

State and Democracy in India Strategies of Accommodation and Manipulation

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The present exercise undertakes two simultaneous tasks in its attempt to assess the working of democratic state in India. At one level it presents an overview of the work of main state institutions over the past more than fifty years. Along with that an attempt is made to evaluate the nature of the state institutional domain as a whole, as it took shape in the post independence Indian polity. The task is hardly an easy one. The initial difficulty arises from the amount of scholarly work that is available on the subject. There are extensive commentaries developed from different theoretical vantage points on every aspect of the state's working. It is not possible even to summarise these arguments within the scope of a small exercise of overview such as the present one. The complex nature of the post independence Indian state and of democratic politics poses another serious difficulty for any assessment of the state's working. Within the given framework, the present essay therefore focuses on one aspect of the Indian state's working in the post independence period. It investigates the state- democracy interaction in India. We assume that such investigations would be helpful for both, a scrutiny of work of individual state institutions as well as an assessment of the overall working of the state. The introductory section of the essay discusses some aspects of the comprehensive and multidimensional nature of the Indian state and the nature of democracy as it shaped in the post independence period. It is an attempt to explain the setting in which state democracy interaction unfolds. The later sections of the essay mainly engage in an evaluation of this interaction.

We discuss three main phases of the career of the Indian state in which the state democracy interaction shaped differently. We argue that the state chose to accommodate, repress and manipulate the democratic folds entering its fold in these three phases of its development. Strategies of accommodation were mainly used in the first, inaugural phase of the state's career- when the legacies of the Nehruvian state unfolded. The state chose to process democratic claims institutionally in this phase. It sought accommodative, consultative solutions to the democratic issues entering its fold. The state could not continue these strategies successfully as the democratic pressures on its working became more pressing and more complex. Thus came the brief spell of emergency and the coercive practices associated with it. Emergency rule marked the second phase of the state's career where it used the strategies of repression in dealing with democracy. The paper argues that it is in the third or contemporary phase of the Indian state's working that the state democracy interaction becomes more complicated and the state resorts to manipulative practices to deal with these complications. The strategies of manipulation involve selective processing of the democratic claims- including their selective recognition and de-recognition, encouraging and shaping contestations over these claims rather than resolving, accommodating them and attempts to provide tokenist, symbolic solutions to some of these. The three strategies that we discuss above are of course not exclusive in nature and we often witness an overlap of these strategies in each phase of the state's working. Similarly, it is not always the state that shapes and directs the state democracy interaction. The independent shaping of the democratic politics in India influences the strategies of the state at various levels. The state democracy interaction in India thus essentially acquires a complex character. We try to develop a narrative of this interaction from the vantage point of the state in the present exercise. Major intra and inter institutional debates, claims of rights, representation and of welfare during each phase are covered as part of the narrative.

I

The processes of formation of Indian state have rendered it a complex character. These processes contained various, often incongruent and contending moments that loom large over the career of the state. The state inherited two conflicting legacies at the time of its formation- the colonial and the nationalist. As a continuation of the colonial rule the post independence Indian state took over almost the entire colonial state apparatus. The Government of India Act of 1935 became one of the main sources of the new constitution and its institutional details. Colonial institutions like the army and the bureaucracy were accommodated within the new state system without much alteration in their structure and ideology. The colonial logic sanctioned state interventions in social realm as part of regulatory functions of the state. The constitutional discourse and the state practices in the post independence period developed this logic in combination with their commitments to democracy and welfare.

The regulatory role of the state was reinforced in the idea of a 'modern' Indian nation state to be established after independence. The modern character of the state emanated from both colonial as well as nationalist legacies. Essential features of the modern Indian state like rule of law, citizenship, sovereignty and the procedural norms of democracy arrived as a mix of these two legacies (Kaviraj, 2004). India was

one of the few societies where political revolution preceded the social revolution. Legitimacy of the traditional social institutions stood challenged at the time of independence. Naturally the state acquired a central location in the overall social organization. At this level, the nationalist discourse prompted a blend of the state's regulatory capacities with its expected developmental role vis-à-vis construction of a modern, democratic, secular society in post independence India.

The transformative agenda developed as an inherent aspect of the nationalist movement due to its anti-colonial character. And yet the nationalist legacy was not uniform. Plural and contending visions of the future state and society emerged from within the Indian national congress and from the movements challenging its legitimacy. The nationalist visions had two implications about the possible interventionist role of the state. One, the commanding, central role of the state in bringing about the desired (whatever it was) social change was acknowledged by different shades of the nationalist thought. It was stateness that gave to the new entity, at once, an encompassing, representative and transcendent quality (Kothari, 1995). At this level the role of the state as a public authority, acting beyond social contestations was acknowledged. The common, agreed upon agenda of transformation under state's leadership was shaped in terms of constructing a modern, democratic, secular society. It was strengthened in terms of two more transformative claims made on the state-those of social justice and economic redistribution. These expectations highlighted the second implied role of the state as an interventionist agency. At this level, inspite of its neutrality the state was expected to prioritise certain sectional claims over others. The public character of the state was defined in terms of its partiality towards the claims of the disprivileged. This created a possibility where the state, as a public authority, would take sides in social contestations in order to enrich the quality of public life. The twofold understanding of its interventionist role thus added to the complexities surrounding the state.

The socio-economic realities of Indian society legitimized the interventionist role of the state. At least four dimensions of these realities proved crucial in shaping the immediate and long-term strategies of the state's interventions. The first was the highly unequal and hierarchical nature of the society and the multidimensional, overlapping character of these hierarchies. Uneven patterns of regional development combined with plural nature of regional cultures formed the second important aspect of unequal nature of the society. The immediate context of partition, rise of communal politics and the minority majority divide encouraged by the colonial rule influenced the nationalist thinking about state regulating the plural religious arena and acceptance of secularism (of a distinct variety) as a central aspect of the state ideology. Economic inequalities or the class reality provided the fourth crucial dimension of the social context in which the Indian state took shape. The nationalist movement had been instrumental in some ways in keeping the class inequalities latent in the course of development of the anti colonial discourse. Yet there was a clear awareness regarding the appropriational claims of dominant social sections over state power. Acceptance of intervention of state in economic arena resulted from both, elite perceptions of class inequalities and the modernizing mission of the state.

The constitutional discourse, that officially defined the procedural and ideological norms for the state becomes the final and the most important factor influencing state practices in the post independence period. Constitutional conceptions of Indian state are 'overlapping' in nature (Palshikar, 2001). These conceptions shape the character of the state both in terms of its ideology and in terms of its practices. As a legatee of colonialism and nationalism the Indian constitution accepts the twin logic of neutrality and instrumentality of the state as a central theme. The exact balance of the two elements emerges more as a pragmatic, practical rather than a deliberate theoretical choice. The Indian constitution does not give us a clear-cut theory of state. Instead it develops a version of a democratic state that can take up multiple roles at the same time. At the official level the state was expected to be a democratic and a welfare state. The constitution conveys the sense that simultaneous pursuit of these two goals may not be essentially congruent with each other. In the light of the contextual influences discussed above the constitution therefore, develops the idea of the state institutional domain at various levels. Constitutional provisions create possibilities where the state is insulated from its democratic responsibilities and takes up regulative role (emergency provisions, Article 22), where it intervenes in the social realm and therefore may become a possible party in social contestations (constitutional sanction to positive discrimination, group rights and minority rights), where the state creates possibilities of democratic resolution of these conflicts through its formal institutional set up and where the state rises above these contestations and asserts its publicness both through its neutrality (equal guarantees of political rights) and through its instrumentality (directive principles of state policy). Besides, the constitution also provides internal checks and balances on the working of the state in its elaborate scheme of separation of powers. Tensions arising

from several simultaneous expectations from the new state are thus clearly reflected in the shaping and outcomes of the constitutional discourse (Austin, 1972; Sudarshan, 1998). In spite of these tensions and the resulting complications in the role of the state, the Indian constitutional discourse remains firmly embedded in the democratic logic. Its engagement with democracy results in democratic institutional set up that marked the procedural successes of the Indian state and also in possibilities of deepening of democracy at state and societal levels.

Contextual Democracy

The idea of democracy as it developed in India remained 'contextual' (Frankel, 2000:4) in many ways. The specific historical- social context or the contextual influences shaped the new democratic institutions in various ways. Reciprocally, social hierarchies and preferences for group rights were affected by the egalitarian and liberal principles of governance. Elite perceptions and the resulting state discourses of democracy often invoked procedural aspects of the idea. In the context of multidimensional socio-economic realities the emerging ruling classes saw democracy as a convenient, most suitable instrument for legitimizing their domination. The very nature of class balance and heterogeneity made the proprietary classes somewhat more interested in maintaining the democratic process (Bardhan, 1991:216). This aspect of democracy was strengthened in the context of a rise of a bourgeois state engaged in the project of capitalist accumulation (Vanaik, 1990). It reinforced the regulatory functions that Indian democratic state was expected to perform.

However even the state discourses of democracy recognized its liberating potentials. The projects of individuation, modernization and economic transformation were seen as possible through democratic political processes. Anti-colonial legacies had posited a similar kind of faith in democracy among Indian masses. The faith was substantiated in successful nationalist political mobilizations. It opened possibilities of similar collective mobilizations in the post independence democratic politics. At this level democracy was seen as a space where movements of resistance to domination could be shaped. Although the meaning of substantive democracy (Jayal, 1999) was not clearly articulated, there was a definite hope towards achievement of the same. This aspect of democracy strengthened the welfare role of the state at one level. More than that it developed the idea of democracy as a fluid, layered concept.

Introduction of democracy into a highly rigid and unequalitarian social structure slowly but surely unleashed diverse patterns of mobilizations. They gave rise to very uneven democratic claims within Indian democracy. Presence of contending claims makes democracy a terrain of social contestations. It renders a contingent character to democratic politics. There is a definite expansion and deepening of democracy through contestations. However these expansions take shape in an 'untidy' manner (Alam, 2004). The kaleidoscope of meanings, expectations and hopes that different sections of Indian society place on democracy, the various ways in which they contextualise it, renders any attempt to fix its meaning and scope futile (Mehta, 2004:3). There is every possibility that such untidy and noisy (Kohli, 1999) democracy may easily lose the element of public good and may lead to closure of substantive democratic option for many. On the other hand, the same democratic process remains the only arena in which a viable project for its substantiation can be imagined.

The Indian state as the main actor in the game interacts with such contextual democracy in its post independence practices. It is the essentially open and contentious democratic process that mediates the state society relationship in India. The process makes the state boundaries porous and opens the state institutional domain as a terrain of social contestations (Jayal, 1999). Commanding presence and centrality of state in social organization and multiple expectations from the state get combined with its democratic character to create such possibilities. Both actors in the democratic play, the state and various social sections making claims on the state, try to invoke the elements of neutrality and instrumentality in the state in seeking the desired outcome. Selective uses of meanings of democracy, of the state institutional set up, of the democratic rights and of multiple roles of the state are often entertained by both sides.

