole bridge between state and Society.'

Essentially, it works for inclusion. It works as a cushion against exclusionary tendencies of markets as well as elite-led democracy. Therefore, in the ultimate analysis, participation, Democracy and Good Governance are integral to making wide spread deprivation and poverty a history in India especially in the present context and surge ahead along the desired route of social change towards its desideratum.

To bring about meaningful economic, political and social transformations in the life of the poor and the under-privileged, struggles have a definitive purpose. It imparts a new dimension to the Governance processes by making people active and reflective about their reality so as to create social capacity for fast-tracking protest or resistance movements to articulate demands and put pressure on the State in order to transform their existential reality.

According to Majid Rahnema, there are at least two recognizable fields of power – the formal and the informal in most societies. He, further writes, "It is through the creation and the enhancing of these forms of power that the common people, the women, the peasants and the marginalized, the religious or ethnic minorities, the dissidents and the subjugated of all kinds have been able to overcome many of the formal obstacles and structures to their lives." (Majid Rahnema, Power and regenerative processes in micro–spaces, International Social Science Journal, Vol./Issues XL, 3, August 1998, p.p. 361 – 375).

The Chipco movements in the hills of Garhwal or fishermen's struggles in Kerala are some of the shining examples which chronicle grassroots peoples' urges for survival, ecological maintenance and protest against anti-people policies of the powerful. Such micro-efforts can also expand the scope of Democracy Project by democratizing the grass roots level. Most importantly, such micro-struggles may release a salutary democratic spirit that can arrest slide in Democratic functioning at higher levels. Thus, a transition from elite-led democracy to mass-led democracy with positive outcome for the poor and the underprivileged, may complete a full circle in the Indian context by blunting the sharper edges of Globalization as well as correcting the imbalance of policy preponderance in favour of economic and social elites through perennial practice of democratic politics espousing the core principles of any democratic project involving freedom, equity, Justice and sustainability coalescing with each other. In the ultimate analysis, democracy provides an exciting opportunity which not only seeks to safeguard civil and political rights of individuals and groups but also, arms the underprivileged, through engagement in struggles on a sustained basis, with the capability that makes it difficult for the state to avoid lifeguard responsibilities towards them. Let us quote an eminent scholar, while discussing the Dalit Politics in India, who argues very succinctly suggesting the role of struggles as constituting a critical element vis-a-vis social change in these words,

"Though ideology is important for formulating issues, evolving strategies and projecting the future, no ideology is omniscient and a panacia for dealing with complex ground realities. Movements are not created by text books. They evolve through with their own dynamics and the common sense of common people. One need not romanticize the 'common sense' of subaltern groups; but one cannot denigrate and ignore it as irrelevant. From their struggles, one hopes a new ideological perspective grounded in reality will emerge for social transformation". (Ghanshyam Shah, 'Dalit Politics: Has it Reached an impasse?' in

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No doubt, India's journey through Democracy is marked by the trauma and the triumph. Democracy in the context of post-colonial societies is 'the major form of mobilization by which political society (Parties, movements, non-party formations) tries to channel and order popular demands on the development state'. (Partha Chatterjee, 'on Civil and Political Society in Post-Colonial Democracies' in Sudipta Kaviraj and Sunil Khilnani (eds.), "Civil Society-History and Possibilities" (New Delhi: Foundation Press, 2002, pp.173-76). Again, the understanding of economic development is not confined to the conventional focus on generating economic growth, it also includes considerations of equity or distribution.

However, Democracy in India, particularly its Political Dimension, as exemplified through the reassertion of the lower castes, the abandonment of ultra-hawkish Hindutva agenda by the BJP atleast temporarily and the 'resurgence' of Democratizing institutions, like the Election Commission, National Human Rights Commission, Judiciary, mass media, panchyati raj institutions (PRIs) and above all, social movement activism providing enhanced and alternative avenues of Political participation leading to heightened popular consciousness since 1980s, testified to the fact that stranglehold of elites over Democracy and its Institutions in India is in decline and political inclusion is the battle cry at this juncture.

But, this 'success' in the political realm is impeded because of the huge gap between rising aspirations of masses of the population and the inability of the political system to meet them even halfway. This is further, eroded by the process of Globalization and its prescriptive formulae for Governance which not only impairs the capacity of the state but also, in the process, hastens the lowering of its legitimacy in

the eyes of the people who look upto the state for redressal of grievances, particularly, in the context of a Developing country like India.

It is true that the rule of numbers and the rule of law are essential pre-requisites if a nation is to function as a Democracy, (Andre Beteille, Democracy and its Institutions, OUP, 2012) but, the core values of Democracy such as freedom, rights, equity, justice and sustainability should invariably inform the institutions of Democracy so that the people, at large, don't become distrustful of Democracy generally, and the institutions it represents, in particular. However, the fact that the silver lining on the horizon appears to be the charitable perception of Democracy is increasingly giving way to a Rights-based conception of Democracy.

Therefore, the best hope for India's Democracy lies in her ability to stave off "popular disconnect" rather than continuing with remnants of colonial inheritance which is, further, compounded by contemporary neo-liberal orthodoxies. On the contrary, the aspirations of a dignified human existence may be increased manifold for those who live on the edge of society in a Democracy of dynamic kind, which offers them a stake in it.

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