



Gujarat Institute of Development Research, Ahmedabad

Third Pravin Visaria Memorial Public Lecture

on

The Institutions of Democracy

delivered by

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Eminent Sociologist, Educationist and Development Thinker

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PRAVIN VISARIA

A BIOGRAPHICAL SKETCH

Born in 1937 in a village near the coast in the semi-arid Kachchh district of Gujarat state, Professor Visaria is regarded as an internationally renowned economist-demographer, with a Master's degree in Economics from the University of Bombay. A fellowship from the Population Council, awarded on the basis of his brilliant academic career and exemplary performance in extra-curricular activities, enabled him to study Demography at the Office of Population Research, Princeton University, Princeton, N.J., USA. He was awarded Ph.D. degree in Economics in 1963. During 1963-73, he was first a Reader and later a Professor at the young age of 34 in the Department of Economics, University of Bombay. He had been awarded the prestigious Dr. V.K.R.V. Rao Prize for Demography for 1981, given to a young social scientist for significant contributions to the field.

During 1973-80, he served as an Economist at the Development Research Centre, World Bank, and worked on survey data gathered in several Asian countries for the joint ESCAP-IBRD project on Evaluation of Data on Income Distribution. After his return to India in 1980, he was Professor of Demography at the Sardar Patel Institute of Economic and Social Research, Ahmedabad, and Director of the Gujarat Institute of Development Research during 1983-1996.

Professor Visaria's Ph.D. thesis presented an exhaustive analysis of the factors contributing to the excess of males in the population of India and highlighted the excess female mortality as its prime cause. It is considered the most comprehensive modern scientific study on the complex subject that is of considerable relevance to not only India but also the entire Indian subcontinent.

Subsequently, Professor Visaria's concern for a policy relevant identification of the employment and unemployment status of the Indian population led to the evolution of a new approach to the labour surveys in India. The advantages of a simultaneous assessment of the usual, current weekly, and current daily activities of the respondents were recognised by the International Labour Organisation, Geneva, and have become a part of the new survey procedures adopted by the International Conference of Labour Statisticians. Both as a member of the Governing Council of the National Sample Survey Organisation

for eight years beginning 1981, and as its Chairman since 1991, Professor Visaria had made important contributions to the strengthening the data base of the Indian economy. He had made useful contributions to the methodology of studies on child labour.

Professor Visaria's analysis of the financial cost of medical treatment highlighted the heavy burden of illness requiring hospital care on the poor (several times their per capita expenditure for a month). It has been the basis of the inclusion of assistance for hospital care in the social assistance programme of the central government.

Professor Visaria's work on the population dynamics has had a significant impact on the family planning programme of the country. His research in Gujarat demonstrated the serious problems involved in the numerical targets for the number of acceptors to be enrolled by female health workers in different parts of the country. Its findings had helped to revise the strategy towards establishing the credibility of the grassroots level workers in the respective communities in which they work.

His wide spectrum of research publications had covered mortality, fertility, migration (both internal and international), urbanization, labour force, population projections, census and survey analysis, poverty, and population policy. Widely respected for his incisive analysis, scholarship, balance and integrity, Professor Visaria had worked closely with the Planning Commission, Department of Statistics, Office of the Registrar general and the Ministry of Health and Family Welfare of the Government of India, the Bureau of Statistics of the International Labour Office, the World Bank, the World Health Organisation and the Population Council, New York.

Professor Visaria had been a member of the International Union for the Scientific Study of Population (IUSSP), a professional organisation with nearly 2,000 members from almost all countries of the world, since 1964. He had served as a member/Chairman of its scientific committees concerned with interrelationships between population and economic development for two terms. He was President of the Indian Association for the Study of Population during 1994-96. Between 1984 and 1990, he was a member of the central decision making council of the Indian Council of Social Science Research, an autonomous body set up by the Department of Education in the Ministry of Human Resource Development. Professor Visaria had been a mem-

ber of the Governing Bodies of several research institutions and was a government-appointed Director of the Dena Bank since 1995. He last held the position of Director, Institute of Economic Growth, New Delhi.

His important books include *The Sex Ratio of the Population of India* (Office of the Registrar General, New Delhi, 1971); *Non-Agricultural Employment in India: Trends and Prospects* (co-edited) (Sage, 1983); *Infant Mortality in India: Differential and Determinants* (co-edited) (Sage, 1988); *Contraceptive Use and Fertility in India: A Case Study of Gujarat* (Sage 1995); *Women in the Indian Working Force: Trends and Differentials* (Gokhale Institute, 1996); *Urbanization in Large Developing Countries: Brazil, China, India and Indonesia* (co-edited), (Clarendon Press, 1997); and *Social Change through Voluntary Action*, (co-edited) (Sage, 1998).

