

A radical agenda for political reforms

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IS there a radical agenda for political reforms in contemporary India? Does politics of social transformation have a readily available checklist of what needs to be done in the sphere of political institutions and practices? Or, at the very least, does it have a robust sense of the direction in which to move? I wish to suggest that such an agenda is not available, even in the minimal sense of the term.

The present essay begins by defending this suggestion and exploring why we find ourselves in such a sorry state. The latter half of the essay is an attempt to fill this gap. It offers some thoughts on how to go about constructing such an agenda, or perhaps on how not to think about political reforms. The essay concludes by separating what I call the 'old' and the 'new' arenas of political reforms and offering a rough checklist of what needs to be done in each of these. The principle ambition that underlines this enterprise is to rehabilitate political commonsense as an appropriate mode of thinking about political reform.

We begin to get a sense of the absence of a radical agenda on political reforms by contrasting it with the radical agenda on the economy. The latter is in no great shape today. The last decade has certainly shaken the radicals out of the complacent belief that this agenda will be realised for them by a benign movement of history. The agenda seems to be fast disappearing from the horizon of realisable dreams. Its empirical assumptions and institutional expression are increasingly under serious dispute. It turns

out that some of the critical details of this agenda were never clearly worked out.

Yet there is a sense in which we still possess a radical economic agenda: there are some guiding values, a sense of the direction to move towards and a shared understanding of what to welcome and what to resist. A similar focus on the social and environmental question would also bring out the existence of such an agenda, notwithstanding all the attendant complications.

One could argue similarly that there is a radical political agenda which radical political mobilisation must aim at. But no such agenda is available to us on the question of reforming the institutional design and practices of politics so as to improve the chances of politics yielding whatever we expect of it. It is unclear as to what the radicals should stand for in this realm.

It is not uncommon for practitioners to speak as if everyone knows what needs to be done. But efforts at spelling it out rarely go beyond the facile consensus of a drawing room conversation: that there is something radically wrong with the national enterprise, that politics is at the heart of our ills and that it must be reformed to resurrect the wonder that could be India. There could be agreement on some isolated items – appointing a *lokpal* or state funding of elections. But the various items do not fit into an integral whole that displays some internal coherence, nor is there a hierarchy of significance at work in such thinking. In this sense there is no radical agenda for political reforms in contemporary India.

There is nothing new about this absence. The current mismatch between the significance attached to political reforms and the cognitive attention paid to it has characterised this subject right from the beginning. Thinking about political reforms has been seriously debilitated from two directions in post-independence India. The mainstream or establishment thinking has been caught in the prison-house of realism. A fascination with the new Constitution and the entire gamut of constitutional practices prevented mainstream thinking from going beyond considerations of minor tinkering with the legal-constitutional frame. There was a latent anxiety, no doubt, about the inability of Indian democracy to attain the 'correct' form of western democratic institutions – the non-emergence of a two-party system, the non-correspondence between the Indian Parliament and Westminster, and so on.

It must have been depressing for them, for the establishment did believe in what Roberto Unger has described as 'institutional fetishism', the idea that political values have a unique, single and necessary institutional expression. In a postcolonial setting institutional fetishism mixed with an awe of the West produced a set of cognitive and practical impediments to thinking about political institutions. But this anxiety did not result in a comprehensive set of proposals to reform the polity.

The critics of the establishment too, on the other hand, never thought carefully about political reforms. For left-wing critics, the word 'reform' always carried a tinge of suspicion, the fear of being caught in a reformist trap. In their worldview it made little sense to think about reforming the

existing political design, for they aimed at nothing less than a complete overhaul, nothing short of revolution. The trouble was that the political design of the post-revolutionary state was never attended to beyond some vague and poetic gestures in Marx's writings. There was little attention paid to how the political institutions of the future would relate to the existing gamut of social and political institutions in a society like India. Thinking about these subjects, like so much else, was relegated to the 'last instance' that never arrived.

At the other end of the spectrum of the critics of liberal democratic set-up, the Gandhians too shared the communists' temptation to write on a clean slate. Shrimannarayan's alternative constitution for independent India was not quite a proposal for political reform. It was an alternative design for a new polity. Perhaps JP's 'A plea for the reconstruction for the Indian polity' was the only comprehensive set of proposals for radical political reform. In retrospect his critique looks ahead of his time. It is striking how many of the ills of our political system were seen by him in a climate much less conducive to discussing such issues.

Unlike other reformists of his time, JP did not lack in bold imagination. What he perhaps did lack was realism, not in the sense of being non-practical and unfeasible but in the deeper sense of not connecting to sociological reality, of being insufficiently grounded in a sense of power and causality of everyday life. The village community on which JP rested his entire communitarian model may have never existed. Like the communists, JP was unwilling to spell out

his model in relation to the existing gamut of modern political institutions and practices.

