

India – Crisis and Opportunity

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1. It is by now axiomatic that India is a vast, complex and plural polity with disparate groups struggling to coexist and achieve a measure of cohesion and national integration. Even a large district in India is bigger than half the nations of the world. Several of the larger states in the country are bigger than 90 percent of the nations of the world. Uttar Pradesh would probably rank as the fifth largest nation in the world, if it were to be independent. In addition, given the linguistic diversity, political fragmentation of society, the uneasy co-existence of several layers of India from the middle ages to the 21st century and the enormous immobility of the bulk of the Indian population, there is no other nation on earth that can really be compared to modern India.

Constitutional Spirit Vs. Colonial Instruments

2. In the aftermath of partition, about 10 million people migrated across the newly created borders; a million people belonging to both the faiths (Hindu and Muslim) were butchered in the conflagration that ensued; 600,000 people were maimed and 300,000 innocent women were raped. Given these cataclysmic events, it was but natural that the ruling elites, concerned as they were for the unity of the country and maintenance of stability and order, opted for a governance structure which was largely a continuation of the British Raj. The framers of the Indian Constitution were undoubtedly men and women of great calibre, commitment and understanding. However, the cataclysmic events surrounding partition compelled them to continue with the time-tested instruments of governance. Many scholars have pointed out that there is about 80 percent congruence between the Government of India Act 1935, an Act of British Parliament that shaped the governance structure of India during the colonial era, and the Indian constitution of 1950.
3. Our democracy is extremely flawed, and its poor design ensured the eventual breakdown. The preamble, the fundamental rights and most of the directive principles reflect universal human and democratic values of modern civilization. However, the antiquated instruments of governance are largely unsuited to the challenges of today in a vast developing nation with a high proportion of population oppressed under the weight of poverty, drudgery and illiteracy. In the early years after independence, this conflict between constitutional values and colonial instruments of governance was camouflaged. The euphoria accompanying the transfer of power led to a general belief that the moment Indian leaders acquired power, things would automatically improve even with the old instruments of governance. However, the subsequent events belied these hopes. In the two decades after independence, the aura of freedom struggle, the towering stature of the early leaders associated with that struggle, the hope of better things

to come, and the inadequate understanding of the loopholes in the mechanics of governance ensured certain measure of stability, hope and harmony. As all such hopes are dashed, and as persistent rejection of the parties in power does not seem to result in any significant, tangible improvement, people are increasingly sullen and resentful.

4. It can be argued that India did achieve impressive progress since Independence in 1947. Food grains production, which stood at about 53 million tonnes in 1947, now reached 200 million tonnes, and the nation has been self-reliant in food for over two decades. The average life span increased from 32 years to about 60 years during the past 50 years. However these achievements fall far short of our potential. Nearly 50% of Indians are still illiterate and about 70% of the people are functionally illiterate, accounting for half of all illiterates in the world. Preventable diseases are still rampant as immunization coverage is inadequate, and almost every drop of water consumed is infested with disease-causing germs. More than 70% people lack basic sanitation facilities and do not have access to safe toilets. India, which accounted for 2% of the world's total output of goods and services in 1950 now has a share of only 1% of global output. Our share in international trade fell from 2% in 1950 to 0.5% now. Meanwhile, the population rose exponentially, reaching a billion, a nearly three-fold increase in 52 years. The truth is, while India did achieve some measurable progress, the rest of the world surged forward rapidly, leaving us behind.

Governance Crisis

5. Most thinking people have come to the conclusion that India is facing an extraordinary crisis today. The manifestations of this crisis - the all-pervasive, but inefficient state apparatus, increasing lawlessness, unresponsive bureaucracy, ineffective judicial system, all-pervasive corruption, marginalization of citizens, criminalization of politics, money and muscle power in elections, over-centralization, competitive populism, political instability, erosion of legitimacy of authority - all these are only too evident to all of us.
6. The Indian crisis is not a result of decline in values, as is sometimes believed. Values do not change in societies over time and it is absurd to argue that somehow people in the 1990s are worse than those of earlier generations because of some sudden genetic mutation of a whole nation! And yet corruption is rampant in our society, and there is a woeful lack of civic sense and work ethic. If decline in values is not the cause, how can we explain the declining standards of behaviour? Human behaviour largely a product of religion, society and state. In India, religion still has enormous grip over most people. Indian social institutions are still very strong, and most people moderate their behaviour because of peer pressure and social sanction. In fact, both religion and society have an oppressive influence on large sections of people, as the resilience of the disgraceful caste system amply demonstrates. What has failed to keep human behaviour in check is the state structure. Most human behaviour is a function of risk and reward. In any society, only a small fraction of the population