The Institutions of Democracy

André Bêteille



We live in the age of democracy. This means that democracy provides the touchstone by which political actions and processes are judged as beneficial or otherwise. The virtues of democracy as an ideal of social and political life are acknowledged even in regimes that are at least formally monarchical as in countries such as the United Kingdom, the Netherlands and the Scandinavian kingdoms of Denmark, Norway and Sweden. It must be pointed out that this has not been so in all places or at all times, and the validity and legitimacy of what have been called 'aristocratic' as against 'democratic' regimes have been widely acknowledged in the past (Tocqueville 1945).

For many the main virtue of democracy is that it gives the common people a place in the sun. It reduces the gap between the rulers and the ruled by restricting the powers of the former and enlarging those of the latter. In a monarchical or imperial regime in the true sense of the term, the common people are subjects and not citizens. The advance of democracy transforms subjects into citizens. It is a paradox of our time that the rights of citizenship are better respected in monarchies such as Britain and the Netherlands than in democracies such as India or Sri Lanka.

Democracy is animated by the lofty ideals of liberty, equality and fraternity. These were the ideals of the French Revolution which inspired people in many countries to challenge the absolutist monarchies of the past. We too invoked them as our nationalist leaders challenged their colonial rulers. After the attainment of independence we inscribed those same ideals in the Preamble to our Constitution, and added to them justice, social, economic and political.

Political regimes which call themselves democracies or subscribe to democratic ideals and values have in fact emerged under very different historical conditions and assumed different forms and modes of functioning. In many European countries democratic ideals and values grew in response to the oppressive rule of absolutist monarchs. Here again there were differences even between neighbouring countries. In the United Kingdom the slow ascent towards democratic principles and practices began in 1215 with the Magna Carta although, as I have already noted, the steady expansion of the rights of citizenship

has not been accompanied by the abolition of the monarchy or, for that matter, the House of Lords. In France, on the other hand, a more dramatic change took place from monarchy to republic in 1789, although France alternated between republic and monarchy (or empire) well into the second half of the nineteenth century.

The idea of democracy came to us with colonial rule. But as Nirad C. Chaudhuri (1951: v) put it memorably, it conferred subjecthood on us but withheld citizenship. The aspiration of Indians to become a nation of free and equal citizens, which was kindled by colonial rule, was given a distinct focus with the formation of a political party, the Indian National Congress as early as in 1885. That party became the vehicle for the aspirations of the nationalists against their colonial rulers. Their leaders could ask for national independence only by mobilizing the Indian people as a whole against the colonial regime. They found it natural to use the language of democracy in their fight for independence.

Democracy emerged in India out of a confrontation with a power imposed from outside rather than an engagement with the contradictions inherent in Indian society. Those contradictions remained deeply embedded in the Indian social order even as the country opted for a democratic political order on the attainment of independence. They are giving Indian democracy a very different character from democracy in the west which grew and advanced by confronting a succession of internal social contradictions.

In the west, the democratic and industrial revolutions emerged together, reinforcing each other and slowly and steadily transforming the whole of society. The economic and social preconditions for the success of democracy grew along with, and sometimes in advance of, the political institutions of democracy. In India, the political argument for democracy was adopted by the leaders of the nationalist movement from their colonial rulers and adapted to their immediate objective which was freedom from colonial rule. The building of new political institutions took second place, and the creation of the economic and social conditions for the successful operation of those institutions, such as education, health care and other social services lagged well behind.

Ministers, legislators and even judges never tire of speaking of the need to put service to the common man first. It is a habit of speech that was acquired during the struggle for national independence, and now serves as a mantra on all public occasions. The common people themselves are not sure how much they can depend upon those who

repeatedly invoke the ideals of democracy in their name. It is in this context that I turn my attention from the ideals of democracy to the actual operation of its institutions.

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While much may be said about democratic ideals and values such as those of liberty, equality and social justice, I focus my attention here on the institutions of democracy. I do so not only because of the intrinsic importance of institutions for the successful operation of democracy but also because they appear to me to be more concrete and tangible as objects of enquiry and investigation.

The term 'institution' has many meanings, as is to be expected of any term that is used so widely and across so many different disciplines ranging from law and political theory to sociology and cultural anthropology (Béteille 2010: 114-33). Even among sociologists the term has at least two different though related meanings. In the first sense, an institution is an enduring group with a distinct identity and with boundaries that mark it out from its environment. In the second sense, it is a pattern of activities that are recurrent, legitimate and meaningful. Thus, for the sociologist not only the court but also law is an institution; not only the school but also education is an institution; and not only the family but also marriage is an institution. In both senses the institution has to be distinguished from the individual and from acts that are peculiar to particular individuals.

