

The Quality of Democracy: Assessing India and Bangladesh

This paper will assess the “quality of democracy” in India and Bangladesh. This paper we will argue that the democratic successes and failures are in large measure a function of the socio-political milieu within which the democratic transitions took place in both states. It will also argue that despite a range of striking shortcomings India has made significant progress in a number of arenas toward enhancing the quality of democracy. Bangladesh, on the other hand, has failed to make similar progress. Instead there is much evidence that suggests that the quality of democracy in Bangladesh is actually regressing.

The proposition that the emergence of democracy in India is a legacy of British colonialism is one that has both considerable scholarly as well as popular appeal.¹ Perhaps the fact that India reigns as the world’s largest democracy contributes to this impression. Despite its wide appeal the proposition is largely devoid of merit and is indeed deeply flawed as even a quick survey of other British colonial bequests shows otherwise. From a historical standpoint, ample evidence can be adduced to show that British colonial administrators did much to stultify the growth of democratic political forces and institutions in British India which included much of what today is Pakistan and Bangladesh. For example, during much of the independence movement the British authorities in India enforced a series of draconian laws limiting press freedom, restricted the right of free assembly, and most egregiously, sought to suppress the explicitly liberal and democratic elements of the nationalist movement.

No, the success of democracy in India must be traced instead to individuals within the Indian nationalist movement who seized upon certain British liberal ideas and

principles and then sought to transplant them in Indian soil.² It is also closely related to the emergence of a “catch-all party” the Indian National Congress that, at least in principle, sought to represent all Indians regardless of their regional, caste, class or ethnic affiliations.

Furthermore, a comparison with other legacies of British colonialism whether in Africa, in other parts of Asia and elsewhere in South Asian subcontinent itself, should lead one scoff at suggestions of a benign contribution of British imperialism to the growth of democracy. In South Asia, democracy has failed to take deep roots in any of the other states emergent from the detritus of the British Indian empire. In Pakistan, for example, it has always been brittle at best.³ In Sri Lanka, it has involved institutionalized ethnic discrimination and contributed to a seemingly unending ethnic civil war.⁴

In Bangladesh, democracy remains, at best procedural. Bangladesh’s failure to consolidate and deepen democracy requires some explication. Once again, historical legacies are of extraordinary importance. Bangladesh emerged as an independent state only in 1971 with the break-up of Pakistan. From 1947 to 1971 present-day Bangladesh was the eastern wing of Pakistan. During this period it was not only subject to the vagaries of Pakistan’s turbulent politics and long bouts of authoritarian and military rule, but was also treated mostly as an internal colony. These years, which constituted the formative phase of Bangladesh, shaped a number of its critical institutions, most notably the army. Unlike in India, Pakistan and subsequently Bangladesh failed to establish firm civilian control over the military.⁵ Long years of authoritarian, military rule in Pakistan also contributed to an anti-democratic political culture. Any attempts at democratic consolidation and deepening had to contend with these adverse historical legacies. This

comparison is interesting and useful for a number of compelling reasons. It should reveal the underlying structural factors that contributed to the markedly divergent political of these two states even though they emerged from the common detritus of the British Indian empire. In the following sections we will assess how both states fare in terms of their performance on certain criteria that may be used to judge the quality of democratic governance.

India: The Rule of Law

How do these countries fare in terms of their adherence to the rule of law? India, which made a transition to democracy with a remarkable absence of violence, saw a high degree of adherence to the rule of law in the early years of its independence.⁶ The country's first prime minister, Jawaharlal Nehru, a key member of the nationalist movement, was committed to the highest standards of probity in public life. Many of his Cabinet members were equally committed to similar norms of conduct.⁷ The exigencies of politics did of course lead Nehru to make minor concessions. On occasion, for example, he chose not to pursue legal infractions on the part of some of his ministers.⁸ Nevertheless, for the most part during the initial years after independence, especially in comparison with most other post-colonial states, the adherence to the rule of law in India was exemplary.

Yet this outstanding start has not carried through to the present. The decline, ironically, started under Nehru's daughter and India's third prime minister, Indira Gandhi. In the 1970s, in an attempt to bolster the sagging popularity of the Congress Party she resorted to series of populist slogans and measures. One of her key electoral promises was "*garibi hatao*" or literally "drive out poverty." This slogan, not

surprisingly, won many adherents, and shortly after her sweeping electoral victory in 1970 she embarked upon a series of populist measures including the nationalization of banks and key industries such as iron and steel; she also did away with the “privy purses,” the annual government subsidies to the former princely rulers of India. Few of these measures made any dent on India’s endemic poverty, however. Growth rates continued to however around 3 to 4 percent annually and India’s rural and urban poor saw few improvements in the quality of their daily existence.⁹ What her slogans and policies did do, however, was create a climate of increased expectations among India’s impoverished electorate.

