

Democracy, Governance and Civil Society in South Asia*

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Six years ago, at the start of 1988, the prospect for democracy in South Asia did not appear very promising. The military rulers both in Pakistan and Bangladesh had managed to cloak their regimes in civilian attire and appeared well entrenched even if their quest for legitimacy had evaded them. In Nepal and Bhutan the hereditary monarchs showed no signs of conceding to the demands for popular participation despite the simmering political discontent in both countries. The democratic traditions of Sri Lanka had proved sufficiently resilient for the formal representative institutions to endure but the continued civil strife and violence had virtually reduced effective popular participation into a farce. Likewise in India, whilst the ghost of Indira Gandhi's authoritarian rule during the emergency in 1975-77 had been exorcised by subsequent renewals of popular mandate, the democratic institutions and popular accountability had probably suffered irreversible damages and it was not uncommon amongst political analysts to speak of the 'ungovernability' of the country.

And yet in the past five years there has been a dramatic transformation: Bangladesh, Nepal and Pakistan have overthrown authoritarian regimes and established parliamentary democracy; and in India and Sri Lanka, despite assassinations, political turbulence and the rise of sectarian militancy, the democratic institutions have demonstrated their remarkable staying power. The paper is concerned with the problems of democracy, governance and civil society in South Asia. However the focus of the study is primarily confined to Bangladesh and Pakistan; the references to India, Nepal and Sri Lanka are for comparative purposes or when it was felt that a particular point is best illustrated with reference to countries other than Bangladesh and Pakistan. The choice of focus on two countries is in part due to constraints of space and time; but more importantly because they are the only two countries which have experienced repeated military interventions and prolonged period of authoritarian rule which has undermined democratic institutions, systematically deinstitutionalised the various governmental and constitutional organs, and emaciated the institutions of civil society.

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The democratic processes in India and Sri Lanka, on the other hand, have never been interrupted. While the actual functioning of democracy has been far from ideal, the democratic institutions in these two countries have shown great resilience and adaptability. However even here the challenges to democracy are mounting; and at least India has been described by some analysts as becoming increasingly ungovernable. That is perhaps a bit alarmist but there is no doubt that the democratic institutions have not fully succeeded in empowering a sizeable portion of the electorate who live below the poverty line; and nor have they been entirely successful in accommodating the competing demands of different ethnic and religious groups inherent in plural societies.

This paper aims to provide an assessment of the nature of democratic transition in South Asia and argue that the democratic order is still extremely fragile, the electorate is unevenly empowered and that only by strengthening the institutions of the civil society outside the domain of the government can the future of democracy be secured.

The Restoration of Democratic Regimes

The restoration of popular governments between 1988–90 was not a sudden development but a culmination of the political struggle that had been going on for a number of years. In fact the forces which contributed to the overthrow of authoritarian rulers had been at play for some considerable time before then. The various attempts by authoritarian rulers to give their regimes a constitutional facade was in fact a response to the growing demands for the restoration of democracy. In Nepal the king had invented the *panchayati* scheme to deflect popular pressure; and the military dictators in Bangladesh and Pakistan 'civilianised' their regimes precisely with the same objective. The induction of civilians and politicians in the government, referenda, plebiscites and electoral manipulations were commonly resorted to compensate the fatal shortcomings arising from lack of popular legitimacy. In the circumstances it is not entirely correct to speak of 1988 as the watershed in the transition to democracy. The struggle for the restoration of democracy has a long history and it is a testimony to the commitment of the people that they have not abandoned its pursuit despite repeated military interventions and the various attempts by the anti-democratic forces to discredit democracy itself. Time and again the people of South Asia have resisted authoritarian rule and mobilised to overthrow those regimes.

Nor would it be correct to imply that this is the first time that democratic processes has been restored to most of the countries of the region. In the period 1972–75 there were democratic regimes functioning in all the major countries of South Asia; the only exceptions being the small kingdoms of Nepal and Bhutan. And yet five years later Sri Lanka was perhaps the only functioning democracy: in

1975 the popularly elected government of Sheikh Mujib-ur-Rahman was overthrown in Bangladesh; earlier in the same year Mrs Indira Gandhi had unleashed her 'emergency rule' which had all but in name obliterated the democratic institutions in India; and in 1977 Pakistan was back under martial law following the overthrow of Zulfikar Ali Bhutto. The current restoration of representative regimes has therefore to be viewed in a longer perspective in order to emphasise both the fragility of the process and to caution us against over-optimism.

On the other hand, of course, the current restoration of democracy in South Asia appears to be a part of the global trend towards democratisation. Between 1974 and 1990 some thirty countries have made the transition in southern Europe, Latin Central America, eastern Europe, Asia and Africa. With the end of the Cold War democracy has emerged as the triumphant ideology and *de facto* one of the criteria by which the standing of a state will be measured.

But perhaps most importantly, this time the pressure for democracy has also come from below. In all instances it was popular pressure and mobilisation which forced the authoritarian rulers out. Moreover the return of democracy is accompanied by the knowledge that the non-democratic governments have failed. The inability of the non-democratic regimes to mitigate social and economic problems and rampant corruption alienated the masses from the leaders and has created a popular revulsion which would make it difficult for the authoritarian forces to openly reintervene in politics. The collapse of the Soviet experiment has also underlined the bankruptcy of the authoritarian (as distinct from socialist) approach. And not least the international environment is conducive to democracy. It was the Western support for democracy movements and human rights which led to the overthrow of communism in eastern Europe and Russia. Democracy has emerged triumphant and it is quite conceivable that Western states who had earlier supported authoritarian rulers in the Third World will now be more supportive of the democratic aspirations of the people.

On the positive side the return to democracy in all three countries of South Asia was smooth and orderly: the elections were on the whole free and fair, devoid of violence and voter turn-out was reasonably respectable; the constitutional amendment, or its enactment as in Nepal, which restored the sovereignty of parliament was smooth; and the majority parties in all cases were allowed to assume power without overt or excessive obstruction. There is also a noticeable transformation of political and intellectual environment. The newspapers are free, restrictions on the freedom of association is a thing of the past, most of the political prisoners have been released, the judiciary is beginning to show its teeth, and the parliamentarians are becoming aware of their ability to keep some check on the government and the importance of educating public opinion. While there is much to celebrate, the restoration of democratically elected regimes is only the first step. The real test of a

democracy is the establishment of a popular accountability, the empowerment of the people and the creation of a plural civil society. And the litmus test of the institutionalisation of democratic order will be the ability of the incumbent government to transfer power to its successor in accordance with the constitutional provisions. It is worth reminding that no constitutional transfer of power from an incumbent government to its successor has yet been possible in either Pakistan or Bangladesh.

The Fragility of the Democratic Order

We have noted above the role of popular mobilisation in the restoration of democracy in Nepal, Bangladesh and Pakistan. However once the elected governments were installed it appears that the initiative has passed out of their hands. This is neither entirely surprising nor something unique to South Asia. Writing about Latin America, Terry Lynn Karl has stated:

'To date, however, no stable political democracy has resulted from regime transitions in which mass actors have gained control, even momentarily, over traditional ruling classes. Efforts at reform from below ... have met with subversive opposition from unsuppressed traditional elites, as the case of Argentina (1946-51), Guatemala (1946-54), and Chile (1970-73).'¹

This is also very true for South Asia. Despite the transition to democracy the class composition of the leadership has remained very much the same; and indeed the elites associated with the previous regime are also prominent in the new order. This is partly explained by the fact that in the ultimate analysis the transition to democracy was the result not of a complete defeat of the elites who stood behind the previous authoritarian rule. The actual transfer of power was, in fact, the result of negotiations between the old and the new elites in which, while a few heads rolled, the *status quo* essentially prevailed. Although the new leaders have come to power through popular mobilisation and the electoral process, the leadership is essentially drawn from a narrow group of 'ruling' elites and their interests and outlook are not substantially different from those whom they have replaced. Both groups have a stake in preserving the social and economic *status quo*. Nor has the ability of the outgoing elites to interfere in the democratic process in order to protect their interests has altogether diminished. In fact there is evidence to suggest that democratic regimes have entered into a set of 'agreements' or implicit understandings which define and protect the interest of that group.