I find it convenient to begin with the institution as an enduring group that outlives its individual members, and then to move on to the regular and recurrent activities that are a part of that group's existence. The advantage with this is that the institution as an enduring group often has a distinct physical identity as, for instance, the school, the court or the legislature, and this enables us to form a concrete picture of its social identity. It is relatively easy to form a clear picture of the school as an institution before asking whether what goes on in it does or does not correspond to any meaningful form of education. That is the kind of question that we must ask ultimately about our political institutions but it will be useful for a start to form a concrete picture of those institutions in their concrete settings.

As one would expect in a country with the size, diversity and antiquity of India, there are many different institutions performing a wide range of functions, social, economic and political. Some of these institutions have their origins very far back in time while others are

of more recent origin, although even here, the older of our high courts can trace their origins back to the nineteenth century. In discussing the institutions of democracy, my focus will be not on the institutions that have come down from our ancient or medieval past, but on those that began to emerge from the middle of the nineteenth century onwards. I will thus not have anything to say about the village democracies of the past about whose institutional form or mode of functioning we know little or nothing.

In speaking about the institutions of democracy, I will focus on the specifically political institutions. It has been recognized for nearly two hundred years that democracy has a social as well as a political side (Tocqueville 1945). Of particular importance to the operation of democracy are what I have called the institutions of civil society. The weakness of democracy in India is due in no small part to the weakness of the institutions of civil society. But I will not discuss those institutions here, partly for reasons of space and partly because I have written about them in some detail elsewhere (Béteille 2000a: 172-97; Gupta 2005: 437-58).

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My treatment of political institutions will be illustrative rather than exhaustive. I will focus on Parliament and the state legislatures, the Supreme Court and high courts, and on political parties. Others may be added to these, but considerations of space do not permit me to do so. At any rate, no one can deny the great importance and value of the institutions I have chosen for discussion here.

Some will no doubt ask why I have chosen only two of the great institutions of governance, the legislative and the judicial, and left out the third which is the executive. This is not because I consider the executive to be less important than the other two but because I believe that a consideration of any two, and a comparison and contrast of them will suffice to present my main argument about the nature and significance of institutions. Moreover, I have elsewhere discussed in some detail the nature and significance of the executive branch of the government (Dar 1999: 198-230). My discussion there of the distinction between the political and the administrative executives foreshadows the distinction I make here between the rule of numbers and the rule of law in my contrast between the legislature and the judiciary.

I would like to begin with Parliament. This is a natural point of departure not only because of the obvious importance of Parliament

as a political institution but also because of its high visibility. Nothing that happens in Parliament remains a secret. From the very beginning, the press and the public were given access to Parliament when it was in session. Today one can see the proceedings in Parliament on television without having to leave one's drawing room. Live telecasts have led to the demystification of Parliament and, as we shall see, to a certain devaluation of it in the public eye.

Parliament enjoys the pride of place among the institutions of democracy. This is particularly true of the Lok Sabha. Its very name, the House of the People signals its popular and representational character, and it is not without reason that our form of democracy is known as the parliamentary form. It is true that the President is, constitutionally, the head of both houses of Parliament, but for all practical purposes the conduct of the Lok Sabha is the responsibility of the elected members themselves, and they conduct their affairs in public view.

Direct election by the people gives to the members of the Lok Sabha their distinctive democratic legitimacy. The formal composition of the two houses of Parliament and their powers and functions are laid down in some detail in the Constitution of India. In addition to Parliament, we also have the state legislatures whose organization mirrors in many ways the organization of Parliament.

Along with the central and state legislatures, the Supreme Court and the high courts are the other great institutions of democracy. Courts of justice, no matter how high their standing, are of course not unique to democracies. There have been royal courts of justice, and the British set up courts of justice when they began their rule in India. The courts of justice in independent India have continued many of the conventions and practices established under colonial rule and have been criticized, unfairly in my judgement, for being more colonial than democratic. Those who direct their barbs at the Supreme Court for its colonial antecedents tend to forget that our Lok Sabha itself is modelled in more ways than one on the House of Commons in Westminster.

Whereas our legislators are elected, our judges are appointed according to procedures laid down in the Constitution. A judge does not have a constituency in the sense in which a member of Parliament has one. An elected member of Parliament has a special responsibility towards his constituents. A judge of the Supreme Court has no

constituents towards whom he has any special responsibility. The court is not a popular institution in the sense in which an elected legislature is. It is insulated from public pressure and expected to deal even-handedly with government and opposition.

Because of its higher visibility and its more representational character, many believe that it is Parliament rather than the Supreme Court that embodies most fully the spirit of democracy. The Supreme Court is believed to be 'elitist' rather than popular and hence not fully democratic. This reflects the populist as against the constitutionalist concept of democracy. As the populist conception gains ground, the value placed on the institutions of democracy, including Parliament itself, tends to decline.