In that sense the Lohia-socialists were something of an exception. Lohia's vision of a *chauhamba raj* or a four pillar state, was a much less radical departure from the existing institutions than was the case with his other radical contemporaries. His plea for the centre, state, district and village level governments as the four-pillars of a decentralized state structure anticipates much of the discussion on political decentralisation in the 1990s. But, like so many of his ideas, his proposals remained in the realm of broad gestures that were never worked out.

The challenge of thinking about political reform fell between the two stools of conservative constitutionalism and its visionary critiques. Political reforms came to be an area where our convictions were insufficiently grounded and even less sufficiently worked out. Something of a cross between these two tendencies also accounts for the commonsense on political reforms that developed between the seventies and the nineties. This commonsense was first articulated in the arena of electoral reforms by the Tarkunde Committee and then in documents like *An Agenda for India (Seminar 245 & 251, January and July 1980)*, the Dinesh Goswami report on electoral reforms and the writings of L.P. Singh and S.L. Shaktiher (see Sanjay Mishra's article in this issue).

All these efforts created something of a consensus on at least some familiar items of political reforms: thinking about a proportional or mixed electoral system as a substitute for the first-past-the-post system,

anti-defection law, the institution of a lokpal and state funding of elections. More than these specific items, the commonsense also defined some basic attributes of the dominant thinking about political reforms. Like the establishment and the revolutionaries, the reformers also focused on institutions of high national politics: the national legislature and the executive. The objectives of reform were still quite generalized: to clear the system of corrupt practices and to ensure free and fair elections. The favoured instrument of political reforms was legal-constitutional change. At the same time it was recognised that these changes needed to be backed by political action.

The last decade has changed all that. The question of political reform has never enjoyed as much public attention as it did in the last decade. Greater public attention and priority to political reforms did not however produce a radical agenda for political reforms. On the contrary, there has been a clear shift to a conservative agenda on political reforms. To be sure this shift is not a direct outcome of the rise of the BJP during the same period; the new conservative agenda is not communal. Yet the rise of the political right makes it possible to articulate positions that were impermissible earlier.

The change in India cannot also be directly linked to the changing global paradigms of democracy. The global vocabulary of good governance has not yet come to dominate our thinking on politics the way it has in Africa and other parts of the Third World and the way its economic counterpart dominates our thinking on the economy. Yet the intellectual climate of globalisation has

played a deep role in eroding our collective sense of alternative possibilities in the realm of politics too. Coupled with the domestic anxieties of a highly articulate 'middle class' (a euphemism for the urban, upper caste, consuming class in India) in a post-Mandal phase of democratic politics, best captured in the rhetoric of Seshan or the prescriptions of the Law Commission, this new discourse on political reform has quietly taken over the popular imagination. The formation and the preliminary output of the National Commission to Review the Working of the Constitution falls squarely within this imagination.

Let us look at some attributes of this conservative perspective that dominates thinking on political reforms. First, it shares with its predecessors the preoccupation with institutions of high politics: national legislature, executive, and possibly judiciary. There may be an occasional reference to panchayati raj, but the principle focus of the intellectual and practical energy is on changing the design of central government. Second, there is a universal search for a good political or electoral system with a view to importing the best political practices to India. Although there is a ritual reference to contemporary malpractices in Indian democracy, the proposals are not anchored in any analysis of here and now. No wonder, the result is a kind of Internet shopping in a global constitutional superstore (American two-party system, German constructive vote of confidence, French mix of the presidential and parliamentary systems, and so on).

Third, there is a simplistic belief in the magic of design. All that is required to solve a problem is to change the law. Once you

have the right design, the desired set of consequences will follow as a matter of course. What it does not consider is the phenomenon of unintended consequences, and that these are not random or accidental. The idea that all constitutional and legal designs have political consequences that can largely be anticipated is alien to this mode of thinking.

This is related to a fourth attribute. The conservative perspective has a very narrow understanding of design itself. An institutional design is understood as a legal-constitutional design alone. Politics is external to this design of democracy, if not seen as an outright nuisance. Much of the contemporary discussion on political reforms proceeds as if democracy can flourish without politics. No wonder many of these designs reflect a deep fear of politics and are an attempt to wish it away. Finally, the dominant perspective is not anchored sociologically; it does not sufficiently differentiate between the various sections of society who stand to benefit or lose from specific acts of political or electoral reforms. No wonder an undifferentiated discussion about the 'citizens' does not turn out to be a view from nowhere. Much of the ethical anxiety underlying the dominant perspective on electoral reforms reflects the concerns of the so-called middle class.