In Pakistan Benazir Bhutto's PPP had emerged in the 1988 parliamentary

¹Terry Lynn Karl (1990) 'Dilemmas of Democratisation in Latin America'. *Comparative Politics* 23:1, p. 8.

elections as the largest single party and consequently a popular mandate to rule. But strictly speaking Bhutto was not allowed to take office by virtue of her electoral mandate. The president, using the powers conferred to him under the eighth amendment of the constitution and backed by the civil-military bureaucracy, refused to invite Bhutto to form a government and was reportedly engaged in an attempt to cobble together a coalition in order to keep the PPP out of power. Confronted with the possibility of defections from her party, Bhutto succumbed to the temptation of making a deal with the civil-military strongmen. She undertook not to interfere in military matters, inherited the foreign minister from the previous regime so that the foreign policy (especially in relation to Afghanistan) remained unchanged, and despite her electoral pledges refrained from reducing the defence expenditure. The deal cost her dear. She inherited the government but did not exercise power. She moved into the prime ministerial lodge as a tenant-at-will and could therefore be dislodged at the discretion of the president. Constitutionally her hands were already tied by the extensive powers which were vested in the President by virtue of Zia's 8th amendment to the constitution. In her haste to accept office at any price she sacrificed her real source of power: the support of the people. Strapped in a tight jacket she was unable to fulfil any of her major electoral promises and became rapidly unpopular. Thus when the president, using the pretext of corruption and mismanagement, dismissed her, Bhutto was quite isolated. Her dismissal which was highly dubious and described by many as a 'constitutional coup' passed without so much as a protest anywhere in Pakistan.

In Bangladesh Khaleda Zia has likewise exercised extreme self-restraint in her handling of the armed forces. The reasons are not dissimilar to that of Pakistan. Bangladesh has a long history of military intervention; the military is a well organised and cohesive group and has a virtual monopoly of coercive powers and therefore its interests cannot be altogether ignored. While she showed firm resolution in putting Ershad on trial for corruption and abuse of power, she has shied away from subordinating the military to civil control. The huge defence budget (despite negligible external threat to the country) has not only remained untouched but is not even allowed to be discussed in parliament; all the key positions in civil government occupied by military personnel during the Ershad era have largely remained unchanged; diplomatic assignments for disgruntled soldiers is not uncommon; and most disturbing of all is the pervasive influence of the Director General of the Forces Intelligence (DGFI) on decision-making.

In Nepal the old elite associated with the monarchy and the *panchayat* system yielded to popular pressure but have fought a rearguard action to preserve their privileged position.

The evidence from all the countries point to the same conclusion. While movements by the people were instrumental in toppling authoritarian regimes and

forcing a general election but thereafter the masses appear to have been marginalised. The democratic regimes have done little to give the people a stake in the democratic order. The gap between the ruled and the rulers remains as before; the access of the people to the government is restricted by the bureaucratic and the security cordon; and the main source of information for the elected government is filtered through the intelligence apparatus. It seems to have been forgotten that the election is merely the first step in the restoration of democracy and not an end in itself. For democracy to survive there has to be a continuing partnership between the elected leaders and the electorate so that the electors develop a stake in the preservation of their elected government.

The constraints on the democratic regimes are not only the result of the coercive power of the military and the continuity of personnel. It is in large part also due to the making of the 'democratic' parties and leaders themselves. It is widely perceived, in fact it is almost an article of faith amongst the politicians, both in Pakistan and Bangladesh, that the route to power is through the cantonment. Not surprisingly all the major political parties have wooed the military. The political manifestoes of almost all the parties have shied away from questioning defence expenditure. In fact some parties have actually promised to expand the armed forces and have even hinted at allowing the military a role in political decision-making. Such is the intensity of the different parties vying for an alliance with the armed forces that it is no longer necessary for the armed forces to sponsor a particular party. In fact the military can pick and choose from amongst the leading parties. When out of power both Nawaz Sharif and Bhutto have appealed to the military to help oust the elected government; in May 1993 Bhutto insisted on the election being conducted under military supervision; and when on all three occasions the president has dismissed elected governments on grounds which were arbitrary and constitutionally of dubious validity, the leaders in the opposition (both Bhutto and Sharif) have not only in turn supported the president's action but have also implored the military to act as the arbiter. The effect of this at best is to legitimise the role of the military and at worst to give them a veto power. The experience of the arbitrary dismissal, first of Mohammed Khan Junejo, and subsequently that of Bhutto and Nawaz Sharif, offers a poignant reminder both about the fragility of democratic regimes and the resistance of the entrenched civil-military elites to the acceptance of popular sovereignty.

Such unabashed struggle for power has seriously eroded popular confidence in democratic institutions. Thus to the list of obstacles and threats to democracy must also added the unscrupulous behaviour of the 'democratic' leaders. To some of these leaders politics is a relentless pursuit of power and election is merely a means to capture power; but when power is denied the same leaders have shown no hesitation in working against democratic processes. In other words they are prepared to

respect popular verdict only when it is delivered in their favour. This shows a contempt for the most fundamental concept of democracy: the will of the people. In many ways this constitutes the most serious threat to democracy.

Perhaps it is also a useful reminder to the democratically elected leaders that their power comes from the people; and once alienated from them, they lose their *locus standii*. Entering into a back room deal with the dominant elites or the power brokers which, however expedient or tempting in the short run, restricts the scope for manoeuvrability, undermines the popular credibility of the democratic regime and is eventually self-defeating. It is worth reminding that in the first place the authoritarian groups only enter into a deal with the elected leaders because they enjoy the support of the people. It should therefore be obvious that once that support is lost, the elected leaders become irrelevant and can be overthrown with impunity. The point may be illustrated by reference to the dismissals of Bhutto and Sharif. By entering into a deal with the civil-military establishment in order to gain office Bhutto had surrendered effective power and thereby forfeited her opportunity carrying out her electoral pledges. Her popularity waned rapidly and therefore failed to mobilise popular support when she was unceremoniously dismissed. By contrast Nawaz Sharif, even though he had been catapulted into office through the benign support of the civil-military establishment, had carefully strengthened his popular support and had created a substantial power base from which to challenge his dismissal. By successfully mobilising popular support he ensured that even the traditionally docile judiciary (which had earlier upheld the president's decision to dismiss Bhutto) was compelled to take cognisance of the popular mood. The decision of the judges to reinstate Nawaz Sharif was a victory of popular will and a reminder, if one was necessary, that the ultimate security of elected leaders lies in the people.

But by far the most serious problem confronting the democratic regimes is the weaknesses of the political institutions and parties. Historically this is a legacy of European imperialism. But more immediately this is the result of systematic de-institutionalisation by the authoritarian rule. All the three countries have experienced what Max Weber described as a patrimonial form of government: a type of government that originated in the royal household in which the ruler is not constrained by the rule of law, treats the state as a personal possession, and the affairs of the state is conducted according to his whims. The Nepalese monarchy and the military dictatorships in Pakistan and Bangladesh were essentially personal rule based on personal loyalty which in turn was underpinned by a patron-client relationship. All power was concentrated in the hands of the monarch/dictator, all the officials of the state held office during the pleasure of the dictator and were responsible to him, and those loyal to him were rewarded by state patronage i.e. jobs, contracts, loans, opportunities for illegal gains, import permits and business

licenses. Since the bulk of the population was excluded from access to the benefits of the state and was opposed to the regime, coercion (army and internal security apparatus) becomes the mainstay of the regime. Institutions either atrophied or were non-existent. Since the organising principle of a democratic government cannot be the same as that of an authoritarian regime, the most important task confronting the new rulers is to create and restore institutions which facilitate popular participation and are accountable to popular will.

Under authoritarian rule the bureaucracy and the police were excessively politicised which has virtually destroyed their professionalism and they have become corrupt, demoralised and inefficient. This was quite inevitable in a neo-patrimonial system. Since the only way to preferment and promotion was through loyalty to the ruler, many officials abused their position and often acted improperly either to save their skin or to advance their career. To that extent the desire of the elected governments to reform the administration is understandable. The new regimes have inherited an unenviable task. But democratic institutions cannot be created simply by legislation. Institutions evolve over a period of time and involves a slow process of learning, building up of customs and tradition acceptable to all parties, and the evolution of a political culture with ingrained respect for the rule of law, the majority verdict, respect for the opinion of the minority and an adherence to the constitution. The problems are enormous. But what is even more worrying is the indifference and the sheer refusal of the new regimes to address the issues.

The actual record of the democratic governments so far is quite abysmal. The new ruling elites have often behaved high handedly, with scant concern for the due process and have acted in a manner which is at times difficult to distinguish from their discredited predecessors. Instead of reforming and rejuvenating the administration the action of the government in both Pakistan and Bangladesh appears to have had the opposite result. The net result has been to increase the politicisation of the services and to split them ideologically, the sense of insecurity amongst the civil servants has in many cases paralysed government departments and undermined the commitment and professionalism of the officers. In many instances the politicisation of the bureaucracy and police has become chronic and the services so demoralised that those who feel victimised have been covertly working to undermine the democratic government.

The point has to be stressed is that while the arguments for reforming the bureaucracy so as to make it more open to public scrutiny are compelling, it can only be done within the framework of the constitution and the rules governing the services. Ad hoc and arbitrary actions only help to undermine the morale and professionalism of the services which cannot be in the interest of democracy. Besides it is often forgotten that there is a tremendous scarcity of trained personnel in all the countries of South Asia and their indiscriminate wastage does not augur

well for the future.