Democracy rests on a delicate balance between two principles which may be called the rule of numbers and the rule of law. Numbers are important in a democracy at every level. When a person contests an election, he or the party which supports him makes an assessment of the numbers to see that the candidate has a reasonable chance of success. In Parliament or in any legislative assembly, the success of a motion and sometimes even the survival of the government depend on the ability to muster the right numbers at the right time. This is believed by many to require both manipulation and coercion.

The courts are designed to determine what is right and wrong in the light of the Constitution and the laws. Where there is a violation of the law, the courts have to rule against the violators even where they constitute a majority. In our country the courts have a special significance because disregard for the rule of law is very widespread in the public domain. The true significance of the courts of law in a democracy is that people look to them to protect the citizen against the arbitrary use of power by the state and its functionaries. But they also have the obligation to protect individuals and groups from being unjustly treated simply because they are outnumbered. Democracy requires institutions to ensure that the rule of law is not overwhelmed by the weight of numbers.

In discussing these issues it is important to keep in mind the distinction between power and authority. People who have the numbers behind them often seek to impose their power even where they have no authority in the matter. Many persons who believe that they are backed by numbers because of the electoral support that they have won, or for some other reason feel that the prevalent rules and procedures are obstacles that should not be allowed to frustrate the

public interest as they perceive it. Rules and procedures are indeed sometimes obsolete or archaic, and when it is in the general interest for them to change, they should be changed. But here again, they cannot be changed instantly and on the spot but only in accordance with established procedure.

In a large, diverse and disorderly society with an open political system such as ours, it is never easy to settle an issue of immediate or urgent public concern by the counting of heads on the spot. When a few hundred or a few thousand, or even a few lakh persons bring road and rail traffic to a halt, it is not easy to decide whether they or their victims constitute the majority. The rights and wrongs of the issue have to be decided in accordance with the rule of law and not the rule of numbers. Political leaders make commitments under pressure and in the end it is left to the courts to decide whether those commitments are legally and constitutionally valid. When the courts have to intervene again and again in such matters, the relationship between elected legislators and appointed judges comes under strain and the major institutions of democracy become weakened.

We have now entered a season of coalition politics at the centre as well as in several states. Coalition politics has brought home the fact that the calculation of numbers can be of crucial importance even where the numbers are not very large. He who heads a coalition government has to pay close and continuous attention to the numbers he is able to muster. It is well known that many compromises have to be made in the work of legislation simply in order to keep the numbers together. In the states whole groups of legislators are sometimes taken away to distant and undisclosed destinations so that they do not desert the government in its hour of need. These actions are often on the borderline between what is legally valid and what is not, and rival parties, or even members of the public move the courts to give a verdict.

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In his much-acclaimed work on the English constitution, Walter Bagehot (1928) remarked that there was a dignified part and an efficient part in that constitution and that it worked well when the two parts were in proper balance. I believe that our own premier institutions of democracy must be submitted to the test of both dignity and efficiency. I will begin with Parliament and then make some brief observations on the state legislatures before moving to the courts of law.

There have been significant changes in the composition and character of the Lok Sabha since it was first constituted nearly sixty years ago. Socially, it is more representative of the population of the country than in the past. Its membership is drawn from a wider range of castes and classes than before. This is perhaps even truer of the state legislatures. These changes have come about mainly through conscious efforts by each and every political party to widen its base of electoral support from one general election to another. The move to enlarge the presence of women through a system of quotas is yet to bear fruit.

The earlier Lok Sabhas appear in retrospect to be 'elitist' not only in their social composition but also in their style of functioning. They included a fair proportion of professional people, particularly lawyers. Many of them were somewhat detached from the rough and tumble of electoral politics. They were able to keep their hands relatively clean even when they had to enter parliament by contesting elections. It was believed possible to win an election on the candidate's standing in public life.

Winning an election on the basis of one's professional competence and standing has now become difficult if not impossible. Our present prime minister, Dr Manmohan Singh provides a striking confirmation of this. Nobody can question his personal integrity or his professional competence. But he has ventured only once, and that too unsuccessfully, to contest an election for the Lok Sabha.

Not only has the number and proportion of persons with professional experience and competence declined in the Lok Sabha, the number and proportion of those with real or alleged criminal records has increased. The criminalization of politics has entered the Lok Sabha as well as the Vidhan Sabhas. The disclosed assets of the members of parliament show that at least in one respect, that of wealth, they are far from being representative of the population of a country in which poverty is pervasive and endemic. If one is able to enter parliament, one's children are unlikely to ever have to live in poverty.