The consequences of this approach are by now familiar. The political doctor identifies the symptoms of the disease that afflicts our body politic: the role of money and muscle power, political opportunism, decline in moral fibre of the leadership, and so on. The tone reflects a deep hatred, not just of politicians and political parties but of

politics itself. A new item now enters the list: political instability, understood in terms of the stability of governments. The diagnosis for all these ills is simple: an absence of effective legal controls on politicians and political parties. As for instability, proliferation of political parties is seen as the root cause of the malaise.

The prescription naturally follows from this diagnosis: a strict regime of legal controls on the entry of criminals and the role of money in electoral politics, plus a series of measures to ensure that the political arena is de-crowded and government stability ensured (increase in security deposit, additional conditionalities for contesting elections, banning independents, denying seats to small parties, fixed term for the legislatures, and so on).

Thus the mainstream perspective now threatens to turn into a conservative platform for refashioning the political structures to suit the interest of a small, hitherto entrenched but now threatened class. This agenda amounts to nothing short of undoing the results of the democratic upsurge of the last decade. It is all about sanitizing democracy for decent citizens 'like us', saving democracy from the people. In this version political reform is a corollary of and an effective vehicle for the 'economic reforms' package of liberalisation, privatisation and globalisation, a prerequisite for rolling back the state.

Faced with this onslaught, the radicals have retreated into a defensive battle for preserving the basics of a liberal democratic framework. Those who spent a lifetime in highlighting the deficiencies of the Indian Constitution are now busy defending its

progressive features and investing it with a newly discovered sanctity. At this rate it is not inconceivable that the radicals may be reduced to defending the bare minimums of universal adult franchise. The cognitive ambition of restructuring the polity in line with some dreams about a future society and economy has been surrendered, not dissimilar to what has happened in the economic arena. However, in the political arena the radicals cannot even demand what Unger calls a 'ten per cent discount'. Their fragile intellectual heritage on this subject leads them in to unthinking collaboration with their adversaries.

It is not uncommon to see well meaning democrats share the middle class angst about politics and parrot an anti-political vocabulary. Their institutional agenda is not too dissimilar from the conservative agenda in its focus on a regime of legal controls. With the sole exception of a consistent (and, typically, institutionally ill-designed) advocacy of women's reservations, the radical democrats have contributed little to the agenda of political reforms in recent times, not to speak of a comprehensive proposal on institutional redesigning.

There is hardly a serious challenge to the emerging conservative agenda on political reforms. In the resultant imaginative deficit, radical gestures of political reform take a strange turn. There is a misplaced moral outburst when salaries and perks for Members of Parliament are raised to a level lower than those of senior bureaucrats (see Yadav 2001). There is an innocent belief that providing for a 'negative vote' on the ballot or arming voters with a 'right to recall' will solve the ills of our democracy. A sense of deep pessimism that informs the radicals today is self-evident. What is not clear to them is that their lack of imagination is partly responsible for the narrow horizon of political possibilities open to them.

A brief comment on the contribution of the academic discipline of political science to thinking about political reforms is in order at this point. If it has contributed little to a radical agenda for political reform, it is not because the discipline lacked radical orientation, at least in the obvious sense of political affiliation. The top intellectual and institutional spaces in this discipline were dominated by academics with progressive, if not left, affiliations in the last couple of decades. The problem was that they simply did not find the challenge of institutional redesign worthy of their intellectual attention.

The dominance of political theory resulted in trivializing any academic work that dealt with real life institutions and policies. This came from a mix of marxist superstition that revolution will look after everything and the brahminic arrogance in dealing with the nitty-gritty of institutional functioning. Those who did not share the radical orientation and its resultant indifference to the question of political reforms, shared in some form or the other the fetishism of western institutions. The state of the discipline of public administration is a living testimony to this intellectual catastrophe.

All in all, the professional practitioners of political science either reproduced the prejudices of the politics they espoused or, worse, the social class they come from. Far from providing an intellectual design for political practitioners, the discipline failed to provide even the empirical information on which such designing and innovation may take place. The closest the discipline came to contributing to national debates on political reforms was recently when some political scientists allegedly wrote one of the

most embarrassing consultation papers of the NCRWC. None of the recent initiatives on political reforms – MKSS’ campaign on the right to information, Lok Satta’s various initiatives on electoral rolls and finance reforms and Nagarpalika Network’s efforts at rejuvenating local democracy – could draw upon any idea, information or insight from the discipline.

Let me not dwell any more on how not to think about political reforms. It is time to explicate the hints embedded in the above critique and offer constructive suggestions on approaching this subject. If the critique offered above has any merit, what we need is nothing less than a paradigm shift from a state-of-the-art view of political technology to the ‘appropriate technology’ view of things, from thinking of democracy as hardware to recognition that it is a software that depends on protocols of reception.