According to the constitutional design the post independence Indian state not only remains embedded in democratic logic but also has possibilities of directing it. The constitution places a high responsibility on the state to expand democracy in the social and economic sphere. In our assessment of the working of the state we may discuss three interrelated levels at which the state's success and failure in expanding the meaning of democracy may be judged. The first is about

procedural successes in ensuring maintenance of formal structures of democracy, conduct of regular elections as means to acquire legitimacy, formal guarantees of participation and rights etc. It may be said that the Indian state maintains a good standard in its procedural performance. The second level concerns with contestations over democratic space. Whether and how far has the state been able to institutionalize these contestations is the issue that we need to probe at this level. Does the state provide scope for representation of various democratic claims within its fold and how? How does the state choose methods of representation and prioritizes certain claims over certain others? What kind of intra and inter institutional tremors result from these strategies? All these questions become important in this respect. The third level of assessment is related to the outcomes of these contestations. Outcomes can be seen in terms of legitimacy of the state, its public character and the state's capacity to deliver. In other words, the question whether and how far does the state contribute to deepening and extension of democracy in the socio-economic sphere becomes a crucial question for our exercise.

II

Institutional Expanses

The inaugural phase of the state is marked by achievements and successes. The enduring legacy of Nehruvian state is seen in terms of establishment of a viable structure of a relatively autonomous and democratic nation-state at the core of the society. During this period the state stabilized, assumed responsibility to direct economic development, established a constitutional regime, accumulated for itself a wide array of powers and responsibilities ranging from the abolition of untouchability, establishment of places of higher education and culture to building dams and nuclear reactors (Khilnani, 1997:38). The legitimacy of the state rested on the historical consensus regarding its agenda of modernization and also on its successful appropriation of the democratic space through the consolidation of the congress party as the guardian of the state (Corbridge-Harriss, 2000: 45).

The modernizing and interventionist role of the state took concrete shape in the form of the planning commission. This was the first major institutional expanse that the state effected immediately after its formation. Planning had emerged as a crucial institutional modality by which the state would determine the material allocation of productive resources within the nation. But this institutional modality was located outside the democratic political process. Planning was seen as an expert's job. Planning commission was thus conceived as a competent economic bureaucracy (Corbridge-Harriss, 2000: 58) working as an extension of the executive branch of the state.

The idea of planning involved manifold negotiations of the state with the democratic process. As a modern, bourgeois state the Indian state was committed to rapid industrialization and capital accumulation. Agrarian interests within and outside the Congress party opposed this agenda. Location of planning outside democratic contestations automatically provided a space for the state to push its economic agenda without entering into these contestations. At a more general level, the developmental ideology became a constituent part of the self-definition of post-colonial state in India. The state acquired representativeness by directing an economic programme on behalf of the nation.

'It was in planning that the post-colonial state would claim its legitimacy as a single will and consciousness- the will of the nation- pursuing a task that was both universal and rational: the well-being of the people as a whole. It is in its legitimizing role, therefore, that planning, constituted as a domain outside politics, was to become an instrument of politics.' (Chatterjee, 2000: 123).

Failing the initial rationality of the Indian state the process of planning had many deep and long-term political repercussions (Frankel, 2005; Bardhan, 1984; Rudolph and Rudolph, 1987; Byres, 1999; Nayyar, 1999). Economic changes resulting from the ten developments plans significantly altered the nature of political alignments of the dominant interests. Emerging political factors in the later years on the other hand also largely influenced the 'sacred' design of plans. The earlier omnibus role of the planning commission declined due to the changing political context. However the state continued with its logic of

imagining economic arena and the state's powers to control the economic arena as a domain beyond contentious political process. It culminates, perhaps in a paradoxical manner, in the state's ability to create a consensus about the expansion of the market in the recent times.

It is with the same logic that the state executed another institutional expanse during its formative period—that of bureaucracy as an instrument for implementation of the developmental goals. Role of bureaucracy in India originates in the colonial legacies. Under the Macaulayan scheme a new class was formed that would serve as interpreters between the British and the millions whom they governed. The British system of the Indian Civil Services was one of the first to be deliberately constituted on the basis of recruitment by means of examination. The new state continued British practices to a large extent. The growth of the services had heralded a transformation of the British administrator from ruler to guardian (Mason as cited in Vithal, 1997). It is precisely this role of the bureaucracy that the new state needed for its consolidation. Its operations as a developmental state added to the tasks of the bureaucracy.

The bureaucracy had acquired professional competence and had emerged as a well-knit network in the colonial period. Thus a readymade institutional apparatus was made available to the new state. The centralizing, modernizing and developmental logic of the state underlined the importance of bureaucratic state institutions. The bureaucracy spread rapidly and became a crucial aspect of the post independence state. The constitution provided for a public service commission (Article 315) to ensure the professional competence and integrity of the bureaucracy. During the course of its development however the bureaucracy remained exposed to democratic pressures both internally and externally. Social composition of the civil servants became a prominent theme in discussions about bureaucracy. The idea of planning and its centralized implementation resulted in enormous expansions of bureaucratic power. At the same time the state emerged as the main employer with rapid growth of the public sphere. Precisely because of its developmental role, bureaucracy was expected to have a certain representative character. The discourse of reservations thus centered round the bureaucracy for a long time. In the initial period the upper castes were heavily represented in bureaucracy as well as in the political executive. With the introduction of caste reservations in services the composition of the services changed gradually. However the scheduled castes, scheduled tribes and other backward classes remained under represented in major way because of the non-implementation of the reservation policy (for details see Vithal, 1997).

External pressures arising from the complexities of democratic process resulted in 'politicization' of bureaucracy at various levels. Political interference of the executive in the work of the civil servants must be seen as a very common phenomenon in any democracy. In the Indian context these interferences attained various expressions because of the widespread reach of the bureaucracy and its special role. Efforts to politically control the bureaucracy increased with gradual weakening of the state institutions. Indira Gandhi's loyalists during the emergency period put forward the notion of committed bureaucracy. The civil servants were expected to be committed not to their professional ethics but to particular political interests. The changing social composition of the ruling elites in various states during the nineties saw yet another level of politicization of bureaucracy in terms of mass transfers of upper caste bureaucrats as a significant political strategy of the governing parties (Jafferlot, 2003). Perhaps the most recent and most perverse expression of this trend emerged in the state of Gujarat in the state led pogrom of the Muslims in 2002.

Even otherwise, the bureaucracy worked in close association with the dominant interests within and outside the government. The industrial bourgeoisie exercised greater authority on the bureaucracy at the center while in the states the localized bureaucracy remained subordinated to the power of the rural rich (Vanik, 1990:25). With the growing concentration of the governmental resources in its hands the bureaucracy entered into a complex nexus with these classes that resulted in nepotism and corruption on a major scale. Some scholars argue that, with its sharing of residues and access to resources the bureaucracy has become part of the dominant coalition of the ruling interests in India (Bardhan, 1984) and thus has intrinsically lost its transformative character. Bureaucracy's interactions with the democratic process rendered it a character of a large and ill-regulated machine that introduced numerous distortions in the policy making and implementation (Gupta, 2000; Bremman, 2000).

The state-bureaucratic organization and its developmental logic of planning along with the dominant position of the Congress as a ruling party ensured impressive achievements for the Nehruvian state in economic and political fields (Frankel, 2005; Jalal, 1994). Democratic contestations remained latent in this period. Instead, these acquired the form of inter-institutional conflicts. These conflicts originate in the

ambivalent character of the Indian constitution. In its attempts to balance the elements of stateness with democratic promises, the Indian constitution provided elaborate schemes of separation of powers among the three branches of government and also for internal mechanisms of checks and balances (Austin, 1972). And yet it left open spaces where an appropriate reading of the constitution would be constructed only through its working in a concrete democratic context. It was about these spaces that initial conflicts over appropriation of constitutional powers emerged among the different agencies of the state.

Legislature versus Judiciary

Minor clashes between the president and the prime minister broke as early as in 1950, immediately after the constitution was implemented (Austin, 1999: 19-25). These were about the exact scope of presidential powers. It did not emerge as a major constitutional theme in that period for two reasons. One, the judiciary clearly upheld constitutional powers of the council of ministers over those of the president. Secondly, the position of the president remained politically weak in the entire period of Congress dominance over state, legislature and the electoral process. The debates about the scope of presidential powers recurred in the context of weakening of this hold of the congress, overall weakening of the legislature and the arrival of hung assemblies and coalition politics in the recent period (Noorani, 2000).

More serious inter-institutional debates in the Nehru era took place between the legislature and the judiciary (Austin, 1999; Rudolph and Rudolph, 1987; Baxi, 1980; Mehta, 2002). These debates involved many interlinked issues. Land reform laws passed by various state governments and endorsed by the center provided the immediate context for these debates. The main issue involved here was the meaning of and limitations on constitutionally guaranteed property rights. At a more formal level the debates were about relative status of the provisions of fundamental rights and directive principles of state policy. The legislature emphasized its role as an agency committed to collective welfare through effective implementation of the directive principles whereas the judiciary was accused of representing the interests of the dominant sections. On its part, the judiciary saw itself as the protector of the procedural aspects of law and constitution. Yet another aspect of these debates related to amending powers of the parliament (scope of Art 368) and the derived powers of judicial review enjoyed by the judiciary. The exact meaning of principles of parliamentary sovereignty and the scope for judicial supremacy within Indian constitutional framework was implied in these contestations.

The pendulum of doctrinal and institutional controversy over constitutionally defined state powers swung wider in the eleven years between 1967 and 1977 than it had in the first twenty years of independence (Rudolph and Rudolph, 105). Both the legislature and the courts adopted extreme position in appropriating constitutional powers. In 1967 the court in Golaknath case restricted the amending powers of the parliament. The legislature on the other hand enacted 42nd amendment to deny the power of judicial review. This amendment passed during the time of emergency had wide ranging implications on the nature of constitutional discourse. It declared that there are no limitations on the constituent powers of the parliament to amend. A further clause suggested that laws enacted for implementation of the directive principles of state policy would be immune from judicial review. The principle of parliamentary sovereignty was equated with the political principle of majority rule by the parliament. These provisions of the 42nd amendment were neither supported by the court nor by the post-emergency Janata regime. The court instead sought a compromise in its doctrine of the 'basic structure' of the constitution that arrived in 1973 (Sathe, 2002; Austin, 1999). It recognized parliament's powers in amending the constitution but preserved judicial review by limiting parliament's powers to matters that do not destroy the constitution's basic structure.