The style of functioning has also changed, although it is difficult to say how far the change in style is related to the change in composition. One may speak of a change from a temperate to an intemperate style. In a democracy Parliament is the pre-eminent forum for openly expressing dissent and disagreement. In the past, parliamentary debate was conducted in an atmosphere of civility, in conscious or

unconscious imitation of proceedings in the House of Commons in London. Even where disagreement was strong it was tacitly understood that it had to be expressed in parliamentary language.

The tone of civility has all but disappeared from parliamentary debate. Interruptions are frequent and noisy, and it has become a matter of routine for several persons to speak at the same time. Rushing to the well of the house is no longer an uncommon event, and the speaker has a difficult time in maintaining order, and has to adjourn the house repeatedly. Even the Rajya Sabha, where debates are expected to be less acrimonious, has to be adjourned for lack of order. All of this can now be witnessed on television by the general public which is becoming increasingly inured to misconduct in the House of the People.

Perhaps the lowest point in parliamentary disorder was reached during the debate over the Civil Nuclear Agreement in 2008. The government was determined to get the bill passed and the opposition was equally determined to block it. Because some of those on whose support the government relied were against the bill, the numbers on the two sides were not absolutely clear. The government won in the end by a very narrow margin, and there were the usual allegations of horse trading. What was unusual, however, was that three of the members of the main opposition party rushed into the house with a sack full of currency notes which were placed before the speaker as material evidence of the bribe paid by the ruling party to ensure that the motion was carried. The dignity of the house was compromised as it had never been before.

The speaker of the 14th Lok Sabha, himself a distinguished parliamentarian, expressed his frustration and anguish again and again. His repeated admonitions to the members to act with decorum generally went unheeded. We get a vivid picture of his frustration and exasperation from his memoirs published shortly after he ceased to be a Member of Parliament. On 28 February 2008, he said in the House, 'I am sorry I have to say that you are all working overtime to finish democracy in the country'. Some months later he said, 'I can only say that you are behaving in the most despicable manner', and, again, on the same day, 'The whole country is ashamed of its parliamentarians' (Chatterjee 2010: 171). Parliament may still be a great institution, but its members are no longer great men. How long can a great institution remain great in the hands of small men?

The ordinary legislative business of Parliament proceeds in a desultory manner until some misdeed of the government, real or alleged, is brought to light. The opposition then pounces on the government and demands an immediate explanation on the floor of the house. The treasury benches try at first to take evasive action, but the opposition remains persistent. The obduracy of the treasury benches is matched by the vehemence of the opposition. The television channels seize their opportunity for breaking news, and lure members of Parliament into their studios where the debates reproduce the disorder of the debates in Parliament.

It is not at all my argument that the demands of the opposition are always unreasonable or that the government never has a reason for refusing to concede those demands. In the noise and disorder generated in Parliament over scandalous misconduct by someone somewhere, it becomes difficult to decide on the merits of the individual case. But the long-term effect of continuous discord and disorder within Parliament is an erosion of public trust in the institution itself.

The successful operation of Parliament as an institution depends on a measure of trust in the fairness of the system by both government and opposition. Here, increasingly each side seems to believe that the other side can act only in bad faith and never in good faith. Perhaps there is a failure of political imagination on both sides. The ruling party finds it hard to imagine having to vacate the treasury benches to make room for its opponents; and the opposition party finds it hard to imagine what it will have to face after it has secured its place on the treasury benches.

The disorder in Parliament detracts not only from its dignity but also from its efficiency. Parliament has to be repeatedly adjourned, sometimes for only a few hours, and sometimes for a few days. Anxiety over a possible boycott of Parliament during the budget session has grown over the years. It has been calculated that 'Out of 1738 hours and 45 minutes, the fourteenth Lok Sabha wasted 423 hours because of disruptions and adjournments due to disorderly scenes' (Chatterjee 2010: 160). This does not necessarily mean that during the hours when it was allowed to work, it always worked in an efficient or business-like manner.

Recently a whole session of Parliament was lost because a determined opposition demanded an enquiry by a Joint Parliamentary Committee

which the government was not prepared to concede. It was prepared to have the matter examined by the Public Accounts Committee instead. Even informed citizens are not always able to understand what such differences signify for dealing with the matters on hand. Increasing numbers of them are coming to the view that our legislators are less interested in the designated business of legislation than in settling scores among themselves. There are serious worries about the loss to the exchequer caused by recurrent stalemates in Parliament.

The ordinary legislative business of Parliament proceeds in a desultory fashion. What should be debated in the full house is increasingly left to committees to do. This becomes to some extent unavoidable when the business of legislation expands. Passing the burden of important business on to committees takes care of the requirements of efficiency up to a point. It is regrettable nevertheless that Parliament is no longer able to meet the high expectations of it that were created in the wake of independence, and that its members now spend so much of their time in disputes that appear to be both endless and fruitless.