Perhaps the single biggest problem confronting the institutionalising democracy is the weakness or the absence of well organised, disciplined and vigorous political parties. The political parties are generally weak, are mostly organised top-down, tend to have a narrow support base, and are increasingly appealing to sectarian, ethnic, or linguistic groups.

The Indian National Congress is perhaps the only exception. It was in place for over half a century before India became independent. The experience of the freedom struggle had given the organisation a unique cohesiveness, a distinctive ideology and a programme which commanded a broad consensus. The Congress occupied almost all the political space and under whose umbrella India's diverse and heterogenous people could unite. The Congress also allowed room for those opposed to its policies to be a part of the party organisation and to work for changes from within. Thus the party embraced within it politicians from a wide spectrum ranging from left to the right. However in the last quarter of a century this unique coalition which had enabled Congress to lead the freedom struggle and, after independence, to rule India almost uninterruptedly for much of its history, is no longer that effective as a party. A number of factors have, however, contributed to the Congress's decline: first, it was inevitable that competition and elite rivalry in the party should sap its cohesiveness and lead to repeated splintering; second, in a country so diverse as India, there was bound to be tensions and conflicts between the compulsions of centralisation and the demands for decentralisation resulting in the formation of regional and linguistic parties to meet the particularistic demands of the people; and third, the inability of the Congress to revitalise itself, its excessive reliance on intermediaries to mobilise votes, its induction of opportunists and criminals into its fold, and the absence of internal democracy has led to the withering away of the party structure and its dedicated cadre.

However no other political organisation has yet succeeded in creating an alternative all-India political structure comparable to the Congress. Despite the successes of the Communists and more recently the spectacular rise of the Bharatiya Janata Party (BJP), none of these have country-wide support. But a more ominous development is discernible. Most of the political parties, moved by the expedience of electoral arithmetic, have started appealing to sectarian and ethnic chauvinism which has polarised the already splintered polity. Despite two general elections in quick succession no single party has managed to secure a clear majority. Another election has been avoided merely because of the voter fatigue and the enormous costs of electioneering.

In Pakistan the development of political parties have been much more erratic. The Muslim League (ML) which led the movement for the creation of Pakistan failed to consolidate the party in Pakistan. The ML was not the indigenous party of

the territories comprising Pakistan. Its main support bases were in those in the Muslim minority states which remained in India. It had won the elections in 1946 by opportunistic alliances with the regional parties in Bengal (Krishak Proja Party), in Punjab (the Unionist Party) and in Sindh (the Sindh National Party); and in the Northwestern Frontier Province it failed to win over the Khuda-i-Khidmatgar and lost to the Congress in an area predominantly Muslim. Thus when in 1947 the ML formed the government in Pakistan it was, as it were, playing an away match. Its leaders lacked a local constituency and therefore could not face the electorate with confidence. The taste of things to come was displayed in the provincial elections in East Bengal in 1954 when the ML was completely routed. The only way the ML could hang on to power was first, by avoiding a general election (no election was held until 1970); and when that was no longer possible, it colluded with the army take-over in 1958, sharing power with the civil-military bureaucracy.

The coalition of the unrepresentative politicians with the civil-military bureaucracy had a debilitating impact on the development of political parties in Pakistan. Parties with popular following, like the Awami League (AL) and National Awami Party (NAP); and subsequently the Pakistan People's Party (PPP), were ruthlessly suppressed, their funds sequestered, their leaders imprisoned or barred from public office on dubious charges. In the absence of elections or hopes of capturing power through electoral process the political parties atrophied, fragmented into regional organisations and, in most cases, existed only on letter heads and signboards. The very fact that some parties have survived and successfully mobilised against authoritarian rule is a testimony to the deep commitment of the people to democracy.

While attempts by authoritarian rulers to suppress political parties is well known, it is perhaps not sufficiently recognised that the supposedly democratic parties in Pakistan and Bangladesh have themselves contributed much to the emaciation of the party system in their efforts to undermine their opponents while in power. In Bangladesh the AL, which had championed the cause of democracy against Ayub's dictatorial rule, sought when in power to establish one party dominance by the creation of Bangladesh Krishak Sramik Awami League (BAKSAL) in 1975. While cogent arguments may be put forward to explain Sheikh Mujib's motivations for a one-party system, the fact remains that the creation of BAKSAL and the adoption of a presidential system was done without mobilising popular opinion and thus fractured the national consensus behind parliamentary democracy. In Pakistan Bhutto used coercion and legal instruments to destroy his political opponents in the NWFP and Balochistan; and launched a massive military operation mainly with the intention of suppressing his political opponents. In turn Benazir Bhutto, Nawaz Sharif and Khaleda Zia have sought to use their power and patronage to undermine their rival political parties.

Political misdemeanour, opportunism and lack of responsible behaviour is not confined to the parties in power alone. The parties in the opposition have also seldom shown any concern for the democratic process. The most obvious evidence of the lack of democratic commitment of the political parties is their reluctance to accept (and respect) popular verdict when it goes against them. Rejecting the results of an election which has been rigged is understandable. However both in Pakistan and Bangladesh the opposition has shown scant respect for popular verdict or constitutional propriety even when it was recognised that the electoral process was largely fair. Both Nawaz Sharif and Bhutto have in turn refused to allow their opponents to run the full term of office which their popular mandate had entitled them by forcing mid-term elections. Likewise Sheikh Hasina has been agitating for mid-term election even though the BNP has a clear popular mandate.

The opposition groups also appear to have misunderstood the nature of democratic politics in another crucial respect. While it was perfectly legitimate to put pressure including to resort to non-cooperation, civil disobedience, non-payment of taxes and other forms of direct actions such as street agitation to oust a colonial ruler or overthrow a unelected usurper regime, the same tactics cannot be permissible against a democratically elected government. The opposition has to be conducted within the framework of the constitution: popular mobilisation against government policies; criticising the government in parliament and forcing votes of no confidence; mobilising opinion against the government through propaganda and education of the masses. But patently that freedom cannot extend to undermining the democratic system itself. In other words the opposition must recognise that it has as much stake in the preservation of the democratic order as has the party in power. This belief seems to be lacking amongst many leaders in all the countries. The opposition groups frequently (sometimes for a prolonged period) boycott parliamentary business, organise violent demonstration and strikes, incite the armed forces to intervene, and even seek to involve external powers to bring pressure on the government. The practice of boycotting parliament (very often for reasons which are understandable) cannot be justifiable under the rules of democracy. The members are elected by the voters to represent them in parliament. It amounts to a breach of contract by the member to leave his constituency unrepresented. In cases where it is impossible for a member to function effectively, the proper course for them would be to resign and seek re-election. In the event the same members are re-elected it would be popularly viewed as a vote of no confidence against the government and, under democratic conventions the ruling party would be under pressure to call a general election to renew its popular mandate. The electorate is the ultimate arbiter.

The opposition appears to be impelled by the single minded pursuit of power and therefore determined to bring down the party in power at all costs. The capture

of power appears to have become an end in itself rather than a means to an end. Of course this is not helped by the prevailing attitude of the governing parties that 'winner takes all'. The net result of all this is to add to the fragility of the democratic system, to discredit it in the eye of the electorate and thereby pave the way for intervention by those opposed to democracy. All parties whilst in opposition have been guilty of ignoring popular mandate when it goes against them. In May 1993 Bhutto threatened to march on Islamabad to force the Nawaz Sharif government to resign and was only dissuaded from doing so by the army. Earlier in India the BJP defied the courts by unleashing a mob to destroy the mosque at Ayodhya which showed both its contempt for democratic process and the rule of law. In Bangladesh the AL habitually boycotts parliamentary sessions as protests against governmental policies. The future of democracy will only be ensured when all parties accept that democracy is 'the only game in town' and agree to abide by its rules.

ASSESSING THE SUCCESS OF THE DEMOCRATIC PROCESSES

Before we can assess the success of the democratic processes in South Asia it would be useful to clarify as to what is meant by it and not to confuse it with forms of democracy. By democracy is meant popular participation, periodic renewal of the popular mandate to rule, and popular accountability. The form or mode of government is less important and can vary from country to country to suit the local needs. Professor Robert Dahl has identified three elements crucial to the effective functioning of democracy: (i) competition, among individuals and groups, for governmental power and positions at regular intervals but without recourse to violence or corruption; (ii) regular and institutionalised popular participation both in the selection of the leaders and in the formulation of policies either through periodic elections or indirectly through their elected representatives who are accountable and amenable to popular opinion; and (iii) the guarantee of civil and political liberties so as to safeguard the two above elements of democracy (competition and participation) including the freedom of expression and of the press and the right to form organisations.² Using Dahl's criteria we shall now examine the extent to which these elements are present in South Asian polity.