We begin to clear the conceptual ground for thinking about political reforms by getting rid of some of the reigning superstitions of our times: the idea that there is a universally valid institutional design of liberal democracy; the suggestion that a set of best political practices can and should be replicated all over the world; the theory that the idea of democracy can be reduced to a standard ‘checklist’.

Once it is recognised that there is no universally applicable and valid package of political reforms or a model of democracy, it follows that a reasonable starting point for thinking about political reforms is here and

now, India of year 2001 A.D. We can thus take the next step of working towards an agenda that is anchored in time and space, is consequence sensitive, takes the logic of politics as integral to thinking about institutional design and is conscious of the differential consequences for different social groups. Working out such an agenda means asking some fundamental questions: Why do we need political reforms? Why at this stage? What should we prioritise? And, who is this 'we', the bearer of this responsibility?

This paradigm shift has another fundamental implication that must be noted. If here and now is the only starting point available to us, there is and will never be a clean political slate to write our dreams on. The existing gamut of political institutions and practices is the building bloc available to institutional innovators. What exists can be transformed – and the whole point of institutional innovation is to transform these in the right direction – but it has to be replaced or repaired brick by brick. It follows that the entire range of modern political institutions formally inaugurated by the Indian Constitution and the patterns of competitive politics cannot simply be wished away. Once introduced, the compulsions of organising political life on the scale of a nation state cannot be rolled back at will.

It is a terrible thought for those who are conscious of the human costs of political modernity. But it may be tempered by the recent recognition that modernity has had multiple trajectories in history and can be made to have many more in the future. This abstract idea has a concrete corollary for those who take JP's critique of parliamentary democracy in India seriously. The point of his critique and the vision underlying it can still be rescued if we see the challenge of political reforms as not that of going back to any traditional model but as

one of forging a different kind of modernity suited to our requirements and values.

The agenda of political reform in India has to be different from the challenge in the advanced industrial democracies, for our problem is not demobilisation and slowing down of democracy (contra Unger's diagnosis of western democracies). At the same time, unlike other new democracies of the Third World, India does not face the challenge of democratic transition or consolidation (see Linz and Stepan). The problems in Indian democracy are not the result of a failure of the modern idea of democracy to take roots in an alien setting. Rather we are faced with problems arising out of an apparent success of the democratic experiment.

The people accepted the democratic invitation and over the years popular political participation has only gone up. The last decade has seen something of a democratic upsurge. Popular participation is not devoid of a sense of legitimacy and efficacy of the democratic system. The elections are free and fair in the minimal sense that the rulers are not assured of a return to power; they are at least more free and fair than in most Third World democracies. Yet the existence of this democracy does not deliver what democracies are supposed to: peoples' control over how collective decisions affecting their lives are arrived at.

The real failure of the current phase of Indian democracy is not the failure to hold

free and fair elections, nor the inability of the people to affect change in governments through the exercise of their free vote, but the growing distortion in the mechanism of political representation, the growing distance between the electors and the elected, the inability of the mechanism of competitive politics to serve as a means of exercising effective policy options. Clearly, the institutional frame of democracy has failed to translate popular participation and enthusiasm into a set of desirable consequences.

This is not merely a universal deficit in the promise of democracy. We are looking at a range of failures that are rooted more specifically in our experience. Some of them were written into the logic of democracy in a society like India. The fundamental contradiction pointed out by Ambedkar, that of instituting equal citizenship in a highly unequal society, lies at the root of many of the failures. Social inequality was further accentuated by unequal access to the means of forming and disseminating public opinion. Another contradiction was built into the act of importing political institutions, especially those that required autonomy, in a cultural setting where attitudinal prerequisites were missing. There was the structural problem of constituting a polity to coincide with the boundaries of a civilisation when much of the meaningful political action and mobilisation could take place in micro-settings.

Some other failures of the democratic experiments are not structural, but specific to the history of democracy over the last 50 years. The weak policy orientation of dalit-bahujan politics, a lack of emphasis on institution building, the decision not to change the character of the bureaucracy and the retreat of the state in the face of the forces of globalisation were in no way necessary to the design of Indian

democracy. But these have contributed substantially to the democratic deficit facing us today.

The principal task of political reform is to address the democratic deficit and some of its root causes. Specifically, the challenge is to strengthen devices that facilitate popular mobilisation and its effective expression in the formation of political agendas, formulation of governmental policies and their effective execution. In the context of the retreat of the state, there is a need to bring back the primacy of politics and restore its capacity to act as the principal vehicle of social change. The litmus test for any proposal of 'radical' political reforms is its ability to deepen the ongoing process of democratization for the social groups and communities that have historically been denied access to political power.