When confronted with these dramatic and expanding expectations and Mrs. Gandhi quickly realized that the country lacked the institutional and material capacities to adequately address them. Soon she saw these newly enfranchised voters turn to regional political parties in pursuit of these goals. In a crude attempt to bolster the declining electoral prospects of the Congress Party; she resorted to two techniques that dramatically undermined the rule of law. The first was her rampant abuse of Article 356 of the Indian Constitution, a clause that allows the national government to dismiss a state government if it has lost the confidence of the local electorate or if it cannot maintain a modicum of civil order. On the most dubious pretexts she dismissed state governments at will, thereby making a mockery of India’s constitutional provisions.¹⁰ The second set of moves was even more egregious. She and her elder son, Sanjay Gandhi, brought large numbers of callow youth into the Congress Party to be used as enforcers. These prospectless young men had little regard for democratic procedures or professional probity. Their principal purpose was to serve as a private army in closely contested elections to intimidate voters,

cow political opponents, and, on occasion, try and subvert other electoral processes. The political protection and patronage that these men enjoyed frequently demoralized local police and other administrative authorities, creating a climate in which the rule of law could be flouted with impunity. Worse still, civil servants who refused to buckle under the demands of politicians were frequently transferred to less desirable postings; in a short time the political independence of the bureaucracy was thoroughly compromised. Inevitably, the norms of professional conduct within the previously highly regarded Indian Administrative Service (IAS) started to decline, as political interference became rampant. As these norms frayed, politicians increasingly came to rely on local kingpins to threaten and harass political opponents with little fear of police and other authorities.

In the 1990s the blatant involvement of politicians with known criminals became so widespread that the government felt compelled to create a one-man commission to investigate and report on the politician-criminal nexus. The commission, created in 1995, was headed by N.N. Vohra, a former senior IAS officer known for his impeccable professional record. Vohra's report, which was submitted within a year, provided a damning indictment of the politician-criminal nexus. Though excerpts from the report were leaked to prominent Indian newsmagazines, the full contents of the report were never made public. The problem that Vohra identified in his report continues to plague Indian politics. According to one reliable source as many as 700 legislators in India and some 40 members of parliament have criminal backgrounds.¹¹ In some states the ties between politicians and criminals is quite tight.¹²

Another key problem with the rule of law in India is the enormous case load confronting Indian courts at local, state and national levels. According to one estimate it

takes an average of twenty years to resolve a civil lawsuit in India.¹³ Despite periodic calls for judicial reform little effort has been expended to address this severe judicial backlog. Ironically, the advent of a new form of judicial activism, public interest litigation, designed to provide access for the indigent and the dispossessed, may increase this extraordinary onus.

Accountability

Governmental accountability is also of varying quality in India. At the most basic level of accountability, reasonably free and fair elections at local, state and national levels India no longer fares badly. The existence of the politician-criminal network notwithstanding, three factors have played a vital role in hobbling the corruption of the electoral process. First, the extraordinary level of political mobilization that has taken place in the last two decades has made hitherto disenfranchised voters far more conscious of their political rights and privileges. All Indian national electoral surveys reveal that lower castes are becoming increasingly assertive in state and national politics and are playing a vital role in ensuring electoral alterations. Second, since the “emergency” of 1976-77, when civil liberties and press freedoms were dramatically curtailed, the Indian press has assumed an important watchdog role. Politicians still resort to the use of local condottieri to alter electoral outcomes. However, the vigilance of the press frequently exposes these dubious schemes. When such malfeasances are brought under public scrutiny, the revitalized Election Commission routinely countermands the election outcome and arranges for repolling in the relevant constituency or constituencies. Third and in a related vein, some institutions have shown renewed signs of vigor. In this context, the Indian Election Commission, long a somnolent body, has in recent years

evinced an increasing willingness and ability to ensure the fairness of electoral outcomes.¹⁴

At another level, however, governmental accountability leaves much to be desired. A tradition has long existed in India, hailing back to British colonial practices, to appoint commissions of inquiry. More often than not, retired judges, drawn from the higher realms of the judiciary, are called upon to head these commissions. Commissions may examine such routine matters such as the excessive use of force by local police, to the failure of a state government to prevent a riot, to, most recently, a significant intelligence failure.¹⁵ The commissions usually have the power to subpoena key individuals, to hold public hearings and to make recommendations based upon their findings. The commissions frequently produce thoughtful, candid and honest accounts of the issue that they were asked to address. Unfortunately, since the findings of the commissions have no binding legal features, governments are free to disregard their recommendations. A few examples will suffice. The Shah Commission under retired Justice Shah was asked to investigate the causes of the pogrom in the aftermath of the assassination of prime minister Indira Gandhi in 1984. The commission, to its credit, correctly and courageously identified certain members of the ruling Congress Party and significant segments of the New Delhi police force as the principal perpetrators of heinous crimes against the hapless Sikh population. Yet in the intervening two decades from a few low-level police personnel none of the principals involved in organizing, directing and implementing the pogrom have been produced in court let alone faced criminal prosecution.¹⁶

What explains this abject failure to act on the recommendations of a commission of inquiry? The answers are complex. In the case of the New Delhi pogrom the ruling Congress Party was simply loath to move against many of its powerful notables. Subsequent governments have been either too short-lived or too willing to engage in political log rolling to bring criminal charges against the perpetrators. Compounding this problem, of course, is the enormous backlog of cases facing courts at local, state and national levels. Finally, with the passage of time, evidence once collected is lost, memories of the victims tend to fade, and other, more immediate issues crowd the political agenda of national parties and governments.