Competition

In India and Sri Lanka there is a well established tradition of popular elections; the political parties are fairly well organised; and the electorate is shrewd and

²Robert Dahl (1971) *Polyarchy: Participation and Opposition*. New Haven: Yale University Press. p. 3.

informed, and has over the years come to learn the potency of the vote in removing a government which fails to fulfil its electoral pledges. In fact in Sri Lanka the voters have a well established tradition of voting the incumbent government out of office to register their disapproval (the last parliamentary and presidential were a notable exception); and in India the incumbent governments, both at the centre and in the states, are being judged by their record in office and are therefore finding it increasingly difficult to retain their power for a second term. In all the elections at the centre since 1977 (barring the general elections in 1984 which was held in an unusual environment immediately following the assassination of Indira Gandhi) the incumbent governments have been regularly forced out of office. The Left Front in West Bengal is the only exception: by successfully empowering the peasants and the underprivileged it has ensured its electoral support. The outcome of the electoral contests suggests not only the shrewdness of the voters but also attests to a large extent both the fairness of the electoral process and indeed the limited ability or the willingness of the incumbent governments to use their administrative powers to rig or manipulate the electoral outcome.

The picture elsewhere in South Asia is less encouraging. In Pakistan no general election was held until 1970—twenty three years after the country became independent—and then only for the army (backed by politicians who were either rejected by the electorate or who feared exclusion from power) to nullify the popular verdict through coercion. Bangladesh started with an enormous promise for democracy: it had both framed a constitution and held its first general election within a year of breaking away from Pakistan in 1971. But following the military takeover in 1975 there was no credible popular election until 1991. The democratic experiment in Nepal was aborted by the king early on and remained in abeyance until its restoration recently. With the restoration of democracy, competition at the formal level as evidenced by parliamentary and presidential elections have also been restored in Pakistan, Nepal and Bangladesh.

In India and Sri Lanka, as we have already noted, the electoral process has not been unduly interrupted despite assassinations and insurgencies. The level of violence and intimidation in both countries are on the increase but a recent study on electioneering in India suggests that such extra-constitutional activities, deplorable as it is, have not been able to influence the outcome of the contest in any significant way.

The developments in the other three countries are also quite promising. Following the death of Zia in 1988 a credible parliamentary elections were held in Pakistan. The election was monitored by several national and international organisation and was, with some minor caveats, pronounced as free and fair. However the elections held two years later, following the dismissal of Bhutto, is widely believed to have been manipulated. The supposedly neutral care-taker government turned out

to be far more partisan and the hands of the administration in influencing the outcome of the polls was established beyond doubt. Pakistan went to the polls for the third time in five years in October 1993. The resignation of the incumbent president and the prime minister had cleared the way for a free election under the stewardship of an interim government. By all accounts the parliamentary elections in Bangladesh in early 1991, held under the direction of an interim government the members of which were not themselves participating in the contest, was free and fair and in many respects set the standard for the conduct of future elections. Likewise in Nepal the electoral exercise went off without any serious charges of rigging.

To say that elections were 'free and fair' is not to argue that these countries have institutionalised the mechanism for free competition. In fact far from it. The 'Election Commissioners' are appointed by the incumbent governments and their freedom of action in conducting the elections, whilst in theory is safeguarded by the constitution, in reality it is limited to the extent that the government of the day allows the election commissions to function impartially. The autonomy of the election commissions is yet to be established. An important reason why some of the recent elections in Pakistan, Bangladesh and Nepal were largely fair is because in all the three countries the elections were held under very unusual circumstances: they were called either in the wake of a mass movement which overthrew the incumbent regime and/or they were conducted under the supervision of interim governments the members of which were on the whole neutral. (The notable exception being the interim government headed by Ghulam Mustafa Jatoi whose members were themselves party to the election and used their power to manipulate the results.)

Besides it should be noted that when the election observers and monitors declared the polls to be 'free and fair' they were claiming no more than the fact that the elections were not rigged, polling booths were not 'captured' by hired musclemen, and the returning officers had not stuffed the ballot boxes with spurious votes on behalf of the candidate of one party or the other and that on the whole the polling was conducted in accordance with the rules. In other words the election monitors and observers were merely confirming that the officials responsible for conducting the polls had acted impartially and had carried out their task in accordance with the rules laid down by the Commission. Compared to the 'elections' held under previous regimes, this was a remarkable improvement. But to suggest that the elections were conducted 'fairly' on the day of the polls is not to imply that the outcome of the elections accurately reflected the preference of the voters. Neither the victory of Nawaz Sharif in 1990, or of Khaleda Zia's in 1991, or for that matter Bhutto's in 1993 was fully reflective of the state of popular support. Nor could their success be entirely attributed to the vagaries and distortions of the 'first past the post' system. In the ultimate analysis the ability to capture power has been influenced by factors

extraneous to the preference of the voters. In other words electoral manipulation and rigging has become more subtle and sophisticated.

Money appears to be an important factor in determining the outcome of the electoral contest in many cases. Very few candidates or parties actually adhered to spending limit set by the Election Commission. This has led not only to the straight forward corruption in the form of 'buying votes' but has also enhanced the influence of smugglers, drug traffickers and black marketeers who use their money either to sponsor their candidates or sometimes seek elections themselves. Studies from all the countries of South Asia indicates that people with 'criminal' association are increasingly finding their way into parliaments and other public offices. Another inevitable consequence of spending vast sums of money in the electioneering is that once elected, the first concern of some of the members is to recoup the costs of campaigning, often through dubious means. Public service has become a means to opulence.

No less significantly another distorting consequence of 'money politics' is the infiltration of the political parties by the rich industrialists, businessmen and landlords. The PPP in Pakistan and the BNP in Bangladesh have, for instance, given their party tickets to large number of landlords and businessmen in order to boost their electoral success either through obtaining monetary contributions or by gaining access to their local influence and prestige, especially in the rural areas. But this marriage of convenience has greatly weakened both the coherence and the discipline of the parties. Most of these people neither share the party's election manifesto nor are they willing to abide by its discipline. So while they might have contributed to the 'success' of the PPP and the BNP's at the elections in terms of the number of seats won by the party, they have become a liability once in parliament as they often oppose many of the reforms promised in the party manifesto. It is therefore scarcely surprising that the elected governments have tended to be paralysed and ineffective with a poor record of effective legislation. Both the BNP and the first PPP government have so far failed carry out any significant reforms. It is ironic that in Pakistan the caretaker government of Moeen Qureshi, with no popular mandate, was left the task of carrying out some of the essential reforms through short term ordinances. Some of these reforms have enjoyed considerable popular support and have subsequently been adopted by the elected government. While the PPP and the BNP are singled out, they are not the only parties who have sold their party nominations. In fact this is a widespread practice and prevalent in all parties and in all the countries.

There are also more covert and subtle impediments to competition in South Asia. The officials, especially the district officer, have long been suspected of manipulating election contests. The district officers wield huge power in the areas under their control; and the local power brokers who control the so-called 'vote bank' often take the cue from him. The district officers cannot only deliver votes but

are also reputed to be fund raisers for the party supported by the incumbent government. There is a long history of collusion between the Indian National Congress and the bureaucracy. In fact the bureaucrats often substitute the party cadre for mobilising support and fund for the party in power. It is therefore hardly surprising that just before elections the incumbent governments attempt to post 'sympathetic' deputy commissioners and police officers in every districts.

Recently more disturbing evidence is emerging about overt the role of the officials in rigging the election results. In many districts the officials were reported to have registered bogus voters and issued them with identity cards. This is particularly serious since election monitors and observers have no way of detecting such rigging. Such manipulations become particularly effective in marginal seats where a few hundred or a thousand votes can change the outcome. This is obviously difficult to substantiate but some statistical aberrations may give us a clue. In the Bangladesh general elections (which by all accounts was 'fair') there were some intriguing discrepancies in the voting pattern. In most constituencies where the Awami League won the seat, the other four or five parties also won enough votes so as not to forfeit their security deposit. This would also seem to reflect more accurately the state of political division in the society and the general level of political support enjoyed by the leading parties even after allowing for regional and rural/urban variations. However in some forty seats described as 'marginal' where the Awami League was unlikely to poll a clear majority but could confidently expect to win the seats as a result of the votes splitting between its opponents, it lost to the BNP. These forty marginal seats were crucial in tipping the balance in favour of the BNP. That the BNP should win some of these marginal seats should not have been surprising. It could be explained to their superior electioneering or even a popular swing against the AL. However the actual distribution of the votes between the different parties is quite odd and completely out of line with the results elsewhere in the country. In those marginal seats where the BNP won and the AL came a close second, the most of the remaining candidates polled so few votes so as to lose their security deposit. One possible explanation is that some people were voting tactically so as not to split the anti-AL votes in constituencies where the BNP had a reasonable chance of winning. But this would presuppose a sophisticated electorate and a high level of information available to the voters. But neither of which is entirely true. Nor would it explain why such a voting behaviour was confined to only about forty seats. The other possible explanation is the switching of votes with some official connivance. Detailed studies of the voting patterns and figures of each constituency has to be undertaken to fully understand this intriguing phenomenon.