If this understanding of the deficits of Indian democracy and the need for political reforms is not entirely off the mark, some conclusions about the arena and the instruments of political reform follow. First, it needs to be recognised that political reform constitutes a critical part of the agenda of social transformation in today's India. Radicals of all hues have by now accepted that democratic struggle is the only path to social transformation. But they have not fully understood its implication: it requires bold institutional imagination with eyes and wings to be able to use the existing democratic apparatus for radical ends.

The second set of conclusions relates to the arena of reforms. They should not be confined to or focused on electoral reforms, as has often been the case. The scope needs to be expanded to include the entire range of

political reforms in the comprehensive sense of the term. Similarly, the focus should shift away from the high arena of national politics towards the intermediary and lower levels where democratic governance meets, or rather fails to meet, the people. The 'lower' levels in the political and administrative hierarchy must not occupy a low position in the agenda for political reform.

Finally, the question of instruments. There is a case for thinking beyond law as the privileged agent of political reform. While a substantial part of institutional innovation must be carried out through or at least reflected in legal changes, there is a need to shift the emphasis of analytical energy to thinking about other instruments (public opinion, media, social movements) that must accompany or supplement legal-constitutional changes so as to yield the desired institutional practices. This is crucial, for there are unrealised possibilities of existing institutions. As the example of the Election Commission of India itself shows, institutional practices can improve substantially even within the given legal-institutional framework.

And now, finally, to the agenda itself, to a quick overview of the items that should find a place in the radical agenda for political reforms in contemporary India. Let us first revisit the 'old arena', the high ground of national politics that has in the past attracted most political reformers and see if some familiar items appear in a different light today. We can then try to outline the 'new arena' of political reforms. I simply present the bare conclusions rather than offer detailed reasoning for each of these, as other contributors in this issue look at many of

these areas more closely (see Yadav 1996 and 2000 for more details).

Redesigning the electoral system has figured prominently in the agenda for political reforms even before the Tarkunde Committee. The first generation of reformers was quite persuaded by the merits of proportional representation as against the existing first-past-the-post system. I think there is a need to rethink if PR needs to figure on the radical agenda and if the issue of electoral system deserves to have the salience in the agenda of political reforms that it has enjoyed in the past. The changing pattern of politics, the rise of region-based parties and decline of national parties has automatically corrected the vote-seat imbalance at the national level and rendered harmless some of the classic arguments in favour of the PR system.

Besides, there is an insufficient recognition in radical circles of the virtues of the existing system, especially its impact on the politics of social cleavages. By forcing the political actors to form social coalitions at the constituency level, the existing system promotes social cohesion, while a PR system can easily turn into a system of separate electorates. It seems much of the enthusiasm for a PR system emanates from lack of careful analysis of the political consequences of this system (see Sridharan 2001, for an exception) and an insufficient awareness of its disastrous consequences in countries like Sri Lanka. It only illustrates how an agenda of political reforms can get distorted by attractive global imports.

If there is any need to tinker with the electoral system, it is with a view to address two specific problems: under-representation

of women and Muslims. In both cases the under-representation is gross and structural, and therefore unlikely to be overcome in the normal course of things. Both these are fit cases for redesigning institutions. But it needs to be ensured that the proposed change would achieve the objective and its side effects will not outweigh the benefits. The Women's Reservation Bill that proposes to reserve one-third seats in the legislatures does not meet these elementary criteria. It is not clear if the reservation of geographical constituencies is the best route in this case, especially given all the attendant effects of the rotation system. The WRB illustrates the lack of attention to the challenge of institutional design in radical circles (See, for example, otherwise very insightful and valuable articles by Nivedita Menon and Mary John). It seems to me that, on balance, the alternative of mandatory quota of tickets for women by every recognised party better meets the objective of the WRB (for details, see Madhu Kishwar et al.).

The first difficulty with addressing the problem of under-representation of Muslims is the inability and unwillingness of the radicals to discuss it openly. Once we overcome that, we come across a real dilemma. It is possible to design a system, either through careful delimitation that produces Muslim plurality constituencies or through a 'top up' arrangement of a semi-proportionate system, to ensure that Muslim representation in the legislature goes up substantially. But in both these cases, the result will have been achieved at the cost of reducing the clout of the Muslim electorate in the remaining constituencies. And some of these measures may not have healthy effects for the entire polity. Working a way

out of this dilemma is one of the most pressing challenges of institutional innovation in India (see Iqbal Ansari in this issue).