Is political accountability then simply absent in Indian political life? Such an assertion is also unsustainable. One of the more novel methods of accountability is the development of public interest litigation. This revolution can be traced to the pioneering work of Justice P.N. Bhagwati, a former chief justice of the Indian Supreme Court. Justice Bhagwati cogently argued that in a vast country with widespread poverty one way of rendering the courts accessible to ordinary citizens seeking legal redress was through the development of public interest litigation. Accordingly, any citizen of India who believed that a particular set of laws was not being implemented, or that the government stood in violation of an existing set of laws, needed only to send a postcard to the Supreme Court seeking action. If the case was deemed to be justiciable the Court would respond accordingly. In the wake of Bhagwati's decision the Court has been bombarded with such requests. Some, of course, have been frivolous and the court has accordingly tossed them out. But in a range of cases brought to its attention the court has acted to much salutary effect.¹⁷ It has shut down polluting industries, ordered major metropolitan

governments to conform to auto emission rules and has provided redress to unconvicted prisoners incarcerated for extended periods of time.

Responsiveness

The responsiveness of Indian democracy to the expectations of its citizens also varies enormously depending on the area under discussion. Despite a fairly unbroken history of procedural democracy in independent India, barring Indira Gandhi's state of emergency poverty and hunger remain endemic in India. Yet it would be inaccurate to suggest that the Indian state is utterly unresponsive to the needs of its citizens. One of the most dramatic and most unheralded successes of Indian democracy has been the avoidance of mass death as a consequence of famine-like conditions. It appears that one of the critical institutions that has helped avoid the tragedy of mass starvation is the existence of an independent press in India. According to Amartya Sen, the Indian Nobel laureate in Economics, the free press in India has played a critical role in establishing and ensuring the arena of democratic responsiveness. Sen has deftly argued that the existence of a free press in India has prevented mass death in times of drought and famine. The logic of his argument is deceptively simple. A free press ensures the prompt flow of information about the prospects of mass death as a consequence of hunger. Politicians fearful of an electoral backlash in the face of mass starvation act promptly to ensure that the machinery of the state acts with alacrity to prevent such an occurrence.¹⁸ Sen contrasts post-independence India's avoidance of mass death during famines with that of China under the totalitarian regime of Mao Zedong during the Cultural Revolution as well as India under authoritarian British rule as late as the 1940s.¹⁹ Although Indian democracy has not made sufficient progress toward the eradication of mass poverty and

hunger in fifty-odd years of Indian independence, it has managed to ensure that mass death from hunger no longer stalks the land when the country is confronted with a crop failure.

Freedom and rights

The Indian constitution provides a range of guarantees in terms of personal rights and civil liberties. The vast majority of these rights are in the realm of procedural human rights such as freedom of expression, freedom of assembly, the right against arbitrary detention and trial and the right to profess the religion of one's choice. A preamble to the constitution, the "Directive Principles of State Policy," also exhorts the state to provide citizens with a range of substantive albeit non-justiciable socio-economic rights.²⁰

The actual implementation of many of these most laudable rights, however, is a markedly different matter. To begin with, one's social class profoundly influences one's ability to secure many of these procedural rights. The indigent, minorities, and members of lower castes are often receive arbitrary treatment at the hand of those who wield coercive power. Police frequently resort to extortion, harassment and intimidation of individuals whose social class affords them little or no protection from such extra-judicial behavior. It needs to be underscored, however, that the degree of idiosyncratic behavior on the part of the police does vary considerably from state to state in India. Certain states are much better governed than others and they are more likely to curb police malfeasances than other states. For example, in many of the poorly governed states of northern India, such as Uttar Pradesh, Bihar and Madhya Pradesh, atrocities committed against lower castes are routine. Worse still, local police and judicial authorities rarely evince much willingness to aggressively pursue the perpetrators of these acts. On the

other hand, systematic caste violence is mostly absent in southern India and much of eastern India. More to the point, state governments in these areas are far more likely to take cognizance of such outbreaks of caste violence and seek to end them with some alacrity.²¹

The explanation for these geographic variations lies in a complex congeries of factors. Southern India underwent a virtual non-violent revolution in the 1950s and 1960s that transformed the social importance of caste.²² A similar process is now underway in northern India. However, as lower castes and minorities (who are more numerous in northern India) seek to assert their rights, the wielders of political power, who are disproportionately high-caste Hindus, are resorting to both legal and extra-judicial means to prevent the transformation of the existing social order. This contest for political power and prerogatives has contributed to much violence and political turmoil throughout northern India in the past decade. The realization of the rights of the poor, the dispossessed and minorities, however, is simply a matter of time as long as India can maintain some facets of its democratic institutions and practices.