Even more sinister perhaps is the role of the intelligence agencies. There are reports from both Pakistan and Bangladesh of the intelligence personnel were actively involved in electioneering, often pouring in quite large sums of money from

funds at their disposal for which they are not accountable to the government or parliament. Besides the intelligence agencies are also reported to have exerted considerable coercion on the local elites to change their allegiance. Retired military officers have openly spoken about their role in helping the Islamic Democratic Alliance (IDA) to come to power in 1990. In the Mirpur bye-election in Bangladesh the role of the military intelligence in manipulating the votes in favour for a BNP candidate was painfully obvious. It is difficult to document the activities of the intelligence agencies which by their very nature are secretive and information are impossible to obtain; and it is even more difficult to make them accountable since they have at their disposal large fund which is outside the scope of public scrutiny.

Participation

Essential to the functioning of democracy is the regular participation of the people in the formulation of policy. In this respect the record of all the countries of the region is poor. Put crudely the democratic process and popular participation in all the countries of South Asia very often ends with the electioneering and remains in abeyance until the next time. There are no public policy debates nor any regular mechanism for consulting opinion in decision-making. Policies normally emanate from the ministries and are enacted by parliament often after perfunctory debate. There is no attempt to educate the public on the issues involved, nor is there any structured discussions between the government and the groups most likely to be effected by the legislation. Very rarely 'white papers' setting out the government proposals on a particular issue is published or popular input sought. By contrast the governments have developed a wide range of tactics for diverting or stonewalling public demands. The governments frequently appoint committees and commissions—parliamentary, judicial, public or governmental—to enquire and report on specific issues but very often these reports are not made public and still rarely are their recommendations implemented. They merely serve the purpose of stifling protests and placating public conscience.

In part the refusal of governments to encourage popular participation arises from a belief deeply embedded in the minds of the ruling elites that the business of the government is considered too complex and 'weighty' to involve the very people who earlier voted the government into power. Or put more cynically, since the concern of the ruling groups is to monopolise the benefits of the state for themselves and their supporter, it pays to keep the voters ignorant. Very often the only way for the public to make its opinion felt is to take to the streets and agitate. Protests, strikes, 'hartal' and demonstrations—none of which can be considered a part of the democratic process—are often the only means for making governments sensitive and responsive to popular opinion. In extreme circumstances popular uprisings involving loss of lives has become necessary to persuade the governments to respond to popu-

lar discontents. It would seem that little has changed in South Asia since Sir Edmund Burke's remark in relation to British policy towards the thirteen American colonies that the people had no means of making their views felt except through rebellion.

It is the same with the so-called matters of 'national security'. Very few details relating to defence comes under parliamentary scrutiny; and in Pakistan and Bangladesh the defence expenditure (which is single largest item on the budget) is not even allowed to be discussed in the assembly. 'National security' has become a convenient cloak for governments to conceal many issues from popular scrutiny and to save themselves from embarrassments.

In matters of foreign policy most of the times even the parliament is not consulted. In 1954 Pakistan signed the US-Pakistan Mutual Defence Agreement and joined the Western security alliances like the SEATO and CENTO even though popular opinion was hostile to it. In 1956 during the Suez crisis Pakistan remained 'officially' sympathetic to Britain even though the population was incensed by the Anglo-French-Israeli intervention in Egypt. Prime Minister Hussein Shaheed Suhrawardy wanted to pull out Pakistan from the Commonwealth in response to the public outcry but was overruled by President Iskander Mirza who had been persuaded against it by the British.³ More recently during the second Gulf crisis in 1990 both the governments of Pakistan and Bangladesh offered to send troops in support of the US-led coalition against Saddam Hussain even though the people in both countries had made clear their opposition to the government policy. The Indian government decisions to allow US aircrafts refuelling facilities in India during the Gulf war (later reversed under popular pressure) and upgrade its diplomatic relations with Israel were both done without reference to popular opinion.

Nor is there any effort made by any of the governments to consult popular opinion in matters of selections for public offices. Almost all appointments to public offices are regarded as in the gift of the government and appear to being made without any recognised procedure or public scrutiny. Ministers, ambassadors, heads of corporations and even vice chancellors of the universities owe their appointments to the president or the prime minister without so much as even a reference to parliament or any concern for their qualifications or appropriateness for the position. (The highly dubious practice of clearing appointments by the military intelligence introduced during the authoritarian period seems to continue both in Pakistan and Bangladesh.) Patronage and rewards for those contributing to the success of the party is an unavoidable necessity for the effective functioning of democracy. To that extent the party in power has the discretion of conferring offices to its supporters. At

³Sir Morrice James (1993) *Pakistan Chronicle*. [Ed. by Peter Lyon.] Hurst: London. pp. 34-51, see esp. 45-48.

the same time the appointment of people to public office who either do not have appropriate qualifications or who do not enjoy popular confidence tends to undermine the legitimacy of the government.

The purpose of popular endorsement and scrutiny of public office holders is to endow and renew the legitimacy of the regime. However when governments use their assured majority in parliament to rubber stamp the appointment of their nominees without consideration of the larger public opinion the purpose of the exercise is defeated. The BNP nominated Abdur Rahman Biswas for the presidency. The opposition registered its unhappiness against Biswas' choice, who although earlier elected as member of parliament, was alleged to be a collaborator of the Pakistan army which had committed genocide in Bangladesh in 1971. The BNP, despite considerable popular opposition and adverse comments in the press, used its parliamentary majority to push through the election of its nominee. This was not only a divisive tactic but has also deprived the highest office of popular esteem which is essential if the president is to exercise his authority in the event of a constitutional crisis or emergency.

Perhaps the most serious flaw in democratic participation in South Asia is that even this limited amount of 'participation' is largely confined to the national arena. There is very little actual participation at, or devolution of power to, the local level. This is true even in India despite periodic proclaimed enthusiasm for the '*panchayati raj*' and promises for devolution of power. In Sri Lanka, too, the powers devolved to the provincial assembly is more illusory than real. It is not difficult to explain why democracy has not filtered down from the national to the local levels. Except for the Communist parties, all the major parties in India (including the Congress and the BJP) mobilise support in the rural areas through an alliance with the dominant groups who use their 'patron-client' status to deliver the votes. Admittedly the situation is slowly changing but the pattern is essentially the same. This has had the unfortunate effect of reinforcing the traditional pattern of dominance. In other words the economically and socially dominant groups use their political influence to buttress their economic position; and in turn use their wealth and social status to strengthen their stranglehold over the governmental machinery. Thus in the absence of effective participation in the localities the development programmes destined for the poor are monopolised by the wealthy which completes the vicious circle: the poor are becoming poorer and the rich richer and thus strengthening the traditional structures of dominance and subordination. Even where village bodies exist they have very little power and there are scarcely any mechanisms for ensuring that higher level decision-making instructions are in accordance with local needs, conditions or opinions. Leaders at the top have very little first hand experience of the rural areas; and few members of the party cadre have actually lived and worked alongside with the villagers as is done in China.

Popular participation is essential not only in the selection of leaders at the national and local levels but also in the political parties itself. There can be little hope of effective democracy in a country if the parties striving for democracy themselves lack internal democracy. None of the political parties in South Asia can actually claim that their leadership is elected by the rank and file of the party members. In some instances party leadership appears to have become 'hereditary': Jawaharlal Nehru's inheritance was (after a short interregnum) bestowed on Indira Gandhi, who in turn, was succeeded by her son Rajiv; Bhutto's wife Nusrat and daughter Benazir inherited the mantle of the PPP's leaders; and in Bangladesh the daughter and the widow of the assassinated leaders lead the two main parties. The list could be extended to include the leaders of Sri Lanka and Burma.

But more to the point the central or the executive committees of all these parties are packed by the nominees of the leader or the factions in control of the party often without any consultation with the party members. The scenario is virtually repeated at all other levels of the party organisations. Likewise the prospective members for parliament are selected by the party leadership at the headquarters with scant reference or consultation with the members of the constituencies. In large number of cases the person given the ticket for a particular constituency does not even live in the locality nor has any particular connections with it. As has been pointed out earlier party tickets are often offered to the highest bidder or to an influential person of the locality with the best prospect of winning; and very often neither may share the party's ideology or show any willingness to abide by the party discipline.

