

BANGLADESH AND INDIA

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

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

Furthermore, a comparison with other legacies of British colonialism, whether in Africa, in other parts of Asia, elsewhere in South Asia,

should lead one to scoff at suggestions of a benign contribution by British imperialism to the growth of democracy. In South Asia, outside of India democracy has failed to take deep root in any of the other states emergent from the detritus of the British Indian empire. In Pakistan, for example, it has been brittle at best and nonexistent at worst.² In Sri Lanka, it has involved institutionalized ethnic discrimination and contributed to a seemingly unending ethnic civil war.³

In Bangladesh, democracy remains at best procedural. Bangladesh's failure to consolidate and deepen democracy requires some explanation. Once again, historical legacies are of extraordinary importance. Bangladesh emerged as an independent state only in 1971 with the break-up of Pakistan. From 1947 to 1971, what is today Bangladesh was the noncontiguous eastern wing of Pakistan. During this period it was not only subject to the vagaries of Pakistan's turbulent politics and long bouts of authoritarian and military rule, but was also treated mostly as an internal colony. These years, which constituted the formative phase of Bangladesh, shaped a number of its critical institutions, most notably the army. Unlike India, Pakistan and subsequently Bangladesh failed to establish firm civilian control over the military.⁴ Long years of authoritarian military rule in Pakistan also contributed to an antidemocratic political culture in Bangladesh. Any attempts at democratic consolidation and deepening have had to contend with these adverse historical legacies. This comparison is interesting and useful for a number of compelling reasons. It gives a glimpse of the underlying structural factors that contributed to the markedly divergent political trajectories of India and Bangladesh even though they emerged from the common detritus of the same imperial entity.

India: The Rule of Law

The success of democracy in India must be traced instead to individuals within the Indian nationalist movement who seized upon certain British liberal ideas and principles and then sought to transplant them in Indian soil over a span of several decades.⁵ It is also closely related to the emergence of a "catch-all party," the Indian National Congress, that, at least in principle, sought to represent all Indians regardless of their regional, caste, class, or ethnic affiliations. The participation of this unrelentingly anticolonial party in slowly expanding forms of self-government prepared it to seize the reins of democratic governance in the postindependence era.

India, which made its transition to democracy with a remarkable absence of violence (once the extraordinarily bloody process of partition by the British was over), saw a high degree of adherence to the rule of law in the early years of its independence.⁶ The country's first prime minister, Jawaharlal Nehru, a key member of the nationalist movement,

was committed to the highest standards of probity in public life. Many of the members of his cabinet were equally committed to similar norms of conduct.⁷ The exigencies of politics did, of course, lead Nehru to make minor concessions. On occasion, for example, he chose not to investigate allegations of illegal activities on the part of some of his ministers.⁸ Nevertheless, for the most part during the initial years after independence, especially in comparison with most other postcolonial states, the adherence to the rule of law in India was exemplary.

Yet this outstanding start has not carried through to the present. The decline in the rule of law, ironically, started under Nehru's daughter and India's third prime minister, Indira Gandhi. In the 1970s, in an attempt to bolster the sagging popularity of the Congress Party, she promoted a series of populist slogans and measures. One of her key electoral promises was *garibi hatao* or (literally "drive out poverty"). This slogan, not surprisingly, won many adherents, and shortly after her sweeping electoral victory in 1970 she embarked on a series of populist measures including the nationalization of banks and key industries such as iron and steel. She also did away with the "privy purses," the annual government subsidies to the former princely rulers of India. Few of these measures made any dent in India's endemic poverty, however. Economic growth rates continued to hover around 3 to 4 percent annually, and India's rural and urban poor saw few improvements in the quality of their daily existence.⁹ What her slogans and policies did do, was create a climate of increased expectations among India's impoverished electorate.