The initial verdict of some of the ablest social scientists working on the subject of the empowerment of lower castes suggests that such optimism is not entirely unwarranted. As the Congress Party, the dominant political organization post-independence, failed to address the felt grievances of lower castes others stepped into the breach. Additionally, the Congress's empty populism that did not deliver on its promises only raised the expectations of lower castes. Not surprisingly, other regional political parties, often caste-based, successfully capitalized on Congress's shortcomings. As lower caste groups have steadily come to understand the logic and power of electoral politics,

over the last two decades they have shifted their allegiances away from Congress to a number of caste-based political parties. This growing political sophistication of the electorate in northern India is now contributing to what one social scientist has dubbed as “India’s silent revolution.”²³

This discussion of freedom and rights would be incomplete without some attention whether to and how rights have been upheld or not in regions and times when normal politics are in abeyance. The suspension of normal politics in India has taken place on a nationwide basis only once during its fifty-odd-year independent history. This occurred during the “state of emergency” that Prime Minister Indira Gandhi declared in 1976. It is well-known that most constitutional safeguards on the freedom of expression as well as personal rights and civil liberties were flagrantly violated during this span of time. The experience of the emergency, however, is widely regarded as little more than an anomaly, albeit an important one, in India’s democratic career.

The abuse of constitutionally guaranteed rights, however, has been widespread in India when the Indian state has sought to quell insurgent movements.²⁴ Such abuses have occurred in the state’s response to secessionist movements in the north east, in the Punjab and most recently in Kashmir. The abuses have included, but have not been limited to, the use of torture to extract information from suspected terrorists, extra-judicial killings, and arbitrary detention without trial.²⁵ In the Punjab, in particular, the police and paramilitary forces developed the practice of “encounter killings” in which suspected terrorists once captured were frequently summarily executed without trial. When questioned about their deaths the police would routinely assert that they had been killed in an “encounter.”²⁶

The success of this extra-judicial method of dealing with suspected terrorists and criminal gangs within the context of an insurgency had a more sweeping demonstration effect in India. There is some evidence that police in particular metropolitan areas, tired of dealing with judicial sloth, the resort to dilatory tactics on the part of deft defense lawyers, and the prospect of the intimidation of key witnesses to violent crimes, have now adopted “encounter killings” when dealing with the most violent elements of the organized criminal underworld.²⁷ Understandable but particularly distressing is the substantial public support for these methods in the absence of other legal means to bring hardened criminals to the dock. The routinization of these methods of police work threatens to undermine the bedrock of a fundamental right in a democracy, namely adherence to the due process of law even when dealing with the most egregious of suspected criminals.

The rights of religious minorities, most notably Muslims, also have been under systematic attack since the late 1980s. On a number of occasions, various state governments in India have at best been complicit, and at worst actively implicated in attacks on India’s Muslim minority. The most egregious of these events occurred in February 2003 in the town of Godhra, in the western state of Gujarat. After some Muslim miscreants set fire to a train carrying Hindu pilgrims, killing some fifty individuals, Hindu mobs, either in concert with or with the passive connivance of local police and politicians attacked Muslims in Godhra and other parts of the state. Before public order was finally restored a week later, several thousand Muslims had lost their lives at the hands of these rampaging mobs.²⁸ A series of police cases have been lodged against a number of individuals believed to have been involved in orchestrating the pogrom.

However, it is far from clear that the state government, which did little in the first place to stop the mayhem against the minority population, will prosecute the perpetrators with any vigor.

The challenge that violent anti-secular sentiments and actions pose to the quality of Indian democratic life cannot be understated. If Indian democracy abandons its secular orientation the quality of its democracy will be severely compromised. Indeed India may head toward what Fareed Zakaria has aptly termed an “illiberal democracy” where the rights of religious and ethnic minorities are at risk even though electoral alterations take place routinely and in a moderately free and fair fashion.

Yet all is not lost. An important pillar of Indian democracy has actually been strengthened in recent years. This edifice is the Indian press. During the state of emergency that Indira Gandhi declared largely to ensure her political survival, most of the rights that are guaranteed under the Indian constitution were in abeyance.²⁹ The Indian press, for the most part, acted in a fairly supine fashion under the state of emergency. With minor exceptions most newspaper editors all too readily submitted to censorship. In the aftermath of the emergency, however, the press, perhaps because of chagrin about its role during that period, took on a markedly different orientation. Indeed it can be argued that the press assumed a remarkably feisty character and focused on investigative journalism with considerable vigor and efficacy. Since that time the Indian press has performed a yeoman watchdog role exposing governmental corruption, taking recalcitrant civil servants to task, revealing governmental indifference to violence against minorities and lower caste groups and reporting on failures of governance in all parts of the country. Among other matters, in recent years the press has been responsible for