In the absence of internal democracy and the election of the party office holders the functioning of democracy is impaired in several ways. First, the party itself becomes much more susceptible to factionalism. Almost every major party in the region has splintered, in some cases several times, because of rivalries between the leaders. The Congress and the Communist Party in India have been split several times. In Bangladesh the Awami League is probably the best organised party and won more votes than the BNP at the last general elections but failed to win a parliamentary majority largely because of internal squabbling in which some Awami Leaguers actually canvassed for the defeat of their own party candidates. Second, since the people at the local level are not consulted they do not feel 'represented' and therefore they become indifferent to the political processes. Moreover as many people do not feel a stake in the 'democratic' order, nor perceive a qualitative difference between the 'democratic' and 'authoritarian' order, it is not surprising that there has been no significant popular resistance to military intervention. Third, and perhaps more significantly, the ability of the party leaders (and the government) to keep themselves informed of the opinion at the grass roots level is greatly reduced. To an extent this is compensated by the leaders by frequent visits to the consti-
tuen-

cies and by holding public rallies and marches. But such formal interfacing is hardly a substitute for institutionalised links and continuous flow of information from the localities. In the absence of institutionalised lines of communications the leaders at the national level have no effective mechanism of keeping themselves abreast with public opinion and become susceptible to the advice of those who have access to their ears. The problem is further aggravated by the absence of effective media. Since the restoration of the democratic governments the newspapers in all the countries are free and quite vigorous but they appear to reflect the narrow and sectional interests of the ruling groups (to be discussed below); and the popularly more influential radio and television remains bureaucratically muzzled and are incapable of objective reporting.

Civil and Political Liberties

We have earlier identified competition and participation as two essential ingredients of democracy. While at a formal level both these elements are present in all the countries of the region, in practice these remain distant goals rather than the prevailing reality. To this list we must add the guarantee of civil and political liberties without which the first two elements cannot be translated into reality. For competition and participation to be effective in any society there has to be institutional guarantees about the freedom of expression, The freedom of press and the right to form organisation, the right to seek public office, the ability to freely canvass and mobilise support for one's platform and programme; and to ensure that those institutions responsible for making government policies are responsible to the people by whom they are elected.

Once again at the formal level the civil and political liberties are enshrined in the constitution and the citizens can seek redress in case of infringement of the fundamental rights through the courts. Many of the restrictions which curbed individual freedom under authoritarian rule have been removed from the statutes. Very few 'political' prisoners are actually languishing in prison. Detention of political prisoners without trial is virtually impossible as courts frequently throw out government detention orders. Large number of Jatiya Party leaders who were imprisoned following the overthrow of Ershad were able to obtain their release by petitioning the courts. Even Ershad, who still remains in prison charges of corruption and other unlawful activities, was allowed the right to contest the parliamentary elections despite enormous opposition from the BNP and the AL. The attempts by the former president Ghulam Ishaq Khan to prosecute the members of the PPP ostensibly for alleged misuse of power and corruption failed and thereby demonstrated the limits of political persecution in the new democratic order. But the very fact that such attempts have been made to harass political opposition is quite disturbing. Despite

these social and political environment is freer than ever before.

However to say that the record of civil and political liberties has improved is not to claim that there are no areas of concern. In fact far from it. In all the countries of South Asia there are evidence of the violation by the state of individual and group rights. In most cases the victims of state violence cannot seek legal redress. The states have sought to legalise their use of coercion and denial of political and civil liberties under the garb of a plethora of anti-terrorist, emergency and defence of the state laws. These have been documented in a long series of reports including those issued by the Amnesty International, the Anti-Slavery Society etc.

Each country has its own share of horror stories. Kashmir perhaps occupies the top of the list both because of the intensity of atrocities and the long period over which this has been occurring. In Kashmir there is not even the semblance of the rule of law. The government of Kashmir collapsed some years ago and the government of India has for all practical purposes handed over the control of the state to the security forces. Arbitrary arrests, torture, massacre, genocide, arson, rape and harassment of the worst kind is a daily occurrence; the courts do not function and the actions of the security forces even when overwhelming evidence of atrocity is available are not capable of being challenged in the courts. Newspapers are either barred from (in many it seems the journalists have imposed voluntary restraint on themselves in the name of 'national integrity') reporting on the situation in the area. The state is virtually sealed off and no visitor, not even fact-finding missions sent by humanitarian agencies, are allowed to enter. There are no reliable figures but it would be no exaggeration to claim that tens of thousands of people have been killed, maimed or tortured by the security forces. Irrespective of the responsibility of the various Kashmiri 'freedom' or 'terrorist' organisations in contributing to the breakdown of the law and order in the state, the fact remains that a democratic government cannot itself behave like a terrorist organisation and allow its forces to act outside the bounds of the law. In the same way the excessive coercion used by the security forces in the Punjab against Sikh 'terrorists and secessionists' has seriously undermined the democratic credentials of the state.

In Sri Lanka the intensity of the military action against the Tamil 'secessionists' has diminished since the Indo-Lanka accord of July 1988 which provided a constitutional mechanism for the solution of the Tamil problem within the framework of a united and multi-cultural state. However the rejection of the accord by the Liberation Tigers of Tamil Eelam (LTTE) and the half-hearted acceptance and implementation of the accord by the government has meant that the insurgency in the north is far from over. And with it the violation of the human rights of the Tamils in the north continues unabated. The spate of 'disappearance' and assassinations has brought forth charges of government complicity; and there are also suggestions that some of the security agencies may have become laws unto themselves.

Notwithstanding the courageous stand taken by the various human rights organisation in bringing to light the instances of human rights violations and 'state terrorism', the situation is grave. It seems that the government has successfully confined the violence to the Tamil majority areas in the north and thereby the great majority of the population is immune and consequently become indifferent to what is happening in the conflict zone. The public tolerance or indifference to violence by state forces is the thin end of the wedge towards gradual and greater erosion of human rights. As in Kashmir, the responsibility of the Tamil insurgents can neither be ignored nor condoned but the point to be stressed is that the government forces have to operate within constitutional and legal limits, otherwise the very basis of our society will be threatened. The armed forces and other para-military organisations involved in the counter-insurgency must be made accountable for their actions. There is no evidence to suggest that those guilty of violation of human rights or acting illegally have actually been prosecuted.

Pakistan's record of civil liberties has greatly improved since the days of General Zia. There are few political prisoners or restrictions on political activities; the press is freer than ever before, and there are no reports of public flogging or punishment of women under the dubious 'hudood' laws. However there are also some disturbing evidences. Following the dismissal of Bhutto's government in 1990 the incoming government set up a special tribunals with extraordinary powers to try members of the Bhutto government for alleged abuses of power. In reality the tribunal became an instrument for harassing Bhutto, her supporters and the members of her family.

Many military officers, politicians, civil servants and students who had fled the country escape Zia's persecution are still languishing in foreign countries and are unable to return because of the fear of retribution by the military and the intelligence agencies. Whilst those who conspired to overthrow the constitution and the popularly elected government were granted amnesty by the parliament, it is ironic that the champions of democracy who opposed the illegal imposition of martial law continue to be victimised. Murtaza Bhutto, the brother of the prime minister and allegedly responsible for hijacking a PIA plane, returned to Pakistan in November and was immediately arrested. However it remains to be seen whether the newly elected government will be able to give him the benefit of full judicial process.

Nor have the two democratic governments which came to power after Zia's death have shown particular concern for civil or political liberties. Several draconian legislations have been enacted ostensibly to check 'terrorism' but used in reality to punish their political opponents. Bhutto used the military to single out her opponents in Sindh; and likewise Nawaz Sharif used his power to unleash terror on the Muhajir Qaumi Movement (MQM) allegedly for their violent tactics. The leader of the MQM fled to the UK where he continues to reside and cannot return to Pakistan

for fear of his life. Moreover the military demanded, and obtained, special powers and immunity in its supposed campaign against the 'terrorists' in Sindh. Under the special power granted to them the military was neither accountable for its action before any court nor was the so-called anti-terrorist operation conducted under the direction of the elected government of Sindh.

And last, but not least, the rights of the women is severely curtailed by the so-called 'hudood' laws which accords women an inferior status and denies equality before law. Whilst there has been no reported instance of women victims of rape being tried for 'zina' (adultery) as used to happen frequently under Zia, there has been no discernible change in the inferior legal status of the women. Moreover the hopes that 'hudood' laws would be repealed by the elected government has not happened. In fact during the last general election the PPP was particularly ambivalent towards the question of 'hudood' it would merely agree to reviewing it.

