The Dilemma of India's Democracy – Equality or Inclusion and Challenges

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Abstract -The main dilemmas are widespread social and economic inequalities (such as poverty, caste and gender discrimination) and challenges to political institutions and processes, including corruption, the criminalization of politics and limitations on press freedom. These challenges are exacerbated by factors like illiteracy and population growth which hinder inclusive development and participation. The "dilemma of Indian democracy" refers to the complex challenges and inherent tensions the country faces as it strives to maintain a robust liberal democracy while grappling with significant social, economic, and political issues. Key areas of this dilemma include balancing individual liberties with social justice, managing a vast and diverse population, and addressing concerns about institutional independence and democratic backsliding.

Keywords - Democracy, equality, inclusion, dilemma, challenges, status, reservations, population, unemployment, social, discrimination, discontent.

I. INTRODUCTION

India has an enviable record as a democracy (Sengupta: 2010:8-15). It is not only the world's largest but also one the longest surviving one. The German Weimar Republic and the French Fourth Republic lasted shorter periods. The French Third Republic lasted just 70 years and that to with women unfranchised. Spanish and Portuguese democracies have shorter histories as has Greek democracy. The United Kingdom became a full-fledged democracy with universal adult franchise only in 1928, just twenty-two years before India became a democratic republic with universal adult franchise. Of course, India is larger and more multilingual multireligious andmultiethnic than all of the above-mentioned countries. It is the size of non-Russian Europe but unlike the European Union which is still in a formative stageIndia has been operating as a Union since 1950.

II. KEY DILEMMAS AND CHALLENGES

- *Balancing Social Justice and Individual Liberty:* A major constitutional and societal dilemma involves implementing social justice measures (like affirmative action) without compromising the rule of law or individual freedoms. Critics argue that some social justice initiatives, while well-intended, can potentially infringe upon individual rights like freedom of speech or property rights (Gutamann: 1994:34-38).

- *Economic Inequality and Development:* Despite economic growth, significant wealth disparities persist. The dilemma lies in ensuring the gains of development are equitably distributed and that the poor have an effective voice (Ghore: 2002:56-60) in a system where a small number of ultra-rich individuals hold a disproportionate share of wealth and influence.

- *Democratic Backsliding and Institutional Independence:* Recent years have seen concerns raised by various international bodies and scholars regarding the health of Indian democracy. Organizations like Freedom House and the V-Dem Institute have downgraded India's status from "Free" to "Partly Free" or an "electoral autocracy"(Ruparelia:2008:40-42).

- *Majoritarian Politics:* There is a concern about the consolidation of Hindu-majoritarian politics, where the rights and voices of minorities may be undermined.

- *Concentration of Power:* There are concerns about the excessive concentration of power in the executive branch and a perceived weakening of independent institutions (ibid: 42), such as the judiciary and the media, which are crucial for checks and balances.

- *Clampdown on Dissent:* Allegations of a clampdown on political dissent and freedom of the press further exacerbate the situation.

- *Regional Imbalance in Political Representation:* A looming constitutional dilemma concerns the delimitation (redrawingof electoral boundaries) processscheduled for 2026. Due to differing population growth rates, southern states, which successfully curbed population growth, risk losing parliamentary seats to northern states. This has sparked a political debate about "penalizing" states (Kymlica: 2002:25-26) for their success and potentially widening the existing north-south cultural and economic divide.

- *Persistent Social Issues:* India continues to struggle with entrenched social problems such as illiteracy, poverty, casteism, communalism, and gender discrimination, which pose ongoing challenges to the realization of a genuine and comprehensive democracy.

- *Socio-Economic Challenges:*

a) Poverty, unemployment and inequality: Poverty, low literacy rates and unemployment persist, creating significant hurdles for natural progress (Kothari: 2005:71-89) and making it difficult for many citizens to fully participate in democratic life.

b) Social Discrimination: Caste and gender discrimination remain prevalent impeding social cohesion and equal opportunity.

c) Discontent of the middle class: The middle class a key driver of economic growth often faces issues like inflation and inadequate public services leading to frustration and political disengagement(ibid:72).