The basic structure doctrine proved to be an important institutional advance in redefining the constitutional design of separation and balance of power. It also revealed the inevitability of an essentially competitive relationship that the two main state agencies were going to share with each other. Such competition can be seen as an intrinsic part of constitutionalism (Mehta, 2002). The logic of democracy and constitutionalism may not be always matching. At one level the legislature and the judiciary acknowledge these tensions in their debates discussed above. But at the same time both players in the competition also seem to acknowledge the strength of each other's logic. It becomes the most important aspect of the debates between the legislature and the judiciary. Mehta argues that the judicial decisions could be interpreted as a *modus vivendi* between competing group values and aspirations, which are open-ended in nature (2002, 189). At this level the courts acknowledge the logic of democracy and its complex

expressions in the Indian context. On the other hand the substantive constitutional amendments enacted by the legislature in its initial phase acknowledge a need to operate within the premises of constitutionalism. It is true that most of the constitutional amendments during this period helped to consolidate the entrenched interests and the state power vis-à-vis people. Inclusion of ninth schedule (and its judicial approval) defeated the very purpose of constitutional intricacies of balance of power. Yet it remains a significant issue that the legislature saw it necessary to process its claims through the constitutional device of amendments. A parallel reading of the acts of the legislature is possible in terms of its strong position and possibilities of use of constitutional sanctions for purposes of legitimacy. The judiciary acknowledged these strengths to seek a compromise through basic structure doctrine.

Judicial Activism

When the legislature weakened and lost its ability to process claims through institutional devices the judiciary became active. The era of judicial activism arrived in Indian politics during the post-emergency period (Sathe, 2002; Baxi, 2000). The emergency period had witnessed attempts at politicization of the judiciary by the executive. The executive used both parliamentary and un-parliamentary tactics to seriously curtail the independence of the judiciary. Many judges succumbed to these political pressures. In the context of such judicial abdication of Supreme Court and in the context of political failures of the Janata regime, public apologies of the judges and the accentuation of judicial powers in the post-emergency period was welcomed by many. Social churning of the seventies and serious curtailment of democratic rights during the emergency (Desai, 1986) supported the accentuation of judiciary. There were two main expressions of judicial activism. One, the judiciary reconstructed constitutional provisions of right to life and liberty (Article 21) to cover diverse social and economic rights of the disadvantaged sections. Secondly, the judiciary accepted new procedural norms to ensure quick and effective delivery of justice. This was done through Social or Public Interest Litigation. The courts abandoned their earlier legal positivist stance in favour of intervention on behalf of 'the oppressed and the bewildered' (supreme court justice Goswami as quoted by Baxi, 2000: 157). Baxi suggests that this phase marked a euphoria surrounding the role of the judiciary. Issues of governance, rights and justice stood considerably redefined in ways that presented Supreme Court *of* India as Supreme Court *for* India. The courts sought to restore minimum securities of social rights to deprived Indian citizens. In the process the court assumed custodianship of constitutional values and was seen as a platform for resistance movements. This period saw a going back to the constitution in which the role of the judicial power was seen as important for redemocratisation of Indian polity and restoration of human rights (Baxi, op.cit.157-58).

The judiciary did not always stand up to such high hopes placed in its working. Judicial legacies remained ambivalent like they were in the earlier period. Three major inadequacies of judicial activism are cited in this respect. One, although it challenged dominant patterns of power at the micro level in expanding the meaning of Article 21, macro level power structures were reinforced through many of its decisions. In that sense the judiciary chose to act as a part of the state structure although it reworked the inter-institutional balance of power. Secondly, the judiciary could not ensure effective implementation of its decisions. Non-accountable nature of the judiciary becomes a common theme in both. Thirdly, in its active expansion, the judiciary appropriated the space of the social movements of resistance. Especially during the seventies the movements saw judicial platform as the last resort for many of their problems. Baxi concludes that the earlier euphoria regarding the role of the judiciary often led to chaos and disenchantment. He sees the disenchantment as inherent in the very structures of judicial activism (op.cit.: 164).

Center state Relations

Another area of considerable academic attention and political contestation has been the issue of federalism. If the role of the prime minister was central, politically speaking, to the debates concerning the judiciary, the role of the congress and the emergence of state level parties constituted the basic referent for the conflicts over center-state relations.

The federal principle is only weakly entrenched in the Indian constitutional design. In the Indian context, federalism represents many things beyond a compromise with the idea of a strong state. Federal design in India inclines towards a strong center and yet the need to 'hold together' the regions is underlined. That is the main reason why, despite many strains, it survives as a successful governing mechanism. In the context of democratic politics federalism in India symbolized many things beyond a compromise with the

idea of a strong state. It became a representative arrangement for India's various regions (Kaviraj, 2004: 465-66). A combination of the two led to obvious strains and ambiguities in the federal design (Article 356, role of the governor and many others). Working of federalism was embedded in a peculiar democratic process that mainly shaped at the regional level under the leadership of a single dominant party. The center was forced to respect the regional claims out of democratic compulsions. Regional claims at the institutional and political levels combined to give rise to varieties of regionalist politics in India.

During the Nehru era federal conflicts had a strong undertone of emergence of a competing regional political elite in the country. The dominant agrarian interests having direct control over state level political institutions played a key role in the formation of regionalist demands. Politics of language arrived as the main variety of regionalist politics during the fifties (Brass, 1990). The center could successfully process demands for linguistic reorganization of states because of its strong position and accommodative strategies. Gradual erosion of these capacities and centralizing tendencies within the congress during Indira Gandhi's regime gave rise to intense political resentment against the center. The 1970s and 1980s were marked by increasingly insistent demands for redistribution of financial powers between the states and the center. Economic crisis and the failure of the center to act as a coordinating agency in the planning process initiated these demands.

Since its inception the planning commission dominated the process of economic development and the states struggled for rise in revenue availabilities. But development priorities were not decided by the states. The National Development Council was formed in which states participated along with the center. However the meetings of the council soon became a formality. The constitution also provides for a Finance commission that would decide revenue distribution between the center and the states and among the states. Till the eighties, under the strong influence of the planning commission, the central government reduced functions of the Finance Commission to a very technical level (Palshikar, 2002). Issues of equitable distribution of financial powers became more relevant for the states under the changing political context after 1967. Agrarian interests that suffered due to the industrial bias of planning process looked for independent mobilizations outside the Congress. As a result the congress lost political power in many states for the first time after the 1967 elections. The party leadership chose to curtail opposition, within and outside, by using harsh political and constitutional measures. The position of the governor and emergency powers of the president were brazenly used to topple the non-congress ministries (Austin, 1999:534-546). The states demanded serious revisions in federal arrangements, especially vis-à-vis status of article 356. Non-congress governments in Tamil Nadu and West Bengal appointed commissions to review federal provisions. The central government neglected these demands throughout the seventies. It was in 1983 that the center appointed an advisory commission (Sarkaria commission) to undertake a comprehensive review of center state relations. However nothing much came out of these efforts. Finally, the Supreme Court intervened in the issue in early nineties to bring the near discretionary presidential emergency powers under the scope of judicial review (Bommai case in 1994, for details see, Austin, 1999).

The central government's inability to institutionally process regional claims led to serious consequences in some regions. Regional autonomy movements, with demands for secession from the Indian state emerged in regions of Punjab (Brass, 1991), Assam (Baruah, 1999) and Jammu and Kashmir (Navlakha, 1998). Politics in Jammu and Kashmir had an independent trajectory due to the relations with Pakistan overtly involved in it. The other two regional autonomy movements were outcomes of neglect of economic-institutional as well as political-ethnic claims of representation. The politics in these states soon acquired a complex character and the state was unable to respond to it from within the democratic framework. Instead it used two strategies. State coercion through armed forces became rampant in these regions for a long time. The Congress as a ruling party at the center used institutional and political instruments freely to pit contesting groups in the state against each other. The state's coordinating as well as regulative capacities failed and it had to engage in 'accords' with contesting parties. Conflicts were left simmering in these states that remain as serious threats to Indian federalism. The earlier possibilities of resolving democratic contestations through negotiations and institutional mechanisms were lost. Instead the state became a contesting party in democratic conflicts.

Federal situation in the nineties saw contestations emerging on an altogether different terrain. This time it was a competition for access to resources among different states rather than between the center and the states. Changing political context of the nineties (in terms of rise of regional parties and a competitive party system) contributed to the changing nature of federal strains. But more than that it is the New Economic Policy that has led to emergence of 'competitive federalism' (Saez, 2002). With an increasing

emphasis on liberalization and privatization, the focus of economic decision-making is gradually shifting to the states. States are competing with each other for greater share of Foreign Direct Investments. A serious controversy regarding the work of the Finance commission in the recent years was about the gap in revenue transfers between the more developed and the less developed states. Transfers from the center have generally been sensitive to the needs of the poorer states. This has been resisted by the rich states on the ground that their economic progress and rational management is punished through fewer distribution to them (Palshikar, 2002: 195). The new economic policies of the state have affected regional economic interests in various ways (Jenkins, 1999). However there is no common basis, which could transform the discontent into a unified programme for opposition to reform. At the same time the regional elites have developed a direct access to the central decision-making process through coalition politics. The process has resulted in fragmentation of regional interests. Issues related to federalism are pushed to the background. The Indian state, with its new economic logic and with the logic of democracy has been successful in suppressing the federal strains for the moment.

III

In spite of internal conflicts India's state institutions exerted a strong presence over public and political life during the first twenty years. Consensus in the first phase of the state's operation meant less need for conflict resolution. It also meant that the state could adopt accommodative policies in resolving the conflicts. In most of the cases, the conflicts among the dominant sections acquired the form of inter-institutional conflicts. Since the democratic pressures were not severe the state chose to institutionally process democratic claims. Of course various other political factors, like the dominance of the congress, worked as a backdrop behind the success of the state. On the other hand, themes of many future contestations remained rooted in the first 'successful' phase of the state's working. Federal strains and the state discourse on rights may be cited as two prominent themes of contestations that opened up in the later period. The Nehruvian state could accommodate pressures on both fronts with its effective capacities of conflict management. However the state engaged in fierce contestations over these themes in subsequent phases. Economic successes of the Nehruvian state also need not be overstated. There was a conscious attempt on the part of the state to reconcile economic policies with the compulsions of the political process to minimize interactions between politics and economy. However the task was possible only within limits (Nayyar, 2001). The state tried to control competing economic interests within its fold through networks of patronage. These strategies proved essentially short term and made it difficult for the state to move beyond these to ensure economic welfare of those outside the networks of patronage.

The second stage of the working of the state developed in the backdrop of an impending economic crisis. It was a crisis of the state's inability to deliver. In the political sphere, it took the shape of crisis of representation. Democratic pressures on the state grew enormously. Unlike the earlier strategies the state could not process this crisis institutionally. Thus it culminated in emergency rule, leading to a phase of decline of political institutions in India. In a sense, the emergency rule inaugurates the phase of repressive politics and marks the end of accommodative politics, though; these strategies considerably overlap in the trajectory of the working of the Indian state in a democratic context.