The restoration of a democratic government in Bangladesh after fifteen years brought noticeable improvement in terms of civil and political liberties. As indicated above the BNP government has shown a tremendous respect for the rule of law and has exercised considerable moderation in its policy towards its political opponents. But while this is generally true in respect of the great majority of the people in the society, there are two areas where the government has been probably as negligent as its authoritarian predecessors. By far the most important issue relates to the tribal people living in the Chittagong Hill Tracts [CHT]. The tribal population of just over 600,000 is made up of 13 different tribes most of whom migrated into the CHT over a long period of time from the neighbouring hilly regions of north-east India or the Arakan in Burma. They have historically preserved their separate identity by maintaining their autonomous status. It was the encroachment on their autonomy and the decision of the government of Bangladesh to deprive them of their lands by settling the people from the densely populated plains that sparked the tribal resistance. The successive military regimes unleashed what the Amnesty International described as 'unlawful killings and torture'.⁴ Many thousand tribes people have already perished and, although accurate figures are not available, according to conservative estimate more than half the population have been displaced from their lands.

Perhaps less known, but affecting a much larger number of people in Bangladesh, is the growing intolerance towards the Hindus of the country. There is no official policy of discrimination nor is there any suggestion that the government is itself involved. The whole thing is more subtle and not easy to document. The influential individuals (either the rural wealthy or politically well connected) have for some time been pushing out the Hindus from the rural areas, especially those

⁴*Bangladesh: Unlawful Killings and Torture in the Chittagong Hill Tracts.* (Amnesty International, London, 1986).

who are in possession of land. In many cases the Hindus are compelled to 'sell' their land under duress or in some cases the Hindus have fled to India because of threats and intimidation. (There are also of course instances when Hindu families have sold their land in order to migrate to India because they do not see a secure 'future' for their children.) In urban areas the discrimination is less obvious but no less widespread. Despite the fact that Hindus constitute nearly 15 percent of the population they are poorly represented in governments services, universities, in educational opportunities or in the private sector; and in the armed forces they are virtually absent. The very fact that the Hindu population of Bangladesh has dramatically declined from about 23 percent to under 13 percent in the last fifteen years is a testimony of intolerance towards the community.

We have earlier emphasised the importance of the freedom of expression and the importance of alternate sources of information as crucial to the functioning of democracy. While the newspapers are vocal and in theory should provide an alternative prism for viewing the society but in reality they reflect very much the concerns of the elites who own and edit the newspaper: by far the greatest coverage of the newspapers concerns appointments, transfers and promotions of the civil-military bureaucrats, the intrigues and power play of the politicians, and the disputes over the award of lucrative contracts. There is very little informed or investigative journalism which addresses issues and policies or highlights the plight of the rural areas where nearly three quarter of the people of the region live.

Radios and televisions which have a much larger and wider audience remain muzzled by government control in all the countries. The opposition parties are on the whole denied access to them. The consequences are unfortunate in more than one respect. Radio and television in all the countries are viewed as instruments of government propaganda and consequently have virtually lost all credibility. By keeping the radio and television muzzled the leaders in power have deprived themselves of an alternative and independent source of information. Increasingly they have to rely for their information on the bureaucrats who, for reason which are obvious, often have an interest in keeping the leaders in the dark of feeding biased information. While the obsession of the authoritarian regimes keep the people in the dark is understandable, it becomes self-defeating for democratic regimes. Since the democratic regimes are dependent upon popular support for their continuation in office it is in their interest to be informed of popular opinion and the impending crises so as to be able take ameliorative actions.

Moreover even the authoritarian regimes have belatedly recognised that censorship is no longer effective. During political upheavals in the region the people invariably turn to foreign radios, especially the BBC for information. More recently with the arrival of the CNN and STAR television, the international direct dialling facilities and facsimile machines it is virtually impossible keep the population isolat-

ed or uninformed. The arguments for freeing the radio and television with guaranteed and adequate fund is quite compelling. The existence of such independent media is also an important safeguard against the intervention of the military. However notwithstanding all the arguments in favour of freeing the radio and television from debilitating governments restrictions, the new governments have shown remarkable inability to shake off old habits.

Democracy and Civil Society

The restoration of democracy is however a major step, even if only the first one, forward in the empowerment of the people. So long as the governments are dependent upon the voters for the accession to power they cannot altogether be irresponsible to the electorate. To put it simply the elections are a bargain between the elected and the electors. The failure to uphold the terms of the bargain results in being voted out at the next elections. The evidence from India and Sri Lanka suggests that the electorate has used its vote to enhance its entitlement and with each election the number of people who have gained access to the benefits of the state is widening. However the process is slow and uneven. A very large proportion of the population in all the countries has the vote but little else. They survive (the use of such a word itself is ironic) below the poverty line: most them are physically retarded by the time they become an adult; have no access to health, education, clean drinking water or sanitary facilities; they are denied opportunities for employment, social security or even food for work; they do not have access to state subsidised seeds, fertilizers or irrigation; and their benefits of electricity, roads and schools have evaded them as well. In short they have the votes but have not yet been able to establish the entitlement to their benefits conferred by the state. They remain outside the purview of the state; and consequently they do not have any stake in the preservation of the democratic institutions for which they vote. Increasingly they resort to violence and extra-constitutional tactics which threatens to undermine the democratic processes. A question which must concern democrats in how the masses can be given a stake in the system before it is too late.

This can be best achieved by strengthening democratic institutions which makes effective popular participation a reality. The institutions of civil society and the social movements by empowering the people help to strengthen the democratic institutions. Popular mobilisation, propaganda, education and collective organisations enhance the capabilities of the individuals to realize their 'entitlement' from the state. Entitlement, according to Sen, 'refers to the set of alternative commodity bundles that a person can command in a society using the totality of rights and opportunities that he or she faces'.⁵ This is essentially a political process. Only a

⁵Amartya Sen (1981) *Poverty and Famines. An Essay on Entitlement and Deprivation*. Oxford: Clarendon Press. Ch. 5.

regime which is accountable to the voters will put adequate emphasis on the entitlement of the people. In short popular participation and the establishment of democratic institutions are essential preconditions for the expansion of capabilities and entitlements without which the benefits of the state will continue to be monopolised by those controlling the state.

Modern democracy evolved in opposition to medieval despotic monarchy and the hierarchical social order in which the legitimacy of the ruler was derived from the concept of divine rights. It meant the denial of the natural and supernatural rights as the basis of state power, the assertion of the sovereignty of the popular will and the creation of the instruments of representation so that the people who controlled the state apparatus enjoyed the support and confidence of those whom they ruled. While the establishment of a structure to secure popular mandate for the holders of state power was central to empowering the people against arbitrary rule, there was also a concern against the tyranny of the minority rule. The problem was to reconcile the compulsions of collective will with the safeguarding of individual or group freedom. It was in response to this that the Liberals sought to roll back the powers of the state by creating a sphere of civil society.

The Liberals were concerned with protecting the citizens from excessive interference by the governments and had grave reservations about unfettered democracy based on one person one vote. Their dilemma was to reconcile individual freedom with the necessity to ensure that governments ruled in the interest of the people. In other words democracy was a means to an end and not an end in itself. John Stuart Mill (1806-1873), for instance, supported democracy to the extent that it was necessary to restrict the power of the state and advocated representative government with a free-market economy. He also recommended plural voting, whereby the 'wiser and more talented' would have more votes than 'the ignorant and less able', as an antidote to the irresistible pressure for the adult male franchise. But once political power passed into the hands of the majority as a result of slowly expanding franchise, the compulsion to create a sphere of civil society where social relations including private business, non-state institutions, family and personal life could be autonomous of the state controls became all the more imperative. Liberalism 'became associated with the doctrine that individuals should be free to pursue their own preference in religious, economic and political affairs—in fact everything that affected daily life'.⁶

In the Third World states the problem of civil societies is complex and assumes a different dimension. In South Asia, as in much of the Third World, the states are not homogenous entities but a coalition or a patchwork of different ethnic, religious and tribal groups with their own distinctive identity and group interests. In

⁶Held, p. 41.

the absence of a broad consensus on the definition of concepts like national ideology, national security or even national culture and language, the application of democratic principle based on head counting is problematic. The principle of majority rule has to be tempered with a mechanism for ascertaining the wishes of the distinctive groups, especially in those areas of activities which are considered to be of special concern to them. In other words the creation of a civil society involves both curbing the power of the state so as to create a sphere for the activities of the civil society institutions outside the domain of the government and also for allowing the different groups the freedom of action in matters involving the special interests of a particular group or community.

There is a further problem. In a society where the majority are poor, illiterate and inarticulate the emasculation of the state would, at least in the short run, be detrimental to the interest of the poor and backward groups. The state must play an important and active role in the empowerment of the people so that they are in a better position to realise their political and economic entitlement. However, despite the fact democracy has conferred universal adult franchise, the state is still in varying degrees controlled by the dominant ruling elites in all the countries, and they have successfully monopolised the benefits of the state to their advantage. Here lies the conflict of interests.