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

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

In the 1990s, the blatant involvement of politicians with known criminals became so widespread that the government felt compelled to create a one-man commission to investigate and report on the politician-criminal nexus. The commission, created in 1995, was headed by N.N. Vohra, a former senior IAS officer known for his impeccable professional record. Vohra's report, which was submitted within a year, provided a damning indictment of the politician-criminal nexus. Though excerpts from the report were leaked to prominent Indian newsmagazines, the full contents of the report were never made public. The underlying problem that Vohra identified in his report continues to plague Indian politics. According to one reliable source, as many as seven hundred state legislators and forty members of parliament have criminal backgrounds.¹¹ In some states, the ties between politicians and criminals are quite tight.¹² Since Vohra submitted his famous report, there have been few improvements in this arena. In the parliament that was convened in June 2004, at least a hundred of the 542 members had criminal cases pending against them.¹³ Though the Election Commission has long recommended that individuals under indictment should not be allowed to contest elections, no political party has found it desirable or expedient to implement this injunction. Given the composition of the many state legislatures, not to mention the national parliament, it is highly unlikely that this critical issue will receive legislative attention anytime soon.

Another key problem with the rule of law in India is the enormous caseload confronting Indian courts at local, state and national levels. According to one estimate it takes an average of twenty years to resolve a civil lawsuit in India.¹⁴ Despite periodic calls for judicial reform, little effort has been expended to address this severe backlog. Ironically, the advent of a new form of judicial activism, public-interest litigation, which is designed to provide access to the indigent and the dispossessed, may increase this extraordinary burden on the courts.¹⁵

Accountability

The quality of governmental accountability in India varies widely. At the most basic level of accountability—reasonably free and fair elec-

tions at local, state and national levels—India no longer fares badly. The existence of the politician-criminal nexus notwithstanding, three factors have played a vital role in preventing the corruption of the electoral process. First, the extraordinary level of political mobilization that has taken place over the last two decades has made hitherto disenfranchised voters far more conscious of their political rights and privileges. All Indian national electoral surveys reveal that citizens from the “lower” castes are becoming increasingly assertive in state and national politics and are playing a vital role in ensuring electoral alternations. Second, since the 1976–77 “emergency,” when civil liberties and press freedoms were dramatically curtailed, the Indian press has assumed an important watchdog role. Politicians still resort to the use of local *condottieri* to try and alter electoral outcomes. Press vigilance, however, frequently exposes these dubious schemes. When such malfeasances are brought under public scrutiny, the revitalized Election Commission routinely countermands the election outcome and arranges a revote. Third, and in a related vein, some institutions have shown renewed signs of vigor. In this context, the Indian Election Commission, long a somnolent body, has in recent years evinced an increasing willingness and ability to ensure the fairness of electoral outcomes.¹⁶ The success of the Election Commission has even attracted the attention of more mature democracies. Ironically enough, the British Election Commission, established in 2000, has sought to study the successful practices of its Indian counterpart.¹⁷

At another level, however, governmental accountability leaves much to be desired. A tradition has long existed in India, hailing back to British colonial practices, to appoint commissions of inquiry. More often than not, retired judges, drawn from the higher realms of the judiciary, are called upon to head these commissions. Commissions may examine such matters as the excessive use of force by local police, the failure of a state government to prevent a riot, or, most recently, a significant intelligence failure.¹⁸ The commissions usually have the power to subpoena key individuals, to hold public hearings and to make recommendations based upon their findings. The commissions frequently produce thoughtful, candid, and honest accounts of the issue that they were asked to address. Unfortunately, since the findings of the commissions have no binding legal features, governments are free to disregard their recommendations. For example the Shah Commission headed by retired Justice Shah was asked to investigate the causes of the pogrom against the Sikh community in New Delhi in the aftermath of the assassination of Prime Minister Indira Gandhi in 1984. The commission, to its credit, correctly and courageously identified certain members of the ruling Congress Party and significant segments of the New Delhi police force as the principal perpetrators of heinous crimes against the hapless Sikh population. Yet in the intervening two decades, apart from a few

low-level police personnel, none of the principals involved in organizing, directing, and implementing the pogrom have been produced in court, let alone faced criminal prosecution.¹⁹ What explains this abject failure to act on the recommendations of a commission of inquiry? The answers are complex. In the case of the New Delhi pogrom, the ruling Congress Party was simply loath to move against many of its powerful notables. Subsequent governments have been either too short-lived or too willing to engage in political logrolling to bring criminal charges against the perpetrators. Compounding this problem, of course, is the enormous backlog of cases facing courts at local, state, and national levels. Finally, with the passage of time, evidence once collected is lost, memories of the victims tend to fade, and other, more immediate issues crowd the political agenda of national parties and governments.