bringing to light the Rajiv Gandhi government's payment of kickbacks for the purchase of the Swedish Bofors field gun, for revealing the financial malfeasances of a minister of communications, Sukh Ram, in the allotment of wireless telephone licenses, uncovering Prime Minister Narasimha Rao's offer of financial inducements to members of an opposition party to support the ruling regime on a crucial vote in parliament, and drawing attention to the financial irregularities of the chief minister of Bihar, Laloo Prasad Yadav, in the purchase of animal fodder using state funds. The results of the revelations have been mixed. At the time of writing, despite extensive investigations carried out by the Central Bureau of Investigation (CBI), India's apex investigative body, no convictions have been obtained in the Bofors case. Prime Minister Rao, indicted but never brought to trial, left his office in some disgrace. The communications minister and the former Chief Minister of Bihar, however, were both charged and indicted, losing their respective offices.³⁰

Equality

According to some measures the pattern of inequality that pervaded Indian society at independence persists. One important indicator thereof, the Gini coefficient of per-capita expenditure, has remained largely constant over this extended time span. However, as thoughtful analysts have argued, this measure may not adequately capture profound social changes that have taken place during these fifty-odd years.³¹ Among other matters upper-caste dominance is steadily on the decline, progress has been made toward universal elementary education, absentee landlordism has been legally abolished and the right of universal adult franchise constitutionally enshrined. Consequently, even fitful attempts to promote equality through public policies have had significant ameliorative

effects which cannot be adequately measured through conventional statistical techniques. Even one of the most eminent and staunchest critics of social stratification in India concedes that Indian democracy is a secular miracle in the modern world” while acknowledging that “the quality of our democracy is poor”.³²

Since 1991 India has embarked upon a significant, though fitful, effort at economic liberalization.³³ There is little question that economic growth has improved dramatically in the aftermath of this process of economic reform. The Indian economy, having shed a labyrinthine set of economic controls, production quotas, and internal and external tariffs, has managed to transcend what the eminent Indian economist Raj Krishna referred to as “the Hindu rate of growth” This growth rate that characterized the long years of Indian pseudo-socialist planning process rarely exceeded 3 percent per annum. In the last decade India has grown between 5 to 7 percent on an annual basis despite exogenous shocks. Some Indian economists believe that with the appropriate policy interventions India can achieve double-digit annual economic growth. A vigorous debate has now emerged about the contribution of rapid economic growth to poverty alleviation. It is beyond the scope of this paper to discuss in any detail the scope and dimensions of this debate, but unsurprisingly, the votaries of liberalization contend that rapid growth has contributed to poverty alleviation. Those opposed to the dismantling of the structure of economic planning argue otherwise.³⁴

Bangladesh

Bangladesh fares rather poorly on most indicators of the “quality of democracy.” Much of its difficulty in consolidating and enhancing the “quality of democracy” can be traced to its semi-colonial past. Between 1947 and 1971, Bangladesh

was the eastern province of the Pakistani state. During this span of time it was treated as a virtual internal colony of Pakistan.³⁵ The bulk of foreign assistance was utilized in West Pakistan, few investments went into East Pakistan and representation in the powerful Civil Service of Pakistan (CSP), not to mention the armed forces, was fundamentally lopsided. Most galling to East Pakistanis, however, was the imposition of Urdu as the national language of Pakistan, denying Bengali, their language, national status. Ultimately, the accumulated grievances drove the growth of Bengali sub-nationalism, which in turn led to civil war. Indian intervention in this civil war ultimately contributed to the creation of Bangladesh.

Sadly, the nascent state started its political existence with a number of important institutional handicaps. The first post-independence leader of Bangladesh, Sheikh Mujibur Rehman, was a remarkably charismatic and populist leader. Notionally, he was committed to the creation of a democratic, egalitarian and secular polity. In practice, however, Sheikh Mujib, as he was popularly known, did little or nothing to foster an institutional legacy to promote those ends. The Awami League, the party to which he belonged, was mostly woven around his political personality. Additionally, soon after assuming power following Bangladesh's independence from Pakistan, Mujib proved singularly inept at addressing the vast tasks of social and economic reconstruction. Moreover, his administration was riddled with corruption, widespread nepotism and inefficiency. As political instability mounted and the government's ability to maintain public order declined Mujib increasingly resorted to authoritarian measures. He declared a state of emergency in 1975 and dispensed with the parliamentary form of government declaring himself to be the president of Bangladesh.³⁶

In fairness to Mujib it also needs to be stated that the tasks he confronted were daunting. To begin with he had to contend with re-building a state that civil war had rent apart. Additionally, he had to deal with a segment of the Bangladeshi military that remained unreconciled to the breakup of Pakistan and still harbored pro-Pakistani sentiments. Also, he faced the intransigence of the radical Islamist *Jamaat-i-Islami*, a political party fundamentally opposed to the creation of a separate, independent state of Bangladesh. Finally, his administration had to contend with the simple but compelling matter of curbing the powers of local condottieri who had emerged in the wake of the civil war. All these factors undermined the stability of his regime, and he was assassinated along with most members of his immediate family in a sanguinary military coup in 1975.