Emergency Rule and Coercive Practices

Coercive practices of the Indian state were not confined to regional outbursts during the seventies and eighties. In fact it remained a central feature of the politics of the state in the seventies that culminated in imposition of national emergency in 1975. Emergency rule is seen as a major disjuncture in the career of otherwise successful Indian democracy. State institutions stood crippled, civic rights were suspended and possibilities of democratic opposition to the state were absent in the short spell of emergency. It symbolized a crisis of the Indian state. At one level it was a crisis of planning. Industrial and agrarian economies faced relative stagnation, inequalities grew, international monetary assistance declined and the state had to postpone implementation of the fourth plan. Social basis of the political crisis was related to long-term changes in the economic and social structures (Sheth, 1982). Economic policies of the fifties and the sixties opened up fissures in the coalition of dominant interests. These policies also contributed to (slow and distorted) transformation of the rural countryside. It led to popular mobilizations outside the Congress fold. 'Politicization of caste' (Kothari, 1970), ---resulting from a combination of the basic

democratic logic, state practices and ability of the regional elites to mobilize groups under caste, kinship ties---- became an important aspect of these mobilizations. Congress party's capacities to accommodate diverse interest groups had fractured due to internal contradictions. This resulted in opening the state arena for the democratic pressures. The earlier logic of the state to insulate key decision-making mechanisms from democratic pressures failed to operate in this phase that led to a political crisis for the state (Kothari, 1988; Kohli, 1991a; Manor, 1988; Frankel, 2005).

The state's response to this crisis was twofold. It adopted populist measures to cope with the democratic pressures. This was a rhetorical appeal to the instrumental role of the state on behalf of the masses. The Congress leadership saw these strategies as useful in sidelining the intermediaries in its organizational network. Populism had deep consequences for the state-democracy interaction. Democracy was no more a game among the elites. There was a realization that electoral outcomes could not be taken for granted. On the other hand the state's capacity to institutionally process the claims of the majority was limited. Populist packages of eradication of poverty and rhetorical celebrations of directive principles of state policy ensured at least symbolic inclusion of the claims of the majority. However, even these symbolic gestures raised expectations from the state, increasing the pressures of democracy on its working. The hitherto insulated economic decision-making processes were exposed to democratic politics for the first time. State's legitimacy, which rested on a skillful insulation of the economic arena, seriously eroded in this process. When the state was unable to bear these pressures it inevitably resorted to coercion during the period of emergency.

State repression acquired two forms during the emergency rule. One, the state violated democratic rights of the citizens on a massive scale with the help of the police and (especially in case of regional autonomy movements) with that of the army. Both institutions seriously degenerated during this period. On the other hand the state tried to suppress the democratic institutional logic inscribed in the constitution by disturbing the intricate patterns of balance of power among different state institutions. Legislatures rapidly degenerated into rubber stamps for executive directives at both central and state levels (Vanaik, 1990: 86). Judiciary and the bureaucracy were politicized in the name of welfare commitments of the state. Constitutional document was itself exposed to serious alterations in its spirit. The most interesting aspect of these developments was that the state tried to justify these distortions in institutional arrangements in the name of making them more accountable to people. In that sense ambiguities in the institutional domain and their relationship with protection and enhancement of democracy could be selectively used by the state for its consolidation. The idea of welfare and the role of the state as a welfare agency were posed against the democratic claims in the formal sphere. Simultaneously the state invoked its regulative role to suppress these claims in the name of threat to the unity and security of the country.

Series of violation of fundamental rights of the citizens was a major feature of the emergency rule. Constitutional ambivalences about the role of the state made it possible to a major extent. A clause of Article 22, that is a part of the chapter of fundamental rights in the constitution was manipulated to suspend the democratic rights of the citizens during emergency (Austin, 1999; Desai, 1986). The article's survival as part of the chapter on fundamental rights is a major contradiction in the constitutional document. Its (mis) use by the Indira Gandhi regime was seen as violation of the principle of rule of law. However the constitution itself provided a sanction to it and in that sense it becomes an important aspect of the constitution's attempts to simultaneously accommodate various roles of the state within its fold. Constitution-makers supported and yet were apprehensive of certain aspects of democracy. Thus the constitution provided spaces where the state can consolidate its regulative (repressive) character against democratic claims. The constitution really acts against itself through the inclusion of such clauses. The provisions for preventive detention of citizens in the above mentioned article could be seen as one of them. It is true that a massive misuse of this provision took place only in the context of a complete collapse of the state institutions. However debates about these powers of the state date back to 1950s when the first preventive detention act was passed by the Indian parliament and was validated by the judiciary. Even before emergency the state used these provisions to suppress democratic opposition to its rule. The People's Union for Civil Liberties (PUCL) documentation about it notes that most of the cases covered under preventive detention acts had incidents of gross misuse of state's powers for political purposes. The trend continues till recent times and is reflected in debates about preventive detention acts like POTA (Prevention of Terrorist and Disruptive Activities Act).

Notoriety of emergency went beyond misuse of constitutional provisions. It involved innumerable cases of police atrocities against political workers (Desai, 1986:258-322). It was a mark of politicization of the (till then comparatively insulated) police force. The police and the army as the two prominent repressive arms of the state were gradually consolidated and politicized during and after emergency. The state became less democratic and more corrupt. In fact the nexus between police and politics became the most noteworthy and the most unfortunate feature of the Indian police force (Raghvan, 2000). The democratic government, especially the executive, regarded the police as subordinate to them. It severely affected the professional performance of the police. On the other hand it created a possibility where not only the higher executive but also the local political workers and the dominant interests at regional and local level could also easily manipulate the police officials. At the same time the police force could be easily victimized for deterioration of the law and order situation. Police excesses during emergency prompted the Janata government to appoint a National Police Commission in 1979. A nationwide agitation of the police provided immediate context for the formation of the commission. The commission made important observations regarding service conditions of the police and also about political influences on the working of the police. Most of its recommendations await implementation till today. On the other hand the police-politics nexus grew throughout eighties and nineties with massive public agitations over several issues and political power becoming a key resource to control.

Police brutality is worst experienced by the disadvantaged sections of the society. Women, Dalits, Adivasis and other weaker sections become most vulnerable groups for police discrimination. Police intervention in cases related to atrocities against Dalits or against women is biased (Desai, 1987 and 1989). More organized movements of resistance to the state, especially of the very poor sections of the society, also experience worst forms of police brutality and state repression. This is because the police always work in association with the dominant interests at the local level. At this level the poor face state as well as private violence against them. The higher-level state institutions selectively adopt strategies of negotiation and repression against the agitating masses. The most disadvantaged sections are either completely excluded from the state realm or their claims are repressed by the state. State thus acquires a 'democratic authoritarian' form for the disadvantaged groups (Corbridge-Harriss, 2000). Constitutional guarantees of fundamental rights stand suspended or are selectively made available under executive directives.

Along with the police, the armed forces underwent rapid politicization during the post emergency period. In India, the role of the army is seen as a remarkable exception to prevalence of military dominance or influence in comparison to the other south Asian countries (Cohen, 1991). The army maintains its distance from an active political role and has remarkably small role in the shaping of security and defense related policies. However the post-1980 period saw more frequent use of the armed forces to deal with local conflicts. The period between 1982 and 1987 recorded more than seven hundred incidents of use of the army for internal security purposes. It is ironical that within these four years the army was used much more for such duties than in the two hundred years of British rule (Rosen, 1996: 263). These instances mainly confined to regional expressions of dissent in various troubled States. The central government had actively participated, encouraged and had messed up the politics in these States to a large extent. Finally when the state faced a deadlock in resolving the issue through democratic means it resorted to coercion with the help of the army. 'The government plays the same trick again and again. It first creates an impossible situation by letting things deteriorate. Then it moves in the armed forces and poses the question whether the army should or should not have been called' (Haksar, 1985). Army is used by the state mainly to cover its failures. In the process the army gains vast powers under official legal framework. Legislations such as the Armed Forces (Special Powers) Act are widely debated for their potential and actual misuse by the government.

The episode of emergency showed, paradoxically, both the fragility of the democratic institutions and their legitimacy if not strength (Kaviraj, 2004:460). Democratic pressures that forced the state towards insulation and repression, also worked for reestablishment of the democratic norms after a few months' period. Democracy as firmly embedded in the system as well as democracy as a legitimizing ideology for the state and the ruling coalition contributed to its reestablishment. In that sense the announcement of elections in 1977 cannot be seen as a victory of democracy in a simplistic manner. The claims of the newly ascendant rural sections played a key role in the restoration of normal democratic procedures. These sections chose to re-enter the Congress fold for various structural and political reasons (Kaviraj, 1986). Thus the texture of democratic politics did not radically alter in the pre- and the post-emergency period. However, it remains a significant fact that the Indian state could not continue the policies of repression for

a long time. In order to balance the aspects of domination and legitimacy the state acknowledged the utility of the democratic norms.

All this reflects on the nature of institutional precommitments in post independence Indian society (Kaviraj, 1984). Kaviraj argues that institutions got developed and accepted in the Nehru era and even afterwards because they served functional necessities within the system.' It has something to do with the collective self-interest of all political actors in keeping the terrains of their conflicts recognizable, and the returns of their actions predictable. Perhaps the most potent cause of constitutionalism is the realization that political risks are reciprocal' (Ibid, 236). Internal structure of the Congress as a coalition of interests made it accept the constitutional logic in the Nehru era. Centralization of the Congress and the state machinery under Indira Gandhi's rule also could not undermine this logic in the long run.

While a simple formulation that emergency was overturned by the masses may not hold, emergency rule and the political crisis preceding it opened spaces for increased distributive expectations from the state. Different new claims, representational as well as redistributive, emerged and took the form of social movements in the period after the emergency. Women, dalits, farmers, students and various other social groups- suffering from state and private injustices were mobilized in these movements. Political dissent symbolized by these mobilizations was indicative of many new trends in Indian politics. It was a comment on the failure of the state in fulfilling its welfare responsibilities. State practices during the seventies had themselves contributed to these increased distributive expectations. At the same time, the state was unwilling to redefine itself in accordance with the expectations of the movements and weaker sections of the society. But the emergence of new claims onto the political platform complicated the arena of democratic contestations.

Yet, we need not overstate the role of the social movements in opening the state arena as a terrain of democratic contestations. (In fact, many of the social movements had weakened in the nineties and faced a crisis of representation, Deshpande, 2004.) As the decade of the nineties unfolded, many other political and structural factors facilitated changes in Indian political system. For the present purposes it is important to see how the state responded to these processes. Whether and how was the state able to process continuously growing, contending democratic claims that were essentially uneven in nature because of their structural locations becomes the crucial question for this exercise.

IV

In the nineties, the interaction between Indian state and democracy enter into a third phase. With the exhaustion of accommodative and limitation of the repressive strategies, the state adopted manipulative strategy to handle the growing pressures of democratization. The response of the state to various claims opens up the state arena as a terrain of social contestations in which the state actively participated, and prioritized certain claims over others. In its earlier practices the state initially tried to accommodate various democratic claims in its fold. Then came a brief but crucial stage in which most of the democratic expressions were repressed. With the realization of futility of these strategies the state chose to manipulate democratic claims for its consolidation and legitimacy. Thus the working of Indian state does not indicate a unilateral closure of democratic options nor does it point to a uniform process of deepening of democracy.

Four uneven claims emerged since the late eighties. These involved issues of share in power for the backward castes, the rights of women, the nature of national identity and welfare of the masses. . In terms of concrete situations that the state faced these claims were mixed and were not always congruent with each other. For instance, the politics of Mandal and Mandir in the nineties centered on a manifold discourse of rights that the Indian constitution developed. The constitution recognizes a peculiar relationship between rights of the individual, groups and minority groups. The relationship became complex in the light of social pluralities, hierarchies and state's modernizing mission with reference to principles like liberty and equality. Indian state's ideological preferences like secularism and social justice were defined in the context of the threefold relationship mentioned above. Both ideological preferences of the state were seriously contested in the politics of the nineties.