The Supreme Court has held its place in the public esteem rather better than the Lok Sabha. Despite the occasional allegation of financial impropriety, our judges are still regarded as being on the whole learned, high-minded and dutiful in contrast with legislators, ministers and civil servants. The higher courts of justice are smaller, more compact and more purposeful than the legislatures. They are also better insulated from popular pressure.

A person from any class or community may seek election to Parliament. He may be a peasant, an artisan or a man with only five years of schooling and still take an active part in parliamentary debate. The appointment of judges is confined to the middleclass, and that too, to the upper levels of it. The legal profession is described as a learned profession, and lawyers and judges have an elevated position in society by virtue of their education and occupation. Where the middle class is very small as it was in India until recently, the higher judiciary stands out from the rest of society. There are pressures now to make the judiciary more representative in terms of caste and community, but it is difficult to visualize a judiciary whose members belong in equal proportions to every social class or stratum.

Judges disagree with each other although these disagreements are not on party lines or not expected to be on party lines. The chief justice has no authority to issue a whip to ensure conformity with his own

judgement. When he finds himself in a minority, all he can do is to record a dissenting judgement. Judges express their disagreement in judicial prose and not by shouting at each other or brandishing their fists in open court. And generally speaking, judges are less eager to appear on television than members of parliament.

Judicial prose is learned, not to say recondite, and at least in India it tends to be prolix. Two or three judges often write separate judgements even when their opinions are substantially the same, and they tend to write at great length. Judicial deliberation and judicial composition take time. As a result, cases remain unattended for months and years.

The law's delay has caused worry to ordinary persons in many places and in many ages, but it seems to have acquired pathological dimensions in India today. This is partly because aggrieved parties are rarely satisfied with the verdict of the lower courts and seek to go on appeal to the higher ones. When a particular party does not want an early decision, he can engage a counsel who is skilled in the art of securing adjournments. It is sometimes suspected that there is collusion between lawyers and judges in expediting or delaying a hearing.

While the law's delay affects large numbers of persons, it does not affect them equitably. As I have indicated, some might benefit from it while others suffer. Indian society is a highly stratified one, and some can bear more easily than others the costs in both time and money of a protracted judicial process. It is natural for those who get entangled in litigation for no fault of theirs to feel that they are the victims rather than the beneficiaries of the courts. Thus, while the court is no doubt an institution, some might question how far it acts as a democratic institution in upholding the principle of equality in its actual practice.

I have so far described and compared Parliament and the Supreme Court. This is only the first step in the understanding of the institutions of democracy. A second and more difficult step would be to examine the relationship between them. They are assigned distinct spheres of operation, but they are expected to work in harmony. There is a wide gap between the expectation and the reality. The question is not simply whether the gap is particularly wide in India today, but whether it is growing wider.

There are various reasons — personal, professional and others — for friction between Parliament and the Supreme Court. The exclusive jurisdiction claimed by the one is not always recognized as being exclusive by the other. Underlying all of this is the tension between the two irreducible principles of democracy to which I have referred more than once, the rule of numbers and the rule of law. That tension, carried beyond a certain point, may erupt into the kind of disorder that calls for the suspension of the institutions of democracy either for the time being or for good.

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Apart from the institutions of the state, such as the legislative and the judicial ones, political parties play an important part in a democracy. Our party system has acquired a distinctive character as the number of parties has increased steadily during the sixty years since independence.

At the time of independence, the Congress party held a unique position as the party of the nationalist movement. Its main adversary, the Muslim League lost its significance in India with the partition of the country. The Hindu Mahasabha underwent several transformations before emerging as the Bharatiya Janata Party, now the principal adversary of the Congress party. The proliferation of parties has given a distinctive character to political alliances in India. It has made those alliances indispensable and at the same time volatile.

There are various reasons behind the proliferation of parties in India. It is a large country with a very diverse population and a tradition of cultural and social pluralism. There are parties and associations representing all shades of ideological orientation from the extreme left to the extreme right. There are secular parties and ‘pseudo-secular’ ones. In India no party is prepared to disown secularism, and hence when a party is denounced by its adversary for not being secular, it labels the adversary as ‘pseudo-secular’.

There are regional parties such as the Assam Gano Parishad, the Telegu Desam Party and the Dravida Munnetra Kazhagam which have specifically regional interests. But every regional party has an eye on the centre if only because of the concessions it hopes to secure from it. Likewise, a national party, or a party which expects to hold office at the centre seeks to maintain a regional presence and to secure alliances with regional parties at the centre as well as in the states. An alliance partner which is strong only in its own region does not always act consistently in the state and at the centre.