Is accountability, then, simply absent from Indian political life? Such an assertion is unsustainable. One of the more novel methods of ensuring accountability is the previously mentioned development of public-interest litigation. This revolution can be traced to the pioneering work of Justice P.N. Bhagwati, a former chief justice of the Indian Supreme Court. Bhagwati cogently argued that in a vast country with widespread poverty one way of rendering the courts accessible to ordinary citizens seeking legal redress was through the development of public-interest litigation. Accordingly, any citizen of India who believes that a particular set of laws is not being implemented, or that the government stands in violation of an existing set of laws, need only send a postcard to the Supreme Court seeking action. If the case is deemed to be justiciable, the Court will respond accordingly. In the wake of Bhagwati's decision, the Court has been bombarded with such requests. Some, of course, have been frivolous and the Court has accordingly tossed them out. But in a range of cases brought to its attention the Court has acted, to much salutary effect.²⁰ It has shut down polluting industries, ordered major metropolitan governments to conform to auto-emission rules, and provided redress to unconvicted prisoners incarcerated for extended periods of time.

One possible misgiving about this form of judicial activism may be the overextension of the judiciary's powers. This is a legitimate concern in a democratic state where balance has to be maintained between the various branches of government. In the Indian case, however, the judiciary has evinced a willingness not to encroach on the authority of the other branches of government.²¹

One key mechanism for vertical accountability in India remains the free press. In the years following independence, it was both professional and diligent. Sadly, it did not display these qualities during the state of emergency that Indira Gandhi declared largely to ensure her political survival, when most of the rights that are guaranteed under the Indian constitution were in abeyance.²² The Indian press, for the most part,

acted in a fairly supine fashion under the state of emergency. With minor exceptions, most newspaper editors all too readily submitted to censorship. In the aftermath of the emergency, however, the press, perhaps because of the chagrin about its role during that period, took on a markedly different orientation. Indeed it can be argued that the press assumed a remarkably feisty character and focused on investigative journalism with considerable vigor and efficacy. Since that time, the Indian press has performed a yeoman watchdog role, exposing governmental corruption, taking recalcitrant civil servants to task, revealing governmental indifference to violence against minorities and lower-caste groups, and reporting on failures of governance in all parts of the country. Among other matters, in recent years the press has been responsible for bringing to light the Rajiv Gandhi government's payment of kickbacks for the purchase of the Swedish Bofors field gun; for revealing the financial malfeasances of a minister of communications, Sukh Ram, in the allotment of wireless-telephone licenses; for uncovering Prime Minister Narasimha Rao's offer of financial inducements to members of an opposition party to support the ruling regime on a crucial vote in parliament; and for drawing attention to the financial irregularities of the then-chief minister of Bihar, Laloo Prasad Yadav, in the purchase of animal fodder using state funds. The results of the revelations have been mixed. At the time of this writing, despite extensive investigations carried out by the Central Bureau of Investigation (CBI), India's apex investigative body, no convictions have been obtained in the Bofors case. Rao, indicted but never brought to trial, left office in disgrace. Ram and Yadav, however, were both charged and indicted, losing their respective offices.²³ Subsequently, however, despite various cases pending against him, Yadav was elected to national office in June 2004 even though a number of his associates, including members of the Indian Administrative Service, have received prison terms for their involvement in the animal fodder scam.

Responsiveness

The responsiveness of Indian democracy to the expectations of its citizens also varies enormously depending on the area under discussion. Despite a fairly consistent history of procedural democracy since independence (barring Indira Gandhi's 1976–77 state of emergency), poverty and hunger remain endemic in India. Yet it would be inaccurate to suggest that the Indian state is utterly unresponsive to the needs of its citizens. One of the most dramatic and least heralded successes of Indian democracy has been the avoidance of mass death from famine or famine-like conditions. It appears that one of the critical institutions whose presence helps to guard against the tragedy of mass starvation is the Indian media. Amartya Sen, the Indian Nobel laureate in economics, has deftly argued

that India's free press has prevented mass death in times of drought and famine. The logic of his argument is deceptively simple. A free press ensures the prompt flow of information about the prospects of mass deaths from hunger. Politicians fearful of an electoral backlash in the face of mass starvation ensure that the machinery of the state acts with alacrity to prevent such an occurrence.²⁴ Sen contrasts postindependence India's avoidance of mass death during famines with that of China under the totalitarian regime of Mao Zedong during the Cultural Revolution as well as India under authoritarian British rule as late as the 1940s.²⁵ Although Indian democracy has not made sufficient progress toward the eradication of mass poverty and hunger in fifty-odd years of independence, it has managed to ensure that mass death from hunger no longer stalks the land when the country is confronted with a crop failure.