Caste Rights and Social Justice

Politics of Mandal, or that of the Other Backward Classes (OBCs) was an interesting culmination of the idea of social justice that the state adopted in its policies of compensatory discrimination (Galanter, 1992). As a result of these policies a more contextual understanding compensated liberal principles of non-discrimination enshrined in the constitution. The principle of compensatory discrimination prioritized group rights of equality over individual rights to liberty, in order to realize justice in the social realm. It reflected the tension that the state faced between principles of non-discrimination and substantive equalization (Hasan, 2000a: 91). The first amendment to the constitution, which added clauses giving effect to reservation policy, was challenged in the judiciary precisely for this (Austin, 1999:94-98). After the initial debates in the judiciary between right to liberty and equality, both the legislature and the judiciary protected the principle of positive discrimination in favour of the 'socially and educationally backward classes of citizens.' The recognition evolved from the constitutional ethos in a major way. But it was substantiated in the dynamics of democratic politics in the post independence period. Constant demand for contextual majorities in the democratic process resulted in a complex interaction between caste and politics (Shah, 2002). State practices of compensatory discrimination acknowledged this interaction, contributed to it in a major way and finally tried to manipulate it for maintaining the legitimacy of the state.

Despite their inadequate implementation, reservation policies of the state have produced substantive outcomes at various levels. Scheduled Castes and Scheduled Tribes, the two constitutionally recognized backward classes, entered the sphere of public employment on a massive scale as a result of these policies. Material advantages to these groups were limited for various reasons like limited scope of the public sector, lack of education and skills among these groups, biased implementation of the policy etc. And yet the policy worked as a leveling instrument against caste inequalities, imbibed a sense of self-respect among these groups and shaped new political identities especially among the former untouchable castes. Politics of the dalit movement in the post-independence period remained reservation-centered and thus state centered to a large extent. The state supported the issue of reservations throughout the sixties and the seventies, that is the period of expansion of the public sector economy. The issue became contentious when these opportunities stagnated and dalit unrest took a more militant turn. Yet the state was able to maintain the sanctity of reservation discourse. Through it the state could assert its capacities to challenge social inequalities. Compensatory discrimination thus became a part of the legitimizing ideology of the state. On the other hand, more substantive issues of economic and social inequalities were pushed back in the celebrations of the discourse of reservations. The state could thus selectively use its interventionist capacities in the social realm. Over and above this the bureaucratic bias leading to faulty implementation of the policy helped in maintaining the upper caste monopoly in public sector employment despite the state's rhetoric.

The first backward classes commission appointed by the state in the fifties, recognized caste as one of the important, if not an exclusive, criteria for deciding backwardness of social groups. The judiciary supported these claims of the state in all its major decisions. These gestures on part of the state laid out a legitimate democratic space for caste. Caste politics consolidated itself at regional level throughout the seventies. State governments acknowledged the claims of caste politics by appointing backward classes commissions during the same period. The Janata government, when it came to power in 1978 appointed the second backward classes commission at the national level.

Recommendations of this commission, popularly known as Mandal commission, paved the way for transformation of an ambiguous mention in the constitution to an administrative and a political category of the Other Backward Classes. The government sidelined the report of the Mandal commission for almost ten years. Contestations in the state arena took shape over federal issues in those years and the state did not see it necessary to officially acknowledge caste rights. It chose a suitable moment to announce additional reservations in employment and education for the Other Backward Classes. It remained more or less a symbolic gesture on part of the state. The discourse of reservations was once again used for selective inclusion of certain social sections in the state arena. Group rights of the backward communities were manipulated by the state at three different levels. While implementing quotas in state controlled sectors, the other recommendations of the Mandal commission (that were mostly about state initiatives in improving the economic condition of backward communities and that expected the state to undertake radical redistributive measures like land reforms) were neglected by the state. Secondly, reservations for OBCs came at a time when the state really chose to shrink the size of the public sector and its welfare responsibilities. In the changing economic context of the nineties reservations therefore symbolized a thin dispersal of resources under state's control. Thirdly, the state encouraged contestations among the

backward communities over their share in the meager resources made available to them by the state. These contestations took the form of demands for quotas within quotas, state recognition of sub-groups among the other backward classes and inclusion of forward castes like Jats in the list of OBCs. As a result, the category of the OBCs became a very flexible category available to the state in deciding nature and extent of caste rights. State practices resulted in its consolidation at times and led to its fragmentation at other times.

The dynamics of OBC politics was of course not confined to the state practices. It developed as part of the competitive democratic politics of the nineties and led to what Jafferlot terms as 'India's silent revolution' (Jafferlot, 2003). Social basis of political power altered in a major way with increased participation of the backward communities in electoral and mobilizational politics (Weiner, 2001; Alam, 2004). Social composition of the state and central legislatures changed significantly (Frankel and Rao, 1989 and 1990; Jafferlot, 2003) as caste rights were expressed in terms of demands for representation. The nineties thus saw a radical change in the conception of equality. The focus shifted from non-discrimination to under-representation in the political arena (Hasan, 2000a: 92). Issues of group rights got mixed with the issues of political representation. The state was forced to acknowledge these claims and yet another democratic contestation was shaped in the state arena. We discuss the issues of representation separately below. As far as caste politics is concerned, it is interesting to note how the state chose to process these claims using the device of reservation policy.

The principle of compensatory discrimination evolved as the main instrument for the state to recognize, shape and manipulate one of the most significant aspects of group rights expressed in terms of caste rights. Economic, social and political domains were made accessible to the deprived castes through this instrument. But the access was limited in various ways. A mix of state and democratic political practices, inevitably altered the nature of caste (Sheth, 1999), challenged the authority of traditional social structures and unfolded a politics of presence and prestige for the lower castes. It definitely expanded the scope of democracy for the deprived sections. And yet the selective use of the instruments of reservation by the state point to its limitations as a radical device. The success of lower caste politics remains symbolic and episodic (Kaviraj, 2000) in the absence of redistribution of key institutional resources. While celebrating the discourse of reservations the state did not challenge systems of economic inequality that reinforce deprived status of backward communities. Democratic caste mobilizations had inherent limitations and could not pressurize the state towards this task. These mobilizations chose to operate within the framework of reservations and remained dependent on the state.

Women's Representation

Claims of representation in the nineties touched upon another aspects of group rights along with those of backward castes. The most prominent among these claims were put forward on behalf of women. The issue of women's representation in political offices was one of the most debated issues in recent politics. Even these debates point to manipulative capacities of the state in dealing with different democratic claims. During the nineties suddenly women figured prominently in the agenda of the state. A national commission for women was established. Several policy packages for women's empowerment were announced, the government sponsored research centers for women's studies and enacted the 73rd and the 74th constitutional amendments to ensure representation of women in local level government institutions. The women's movement, that shaped during the late seventies and onwards, had not specifically emphasized on many of these issues in its political programme. However, the state, in its attempts to co-opt the movement's agenda, posed 'empowerment through representation' as the main theme of women's politics in the nineties.

Women have a very marginal representation in state and national legislatures and also in other political offices throughout the post-independence politics. However, the issue was never raised in public debates. In fact women members of the constituent assembly categorically opposed quota for women in political offices on grounds that it contravenes the accepted norms of representation. The Indian constitution did not encourage 'mirror representation' because it went against the liberal notion of citizenship. Besides, the constitution seems to be almost entirely blind towards ideas of gender justice. The general phrasing of the provisions in the constitution reveals a typical treatment of problems of gender inequality. Most of the provisions dealing with equality denounce differential treatment on the basis of race, caste, sex and language but the reference to gender is basically a part of general rhetoric (Kaviraj, 2000: 101).

The women's movement raised demands for gender justice for the first time in an organized way. In its emphasis on sexual violence against women in domestic and public sphere, the movement remained state-centric and often invoked the agency of law to deal with gender injustices. State legacies in this respect remained ambiguous (Agnes, 1996) and thus the movement was, at the same time, critical of state practices. A complex interweaving of caste, community and gender hierarchies in Indian society and comprehensive interventionist possibilities acquired by the state in a way forced the movement to remain state-centric in its politics. It opened possibilities for the state to manipulate gender issues and shape gender-based political identities in a suitable manner. Group rights of Indian women and their claims to gender equality were only selectively processed by the state. State laws in the economic and social sphere either remained gender-blind or prioritized community rights over those of women. The state addressed gender inequalities in a roundabout manner through judicial decisions (that could challenge only micro-level sexual injustices), through commissions and slogans and through NGOisation of the women's movement. The emphasis on empowerment of women came more out of pressures from the international funding agencies to attain growth rather than genuine concerns for gender justice. Essentially state-centric and non-political nature of women's movement facilitated such selective processing of its claims. Once again the state used the instrument of reservation as a token gesture to accommodate claims of gender justice. Most interestingly, the women's movement whole-heartedly supported the state agenda and adopted reservations in representative institutions as the main issue of its politics.

At one level, the demand symbolized a challenge to the accepted notions of representation. It emerged as part of the larger process of identity politics that was taking shape during the nineties. However, state's cooptation of the women's movement affected the autonomous dynamics of such identity politics in a major way. Instead, the state intervened in the processes of identity formation, encouraged social contestations over issues of representation and thus only selectively opened the representative arena to different social sections. Women's reservations were posed as opposed to the representative claims of the backward castes and a debate on 'quotas within quotas' was engineered by the state and political agencies. As a result, the issue of women's reservations could be kept pending, the democratic pressures of identity politics could be curtailed and yet the state could retain its legitimacy as a guardian of women's rights.

Representative claims of both backward classes and women were accommodated in a limited way in amendments giving constitutional status to the local government institutions. They arrived in the context of liberalization of economy, growing pressures from the international monetary agencies for participatory governance and the rise of people's movements or micro-struggles at local levels against various injustices of the state. These movements, NGOs and the civil society initiatives celebrated the 73rd and 74th constitutional amendments as the 'second wind of Indian democracy.' It was seen as an institutional watershed that has brought the 'people' back into the political process (de Souza, 2002, 398). The role of more than one million women representatives is especially highlighted in this respect. It is hoped that these women would constitute a critical mass influencing the policy decisions at local level in a major way. Case studies on work of village panchayats convey a mixed reality about this (Omvedt, 1993). Women representatives have been able to change policy directions only where women's groups were already working over local issues. Otherwise the women representatives have been largely co-opted in the local power networks and serve as proxies for their male counterparts. The panchayat raj reforms are a compromise on the part of the state with the local power networks. Right since their inception in the sixties local government units have served as effective instruments of political recruitment and of channelising dissent at local level. Working of these state institutions always helped the entrenched social groups in reinforcing their dominance in the political arena. The state level bureaucratic machinery controlled policy decisions of these institutions. Potentials of the new constitutional amendments remain untapped in this context. On the contrary, the state, along with the micro-struggles against it, joins in the politics of celebrating the 'local.' In its rhetoric of decentralization and strengthening of democratic process the state tries to undermine the 'mainstream' democratic process taking shape at the state and national level under the leadership of the OBCs. The politics of these groups is diffused at the local level. It may be seen as a partial opening of the representative arena due to growing democratic pressures. It is not possible for the state now to completely insulate its functioning from these pressures. However the state chooses to selectively process the democratic claims in measures like assigning constitutional status to the local governments. In opening the representational arena the state worked for its long-term depoliticization. And therefore the role of women is celebrated at all levels by the state.