Like with the electoral system, changing the basic design of the executive-legislature relationship has attracted reformers right from the beginning. A desire to flirt with some form or the other of US-style presidentialism is not new. But what was earlier an innocent if sad desire to copy everything American has taken a specific political hue in recent years. Now it is a not-so-innocent design to tilt the political scales in favour of a national political party like the BJP. The arguments for the presidential system show little understanding of what this system was originally designed to produce. It also reveals a complete ignorance of the disastrous record of the presidential system all over the world, especially in Latin America (see Linz and Valenzuela).

The same is true about a fixed tenure for the legislature that goes against the basic spirit and functional requirements of the parliamentary system. The system of a constructive vote of confidence would solve a minor problem, only to create a much bigger constitutional deadlock (see James Manor). As of now there seems to be little reason to doubt or revise the wisdom of our constitution-makers on the choice of a parliamentary form of government. In fact, a resolute opposition to any proposal for change should be on the agenda for political reforms.

A small suggestion worth considering about executive powers is that the appointment and accountability of high constitutional

offices should be ensured through a constitutional appointment committee comprising the leader of the opposition, the speaker, the chief justice of the Supreme Court, besides the prime minister. Giving more powers to the lokpal and the lokayuktas is a suggestion in the same direction.

Another set of proposals have traditionally focused on the composition of the legislatures, either on the question of allocation of seats in the legislatures or preventing party switch after elections. On the former, the 91st Constitutional Amendment Bill has already been passed by Parliament without sufficient national debate and awareness of its implications. Alistair McMillan is quite justified in arguing that the decision to freeze inter-state allocation in the name of population control violates the basic one-person one-vote principle of our Constitution. His suggestion that federal political balancing should be attempted by restructuring the Rajya Sabha to give greater representation to smaller states needs to be taken seriously.

The anti-defection law represents one of the few cases of successful institutional innovation in post independence India. While it would be sad to give up its gains, it would be fatal to try and 'tighten' it up by banning defections altogether. The disastrous implications of such a provision for inner-party democracy must be weighed against any presumed gains. The anti-defection act needs fine tuning by making the Election Commission rather than the speaker the adjudicator of any dispute (see Peter Ronald deSouza in this issue). The political horse-trading and money games played before the Rajya Sabha elections

could be discouraged by allowing political parties to inspect the record of how their legislators voted.

Another favourite subject of old style political reforms was to legislate on the nature of the party system, mainly to determine the number of players and to bring it close to the 'ideal' of a two party system. It was often driven by the idea that a party system can be picked from the supermarket of political designs.

Historically, party systems evolve partly in response to the nature of electoral system and partly in response to the nature of society and political traditions. We can only tinker with it by encouraging or discouraging a certain growth, but any attempt to genetically modify the entire system is likely to be disastrous, as in Nigeria. It is not clear why the evolution of the party system in the last decade or so needs to be viewed as pathological. What looks like the fragmentation of the party system has in fact brought parties closer to the ground and facilitated the practice of accountability (see Yadav 1999). Since none of the region based parties have a separatist agenda, it is not clear why this development poses a threat to the nation.

The focus of attention on the party system should shift from the number of parties to what they do. There is a case for two kinds of reforms here:

* There is a need for minimalist legislation to regulate the internal functioning of political parties. The legislation could require political parties to follow their own constitution, to allow for external adjudication in the last instance, maintain an open register of membership and provide for

regular and democratic election to the highest decision making body. At the same time the temptation to legislate on every aspect of the functioning of political parties must be resisted (see Pratap Mehta).

* Contrary to dominant opinion, there is in fact a special need to protect small political formations, along the lines of saving small-scale industry from big monopoly houses in the economic realm. The experience of the last few decades shows that the compulsions of large scale and huge resources built into our existing system tends to kill smaller political formations, forcing them to become part of one of the big parties. Not only should any attempt to further discourage smaller parties (as suggested by the Law Commission) be resisted, institutional innovations should be made to enable the smaller formations overcome unfair competition of scale and resources. This could be done by not allowing recognised parties to participate in the panchayat elections or by making available monetary and other resources on a non-discriminatory basis.

Some old and long-standing suggestions for controlling electoral malpractices need to be noted and endorsed here, while remembering that in the last instance it is the popular verdict that controls such malpractices:

* Electoral rolls should be put under the charge of local post offices, as suggested by Lok Satta's campaign on electoral rolls reforms (see Jayaprakash Narayan in this issue).

* The proportion of tendered votes should be linked to the requirement for repolling in the booth.

* Candidates should be made to declare the cases pending against him or her involving charges of criminal conduct or corruption at the time of filing nominations.

* Similarly, candidates should declare property and income for the last three years at the time of filing nominations. False declaration on both these should be a ground for disqualification.

* The returns of expenses filed by the candidates and the tax returns filed by political parties should be made public.

* The ceiling on election expenditure should be regularly increased and fixed only at a point where one candidate's expense affects all the others.