- *Political and Institutional Challenges:*

a) Corruption and Criminalization: Corruption is a problem (Kymlica: 2002:10) across various sectors and the increasing criminalisation of politics compromises the integrity of the system.

b) Suppression of dissent: There are concerns about the suppression of dissent with a decline inpress freedom, harassment journalist, NGOs, and the use of regulations like the Foreign Contributions Regulation Act (FCRA) to restrict civil society.

c) Lack of Representations: There is a significant gap between the county's youthful population and the age of its elected officials with youth underrepresented in Parliament.

d) Political Polarization: Caste and religious divisions continue to influence politics leading to polarization and hindering social unity.

e) Week Opposition: The perceived dysfunction (Schlesinger: 1992:85) of major political opposition parties raises concerns about the balance of power and accountability.

Factors Contributing to These Dilemmas

- *Illiteracy:* A high rate of illiteracy makes it more challenging for citizens to make fully informed choices which is a cornerstone of a functioning democracy(Lijphart:2001:327-329).

- *Population Growth:* High population density pus a strain on resources and infrastructure, making it harder to address other developmental and democratic challenges.

- *Electoral System Issues:* The potential for certain states to gain more seats in Parliament based on future delimitation could lead to political imbalances.

These dilemmas highlight the ongoing tension between India's constitutional ideals of equality and justice and the complex realities of its diverse and evolving society and political landscape.

III. TRADITIONS OF INDIAN CONSTITUTION

The Constitution of India is a magnificent document. It reflects the several traditions from which the independence movement benefitted. There is the Western Liberal tradition of democracy – universal adult franchise, competing political parties vying for a majority after free and frequent elections, and humanrights - all of which puts the individual citizen at the center of the stage. There is also the social democratic tradition – Fabian Socialism, Marxism and its many variants. While the social Democratic emphasis (Frankel: 2000:6-7) is on class rather than the individual, the aim is ultimately toliberate all individuals of all classes from inequality and oppression. Women wereignored in both thesetraditions, but from the 1970s onward the gender issue has also entered the quest for equality. There are two more native traditions which also informed the founding fathers. One was, of course, the Gandhian philosophy of consensual non-violent change in Hindu society and the emphasis on the poorest. Gandhi wished to avoid class as well as caste conflict. He was specifically concerned to include the Dalits (Harijans as he called them) within the Hindu fold. There is another, century old, tradition of fighting for the lower orders of Hindu society – from Joti Rao Phule to Babasaheb Ambedkar, and taking in the anti-Brahmin movement in Madras Presidency – call it the Subaltern Movement (Taylor: 1994:34-35).

These four traditions involve different views as to the centrality of the individual or the collective, be it class or caste and on the agency responsible for overcoming disadvantage be it, the state, the society or the individual. There are also contrasting views on the nature of the right to private property. In the liberal tradition it is central to the democracy, while it is subject to abridgement in the social democratic tradition. Gandhi regarded individual private property as an individual holding in trust for the collective, but he was against any abridgment of such property. The Subaltern movement (Kohli:2011:34-35)has noted that all rights within Hindu society were allocated unequally and hierarchically, with religious sanction for excluding the common people(bahujan) from ownership rights on the same basis as the twice born caste, at least until the advent of the British rule. Thus, both foreign rule and freedom were contested across the caste and class divide, with many Subaltern leaders trusting the foreigner to be more impartial than their fellow Indians.

Many though not all such conflicts and differences were settled in the constitution in a framework of law and thus subjected to legal disputes and settlement. The fundamental rights are from the liberal tradition, while the directive principles are from the other traditions. The former treats all the citizens as equal before the law, and the latter enjoins the state to redress social inequalities (ibid: 34) in Indian society. The course of Judicial decisions about the right to private property has traced some of these contradictions between the fundamental rights and the Directive Principles. Of course, as we know for example from US debates on abortion (Roe vs Wade) a society can change its mind about certain freedoms, and political action will always be used to achieve the ends that some people have even when they are not necessarily the majority.