has the capacity to reconcile its short term personal desires and impulses with the long-term needs of society. Such individuals have the uncommon capacity to regulate their personal conduct without external compulsion. Most people, however, are influenced by risks and rewards. If good behaviour is rewarded and bad behaviour is punished consistently, then most people tend to conform to the expected norms of behaviour. However, if good behaviour makes life far more difficult and complicated, and bad behaviour is consistently and extravagantly rewarded, as is often the case in India, most people tend to work for short-term personal gain even at the cost of long term societal interests. Once a people are trapped in this vicious cycle, predatory behaviour becomes the norm, and good behaviour becomes increasingly difficult and risky. Once people are taken out of this milieu, there is often remarkable change in behaviour. The spectacular success of the non-resident Indian community in the United States, for instance, is one such outstanding example. The fact that Indians are among the richest ethnic communities in the United States, and are highly respected for their professionalism, competence, integrity, contribution to society and success clearly demonstrates that human behaviour is significantly altered by the environment.

Good Governance and Growth

7. Everybody agrees that this crisis should be resolved speedily. Governments in India at all levels put together account for nearly Rs.400,000 crores expenditure annually. We have nearly 19 million paid public servants in government and public sector undertakings at Union and State level and yet the public services are of appalling quality and even the minimum standards of administration which are taken for granted in many civilized societies are not maintained in our country. The fact that government and public sector account for 70% (19 million) of all organized work force (27 million) in India makes even the lowliest public servant more influential and prosperous than 90% of the people. The socialist mindset, the doles culture, and the mai bap (paternal) image of the government reduced the citizen to a state of mendicancy, seeking government patronage in every facet of life. Predictably, the roles of the citizen and public servant - are reversed-the citizen, the true sovereign in a democracy has become a helpless subject; and the public servant has become the master. Constitutional brigandage, legal plunder and anonymous tyranny have thus become the norms of Indian governance process over the years. The citizen is harassed and fleeced for practically everything. It is naive to hope that mere economic liberalization will somehow deliver us good governance. Smaller and more focussed government will certainly help. However, government still has a large role in promoting economic prosperity, social harmony and human happiness. Maintenance of public order, enforcement of rule of law, creation of the minimum required physical infrastructure of roads, ports and power, and universal spread of reasonable quality school education and primary health care are the minimum conditions necessary for rapid economic growth. All these are essentially the functions of good governance. Public order and rule of law are possible only in a state structure which exhibits clarity, vision and will. Physical infrastructure and human development require substantial allocation of state resources which will be

possible only by redefining the role of state. Given this scenario it is imperative that fundamental governance reforms are brought about in the near future.

8. Unfortunately, the Indian political process has lost the resilience to bring about these fundamental changes in our polity. While the positive power to work for the public good is exceedingly limited in the hands of our state functionaries, the negative power of abuse of authority is virtually unlimited and unchecked. As a result of this imbalance between positive and negative power, all state functionaries have perfectly rational, realistic alibis for non-performance. The hapless citizen who expects results is perpetually frustrated. Simultaneously, the capacity of citizens to engineer reforms through voluntary action is significantly eroded. While good behaviour is not consistently rewarded by the Indian state, it is in fact often penalized. At the same time, bad behaviour is not only unchecked and unpunished, it is in fact rewarded consistently and extravagantly. This dismal scenario is further complicated by a very poor design of our democracy despite noble intentions, whereby honesty is no longer compatible with survival in political office, and politics and honour do not seem to coexist.
9. The incapacity of the Indian state to resolve our cruel dilemmas within the existing framework can be illustrated by many examples. The long, tortuous, as yet unfinished process of Prasar Bharati legislation providing for autonomy for the state-owned electronic media, the inability of the Union government to even notify the amendments to the Delhi Rent Control Act years after legislation, the incapacity to legislate meaningful institutional checks against abuse of authority and corruption despite recommendations of various committees like Santanam Committee in the 60's and the Vohra Committee in the 90's, the endless debate and eloquent inaction on electoral reforms, the much-debated, long-delayed and hopelessly inadequate constitutional and legislative measures for genuine local self governance, and the impotence of the state in the face of mounting burden of litigation in courts which now reached astronomical proportions with 30 millions cases pending for periods ranging from years to decades - are all stunning illustrations of the state's immobility, unresponsiveness and incapacity to reform in the normal course.
10. In order to be able to successfully resolve this crisis, it is important to keep in mind certain essential features of our governance crisis. Firstly, the crisis encompasses all organs of state – the executive, the legislature and the judiciary. Secondly, most players are victims of a vicious cycle and they are not merely villains, be they politicians, bureaucrats, judges or ordinary citizens. Thirdly, mere change of players through electoral verdicts does not guarantee lasting improvement in governance. This intractability of our governance crisis and our incapacity to resolve it through normal political process is the saddest and most critical feature of contemporary Indian society. Therefore, what is required is a fundamental change in the rules of the game and not merely the change of players. Finally, in order to accomplish this, our focus should be on governance processes and not on contentious policy debates. Given the complexity of our society and the peaceful, though uneasy, coexistence of disparate groups, we should demonstrate the capacity of uniting society in the