These efforts on the part of the state were inadequate to keep democratic pressures under control. Neither the state nor the other political agencies like political parties could institutionally process democratic claims rising during the nineties. Therefore the politics of Mandal and Mandir acquired the form of mass agitations. Anti-Mandal mass agitations were sporadic and restricted to certain urban centers. But the Ayodhya movement, that symbolized rise of Hindu nationalism in Indian politics spread across regions and social sections (Jafferlot, 1999; Basu, 2001). The Hindu Nationalist movement shaped new political identities that challenged the state ideology of secularism in a fundamental way. Unlike other political identities, the state was unable to subsume these in its fold. Instead, during the nineties the state contributed to their construction, prioritized group rights of the majority in its actions and finally succumbed to the majoritarian pressures. The politics of Hindutva and the state's responses to it raised issues of group rights, of minority rights guaranteed in the constitution and also of the implied gender rights in Indian notions of citizenship.

Majoritarian Challenge to Secularism

Secularism in Indian constitution is a complex, multi-value doctrine (Bhargava, 2002). Different expectations from the state get condensed in the constitutional discussions of secularism. There are guarantees of individual freedom of religion that invoke the neutral role of state. Religious rights extended to communities appeal to the neutrality of the state at a different level. The majority-minority framework (an outcome of hierarchical, multireligious nature of Indian society, colonial strategies and politics of partition) along with state-led projects of social transformation invoke interventionist role of the state. Constitution grants community-specific rights to linguistic as well as religious minorities as a special aspect of provisions of group rights. Minority communities expect autonomy from the state on the basis of these rights. However, state as a sovereign political agency is allowed to regulate, direct and reform the field of religion in order to ensure equal citizenship. The state can legitimately intervene in community affairs including those of minority communities. These simultaneous expectations from the state lead to a tension in its work. State-led projects of modernization and individuation presupposed a particular set of social arrangements as ideal. Community based inegalitarian practices do not fit in this framework and thus the state preserved a right to intervene and reform. But the same normative framework forced the state to recognize existing pluralities as authentic and a need to protect them. A further dimension of this tension emerges due to distinction between social and political rights of religious communities and of minorities. Claims of social justice are recognized in assuring certain social rights to communities. And yet community-differentiated political rights are not recognized by the constitution as these would go against the principles of liberty and equality. The immediate context of partition legitimized the choice of the state for the sake of maintaining sovereignty and integrity of the country. However post independence democratic politics created an awkward situation for the state as far as bifurcation between social and political rights of religious communities are concerned.

The state could maintain certain congruence between its practices and the democratic process vis-à-vis certain group rights. For example, caste rights could be officially accommodated in representative sphere by reservations in political offices. Rights of linguistic groups were partially recognized in the linguistic reorganization of states. Such possibilities did not exist for the religious communities. Instead, the state resorted to practices that would protect autonomy of communities in the social sphere. Early attempts of the Nehruvian state to reform social practices of Hinduism may be seen as an exception to these strategies but really they were not. Partha Chatterjee suggests that these legislative acts did not initiate revolutionary changes; rather they ratified changes, which had already been accepted by large parts of Hindu society through internal reform. The evidence of this for Chatterjee, lies in the dissimilar treatment given to Muslim rules of conduct; since Islamic society in India was strongly opposed to reforms on those lines, the state immediately gave away (Chatterjee, 1994). In that sense it is not strictly a question of the state appeasing the minorities, but is about the state's inability to bypass the autonomy of the communities. Social legislations led to internal conflicts among the state agencies in which the judiciary protected autonomy of communities against interventions from the legislature. It was a very interesting gesture of the judiciary during the fifties. In debates about right to property the judiciary prioritized individual rights over those of social groups. Whereas social legislations of the state were opposed by the judiciary for protecting the autonomy of communities. Early social legislations can also be seen as part of the consensus that prevailed in Indian politics at that time. With its gradual erosion in the seventies, the state abandoned its role as reformer of religion and insulated itself from community practices. Judiciary

followed the same trends in its legal positivist interpretations of the right to freedom of religion (Sathe, 2002: 170-73).

The process of formation of minority identities was historically shaped through state interventions. Colonial state had played a key role in freezing the boundaries of communities and contributed to the emergence of the majority-minority framework. Democratic practices in the post-independence period transformed the framework from a passive historical context to an active political principle. Constitutional provisions of minority rights were supposed to be guarantees against the possibility of the Indian state adopting the ethnic character of the majority. However they inculcated a deep mistrust for the state. This has restricted the legitimacy of the state to act as a catalyst in the process of democratization (Sheth-Mahajan, 1999: 69). Minority communities chose to selectively invoke interventionist role of the state for protecting their autonomy rather than for internal reforms within the community. Democratic politics of numbers, that dominated the majority-minority framework throughout the post-independence period, forced the state to entertain the claims of autonomy posed by these groups. These moves invited the criticism of political appeasement of the minorities and strengthened the majority-minority framework in politics.

As a response to consolidation of the claims of the majority during the nineties, the state first acquired communal and later on majoritarian communal features in its practices. The Muslim women's (Protection of Rights on Divorce) Bill (Jayal, 2001) and the Ayodhya dispute (Veer, 2002) mark these two moments in the career of the state. Debates in the parliament about Muslim Women's Bill showed a clear reluctance on the part of the state to intervene in the sphere of religious personal law. Instead, the state supported community rights as defined by the community itself. This position of the state involved many complex issues. The first was about prioritizing community rights over the rights of the individual. In acclaiming the community's claims of justice the state denied rights to liberty and equality to an individual who defied the norms set by the community. Secondly, the state abandoned its earlier reformist role vis-à-vis religion as a social institution. In that sense the state chose to distance itself from the social sphere. However, at another level, state's actions privileged certain group rights over others, namely community rights over gender rights. It means that the state not only intervened in the social sphere but also contributed to the process of formation of political identities. The identity of Muslim women was subsumed under their community identity in state initiatives on the issue. The state was concerned with protection of the minority community as a whole and not of Muslim women who constitute minority within a minority. In that sense the state directly influenced the process of formation of communal identities.

Jayal argues that the debates about Muslim women's Bill established a subtle but unmistakable identification between state and majority community. One aspect of this was related to privileging of community over gender and individual rights. Majoritarian principle was seen as the fairest procedure of decision-making. It also recognized the superior and sovereign right of parliament as a representative institution to legislate over key social issues. Assertions of parliamentary rights once again emerged in its contestations with the judiciary. The judiciary upheld norms of constitutionalism in this case while legislative sovereignty was seen in terms of support of the majority. This was not merely a parliamentary democracy but majority in terms of numerical strength asserted in mass agitations over the issue. Democratic politics shaped outside the arena of the state and the state, rather than processing it through its institutions sought to derive its legitimacy by acclaiming such politics. There was, therefore, running through the debate a complex and varied majoritarian discourse as also a minoritarian one (Jayal, 2001: 127). The state chose to engage itself in such a complex task so that it could manipulate democratic claims within and without the institutional domain. When the political pressures grew immensely the state openly succumbed to majoritarian politics.

The politics of Ayodhya movement and the emergence of Hindu nationalism marked a serious erosion of the state's legitimacy. There were clear failures in maintaining law and order in the wake of growing communal tensions. Demolition of the disputed mosque in Ayodhya was the high point of ambiguous legacies of the state as regulative machinery. Executive and judicial decisions since the fifties and especially in the eighties and nineties developed similar ambiguities vis a vis maintaining the status quo in the controversy at the technical level and protection of rights of minority communities at a more general level. The manipulative capacities of the state became exhausted in the face of Ayodhya movement that inevitably culminated in a worst kind of politics of violence in communal riots. The politics of Hindutva challenged the legitimacy of the state at various levels. First, it proclaimed a disbelief in representative mechanisms and opted for direct public action over its demands. Secondly, it challenged the validity of

constitutional norms in undermining the role of the judiciary. Thirdly, it challenged the sanctity of democratic politics by openly resorting to politics of violence. Most seriously the politics of Hindutva posed an open challenge to the state ideology of secularism. Secularism symbolized a multiple set of the state's ideological preferences. At one level it was about the state's relationship with religion as a major social institution. Then it was also about state's recognition of and respect to pluralities in Indian society. Apart from that secularism connoted interventionist capacities of the state in the sphere of social regulation. Above all, secularism symbolized certain expectations on the part of the state to shape the Indian civil society in a particular way. Politics of Hindutva was an assault on all these aspects of secularism. The legitimacy of the state was at stake in these assaults because Hindutva politics deeply penetrated Indian civil society. Contrary to the earlier expectations of constitutional elites the civil society influenced the agenda of the state through politics of Hindutva rather than the state shaping the nature of post independence civil society. It is by endorsing the majoritarian agenda that the state secured its legitimacy during the nineties.

Welfare Unarticulated

The fourth claim that has remained implicit in the politics of the nineties, but was never systematically articulated, partly because of the caste claims and the communal claims, consists of the claim of the poor for welfare. Welfare and the poor were the central concerns of the rhetoric of the Indian state in its early post-independence period. Repressive strategies could not quell the expectations for welfare. But the nineties saw a dramatic decline of this rhetoric. This means that the worth of welfare claims as legitimization strategy declined in this period. Instead, Economic liberalization was the strategy that the state adopted to maintain its legitimacy in the recent period. Apart from its many other implications the new economic policy stood for a gradual denial of welfare claims in Indian politics. Debates about economic reforms often point to their dialectical nature and forbid any straight -jacketing of the new economic policy as anti-poor (Sachs et al (ed.), 1999). And yet, as Corbridge and Harriss argue, it is the 'rhetoric of reform' that has been most potent in this respect (Corbridge-Harriss, 2000: 171). The rhetoric stood for reordering of the state's responsibilities. It stood for a reordering of the original agenda of the state as committed to social and economic transformation. There is no doubt that the idea of development, as the legitimizing ideology of the state in its early career, never had a serious redistributive agenda. The state developed rhetoric of pro-poor policies from time to time in order to strengthen its narrowly conceived project of capitalist modernization. As a result, the claims of welfare, the claims of the poor majority were never seriously articulated in Indian politics. But in the earlier period the state chose to operate in a political culture constituted by discourses on the need of advancement of the poor. Economic liberalization seriously challenged this political culture in its several implications.