IV.   DIMENSIONS IN ACHIEVING EQUAL STATUS

The aspirations to right ancient wrongs of the Hindu society were as strong as the social democratic search for greater economic equality. But the political narrative is different in these two respects. All societies are unequal, but western societies have overcome for the most part the battle for social or status equality. These status inequalities are a hangover of pre-capitalist, may be feudal societies. The USA still is struggling to establish status equality for Black and American Indians, but there has been a conscious movement to do so for the last half century. Obama's election marks a milestone here.

Economic inequality has tougher survival logic since capitalism has persisted, albeit in a reformed state and post capitalist socialism remains a distant dream (Sengupta: 2010:8-15).

India has yet to achieve either status equality or a reduction in massive income inequalities. This is why the decision to adopt universal adult franchise was a revolutionary one. It presumes an equality of some sort among all the citizens. But neither the Constituent Assembly, nor the Congress Party which dominated it, were in any mood for drastic reform of Indian society. Hence, in the social sphere the new government adopted a conservative stance and left both the Hindu and the Muslim society (Rajan: 2002:127)substantially unreformed. (Nehru and Ambedkar tried to pass a Hindu Code Bill – an attempt to just codify rather than reform Hindu Private Law – but had to retreat, leading to Ambedkar's resignation as Law Minister).

The tension between the principal of equality before the law, and the need to make special provisions for people who had yet to attain status equality, is present in the chapter on Fundamental Rights itself. Even before we come to Article 17 abolishing untouchability, Article 15(4) qualifies the general ant discriminatory tone of the article itself by creating an exception for any socially and educationally backward classes of citizens or for the Scheduled Castes (SCs) and Scheduled Tribes (STs). As is well known Article 15(4) was inserted in the constitution as its first amendment in 1951. Article 16(4) then reiterates the exception for "provision for the reservation of appointments or post in favor of any backward class of citizens", (Parajuli: 2000:260-61) etc. Note that, except for the SCs, the word caste eschewed and the word class is the noun qualified by "backward". But, even so, the reservation provision cannot be invoked for "minorities". As Durga Das Basu says in his authoritative commentary, "It clause 4 would not support the distribution of seats accordingto communities so as to discriminate between classes who are not backward, in short the amendment would not sanction any communal order". Thus, in essence, the term backward ends up being applied to caste rather than classes and hence to Hindus only.

Article 17 abolished untouchability and then in 1955, the untouchability (offences) Act – renamed theprotection of Civil Right Act – was enacted. The struggle for removing the disadvantages of untouchability still continuesdespite the act and the reservations under SC/ST proviso. As in the accommodate this diversity through a federal framework.

A secure cultural framework may be a condition necessary for understanding this but by itself it will not translate into awareness or respect for the other. Multicultural frameworks case of Blacks in the USA, the fight for status equality can be long one.

The third leg of Indian policy, beside the revolutionary commitment to adult franchise and the conservative approach to Social reform, was a dirigiste approach to economic reform. Planning and the emphasis on basic industries development were mean to guarantee economic prosperity. This leg of the triangle derives from the social democratic legacy but in effect the public sector its setup remains the small and privileged home of no more than 10 percent of the labor force(Kothari:2001:56-59). This policy was labelled as creating a socialist pattern of society. Indeed, during the emergency, the word socialist was added to the preamble of the constitution making India a Secular Socialist Democratic Republic. The overall effect of the policy was on of excluding the most poor and backward groups from the benefits of development.

This triple approach had its problems, and what we are now witnessing is the consequences of its contradictions (Sengupta: 2010:8-15). Slow economic growth plus its capital-intensive nature meant little "trickle down" benefits for the poorest of India for the first forty years after independence. The revolt of the dissatisfied had already surfaced during the early 1970s, which in turn let to the emergency of 1975 to 1977. The Janata Government which briefly came into office, did appoint the Mandal Commission to inquire into the problem of persistent inequalities and as to what the government could do about them. It took another ten years, however, and the demise of Congress dominance in 1989, to reopen the issue of Mandal, affirmative action in the form of reservations has been a central theme of Indian politics ever since.

V. THE LOGIC OF RESERVATIONS

The resort to the Mandal strategy of reservations for the Other Backward Classes (OBCs) thus arises from the triple complexity of weak and elitist economic growth experience, a reluctance to tackle social backwardness through public policy and the explosive possibilities of adult franchise, which allows the numerically larger, but socially deprived, groups to demand redress.