The military regime led by General Zia-ur-Rehman justified its takeover on the usual grounds: the previous government, had failed to curb growing lawlessness, had been involved in corruption and had failed to address a number of pressing social and economic needs. Zia's regime promised to address these myriad ills plaguing Bangladesh. To some small degree he did indeed deliver on his promises as economic development did take place, some of the cronyism of the Mujib years was curbed and efforts to limit population growth, a bane of Bangladeshi society, were put into place. Yet civil liberties and personal rights were squelched and the Zia regime displayed scant regard for the rights of the substantial Hindu minority. The formal commitment to a secular state evaporated under the General Zia's military dictatorship.

Zia's regime, in turn, was overthrown in yet another military coup in May 1981. The democratic interregnum that ensued proved to be short-lived. In March 1982,

Lieutenant General Husain Mohammed Ershad overthrew the faltering and ineffectual regime of President Abdus Sattar. Ershad's regime, in turn, lasted until 1991. Since then Bangladesh has made a rocky transition to democracy. Yet the fundamental norms that should undergird a democratic polity have yet to take hold. Even though routine alterations of regime take place through the electoral process, none of the major political parties has accepted the principle of an honest opposition. The aftermath of every national election follows a predictable, desultory pattern: the victorious party exults and the defeated party promptly contends that the electoral process was flawed and refuses to abide by the results of the election.³⁷ Both the Awami League and the Bangladesh National Party (BNP) have shown scant regard for the other when in opposition. They have routinely resorted to extra-parliamentary tactics, such as demonstrations, strikes and political chicanery to undermine the ability of the other to govern.³⁸ Consequently, it is not surprising that Bangladesh as a state fares rather poorly when one assesses the quality of its democracy.

The Rule of Law

The rule of law in Bangladesh is acutely brittle. The state has a nominally independent judiciary following the canons of British common law. In practice, however, the judiciary is quite pliant and subject to political intervention and direction. The police are underpaid, poorly trained, ineffective and venal. The inadequate training and skills of the police lead them to use uncalibrated force, frequently resulting in the deaths of innocent bystanders. Most importantly, they are acutely subject to blatant political interference. Particular regimes routinely use the police to harass political opponents rather than using them as neutral instruments for the maintenance of public order.

Furthermore, oversight of police conduct is exceedingly weak. Individuals are routinely arrested without adequate cause under the terms of the sweeping Special Powers Act, and custodial deaths are common.

A recent example illustrates the problem of rampant, state-sanctioned police misconduct. In late 2002, in an ostensible effort to enhance the quality of law and order across the country, the BNP regime of Begum Khaleda Zia launched “Operation Clean Heart.” This operation involved some 40,000 military personnel and was putatively designed to arrest “listed criminals,” to recover illegal firearms and to improve the deteriorating law and order situation across the country. Contrary to these stated aims, however, much of this police and military operation was turned into a vendetta against political opponents. Hundreds of individuals were detained, some 40 people were tortured and died in police custody and another 1000 suffered bodily injuries. It is far from clear that this operation met any of its stated goals.³⁹ Worse still, in January 2002, the Bangladeshi Cabinet passed the Joint Drive Immunity Ordinance which granted police and military personnel immunity from prosecution for any deaths that occurred during the conduct of this police operation.

Accountability

Governmental accountability is of an appalling quality in Bangladesh. Much of the lack of accountability stems from two important sources. At one level, it can be traced to the bureaucratic-authoritarian political culture that pervaded East Pakistan until 1971. Bureaucrats wield significant amounts of political and coercive power and can exercise it with considerable impunity. Furthermore, the country’s shaky transition to democracy has done little to instill a culture of accountability into its bureaucracy. Since the nation’s

parliament functions fitfully and in a blatantly partisan fashion, little effort is expended in ensuring systematic oversight of the bureaucracy. The norms of parliamentary democracy, so well embedded in India, are acutely lacking in Bangladesh. Consequently, while there is much political interference with the bureaucracy there is little routinized political oversight. Such interference manifests itself in the appointment, promotion and transfer of bureaucrats. It also is evident in the allocation of state funds for particular public projects on an openly partisan basis.⁴⁰

One instrument of accountability in a democracy is a free press. Bangladesh does have feisty press that is frequently critical of the ruling regime. However, journalists who are especially critical of a regime's performance are subjected to harassment. Harassing ranges from physical assault to outright death threats. Matters have worsened significantly under the coalition regime of Begum Khaleda Zia. This regime has been especially sensitive to any criticism about its record on the rights of minorities, the behavior of some of its radical Islamist coalition partners and the possible ties of some Bangladeshi political organizations to Islamic radicals in Indonesia and Pakistan.⁴¹

One area, however, where Bangladesh has made some progress in terms of accountability is in the conduct of its national elections. Charges of skullduggery and deceit still routinely mark national elections in Bangladesh. The losing party or parties are the ones that regularly level these charges of electoral fraud and perfidy. Despite the persistence of such charges, under pressure from the international donor community, the Bangladeshi state has made substantial progress in conducting moderately free and fair elections.