In the realm of primary education, however, Indian democracy has proven to be singularly unresponsive to existing needs. Even though India can justifiably boast an extraordinary degree of success in promoting higher education, its record in providing universal primary schooling is abysmal. Myron Weiner's harsh 1991 indictment of India's failure to address this issue is worth quoting:

Primary education in India is not compulsory, nor is child labor illegal. The result is that less than half of India's children between ages six and fourteen—82.2 million—are not in school. They stay at home to care for the cattle, tend to younger children, collect firewood, and work in the fields. They find employment in cottage industries, tea stalls, restaurants, or as household workers in middle-class homes. They become prostitutes or live as street children, begging or picking rags and bottles from trash for resale. Many are bonded laborers, tending cattle and working as agricultural laborers for local landowners.²⁶

Conditions have not significantly improved in India since the publication of Weiner's important study. In 2003, India spent a mere 1.7 percent of its Gross Domestic Product (GDP) on primary education and a total of 3.4 percent of its GDP for education overall.²⁷ The results of such low spending are apparent. According to World Bank statistics, in 2003–2004, 39 percent of the population over the age of 15 was illiterate.²⁸ The reasons for this neglect of primary education are complex. Part of the explanation is sociological. It can be traced to the elitist class background of India's first generation of political leaders, who emphasized higher education over universal primary education. Another component of the explanation involves path dependence.²⁹ Critical elite choices made through India's extensive and labyrinthine economic-planning process locked in certain developmental priorities that are not easy to modify. In the wake of the June 2004 electoral defeat of the coalition government led by the Bharatiya Janata Party (BJP), the new ruling coalition led by the Congress party has chosen to allocate sig-

nificantly greater resources to primary education. How well this new developmental priority will be implemented remains an open question.³⁰

Freedom and Rights

The Indian constitution provides a range of guarantees in terms of personal rights and civil liberties. The vast majority of these rights are procedural, and include the freedoms of expression and assembly, the prohibition against arbitrary detention and trial, and the right to profess the religion of one's choice. A preamble to the constitution, the "Directive Principles of State Policy," also exhorts the state to provide citizens with a range of substantive, albeit nonjusticiable, socioeconomic rights.³¹ It should be underscored that these rights are entirely hortatory: The state is not legally obligated to guarantee these rights to its citizens.

The actual implementation of many of these most laudable rights can be a highly uncertain affair. To begin with, one's social class profoundly influences one's ability to secure many of these procedural rights. The indigent, minorities, and members of lower castes often receive arbitrary treatment at the hands of those who wield coercive power. Police frequently resort to extort, harass, and intimidate individuals whose social class affords them little or no protection from such illegal behavior. It needs to be underscored, however, that the degree of police misbehavior varies considerably from state to state within India. Certain states are more likely to curb police malfeasance than others. For example, in poorly governed northern states such as Uttar Pradesh, Bihar, and Madhya Pradesh, atrocities committed against lower castes are routine. Worse still, local police and judicial authorities rarely aggressively pursue the perpetrators of these acts. On the other hand, systematic caste violence is mostly absent in southern India and much of eastern India. Furthermore, state governments in these areas are far more likely to take cognizance of such outbreaks of caste violence and seek to put a quick end to them.³²

The explanation for these geographic variations lies in a complex congeries of factors. In the 1950s and 1960s, Southern India underwent a virtual nonviolent revolution that transformed the social importance of caste.³³ A similar process is now under way in northern India. However, as lower castes and minorities (who are more numerous in northern India) seek to assert their rights, the wielders of political power, who are disproportionately high-caste Hindus, are resorting to both legal and illegal means to preserve the old social order. This contest has contributed to much violence and political turmoil throughout northern India over the past decade. The realization of the rights of the poor, the dispossessed, and minorities, however, is simply a matter of time as long as India can maintain some facets of its democratic institutions and practices.