Also, since until 1989 all growth has been spearheaded by public sector investment, and since public sector employment conferred privileges of security of tenure and given that inflation indexed steadily rising pay, it is no wonder that those left behind should see public sector employment – for which higher education qualifications were necessary – as the royal road to upliftment. It is also the road easily attainable via politics (Kelly: 2002:38-42).

At the heart of the Mandal approach is the strong correlation between jati (caste) status and economic and social deprivation. The analogy is to the SC/ST reservations adopted since independence, and, indeed, in some parts of India for much longer – Madras Presidency, for instance, since 1919 under the broader category of non-Brahmin reservations. (the category of "non-Brahmin" is less divisive than the one adopted by Mandal Commission of OBCs). But in making the strong correlation, a fundamental basis for designing the main plank of affirmative action – that is, reservations in public sector employment and in higher educational institutions for the OBCs – the Mandal approach runs into number of contradictions.

Let us enumerate this in details: -

a) By taking jati as the principal indicator of deprivation, it excludes non-Hindu sections of the Indian population. Muslims are an obvious omission; until the recent report of the Sachar Committee, the social and economic deprivation among Muslims was not officially investigated, much less addressed. The frequent problem of providing similar concessions for Christian Dalit's or neo-Buddhist Dalit's indicates omissions which are consequent upon making jati – a quintessentially Hindu category – the basis of affirmative action. Around a fifth of the population is thus excluded, or included on adhoc basis. This violates the principle of all citizens before the law, which is essential to the Liberal and Social Democratic traditions, to say nothing of the secular pretensions of the polity(Sen:2006:21-28).

b) While the correlation is strong between jati status and socio-economic deprivation, it is not perfect. Thus, if we were to classify people by, say, some measure of income and educational attainments, there would be 'backwards' among the population of all jatis and not just among the SCs/STs or the OBCs.

There can be and indeed, are poor Brahmins and rich OBCs. The average income or wealth of a jati may be higher than that of another, yet individual members of even households of a rich jati may be poorer than an individual member of a backward jati. This is no different from the prevalence of poverty in rich countries and that of rich people in poor countries (Kymlica: 2001:114).

c) Even if the correlation was perfect, it is not causation. Thus the fact that members of a jati are deprived does not tell us why that is the case. Jati may serve as a portmanteau indicator of a whole group of discriminatory practices – admission to colleges, access to public sector jobs, availability of credit, etc. Unless we assume that no individual can move to a higher income or social status ever as a consequence of their jati, and also that social and economic mobility can occur jointly as a collectively – jati and not individually, we have to question the efficacy of such a strategy(Sengupta:2010:8-15).

d) The emphasis on government jobs and places at higher education institutes also is misplaced. Experience of many multiracial societies has shown that social and economic deprivation has its roots from the earliest age. European societies (especially in the UK) have tackled the problem of social and economic deprivation among their recently arrived population by focusing on their children's education at the pre-school and then at primary and secondary levels. India has failed to follow this example. The statistics of dropout rates among the Dalits, Muslims and many OBCs are shocking. Thus reservation for higher education places discrimination among the worst off within a jati, labeled as deprived. It also neglects a fundamental cause for persistent poverty and deprivation. Thus, what is called the 'creamy layer' problem is not extrinsic, but is embedded in the Mandal strategy. Indeed, it is a consequence of the 'creamy layer' strategy of development adopted by the Congress for the first 40 years after independence, which gave good jobs to the educated upper castes and classes, while leaving the rural and the urban underclass neglected(Kothari:2005:74). By the same token, the strategy cannot work to relieve the worst off unless investment is also made in improving the staying on rate and the results of the children of the deprived groups from early childhood.

e) There is an endemic instability about the classification of the OBC. Movements have already occurred to define 'More Backward' or 'Most Backward' by splitting up a OBC jati into further slices. This has occurred in Bihar for example, where RastriyaJanata Dal, which is a Yadav party of OBCs, spawned a rival kurmi faction which broke away claiming to be even more backward.