An independent Election Commission monitors the conduct of elections and they are held under the aegis of a “caretaker government.” This innovation, which came about with the thirteenth amendment to the Bangladeshi constitution, proved necessary because of the lack of faith that the opposition typically reposed in the ruling regime. Under the terms of this system, the most recently retired chief justice of Bangladesh heads up the caretaker regime and is responsible for the neutral conduct of elections in conjunction with the Election Commission. Despite the existence of this institutional arrangement political parties of all coloration have questioned the neutrality of the caretaker government when they have fared poorly at the polls.⁴²

Responsiveness

State responsiveness to felt needs and grievances is extremely weak in Bangladesh. Ironically, the state is more responsive to the demands and expectations of the international donor communities than to the hopes of much of its own populace. The responsiveness to the donor community stems from Bangladesh’s acute dependence upon foreign development assistance. As one of the poorest nations in the world, it can ill afford to incur the wrath of its global donors.⁴³ Consequently, certain governmental programs in Bangladesh have been remarkably successful, ranging from the treatment of an endemic disease, cholera, to the curbing of runaway population growth. Both of these matters were important priorities of major international donors and, not surprisingly, they have received attention from various Bangladeshi regimes.

One area where the state has shown some promise in the arena of responsiveness without the benefit of external pressure is that of judicial reform. As in India, the Bangladeshi judiciary is hopelessly backlogged with cases. In an effort to address this

million-case backlog the Bangladeshi Ministry of Law set up a pilot program of Alternative Dispute Resolution in 2001 in the city of Comilla. This pilot program offers to have citizens' grievances mediated by individuals with some familiarity with law before formally filing their cases. The initial reports from Bangladeshi citizens about this program have been mostly positive. It remains to be seen if the government will now extend the reach of this program on a nationwide basis.⁴⁴

Freedom and Rights

A range of civil and political rights is formally guaranteed under the Bangladeshi constitution. Their realization, however, is quite another matter. The weakness of judicial institutions, the absence of a neutral and professional police force, and the existence of an unresponsive bureaucracy blight the prospects of realizing most of these rights for the vast majority of Bangladesh's populace.

For example, in the arena of civil rights, the constitution formally bans the use of torture as well as cruel, inhumane and degrading punishment. Yet police routinely use torture as an instrument of policy and those responsible for these acts are rarely, if ever, punished. Bangladesh's record in protecting the rights of its religious and ethnic minorities is even worse. Created as a secular state, Bangladesh abandoned this constitutional commitment within the first decade of its existence and made Islam its state religion. Its substantial Hindu minority, variously estimated between 11 and 16 percent of the population, has faced routine harassment and even physical intimidation in recent years.⁴⁵ Other ethnic minorities, most notably the Buddhist Chakmas, have seen the steady erosion of their rights since the inception of the Bangladeshi state.⁴⁶ The state

has sought to deny them their linguistic rights, has alienated their land and has sought to forcibly assimilate them into the majority culture.

The rights of religious minorities deserve some discussion. Their rights, though long formally guaranteed under the constitution, have been under assault since the inception of the Bangladeshi state. Since the late 1990s their rights have seen dramatic erosion. They face routine discrimination in the arena of employment, especially when seeking governmental jobs. Their property rights have also been severely undermined with the consent of the state under the terms of the now-repealed Vested Property Act. Though this law was overturned in 2001 the state has made only dilatory efforts to return property that had been seized from the Hindu minority.

The rights of women have also come under increasing assault despite the presence of women as the heads of the two principal political parties. Barring those in the upper, highly educated stratum of Bangladeshi society, women face discrimination on a dramatic scale. Their plight has worsened in recent years with the recent rise of Islamic zealotry.⁴⁷ Matters have worsened dramatically since 2001 when the radical Islamist party, the Jammat-i-Islami joined the ruling coalition. As the principal member of the coalition, the BNP remains dependent upon the Jammat-i-Islami for parliamentary support, its leader, Begum Zia, has been loath to contain the activities of the Islamic zealots.

Equality

Any notion of human equality confronts almost insuperable barriers in Bangladesh. It is a desperately poor country with an annual per capita income of about \$375.⁴⁸ The bulk of the country's wealth and productive resources remains concentrated

in the hands of a minuscule elite. This elite is mostly concentrated in the capital city of Dhaka and is noted for its conspicuous consumption. It is also quite rapacious and has evinced little interest in the development of the state. In the foreseeable future there is little prospect for the growth of a substantial middle class.