The initial verdict of some of the ablest social scientists working on the subject of lower-caste empowerment reinforces this optimistic con-

clusion. As the Congress party, the dominant postindependence political organization, failed to address the felt grievances of citizens from the historically lower castes, other forces stepped into the breach. Congress's empty populism may never have delivered on its promises, but it did raise lower-caste expectations. Not surprisingly, other regional political parties, often caste-based, successfully capitalized on Congress's shortcomings. As lower-caste voters and groups have come more thoroughly to grasp the logic and power of electoral politics, they have over the last two decades shifted their allegiances away from Congress and toward a number of caste-based political parties. This growing political sophistication of voters in northern India is now fueling what one social scientist has dubbed "India's silent revolution."³⁴

This discussion of freedom and rights would be incomplete without some attention to whether and how rights have been upheld in places and at times when normal politics are in abeyance. The suspension of normal politics in India has taken place on a nationwide basis only once during a half-century and more of independence. This occurred during the "state of emergency" that Prime Minister Indira Gandhi declared in 1976. It is well known that most constitutional safeguards protecting the freedom of expression as well as personal rights and civil liberties were flagrantly violated during this time. The experience of the emergency, however, is widely regarded as little more than an anomaly, albeit an important one, in India's democratic career.

The abuse of constitutionally guaranteed rights, however, has been widespread in India when the Indian state has sought to quell insurgent movements.³⁵ Such abuses have occurred in the state's response to secessionist movements in the northeast, in the Punjab, and most recently in Kashmir. The abuses have included, but have not been limited to, the use of torture to extract information from suspected terrorists, extrajudicial killings, and arbitrary detention without trial.³⁶ In the Punjab, in particular, the police and paramilitary forces developed the practice of "encounter killings," in which suspected terrorists, once captured, were frequently summarily executed without trial. When questioned about these deaths, the police would routinely and vaguely reply that the suspects had been killed in an "encounter."³⁷

The success of this extrajudicial method of dealing with suspected terrorists and criminal gangs within the context of an insurgency had a sweeping demonstration effect in India. There is some evidence that police in particular metropolitan areas—tired of dealing with judicial sloth, the resort to dilatory tactics on the part of deft defense lawyers, and the prospect of intimidation of key witnesses to violent crimes—have now adopted "encounter killings" when dealing with the most violent elements of the organized criminal underworld.³⁸ Understandable but particularly distressing is the substantial public support for these methods in the absence of other legal means to bring hardened

criminals to the dock. The routinization of these methods of police work threatens to undermine the bedrock of a fundamental right in a democracy, namely adherence to the due process of law even when dealing with the most egregious of suspected criminals.

The rights of religious minorities, most notably Muslims, have been under systematic attack since the late 1980s. On a number of occasions, various state governments in India have at best been complicit, and at worst actively implicated in attacks on India's Muslim minority. The worst of these events occurred in February 2003 in the town of Godhra, in the northwestern state of Gujarat. After some Muslim miscreants allegedly set fire to a train carrying Hindu pilgrims, killing some fifty individuals, Hindu mobs, either in concert with or with the passive connivance of local police and politicians, attacked Muslims in Godhra and other parts of the state. Before public order was finally restored a week later, several thousand Muslims had lost their lives at the hands of these rampaging mobs.³⁹ Police cases have been lodged against a number of individuals believed to have been involved in orchestrating the pogrom. Yet it is far from clear that Gujarat's state government, which did little in the first place to stop the anti-Muslim mayhem, will prosecute the perpetrators with any vigor. More recently, forensic evidence has come to light which suggests that the attack against the Hindu pilgrims by putative Muslim miscreants may not have taken place at all.⁴⁰ The only hope for some redress lies in the continued willingness and ability of India's Supreme Court to intervene on behalf of a petition that the National Human Rights Commission submitted to move the cases from Gujarat to the neighboring state of Maharashtra to ensure a fair trial.⁴¹ The statement of Chief Justice Khare of the Indian Supreme Court that there was "complete collusion" between the prosecutors and the accused in the rioting cases in Gujarat underscores the utterly compromised features of the judicial process in Gujarat under a viciously partisan and anti-Muslim state government.⁴²

The challenge that violently antiseccular sentiments and actions pose to the quality of Indian democratic life cannot be overstated. Should Indian democracy be stripped of its secular orientation, the quality of that democracy will be severely compromised. Indeed, India may head toward becoming what Fareed Zakaria has aptly termed an "illiberal democracy," wherein the rights of religious and ethnic minorities are at risk even though electoral alternations take place routinely and in a moderately free and fair fashion.