* Political advertising on television should be banned before it can take off and develop vested interests.

* The new delimitation exercise should be made more professional and transparent along the lines of the recommendations of an experts workshop held this year.

Valuable as these reforms in the old arena are, I have suggested that a radical agenda for political reforms must not foreground these. The attention should now shift to the new arena of reforms that has opened up, thanks to the issues highlighted by social and non-party political movements in the last decade or so. Some of these go beyond the traditional boundaries of political reform and spill over to 'administrative', 'judicial' and 'media' reforms. But then the point of the new arena is to question the rationale of the earlier boundaries. The new arena reforms can be divided into four parts: (i) measures to safeguard the primacy of

democratic governance; *(ii)* measures for de-centering the polity and reducing the compulsions of scale; *(iii)* measures to ensure a less unequal access to resources in politics; and *(iv)* measures to encourage democratisation of political information and opinions.

Not all of these suggestions are new. The Agenda for India, for instance, did anticipate some of these suggestions, especially the second set, way back in 1980. But as a package this articulates a new thinking implicit in some of the recent attempts at political reforms.

Let us consider these four areas one by one. The first set of measures try to respond to the anxiety about the erosion of democratically elected authorities in the last decade either to the bureaucratic and the technocratic establishment or to the international economic institutions. These erosions threaten to undo many of the gains of the democratic upsurge in the last decade. Some possible suggestions:

- * It should be mandatory for the government to get any international economic agreement ratified by the Parliament. This would cover not only the treaties under the WTO but also the MOUs signed with bodies like IMF.

- * Similar treaties that affect the subjects in the state list must be ratified by a majority of state legislatures.

- * Every non-elective regulatory authority should be subjected to public accountability.

- * The recent practice of Group of Ministers to short circuit decision-making in the ministries should be discouraged.

The need for political decentralisation is clearly not a new subject. It has been commented upon and spelt out at length and in the last decade our polity has moved in that direction thanks to the 73rd and the 74th amendments and the change in our party system. What is required is to press for the consolidation of these gains and to see these as measures of political reform:

- * Greater financial powers for the state governments as suggested by the Sarkaria Commission.

- * Strengthening the new panchayati raj framework by making it mandatory to devolve greater powers and financial resources to the panchayats and nagarपालikas and ensuring the role of gram sabhas.

- * Constitution of another State Reorganisation Commission to go into the various demands for small states.

- * Include within the purview of such a commission the question of greater political autonomy to backward regions within large states by expanding the scope of the institution of Autonomous Councils beyond Scheduled Tribe areas.

The issue of unequal access to resources in politics has conventionally been taken up in the old arena as the measure for reducing the role of 'money power' in politics with its typical emphasis on a regime of controls to ensure a ceiling on political expenses. The emphasis should now shift from the issue of ceiling to that of securing a floor, from a regime of controls to a package of enabling measures to ensure adequate and equal supply of resources. Contrary to popular impression based on highly publicised cases

of national and state level political elites, there is a serious dearth of legitimate resources in politics, made worse by grossly unequal distribution of what is available.

The problem is not that spending more money ensures victory in elections, but that lack of money denies an entry into the political arena. This area acquires new salience in the context of the democratic upsurge from below and the rolling back of the welfare state. Some measures to rectify this inequality are:

- * State funding by way of reimbursement of election expenses for each candidate or party at the rate of, say, Rs 10 for each vote secured.

- * Funds to be given on a non discriminatory basis to all the candidates/ parties, and not only to recognised political parties as suggested by the Indrajit Gupta Committee.

- * Funding to be available in cash rather than kind (again, contra the Gupta Committee) so that it could be used for political activities in-between elections.

- * Tax exemption up to a certain limit to individuals and companies for contributions to political parties.

- * Civil society initiatives to set up public funds for political workers.

Finally, the arena of democratising information promises to be one of the most critical arenas for political reforms in the years to come, an arena where traditional state legislation is a weak instrument of reforms. Some proposals are:

- * Struggle for 'right to information' not only in the sense of demand for central and state

legislation, but in the wider sense of movement for direct and democratic accountability of state functionaries to the people by organisations like the MKSS.

- * Measures like the Kerala initiative for direct participation of the people in the policy formulation and developmental planning.

- * Restoring the spirit of the independent public broadcaster behind the Prasar Bharati legislation and removing all the recent distortions.

- * Measures to democratise the ownership of private media and curb monopolistic practices, and to ensure easy access to cheap media to small groups and movements.

- * Restrictions and regulations on the operation of foreign media, whether in print or otherwise.

- * Measures to change the social profile of the media practitioners and to ensure the entry of communities that were denied access to higher learning.