struggle for larger governance reforms, while leaving adequate space for political contention based on ideological and policy differences.

Is Stability Enough ?

11. Given the present political instability at the federal level, many people are tempted to believe that mere stability of governments will lead to better governance, often forgetting that India had remarkable political stability since 1946. Over the past 53 years, a single party ruled for 46 years and gave the country 5 Prime Ministers. Of these, three Prime Ministers from a single family headed the federal government for nearly 40 years! In reality, India had greater political stability after 1946 than any other major democracy in the world. Clearly, this impressive stability has not resulted in any significant positive outcome for the country. Obviously, what India needs is not the stability and peace of the grave yard, and mere stable tenures of the political executive will not ensure better governance. In a milieu in which honesty and survival in elective public office are increasingly incompatible, political stability in itself does not offer a solution to the governance crisis.

12. In this all-pervasive crisis of governability, the only realistic way out is a peaceful, democratic, holistic transformation of Indian governance structure. Such a transformation must address the basic processes of power and ensure that truly democratic, self-correcting mechanisms are in place. Every facet of reform must counter adequately the elements of crisis of Indian governance - the imbalance between the exercise of positive and negative power, the alibis for non-performance on account of the disjunction between the vote and welfare of citizens on the one hand, and between authority and accountability on the other, the incapacity of the administrative - legal structure to reward good behaviour and punish bad behaviour consistently, and the increasing incompatibility between honesty and survival in political executive office on the one hand and honour and politics on the other. In such a comprehensive reform process, each element of reform will reinforce the other elements, bringing out synergies and minimizing risks. A holistic reform also ensures adequate checks and safeguards against failure of any institution individually. Instead of failure at one level leading to failure at all other levels eventually, failure is arrested quickly and countered effectively before it does serious damage to the body politic. All the elements of transformation of our governance structure together must be capable of strengthening every facet of our democracy - freedom, self-governance, empowerment, rule of law and self-correcting institutional framework.

Contours of Reform

13. What we need to-day is not mere stability or change of players, but a fundamental change in the rules of the game. The highly centralized Indian state structure should yield place to a truly decentralized, participative, democratic, citizen-centred governance. The autocratic, centralized, unaccountable political parties controlled by small coteries should be reformed to transform them into truly democratic, open,

accountable political instruments. There is need to insulate the executive branch of government from the day-to-day vagaries and pulls and pressures of individual legislators, giving it the necessary freedom and flexibility for implementing the policies for which it obtained public mandate. Stability, effectiveness and honesty in government should be ensured by separation executive from legislature, with adequate checks and balances to prevent abuse of office. Comprehensive electoral reforms should be brought about, preventing criminalization of politics, providing for accountable, transparent and limited election expenditure, improving polling process and eliminating bogus-voting, rigging and booth-capturing. Far reaching governance reforms should be introduced to reduce the size of government, and to make bureaucracy responsive, efficient and accountable. Judicial reforms should be introduced to make justice speedy, efficient, accessible and affordable. Institutional safeguards should be in place to prevent abuse of office, and to ensure effective punitive action against corruption.

14. The magnitude, complexity and intractability of the governance crisis in India pose formidable challenges to all thinking citizens. The need of the hour is a people's movement for democratic governance reforms. In any democratic society the people are the true masters and sovereigns and the elected representatives as well as the appointed public officials are only the servants of the people. When the governance process is horribly perverted and is not amenable to resolution through normal political and electoral methods, the people as true sovereigns should assert collectively with knowledge. This is particularly necessary when the political parties are obsessed with power games and have become a part of the problem, instead of being instruments of change. In any sane democratic society, when things go wrong, parties focus attention on the crisis, offer solutions, seek public mandate, and engineer reform. Sadly, Indian political parties have only hackneyed slogans to offer to the people. Rejuvenation of parties itself is prevented by their undemocratic functioning and self-perpetuating and often illegitimate leadership structure. In this unhappy situation, collective and informed assertion of people's will is the only democratic and peaceful option available. People all over the country - from Kashmir to Kanya Kumari and from Gauhati to Ganganagar - are angry, sullen and resentful, and cutting across traditional barriers of caste, language, class, region and religion, there is a deep yearning for better governance. We need to harness this discontent into a constructive, creative and united force for reinventing government, and bringing about major institutional and governance reforms.