We have noted earlier that the civil society institutions in Europe were created by the powerful groups who felt that their interests were best served outside the reach of the state. This became even more compelling after the introduction of male adult franchise when socially and economically privileged groups could no longer be sure of their ability to control the powers of the state to their advantage. It was in response to this that the dominant groups enlarged the sphere of the civil society so that the areas of their special interest could be kept outside the control of the government which was now accountable to the ordinary voters. But in South Asia, as perhaps elsewhere in the developing world, the state poses no threat to the dominant groups. On the contrary the state is an instrument of control in their hands and understandably enough the strong and the dominant groups have no incentive to curb the state power. On the contrary the empowerment of the masses would invariably lead to the emaciation of the power of the dominant elites who currently control the state as had happened earlier in Europe. There are few (if any) instances in history where dominant groups have voluntarily surrendered their privileged position. The entrenched elites in all the countries are fighting a rearguard action to preserve their privileged position arising from the control of the state and the access to its benefits. In fact both the authoritarian regimes and their ostensibly democratic successors have shown a remarkable convergence of interest in not disrupting the *status quo* by challenging the socio-political structure in which they are dominant.

While it is true that the elites in control of the state are unlikely to favour any

diminution of their privileged position, it is perhaps worth reminding that it is to the advantage of the newly elected democratic regimes to foster and encourage the development of self-help organisations and civil society institutions. In the first place these organisations act as a bulwark against military take-overs. It creates numerous centres of power and decision-making and gives the different institutions of civil society a stake in the society which they are unlikely to relinquish voluntarily. The attempted overthrow of Gorbachev by a section of the Communist Party in the Soviet Union was frustrated not because a part of the army remained loyal to him but because Gorbachev had allowed the development of a plural society: it was ordinary men and women who came out in the street to defend the system and also used their decentralised civil society institutions to organise resistance.

There are already important developments taking place throughout South Asia. The most promising aspect of recent developments in South Asia is popular mobilisation and participation. We have already noted that the overthrow of the authoritarian regimes in Bangladesh, Nepal and Pakistan was in large part due to popular movements in these countries. It was not a transition from above even though once the authoritarian regimes were overthrown the power passed into the hands of the elitist leaders at the top. But the popular mobilisation and organisation was not just a passing protest movement but an ongoing phenomenon. In many cases they might have begun as protests movements against authoritarian and inequalitarian systems but have continued their activities even after the transition to democracy and are capable of working with the state.

There are two different but overlapping elements behind popular mobilisation: social movements aimed at transforming the existing socio-economic structure and the rejuvenation of the civil society. These have manifested themselves in numerous self-help and self-betterment organisations in rural and urban areas working in the domain of education, health care, producers cooperatives, women's rights and welfare, protection of the different down-trodden and landless groups. A second category of organisations are centred on trade union and professional groups. They offer an alternative strategy for survival in the face of indifference or inability of the governments to cater to their specific needs by creating centres of power and activities outside the domain of the state. More importantly they help to strengthen social plurality and provide the 'seedbed of democracy' through practice and training in democratic decision-making.⁷

Second, these organisations, especially the human rights and amnesty groups act as watch dogs by monitoring the activities of the state, safeguard against the violation of basic rights by providing legal services; and, not least, by providing an alternate source of information they keep the government informed of the activities

⁷Sorensen, *Democracy and Democratisation*, pp. 57-60.

of its own agencies in relation to violations of human rights. These organisations work not in opposition to the government but to complement it by exposing and critiquing its actions and policies.

Third, because the patterns of social dominance are replicated in governments and parliaments, even democratically elected governments find themselves constrained by the pressures to protect the interests of the dominant groups. This invariably creates a dilemma even for a well intentioned government: the commitment to meet the demands of those who have elected the government is often at variance with the interest of the ruling groups. None of the countries in South Asia has been able to carry out effective land reform because of the resistance to it within the government and in the opposition groups even though the necessity for it has been recognised for a very long time. Indeed so powerful is the opposition of the dominant groups to land reforms that it is no longer even thought of as a policy option in the realm of the possible. Precisely for these sort of reasons many of the 'new social movements' seek to organise the disadvantaged groups as a way of reducing the stranglehold of the traditionally powerful elites so that ultimately the composition of the government and parliament may be altered to reflect the reality of the social configuration. This is bound to be a slow process but essential if the stranglehold of elite dominance is to be curbed.

The role played by these non-governmental organisations (NGOs) in social and economic regeneration of the disadvantaged groups can scarcely be exaggerated. Their growing importance is recognised by all: the governments, the development agencies and the donors. Indeed more and more donors are channelling at least a part of their aid assistance through the NGOs which are specifically targeted at the disadvantaged and are committed to changing the elite dominance of the social structure. A detailed study of the activities of such groups is outside the scope of this paper but a few examples may be cited.

For the success of democracy and good governance the development of non-governmental organisations, social regeneration movements, human rights and civil liberties bodies and other professional and trade union bodies are crucial. They help to create alternate centres of power and give substance to societal plurality. The world of NGOs and voluntary and professional organisations are perhaps one of the most promising areas of development in South Asia and are bringing about slow, but perceptible, changes in the region. At the same time there is a need for caution. The NGOs by their very success have attracted donors and vast sums of money is now being channelled through these bodies. As it invariably happens the world of dedicated NGOs and voluntary organisations are being infiltrated by self-seeking careerists and profiteers. The austere and thrifty life-style characteristic of the NGOs is being replaced by the ostentatious and wasteful extravagance akin to the expatriate international and UN agencies. A number of NGOs and organisations devoted to

high ideals on paper have in reality become facade for lucrative contracts and well paid careers. In Bangladesh the proliferation of such organisations and their high visibility in the smarter parts of the residential areas has led to the coining of the phrase 'the NGO Raj'. Fortunately this trend is confined to a small number of individuals and organisation but could easily become widespread as more governments and international agencies funnel money through the NGOs. However to criticise a few individuals and organisations is not to underestimate the enormous contribution of these unofficial bodies and individuals to the promotion of democracy and good governance.

There is another type of social regeneration movement much in evidence in Pakistan, and perhaps elsewhere, and deserves to be noted. These are associations linked to mosques. Much of this paper has been concerned with the baneful influence of the elites and of religious sectarianism. Here is one instance where both are playing a constructive role. Many Western educated elites, including senior civil and military officials, academics and other professionals, disillusioned by half a century of corruption and misrule by the Westernised elites are turning away from conventional politics and careers to alternative ways of life. What was once a fringe activity has now developed into a mainstream movement. Many bureaucrats and soldiers who, after a life time in the services, would have in the past on retirement would have opted for the plum position of a company chairmanship or a consultant to a foreign organisation are now entering as volunteers in mosque organisations; likewise many newly returned graduates from Europe or America are turning their backs to lucrative positions in multinational corporations for austere life of village social workers. Their numbers are small but the trend is most important. The groups do not have a centralised organisation and each operates independently in a locality centred around a mosque. But two things unite their outlook and purpose. First, the movement is a reaction against the alienation of the leaders from the masses and the consequent development of a two-tiered society: a privileged, westernised and self-seeking urban elites who have monopolised the benefits of the state and are almost totally alienated from the bulk of the population; and the vast majority who live below the poverty line and who are denied even the basic necessities of daily life such as sanitation, clean water, education or even adequate food or for that matter any of the benefits normally conferred by the state to the citizens. And second, while committed to the ideal of democratic governance and popular accountability, they are convinced that the terms of constitutional discourse are alien and incomprehensible to the great majority of the people and must therefore be made to reflect indigenous social and religious experience. In other words the members of this Islamically conscious groups believe that the society has to be ordered along their religious and cultural ideals.

Writing in a different context Dr Neelan Tiruchelvam from Sri Lanka makes

a similar point when he suggests that constitutionalism 'requires a legal and political culture on which durable institutions can be established'. He goes on to elaborate by suggesting that 'fundamental rights etc. can be expanded by linking it to belief systems which have given content and meaning to the social and religious experiences of the people. These indigenous, cultural and religious traditions emphasise communitarian conceptions of justice, and conciliatory and consensual approaches to the resolution of conflict.'⁸ Religion and culture defines the moral and ethical parameters within which individuals can act and therefore enjoys a sanction which is more effective than any that the state can enforce. Obligations of reciprocity within a family, as Tiruchelvam points out, facilitate attitudes and values supportive of the rights of the child and the needs of the elderly.

For democratic institutions to be successful it is essential the wide gap between the leaders and the masses must be closed and that the institutions and rules are grounded in a belief system so that the concept and vocabulary of democracy are within the comprehension of the masses. Principles of governance and accountability, as Dr Tiruchelvam has pointed out, 'need to be articulated in languages and idioms which form a part of these civilisational tradition.'⁹ The Buddhist tenets of justice, the Hindu concept of dharma, and the Islamic ideal of the Nizam-i-Mustafa defines the moral limits which cannot be transgressed without the rulers forfeiting their legitimacy to rule.

⁸Neelan Tiruchelvam, 'Institutionalising Democracy: The Crisis of Constitutionalism in South Asia'.

⁹*Ibid.*