- * Evolving a self-regulatory code for opinion polls, prescribing greater methodological transparency and rigour, so that the views of a small section cannot be imposed in the name of public opinion.

- * Greater public investment in democratic knowledge enterprise, so that information about trends and patterns in democratic politics is regularly gathered and made available publically.

The agenda outlined above is only a rough sketch that hints at the areas rather than present a plan of action. By its very nature, it suffers from an inattention to details that are critical to the success of an enterprise like this. And, above all, it does not even begin to address the issues of agency and strategy: who would carry out this agenda?

Under what conditions does it have a chance of being accepted? It does not offer any thoughts about a minimalist coalition that is necessary to carry out a radical agenda of political reforms. In this context it leaves unattended the vexed relationship of attempts to bring about political reforms with substantive radical or alternative politics. The question is: must a radical agenda for political reform wait for the triumph of radical politics? On the other hand, can radical politics succeed without any political reforms that precede it?

References:

An Agenda for India, *Seminar* (245), January 1980.

Alistair McMillan, 'Delimitation, Democracy and End of Constitutional Freeze', *Economic and Political Weekly* 35(15), 8 April 2000.

Alistair McMillan, 'Constituting 91st Amendment Bill: A Constitutional Fraud?' *Economic and Political Weekly* 36(14&15) 14 April 2001.

Juan J. Linz and Arturo Valenzuela (eds.), *The Failure of Presidential Democracy: Comparative Perspectives*, vol. I. Baltimore: The Johns Hopkins University Press, 1994.

E. Sridharan (forthcoming). 'Does India Need to Switch to Proportional Representation', in Paul Flathur (ed.), *Indian Politics: How to Refresh Democracy*. London: Macmillan.

Juan J. Linz and Alfred Stepan, *Problem of Democratic Transition and Consolidation*. Baltimore: The Johns Hopkins University Press, 1996.

L.P. Singh, *Electoral Reform: Problems and Suggested Solutions*. New Delhi: Uppal, 1986.

Mary E. John, 'Alternate Modernities? Reservations and Women's Movement in 20th Century India', *Economic and Political Weekly* 35(43 & 44), 28 October 2000, pp. WS-22.

Madhu Kishwar, Jayaprakash Narayan, D.L. Sheth and Yogendra Yadav, 'Call for Support: An Alternative Bill for Women's Reservation'. Forum

for Democratic Reforms, Rammanohar Lohia Samata Vidyala Nyas, 2000.

'Multiple Modernities', *Daedalus*, 129(1), Winter, 2000.

National Commission to Review the Working of the Constitution, 'Review of the Working of Political Parties Especially in Relation to Elections and Reform Options: A Consultation Paper'. New Delhi, 2001.

National Commission to Review the Working of the Constitution, 'Review of Election Law, Process and Reform Options: A Consultation Paper'. New Delhi, 2001.

Nivedita Menon, 'Elusive "Women": Feminism and Women's Reservation Bill', *Economic and Political Weekly* 35(43 & 44), 28 October 2000, pp. WS-35.

Pratap Bhanu Mehta, 'Reform Political Parties First', *Seminar* (497), January 2001.

Satish Sabarwal, *India: The Roots of Crisis*. New Delhi: Oxford University Press, 1986.

S.L. Shakhder, *Electoral Reforms for India*. Delhi: The Voters' Council and Citizens for Democracy, 1980.

S.L. Shakhder, 'Electoral Reforms', *Journal of Constitutional and Parliamentary Studies* 18(1-2), January-June 1984.

Report of the Committee on Electoral Reforms, Tarkunde Committee, Delhi: Citizens for Democracy, 1975.

Yogendra Yadav, 'Electoral Reforms: Beyond Middle Class Fantasies', *Seminar* (440), April 1996.

Yogendra Yadav, 'Politics', in Marshall Bouton and Philip Oldenburg (eds.), *India Briefing: A Transformative Fifty Years*. New York: M.E. Sharpe, 1999.

Yogendra Yadav 'Understanding the Second Democratic Upsurge: Trends of Bahujan Participation in Electoral Politics in the 1990s', in Francine R. Frankel, Zoya Hasan, Rajeev Bhargava and Balveer Arora (eds.), *Transforming India: Social and Political Dynamics of Democracy*. Delhi: Oxford University Press, 2000.

Yogendra Yadav, 'Whose Democracy? Which Reforms? A Plea for a Democratic Agenda for Electoral Reforms', in Subhash C. Kashyap et al.

(eds), *Reviewing the Constitution?* Delhi: Shipra, 2000.

Yogendra Yadav, 'Let's Find an Alternative', *Indian Express*, 19 June 2001.

Yogendra Yadav, 'Saansadon ke Vetan Bhatte' (Hindi), *Hindustan*, 13 September 2001.