VI. MEASURES ON THE PATH OF EQUALITY

It is impossible to turn back the clock. The Mandal effect has been to galvanize OBC groups to organize effectively as vote banks. It has also led to demands for the downgrading of jati status from Forward to Backward Caste, as in the Gujjar movement recently in Rajasthan and resentment of those deprived of their privileges if they convert to other religions from Hinduism, as in Orissa. The jati status is not just an indicator of social and economic deprivation, but is now a passport to certain rights and privileges. Thus, there is no incentive now to either abolish the caste system or even to reconsider whether after some years of affirmative action India should rethink the nature of deprivation(Zoya:2002:12-18). Also the Mandal outcome has been to create many fragmented identities – OBC-Indian, SC/ST Indian, Muslim Indian – and thus to downgrade the salience of citizenship, which in a liberal or even social democracy should be the unifying and equalizing identity. India has increasingly difficult even in criminal prosecutions to treat all as equal before the law as the caste or religious identity appeals for differential treatment. Hence the bitter debate about Muslim terrorists and Hindu terrorists which broke out in 2008.

The Mandal process has now been indigenized into the Indian electoral process, has now been indigenized into the Indian electoral process, which guarantees its stubborn persistence. Jati vote banks have valorized social backwardness (JayalNirajaGopal: 2001:56) as an electoral mobilizing tool. Although there were vote banks before and they were using caste labels, now these labels are legitimate passports and each jati seeks to further migrate downwards if necessary by splitting up. It is difficult to predict how the polity can get itself out of the honey trap it has created.

Economic growth has in the meanwhile, speeded up thanks to liberalization casually unconnected to the Mandal issue. This has generated more jobs in the formal and the informal sectors, and has brought about a marked fall in the head count of poverty from the high 30 percent to low or mid 20 percent in broad terms.

It has also made the severe effects of reservations on the Upper Castes and the non-Hindu groups more tolerable since there is a room for escape into the private sector for jobs or abroad for higher education(ibid:57). There is still a gross neglect of primary and secondary education, both because of the lack of investment and the failure of the public sector as a delivery system of good education. The idea that the state should fund but not actually provide education should be explored as a way of speeding up the closure of the achievement gap between children of different social groups. At the very least, reservations should be extended to non-Hindu groups. Here the best way to do so would be to adopt objective criteria of income or educational levels of adult members of households, this may not be easy politically but, if it can be done, the objective criteria can then be extended back to Hindu jatis. The way out of Mandal may be to 'de-Hinduism' reservations (Kymlicka: 2005:102). That may be the least a polity which parades its secular pretensions can do.

VII. CONCLUSION

Affirmative actions are in itself a sound idea. Its manner of implementation in India has been driven by the failures of the first 40 years of elitist economic and social policies. It cannot now be undone, but it is not defensible, except as a flawed second best or third rate policy. Urgent research is needed to find pathways out of this problem if India is eventually to become a nation of citizens who are socially equal. It is also important to note that cultural and political autonomy granted in different ways to different groups has strengthened India. If most of the communities continue to live within the country, despite prevailing situations of ethnic conflict in some regions, it is because there is a structure in place that does acknowledge diversity and the democratic system that tries tothat seek to minimize discrimination and enhance equal citizenship need therefore to provide access to ones culture along with encouraging conversations and multi group engagements. A multicultural democracy (Kymlicka: 2005:102). requires for its sustenance not isolated islands and multiple cultural solitudes but communities living together and participating in the national political life. Some cultural groups need more than recognition to ensure the integrity and maintenance of their distinct identities and contributions. In addition to individual equal rights some have advocated for special group rights and autonomous governance for certain cultural groups.

The continued existence of protected minority cultures ultimately contributes to the good of all and enriched of the dominant culture. Preserving of cultures that cannot withstand the pressures to assimilate into a dominant culture can be given preference over the usual norm of equal rights for all. The constitutional design of state sought certain compromises with the promise of democracy in the context of social realities of Indian society. Thus we may infer that the democratic state has resorted to manifold appropriation of the democratic process and its constitutional role in order to maintain its legitimacy. The state selects certain roles for adjustment and accommodation in maintaining equity and inclusion to run the democratic process successfully.

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