Studies of the Indian economy during the nineties abundantly noted how liberalization added to the scales of poverty, affected the labour market through processes of informalisation, casualisation and feminisation of the work force and resulted in gradual exclusion of the poor from the market as well as the social universe (Harriss White, 2003; Gooptu and Harriss White, 2001). It took place at a time when the poor were trying to assert their claims in the realm of democratic politics through a variety of identity-based mobilizations. Consolidation of class politics of the poor always remained a distant possibility in these mobilizations for many reasons. And yet they marked a moment where the social majorities tried to control formal political power in a decisive manner. The agenda of liberalization became a response of the state as well as of the dominant sections against these political assertions. The state adopted dual strategy to curtail the weakly articulated welfare claims of the poor. The first was a tokenist gesture of thin dispersal of its resources among masses. Under the changing nature of political process, the State governments rather than the central government felt it necessary to adopt such strategies. These governments offered wild populist packages to different social sections that often resulted in a serious resource crunch and derailing of the State economies. The national government could insulate itself from these burdens by invoking its regulative rather than interventionist welfare role.

Economic liberalization is often linked to a weakening role of the state. However, it is not so especially in the third world societies that are essentially state-centric. Indian state was no exception to this. In accepting the new economic policy the Indian state did not withdraw itself from the economic sphere but withdrew mainly from the welfare responsibilities in the economic sphere. The rhetoric of reform provided a sound political logic for the shrinking role of the state. Earlier, the state had manipulated its

developmental ideology and the idea of planning as an effective instrument of politics located outside the political realm and had celebrated its interventionist role. Under economic liberalization the role of the state reversed but the manipulations of an economic argument as an effective instrument of politics continued. This time also the state was successful in insulating its economic logic from the democratic political process. In that sense, the rhetoric of reform proved to be a crucial aspect of the legitimizing ideology of the state. A consensus prevailed among different governing agencies and political parties about the inevitability of economic reforms. This consensus proved crucial for the legitimacy of the state. More than that, it helped the state in curtailing the meaningful democratic options available to the poor and in effective marginalization of the welfare claims. Democratic politics became extremely competitive in the nineties. However, the economic policy discourse of the state and the majoritarian discourse of Hindutva seriously undermined the vibrant nature and radical potentials of these democratic contestations.

The politics of Hindu nationalism and that of liberalization proved complementary to each other in a number of ways. It led to further erosion of the democratic space available to the masses. Political agency that played a crucial role in the process resided with India's expanding middle class (Palshikar, 2003; Hasan, 2003). State practices, especially the changing nature of state's economic policies contributed to the expansion and political consolidation of the middle class in a major way. The rise of an 'aspirant' middle class among the peripheral social sections also proved crucial in this respect. Some scholars see the economic reforms as prosecuted by or on behalf of social elites which have been in revolt against an earlier model of state directed economic development (Corbridge and Harriss, 2000). The middle class not only supported state's new economic agenda whole-heartedly but also was responsible for the shaping of the agenda. On the other hand, this class disapproved of the plebian democratic politics of the poor. This was expressed in the form of public agitations against extension of reservations to OBCs, through adoption of Hindutva at the polls and through a search for discipline and order against spontaneous democratic expressions. Debates about electoral reforms, about criminalisation of politics and issues of corruption and even about the need for constitutional review were all prompted by the middle class agenda. A peculiar combination of the state's agenda of liberalization with political Hinduism and the middle class's support to it strengthened the manipulative strategies of the state during the nineties. Despite the emergence of a competitive party system and open contests, democratic options for people remained closed in this period. The state withdrew itself from the social sphere. And yet the democratic discourse remained state-centric because the masses continued to place their hopes in the state against the market and against the majoritarian claims on democracy.

V

In conclusion

State practices in the nineties thus acquired a very contentious character as democracy became extremely competitive and demanding. State interactions with democracy became volatile in this period. The boundaries between state and society became blurred and the state arena opened up as a terrain of social contestations. After successive (and successful) uses of accommodative and repressive strategies for legitimacy the state acquired a manipulative character in this period and became a party to major social contestations. These trends are definitely not confined to this particular stage of the career of the state. The present conjuncture of democratic politics in India suggests that these trends are going to remain a major feature of the state's working for quite some time. They thus pose an appropriate moment from which more general comments on the working of the Indian state may be developed. What sense does this long narrative about the working of the state institutions in India give us vis-à-vis the future of Indian democracy? In the context of the present political moment the answer still remains very difficult to arrive at and should therefore be best left to the future political process to evolve. And yet, from this moment we can look back to discuss certain broad trends in the career of the democratic state in India.

The first is of course about the impressive achievements of the state. The sheer size of the state and its power, the thicket of institutions that constitute it, have managed, for the most part, to keep India together and to provide a basic framework within which change and renewal, even if only incremental, continue to be possible (Mehta, 2003:109). Given the highly unequal and exploitative social relations in

Indian society even incremental changes must be seen as remarkable achievements of the state. In that sense the state has contributed a lot in the resilience of the democratic system. It has secured procedural successes of democracy in routine electoral politics and also in establishing certain self-correcting mechanisms where political and ideological excesses are checked (Varshney, 1995). In this sense the state has been committed to democratic logic. Therefore it must be seen as a very important achievement of the state that the state practices did not lead to closure of democracy. Democracy remained as a now contracting and then expanding space available to the Indian masses.

The state's interventions in the socio-economic sphere become more laudable in this context as most of these were democratically processed. State's commitment to democracy in a way compelled it not to step outside the formal democratic framework in its efforts to institutionalize ideological preferences. All the three condensed functions of the state about sovereignty, social regulation and welfare became difficult to achieve in the light of these compulsions. These compulsions reserved a possibility where democracy, especially in the social and economic sphere could be appropriated by the entrenched sections under the leadership of the state. But at the same time these compulsions also opened the possibility of unleashing diverse patterns of social and economic changes that reached the disprivileged sections and encouraged them to participate in democracy at electoral as well as mobilizational levels. That the state did not and could not abandon the logic of democracy must therefore be seen as the biggest achievement of Indian democracy.

The post-independence state continuously tried to balance the two aspects of above compulsions, the elements of democracy and domination, in its entire endeavor. It had to process all claims democratically. Therefore, instead of abandoning it, the state chose to mould and mend the available democratic framework in order to maintain its legitimacy. It made a convenient use of the democratic framework. State's responses to democratic claims changed from time to time. We have suggested that they take the form of accommodative, repressive and manipulative strategies in three main phases of the career of the state. In all these phases the overall nature of state discourse on democracy was procedural and selective. Even when the Nehruvian state accepted accommodative strategies, and presided over a consensual democracy, it chose and managed to insulate its legitimizing ideology from the democratic process. Paradoxically, on the other hand, the repressive practices of emergency rule were justified by the state for the betterment of democracy. It is really during the recent times that a very distinctive relationship between state and democracy opens up in Indian politics. The state engaged in convenient manipulative tactics of acceptance and negation, celebration and subversion of democratic claims of different sections. In the process, the state simultaneously put all its complex roles at stake. As an arbiter in social conflicts the state did not choose to sort them out. Instead, it became a party to the ongoing social contestations and attempted to derive its legitimacy from the act.

We suggest here that such possibilities were inherent in the constitutional design of the state. The promise of Indian democracy stated in the constitution was ambitious but its design was ambivalent. The constitution's development of the idea of the state at multiple levels, the twin logic of neutrality and instrumentality that it maintains and incongruent nature of simultaneous expectations from the state had possibilities of the state appropriating manipulative strategies in democratic conflicts. Transfer of social practices to state proved crucial in this respect. The complex nature of the state imagined in the constitution was an outcome of the state centric nature of the constitutional and democratic discourse in India. As a result the post-independence democratic politics remained completely state-centric. State practices in turn led to politicization of social relations in a major way and struggle for political resources became a crucial aspect of all social contestations. These crisscross patterns of relationship between state and democracy furthered the possibilities of manipulation of democratic politics by the state.

Manipulative state practices lead to two simultaneous, paradoxical scenarios. Politics as continuous negotiations among contesting parties and the state encouraging such contestations certainly reduces the threat of closure of democracy. A possibility rises where such contestations may contribute to the expansion and deepening of democracy. In that sense state practices keep democracy alive in electoral arena and beyond.

At the same time, the state's chosen role in social contestations remains doubtful. This has more than one implication for the future of the democratic process and the career of the state. In the absence of positive interventions of the state, democracy remains untidy, limited and unable to expand in the socio-economic sphere. Instead it is very likely that the façade of political democracy would mask the realities of domination and subordination. Our review of the state's response to claims of rights, representation and

welfare during recent period supports these doubts. At all these levels the state is forced to recognize the logic of democracy. While operating in that logic, the state did not always choose to respect it however. State interventions in the social and economic sphere worked to maintain the status quo as far as possible so that the privileged sections could appropriate the available democratic space. State's manipulative strategies prove most destructive in this respect.

Finally the issue is related to legitimacy and the public character of the state. If the state remains a party to social contestations, does not rise above that role and appropriates the role for securing sectional interests, it may lead to a serious erosion of the state's legitimacy as a public institution. Nationalist and constitutional discourse emphasized the idea of 'publicness' as central to their understanding of the post-independence state.

The interventionist role of the state gets sanctified in these discourses because of the public character of the state. Projects of individuation, modernization and economic transformation that the Indian state was expected to fulfill rested on the notion of state as a public agency. The imaginations that the state would not just represent the nation but would reconstruct and reinvent it were rooted in the notions of publicness of the state. These notions are clearly at stake in the present political conjuncture.

In invoking publicness, the formative discourses chalked out a difficult responsibility for the state. It was especially difficult for a state that had to operate in an extremely uneven society and one that had to constantly deal with such society in democratic interactions. These difficulties were acknowledged in the complex character of the state that we discussed at the start of the essay. The acknowledgement led to multiple, overlapping and pragmatic conceptions of the state in the constitution. The constitutional design of state sought certain compromises with the promise of democracy in the context of social realities of Indian society. And yet, for the constitutional and the nationalist discourse the legitimacy of the state rested on its capacity to transcend these realities. That is the main reason why the democratic state of the constitution has liberating potentials and opens the democratic arena for possible movements of resistance. These transcendental qualities are not realized in state practices during the last five decades in general and in more recent times in particular. On the contrary, the state resorted to manifold appropriation of the democratic process and its constitutional role in order to maintain its legitimacy. From its complex character the state selects certain roles for manipulation of the democratic process. The politics of negotiations in which the state engages itself marginalizes democratic claims of the disprivileged majorities and undermines public good in spite of its procedural successes.

References

Agnes Flavia (1998), *Protecting Women against violence?: Review of a Decade of Legislation, 1980-1989*, in Partha Chatterjee (ed.)

Ahmad Imtiaz, Partha S. Ghosh and Helmut Reifeld (ed.) (2000), *Pluralism and Equality: values in Indian Society and Politics*, New Delhi, Sage Publications.

Ahmad Imtiaz and Helmut Reifeld (ed.) (2003), *Middle Class Values in India and Western Europe*, New Delhi, Social Science Press.

Alam Javeed (2004), *Who Wants Democracy?*, New Delhi, Orient Longman.

Austin Granville (1972), *The Indian Constitution Cornerstone of a Nation*, New Delhi, Oxford University Press.