Crisis as Opportunity

15. The complexity and magnitude of the crisis that the Indian polity is going through demands a truly creative, democratic and effective response; failing which increasing anarchy and the spectre of balkanization may engulf the nation. Already the middle classes are losing faith in democracy and are yearning for an authoritarian alternative. Such authoritarianism is the very negation of the fundamental values we cherish. The crisis of democracy has to be resolved by more and better democracy, and not by its

negation. The real question today is not whether there should be democratic reforms; but how to achieve them.

16. In many ways, the economic, social and political convulsions of contemporary India provide us a great opportunity to build a new India and better future. Tectonic shifts in global polity in the last decade demonstrate to us that in today's world events are telescoped, and history can be made in a flash with breath-taking rapidity. However, if the people's yearning for change is not harnessed through an effective and coherent network of ideas and people's movements across the nation, there is every danger of India being swept aside or fragmented by the tide of events. About a decade ago, the German people demonstrated the courage and strength to fell the Berlin wall, and transform their nation in a democratic, orderly, integrating and freedom-enhancing manner. Shortly thereafter, the USSR example showed that if thinking people do not respond wisely in time, there can be chaotic, disintegrating, cataclysmic and tyrannical change in the offing. In a true sense India today is at the cross-roads. The recent political convulsions, people's yearning for change and a few triggering events afford us a great opportunity to transform India and build a nation of our dreams. This needs people's initiatives to come together, concerted action of concerned citizens, clarity of goals, a broad consensus on governance reforms, and building a national platform with synergies. If we do not seize the moment, we may become passive victims of the events of history, and a priceless opportunity would have been squandered.

17. We have to build an India, in which Dalits will be liberated from centuries of oppression and neglect, and can participate in our political, social and economic processes with dignity, honour and equality. We need to build an India in which intermediate castes, whose dynamism and enterprise have sustained our economy and society through decades of distorted state policies, undermining individual initiative through license-permit-quota Raj, can participate vigorously and effectively in keeping with their potential and aspirations. We need to build an India with full and equal partnership of the upper social segments, whose vision, talent and work have all given our society endurance and stability, and our family its unique strength and resilience. We need to build an India with unrestricted access to social and political institutions and state power to people of all faiths, in keeping with our traditional eclecticism, tolerance and acceptance, and our noble constitutional goals. What we need is a democratic, free and united India in which all citizens are partners and receive the benefits of good governance. We need to raise a banner of revolt against irrational prejudices which are tearing apart our national fabric, and undermining our potential as a people. We need to reject hate-filled campaigns and false slogans based on narrow sectarianism of all kinds, which are fragmenting our society and polity, denying us good governance. All people, born in India, or have adopted her as their land, have all but one country - India - and have a full, equal and inalienable right to enjoy full fruits of citizenship. The children of all Indians have all but one hope, the hope of dignity, peace, equality, prosperity and good governance enabling them to fulfil their full potential. All true politics is, and ought to be, about promotion of

happiness; not about causing misery to the people. There is no true freedom until we put a stop to the enrichment and aggrandizement of the rulers at the cost of the true masters in a democracy, the people.

18. The task is difficult, but vital. The struggle is hard, but necessary. The risks are high, but cannot be avoided. The effort will demand all our courage, resourcefulness and endurance. We must work for such a movement with the sure knowledge that people want reform, and if we fail to translate their frustration and anger into a constructive reform movement, the nation will have to forsake peace, freedom and unity, and at least a generation or more will needlessly suffer pain, anguish and misery on a scale unprecedented in human history. If we attempt reform earnestly and design institutions wisely, the reform movement will surely succeed in a few years' time and the Indian people will build a nation of peace, freedom and unity, a nation that will play its rightful role globally in keeping with its size, history and civilization, and will promote happiness of its citizens internally. As some one said with prescience, there is nothing more powerful than an idea whose time has come. This is the time for a holistic reform of our governance structure, to build a strong, democratic, self-governing India, with all its citizens enjoying peace, freedom and harmony. History beckons us.

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