The number of parties increases when an existing party splits into two or more parties. Splits have been quite common in political parties in India. A party may split because of differences in ideology or because of the clash of personal interests and ambitions. In India, the latter is the more important factor, although those who bring about a split always invoke some point of principle as their reason. Politicians have personal ambitions everywhere, but it is only in some countries that personal ambition prevails so frequently over loyalty to the party. It is difficult to say whether this is due to the strength of personal ambition or the weakness of the party as an institution.

Not only personal ambition, but loyalty to family, kin and community may also override loyalty to the party. The institutional requirements of a modern political party concerned with democratic governance are different from those of groups based on kinship, caste and community. The shifting alliances among political parties that are a conspicuous feature of the Indian political scene are often governed by the personal loyalties of leaders and their followers.

Is every political party an institution in the sense in which I have been using the term? Here it is important to distinguish between party and faction. Factions have existed since time immemorial, and the Indian soil is congenial to their growth. The political party is of much more recent origin, and it came into being in the political environment created by colonial rule. The oldest political party in the country, the Indian National Congress was created at the initiative of a British civil servant, Alan Octavian Hume.

A leading student of the subject has defined factions in terms of the following five attributes: (i) a faction is a conflict group; (ii) a faction is a political group; (iii) a faction is not a corporate group; (iv) faction members are recruited by a leader; and (v) faction members are recruited on diverse principles (Nicholas 1965). Factions and parties are based on different organizational principles, and where the faction is strong, the party tends to be weak.

As an institution, the party is expected to have a longer span of life than a faction. It is expected to outlive its current members while still retaining its name, its identity and its basic structure. An important requirement of institutional continuity is the replacement of existing members by new ones according to a distinct set of principles. New members may be inducted by election or by appointment. These are both valid and legitimate principles in a

democracy, depending on the nature and functions of the institution. As we have seen, members of Parliament are elected while judges of the Supreme Court are appointed. The conditions of eligibility in the first case are political and in the second case they are professional.

There is a third way in which succession may be ensured, and that is through genealogical connection, i.e., through ties of kinship and marriage. Monarchs are not elected or appointed, they select themselves by virtue of birth. Selection for leadership by birth is a very widespread political practice in India and other South Asian countries. The practice is so widespread as to appear to many to be a principle.

It is to some extent natural for someone growing up in the home of a politician to be attracted to politics just as someone growing up in a medical family may be attracted to the medical and someone in a legal family to the legal profession. But in a society and in an age in which individual ambition counts for something, one may follow one's own aptitude and choose a career for oneself. In India there is a general tendency for young men to be guided by the family in the choice of a career. The genealogical route is followed by default where other criteria of selection are not strictly required. And it is of course much easier to adopt politics as a career without any specialized training than it is to adopt a career in a profession requiring long and arduous training.

The value placed on family and kinship is much stronger in India than it is in countries such as Britain and France where the institutions of democracy based on open and secular principles have had a longer life and a clearer definition. It is not that there have not been political families in those countries, but in general political institutions have been better insulated from the demands of family and kinship. This is because kinship there is not regarded by people in general as the natural route to political office.

Millions, if not hundreds of millions of Indians believe that when a political leader passes away, particularly when this happens unexpectedly, he should be succeeded by his son, his daughter, his wife or even his daughter-in-law. We will fail to understand the weakness of the party as an open and secular institution if we ignore the pressure for genealogical succession characteristic of our social order.

One of our leading journalists and political commentators, Inder Malhotra (2003) has provided a well-documented account of dynastic

politics on the subcontinent. He has pointed out that dynastic politics in India is not confined to the Congress party or to what has come to be described as the first family in the country. He has documented the rise of what he calls 'midi' and 'mini' dynasties in various states. These dynasties aim to secure control not only over the party but also over the government. Dynastic control over a party loses its strength where the party has little prospect of forming a government.

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I have in the foregoing drawn attention to the maladies by which what I consider to be the basic institutions of democracy are beset in India today. My objective is not to argue that these institutions have become dispensable or valueless and that we should try to build a new and more vibrant form of democracy in which people govern themselves by creating new social movements and new associations. On the contrary, it is because I believe in the great importance of those institutions and the need to maintain them in some order that I have drawn attention to their current failings. Elsewhere, I have drawn attention to the distinction between constitutional and populist democracy (Béteille 2008). We started on independence to create a constitutional democracy, and I believe that we adopted the right path and should not be diverted from it.

If we look back on what we had expected of our democratic institutions at the time of independence, we are bound to be disappointed. In his closing speech to the Constituent Assembly, Dr. Ambedkar had expressed hope for the future but he had also warned against complacency (Government of India 1989: 978). The 'grammar of anarchy' against whose revival he had warned, far from dying down, has acquired new legitimacy from various sources. But if we look around and view developments in our neighbouring countries and further afield in the countries which have also become independent and self-governing, we cannot but see the difference that democratic institutions have made to India's vast population. Some have benefitted substantially from them although others, constituting perhaps the majority have benefitted only marginally.