Austin Granville (1999), *Working a Democratic Constitution*, New Delhi, Oxford University Press.

Bardhan Pranab (1984), *Political Economy of Development in India*, New Delhi, Oxford University Press.

Bardhan Pranab (1991), *Dominant Proprietary Classes and India's Democracy*, in Atul Kohli (ed.)

Barua Sanjeev (1999), *India Against Itself: Ethnic Politics in Assam*, New Delhi, Oxford University Press.

Basu Amrita (2001), *The Dialectics of Hindu Nationalism*, in Atul Kohli (ed.).

Bhargava Rajeev (2002), *India's Secular Constitution*, in Hasan et al (ed.)

Baxi Upendra (1980), *The Indian Supreme Court and Politics*, Lucknow, Eastern Book Company.

Baxi Upendra (2000), *the Avatars of Indian Judicial Activism: Explorations in the Geographies of (In) Justice*, in Verma and Kusum (ed.)

Brass Paul (1991), *The Punjab Crisis and the Unity of India*, in Kohli (ed.).

Brass Paul (1990), *The Politics of India since Independence*, Cambridge, Cambridge University Press.

Breman Jan (2000), 'I am the government Labour Officer....': State Protection for the Rural Proletariat of South Gujarat, in Hasan (ed.)

Byres Terence (ed.) (1998), *The State, Development Planning and Liberalisation in India*, New Delhi, Oxford University Press.

Chatterjee Partha (1994), *Secularism and Toleration*, *Economic and Political Weekly*, 9 July.

Chatterjee Partha(ed.) (1998), *State and Politics In India*, New Delhi, Oxford University Press.

Chatterjee Partha (2000), *Development Planning and the Indian State*, in Hasan (ed.).

Cohen Stephen (1991), *Military and Indian Democracy*, in Atul Kohli (ed.).

Corbridge Stuart and John Harriss (2000), *Reinventing India*, New Delhi, Oxford University Press.

Das Veena (ed.) (2004), *Handbook of Indian Sociology*, New Delhi, Oxford University Press.

De Souza Peter (2002), *Decentralisation and Local Government: the 'Second Wind' of Democracy in India*, in Hasan et al (ed.).

Desai A. R. (1986), *Violation of Democratic Rights in India*, New Delhi, Oxford University Press.

Desai A.R. (1987 and 1989), *Repression and Resistance*, New Delhi, Oxford University Press.

Deshpande Rajeshwari (2004), *Social Movements in Crisis?* in Vora and Palshikar (ed.).

Dunn John (ed.) (1992), *Democracy: the Unfinished Journey 508 BC to AD 1993*, Oxford, Oxford University Press.

Dunn John (ed.) (1995), *Contemporary crisis of the Nation-state?*, Oxford, Blackwell Publishers.

Frankel Francine and MSA Rao (1989), *Dominance and State Power in Modern India: The Decline of a Social Order* (2 vols), New Delhi, Oxford University Press.

Frankel Francine (2000), *Contextual Democracy: Intersections of Society, culture and Politics in India*, Introduction to Frankel et al (ed.)

Frankel Francine, Zoya Hasan, Rajeev Bhargava and Balveer Arora (ed.), (2000), *Transforming India*, New Delhi, Oxford University Press.

Frankel Francine (2005), *India's Political Economy 1947-2004*, New Delhi, Oxford University Press.

Galanter Marc (1992), *Law and Society in Modern India*, New Delhi, Oxford University Press.

Gooptu Nandini and Barbara Harriss White (2001), *Mapping India's World of Unorganised Labour*, in Panitch and Leys (ed.)

Gupta Akhil (2000), *Blurred Boundaries: The Discourse of Corruption, the culture of Politics and the Imagined State*, in Hasan (ed.)

Haksar Nandita (1985), *Using the Army*, *Seminar*, April, no. 308.

Harriss White Barbara (2003), *India Working: Essays on Society and Economy*, Cambridge, Cambridge University Press.

Hasan Zoya (ed.) (2000), *Politics and the State in India*, New Delhi, Sage Publications.

Hasan Zoya (2000a), *More Equal but still not Equal? State and Intergroup Equality in Contemporary India*, in Ahmad and Ghosh (ed.).

Hasan Zoya, E. Sridharan and R. Sudarshan (ed.) (2002), *India's Living Constitution*, Delhi, Permanent Black.

Hasan Zoya (2003), *Changing Political Orientations of the Middle class in India*, in Ahmad and Reifeld (ed.).

Jafferlot Christophe (2003), *India's Silent Revolution*, Delhi, Permanent Black.

Jalal Ayesha (1994), *Democracy and Authoritarianism in South Asia*, Cambridge, Cambridge University Press.

Jayal Niraja Gopal (2001), *Democracy and the State*, New Delhi, Oxford India paperbacks.

Jayal Niraja Gopal (ed.) (2001a), *Democracy in India*, New Delhi, Oxford University Press.

Jenkins Rob (1999), *Democratic Politics and Economic Reforms in India*, Cambridge, Cambridge University Press.

Kaviraj Sudipto (1984), *On the Crisis of Political Institutions in India*, *Contributions to Indian Sociology*, vol. 18 no. 2.

Kaviraj Sudipto (1986), *Indira Gandhi and Indian Politics*, *Economic and Political Weekly*, vol. 21, nos. 38 and 39, September 20-27.

Kaviraj Sudipto (1991), *On State, Society and Discourse in India*, in Manor (ed.).

Kaviraj Sudipto (1995), *Crisis of the Nation-state in India*, in John Dunn (ed.).

Kaviraj Sudipto (2000), *Democracy and Social Inequality*, in Frankel et al (ed.).

Kaviraj Sudipto (2004), *the Nature of Indian Democracy*, in Veena Das (ed.)

Khilnani Sunil (1992), *India's Democratic Career*, in Dunn (ed.).

Khilnani Sunil (1997), *The Idea of India*, Penguin Books.

Kohli Atul (ed.) (1991), *India's Democracy: an Analysis of Changing State Society Relations*, Indian edition, Orient Longman.

Kohli Atul (1991a), *Democracy and Discontent: India's Growing Crisis of Governability*, Cambridge, Cambridge University Press.

Kohli Atul (ed.) (1999), *The Success of India's Democracy*, Cambridge, Cambridge University Press.

Kothari Rajni (ed.) (1970), *Caste in Indian Politics*, New Delhi, Orient Longman.

Kothari Rajni (1988), *State against Democracy*, Delhi, Ajanta publications.

Kothari Rajni (1997), *Fragments of a Discourse: Towards conceptualization*, in T.V. Sathyamurthy (ed.)

Manor James (1991), *Parties and the Party System*, in Kohli (ed.).

Manor James(ed.) (1991), *Rethinking Third World Politics*, London and New York, Longman.

Mehta Pratap Bhanu (2002), *The Inner conflict of Constitutionalism: Judicial Review and 'Basic structure'*, in Hasan et al (ed.).

Mehta Pratap Bhanu (2003), *The Burden of Democracy*, Penguin Books.

Navlakha Gautam (1998), *Invoking Union: Kashmir and Official Nationalism of Bharat*, in T. V.Sathyamurthy (ed.).

Nayyar Deepak (2001), *Economic Development and Political Democracy: Interaction of Economics and Politics in Independent India*, in Jayal (ed.).

Noorani A.G.(2000), *Constitutional Questions in India*, New Delhi, Oxford University Press.

Omvedt Gail (1993), *Reinventing Revolution: New Social Movements and the Socialist Tradition In India*, New York, East Gate M.E.Sharpe.

Palshikar Suhas (2001), *The Indian State: Constitution and Beyond*, unpublished paper presented at seminar on Political Philosophy of the Indian Constitution, organized by the advanced programme on social and political theory, CSDS, Delhi.

Palshikar Suhas (2002), *Federalism in India: Institutional framework and the Political Context*, in *Report of the Conference on Constitutional Reforms in Indonesia*, Jakarta, International IDEA.

Palshikar Suhas (2003), *Politics of India's Middle Classes*, in Ahmad and Reifeld (ed.).

Palshikar Suhas (2004), *Whose Democracy are We Talking About? Hegemony and Democracy in India*, in Vora and Palshikar (ed.).

Panitch L. and C.Leys (ed.) (2001), *Working classes, Global Realities: Socialist Register 2001*, London, Merlin Press.

Pantham Thomas (2004), *The Indian Nation-state*, in Das (ed.).

Raghvan R.K. (2000), *The Indian Police: Expectations of a Democratic Polity*, in Frankel et al (ed.).

Rosen Stephen Peter (1996), *India and Its Armies*, Oxford, Oxford University Press.

Rudolph and Rudolph (1987), *In Pursuit of Laxmi: Political Economy of State in India*, New Delhi, Orient Longman.

Sachs Jeffrey, Ashutosh Varshney, Nirupam Bajpai (ed.) (1999), *India in the era of Economic Reforms*, New Delhi, Oxford University Press.

Saez Lawrence (2002), *Federalism Without a Centre*, New Delhi, Sage Publications.

Sathe Satyaranjan (2002), *Judicial Activism in India*, New Delhi, Oxford University Press.

Sathyamurthy T.V.(ed.) (1997), *State and Nation in the context of Social Change*, New Delhi, Oxford India Paperbacks.

Sathyamurthy T.V. (ed.) (1998), *Region, Religion, Caste, gender and Culture in contemporary India*, New Delhi, Oxford India Paperbacks.

Seminar (1990), *Politics of the State*, March, no.367.

- Shah Ghanshyam (ed.) (2002), *Caste and Democratic Politics in India*, Delhi, Permanent Black.
- Shah Ghanshyam (ed.) (2002a), *Social Movements and the State*, New Delhi, Sage Publications.
- Sheth D.L.(1982), Social Basis of the Political Crisis, in *Seminar*, January.
- Sheth D.L. (1999), Secularization of Caste and Rise of New Middle Class, *Economic and Political Weekly*, Vol 34, nos 34-35, August 21-28.
- Sheth D.L. and Gurpreet Mahajan (ed.) (1999), *Minority Identities and the Nation-State*, New Delhi, Oxford University Press.
- Sudarshan R. (1997), The Political Consequences of Constitutional Discourse, in Sathyamurthy (ed.).
- Vanaik Achin (1990), *The Painful Transition: Bourgeois Democracy in India*, London, Verso.
- Veer Peter van der (2002), 'God Must Be Liberated': A Hindu Liberation Movement in Ayodhya, in Shah (2002a).
- Vithal B.P.R. (1997), Evolving Trends in the Bureaucracy, in Sathyamurthy (ed.).
- Verma S.R. and Kusum (ed.) (2000), *Fifty Years of the Supreme Court of India*, New Delhi, Oxford University Press.
- Vora Rajendra and Suhas Palshikar(ed.) (2004), *Indian Democracy Meanings and Practices*, New Delhi, Sage Publications.
- Weiner Myron (2001), The Struggle for Equality: Caste in Indian Politics, in Kohli (ed.).
- Yadav Yogendra (2000), Understanding the Second Democratic Upsurge: Trends of Bahujan Participation in electoral Participation in the 1990s, in Frankel et al (ed.).