Conclusions

There is little question that India has to accomplish much to enhance the quality of its democracy. The achievements of Indian democracy during its first fifty years are hardly insignificant. Nevertheless the challenges that lie ahead cannot be understated. Despite the myriad shortcomings of Indian democracy the prospects of democratic consolidation and enhancement are substantial. As argued earlier, the dramatic political mobilization that has taken place in India in the past several decades makes Indian politics volatile, unpredictable and even violent. However, these are merely the symptoms of the rigor mortis of a morbid social and political order. The demise of this social order, though turbulent, promises to make India more egalitarian, open and democratic. The hitherto dispossessed of India are now using the power of the ballot to bring about fundamental social changes and breaching long-standing socio-economic barriers.

At another level, the decline of the Congress Party and the absence of a truly nationwide alternative created opportunities for the rise of regional political parties. These parties now wield considerable political clout across India, even at the national level. As a consequence, India is now becoming a truly federated polity representing the interests of all regions at the national level. The logic of Indian economic liberalization will also reinforce these federating propensities. States and more importantly

entrepreneurs no longer have to look to New Delhi for a plethora of industrial licenses, quotas and permits. This is contributing to a form of economic devolution across India granting states far greater autonomy in terms of making economic and investment choices. The days of centralized, Stakhanovite, Indian planning are increasingly numbered.

These positive trends in Indian democracy are heartening. Two issues, however, continue to dog Indian public life. The first involves India's flagging commitment to secularism. In recent decades, the anti-secular movement in India has gathered considerable force. This trend, if it gathers much strength, can ring the death-knell of Indian democracy. India's cultural, religious and ethnic heterogeneity necessitates a secular political order. A democracy that failed to respect some variant of secularism would consign India's substantial religious minorities to the status of second-class citizens and worse. In effect, the Indian polity could simply become a majoritarian democracy disregarding the rights of ethnic and religious minorities. Of course, secularism does not face an imminent end. A substantial and growing intellectual class remains committed to the secular enterprise. The Indian judiciary and much of the Indian press also see the need to maintain a secular political dispensation. Nevertheless, the ability of unscrupulous political entrepreneurs to scapegoat minorities, especially Muslims, for India's varied social and economic problems remains a profoundly worrisome trend.

The other threat to the quality of Indian democracy stems from the willingness of both politicians and citizens to flout the rule of law when it is deemed to be politically and socially expedient. These breaches range from the intolerance toward slow, awkward

and cumbersome legal procedures when dealing with the rights of suspected criminals to the rampant violation of human rights when conducting counter-insurgency operations. The disregard for both moral norms and established legal procedures is highly corrosive of the fundamental expectations that undergird a democratic polity. Whether or not countervailing civic institutions and a free press can limit and ultimately end these practices remains an open question.

The two key problems that confront India in its efforts to enhance the quality of its democracy pale into insignificance in comparison with those that face Bangladesh. The Bangladeshi political class has yet to internalize the most basic precepts that undergird a democratic polity. The principal political parties have not accepted the necessity of a loyal opposition. They continue to question electoral outcomes even when there is little doubt about their fairness. The Bangladeshi military does remain in its barracks but is nevertheless subject to political interference. It has allowed itself to be used as a political instrument rather than acting as a neutral force primarily responsible for the defense of the nation's borders. Bangladesh's inability to protect the rights of women and minorities and worse still state complicity in acts of repression against these groups further undermines its nascent democracy. Consequently, enhancing the quality of democracy in Bangladesh will take considerable effort. The real task facing Bangladesh is simply that of democratic consolidation.

ENDNOTES

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- ³ Allen McGrath, *The Destruction of Pakistan’s Democracy* (Karachi: Oxford University Press, 1996)
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- ⁶ I am cognizant that close to a million individuals perished in the process of partition. However, this violence was largely a consequence of hasty British colonial withdrawal and not part and parcel of the nationalist movement. On the haste and the lack of preparation for the partition of the British Indian empire see Sir Penderel Moon, *Divide and Quit* (New Delhi: Oxford University Press, 1998)
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- ¹⁰ Pradeep K. Chibber, *Democracy Without Associations: Transformation of the Party System and Social Cleavages in India* (Ann Arbor: University of Michigan Press, 2001), pp.97-98.
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- ¹⁷ Lloyd I. Rudolph and Susanne Hoeber Rudolph, “Redoing the Constitutional Design,” in Atul Kohli ed. *The Success of India’s Democracy* (Cambridge: Cambridge University Press, 2001)
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- ²⁰ Granville Austin, *Working A Democratic Constitution: The Indian Experience* (New Delhi: Oxford University Press, 2000)
- ²¹ Omar Khalidi, *Khaki and the Ethnic Violence in India* (New Delhi: Three Essays Collective, 2003)
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- ⁴⁵ For recent examples of the widespread use of torture by the Bangladeshi police and the maltreatment of religious minorities see U.S. Department of State, *Country Reports on Human Rights Practices, 2002: Bangladesh* available at: www.state.gov
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- ⁴⁸ See World Development Index, www.worldbank.org/datawdi2002/pdfs