Our party system has failed in many important respects, but we still have a plurality of parties which are able to express divergent views in the legislatures and outside. Parties are able to articulate divergent views in a manner that is more reasonable, more coherent and more constructive than the voices raised in demonstrations, rallies and other evanescent gatherings that are the staple of populist as against

constitutional politics. And if we are bedevilled by the multiplicity of parties, it is well to remember that a system with many parties is still a democracy which a system with one single party is not.

The institutions of which I have spoken – Parliament, the Supreme Court, and even the political parties – stand as bulwarks against the dangers by which democracy is threatened, particularly in those countries where commitment to its basic principles is weak. Without those institutions, neither respect for the rule of law nor care for the interests of the disadvantaged would be sustained for long. The two dangers by which democracy is threatened in many countries are anarchy and the abuse of power (Béteille 2000b). They threaten it from opposite sides, but have ultimately the same effect.

The country experienced a period of authoritarian rule during the Emergency of 1975-77 when the abuse of power became widespread and almost a matter of routine. The due process of law was disregarded; leaders of opposition parties were put in jail; the courts remained silent and complicit. The Emergency took a toll on the opposition, but, what is more important, it discredited the Congress party in the eyes of the people and to some extent even in the eyes of some of its own reflective members. Few people today, irrespective of the party they support, look back on the Emergency with satisfaction or pride. The Emergency did not abolish the institutions of democracy, but by subduing them, it created at least for a while a deeper awareness of their value.

In retrospect, the Emergency was relatively mild, and it did not last very long. The person who imposed it herself brought it to an end by calling for elections. In the fitness of things, she lost the elections and her party had to take its place on the opposition benches. Mrs Gandhi certainly succeeded in bending the institutions of democracy to her will, but only to some extent. She has been described repeatedly as a dictator and a despot, but compared with real dictators such as Hitler, Stalin or Mao, she was at best a half-hearted dictator.

What made Mrs Gandhi a half-hearted dictator was not so much any trait of personal character as the institutional environment in which she had made a place for herself. She may have despised the legislators, the judges, and even the members of her own party as individuals, but she could not cast out of her political imagination the institutions they served and that stood above them (Dhar 2000).

India has a large and articulate body of public intellectuals comprising journalists, lawyers, social scientists and many others. Some of them enjoy only a local or regional reputation while others are known nationally or even internationally.

Public intellectuals play a very significant role in a democracy. At their best they act as the conscience keepers of the nation. But many of them, at least in India are inclined to adopt vehement if not sensationalist modes of expression which tend to obscure instead of clarifying public issues. Even reckless attacks on the authorities do not generally entail significant costs in India at least in comparison with other countries such as China, Iran or the Soviet Union during its ascendancy. This leads many public intellectuals to position themselves, almost as a matter of routine, against the authorities and on the side of that amorphous and indefinable body known as the people. As a result, the deeper roots of political failures remain unattended.

Here I would like to make a distinction between individual misconduct and institutional failure. My main interest as a sociologist is in the latter and not the former. Our legal system has procedures for dealing with individual misconduct. Admittedly, those procedures do not always work fairly or expeditiously. But, frequent and repeated recourse to agitations and demonstrations bring us close to the grammar of anarchy. They cast doubts on the efficacy of the prescribed procedures and undermine their regulatory capacity.

No public institution can work effectively where there is a general failure of trust and where that failure is expressed openly, repeatedly and stridently. There is a rising current among our public intellectuals of emancipationist and antinomian rhetoric. In this kind of rhetoric the target of attack shifts from particular individuals to the institutions they serve, and finally to the whole institutional order of society, including the institutions with which I have dealt. Parliament, the Supreme Court and the party system have all begun to reveal deficiencies that had at first remained concealed. Those deficiencies should be brought to light by public intellectuals and criticised, but constructively and not destructively. Relentless antinomian assaults that undermine public confidence in them leads to a weakening of democracy and not its strengthening even when those assaults are made in the name of the highest ideals of democracy.

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Professor Béteille has written or edited close to 20 books addressing issues as agrarian social structure, caste, class, inequality and education. His books, all published by the Oxford University Press, include *Caste, Class and Power* (1965), *Studies in Agrarian Social Structure* (1974), *Society and Politics in India* (1991), *The Backward Classes in Contemporary India* (1992), and more recently, *Antinomies of Society* (2000), *Sociology* (2002), *Equality and Universality* (2002), and *Marxism and Class Analysis* (2007).

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