Equality

According to the World Bank's estimate for 2003 and 2004, 29 percent of India's population of more than one billion people remain at an income level below the national poverty line. Nearly half (47 percent)

of all children under five are thought to be malnourished. Other statistics also suggest significant and persistent gaps in wealth and income. Indeed according to some measures, the pattern of inequality that pervaded Indian society at independence persists. One important indicator thereof, the Gini coefficient of per-capita expenditure, has remained largely constant over this extended time span. However, as thoughtful analysts have argued, this measure may not adequately capture profound social changes that have taken place since independence.⁴³ Upper-caste dominance is steadily on the decline, progress has been made toward universal elementary education, absentee landlordism has been legally abolished, and the right of universal adult franchise constitutionally enshrined. Consequently, even fitful attempts to promote equality through public policies have had significant ameliorative effects that cannot be adequately measured through conventional statistical techniques. Even one of the most eminent and staunchest critics of social stratification in India concedes that Indian democracy is "a secular miracle in the modern world" while acknowledging that "the quality of our democracy is poor."⁴⁴

Since 1991 India has embarked upon a fitful but significant effort at economic liberalization.⁴⁵ There is little question that economic growth has improved dramatically as a result. The Indian economy, having shed a labyrinthine set of economic controls, production quotas, and internal and external tariffs, has managed to transcend what the economist Raj Krishna once posited as "the Hindu rate of growth"—meaning 3 percent or less per annum during the long years of pseudosocialist economic planning. Over the last decade, India's annual rate of economic growth has hovered between 5 and 7 percent, and this despite exogenous shocks. Some Indian economists believe that with even more of the right policies in place, India can achieve double-digit annual economic growth. A vigorous debate has now emerged about the contribution of rapid economic growth to poverty alleviation. It is beyond the scope of this paper to discuss in any detail this debate, but unsurprisingly, the devotees of liberalization contend that rapid growth has contributed to poverty alleviation. Those opposed to the dismantling of the structure of economic planning argue otherwise.⁴⁶

Bangladesh

Bangladesh fares poorly on most indicators of the "quality of democracy." Much of its difficulty in consolidating and enhancing democracy can be traced to its semicolonial past. Until 1971, overwhelmingly Muslim Bangladesh was the eastern province of the Pakistani state that had come into being as a result of the 1947 partition of British India. During this time, West Pakistan treated East Pakistan—from which it was widely separated by the vast expanse of northern

India—as a virtual internal colony.⁴⁷ West Pakistan absorbed most of the foreign aid and investment while also dominating the ranks of the powerful Pakistani civil service and armed forces. Most galling to East Pakistanis, however, was the denial of national status for their own language (Bengali) and the imposition instead of Urdu, the dominant language of West Pakistan. Ultimately, the accumulated grievances drove the growth of Bengali subnationalism, which in turn led to civil war. Indian intervention in this civil war ultimately contributed to the creation of Bangladesh.

Sadly, the nascent state started its political existence with a number of important institutional handicaps. The first postindependence leader of Bangladesh, Sheikh Mujibur Rehman, was a remarkably charismatic populist. Notionally, he was committed to the creation of a democratic, egalitarian, and secular polity. In practice, however, Sheikh Mujib, as he was popularly known, did little or nothing to foster an institutional legacy to promote those ends. The Awami League, the party to which he belonged, was mostly woven around his political personality. Additionally, soon after assuming power following Bangladesh's independence from Pakistan, Mujib proved singularly inept at addressing the vast tasks of social and economic reconstruction. Moreover, his administration was riddled with corruption, nepotism, and inefficiency. As political instability mounted and the government's ability to maintain public order declined, Mujib increasingly resorted to authoritarian measures. He declared a state of emergency in 1975 and dispensed with the parliamentary form of government, declaring himself to be the president of Bangladesh.⁴⁸

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

The military regime led by General Zia-ur-Rehman justified its takeover on the usual grounds: the previous government had failed to curb growing lawlessness, had been involved in corruption, and had failed to address a number of pressing social and economic needs. Zia's regime promised to address these myriad ills. To some small degree he did deliver on his promises: as economic development did take place, some

of the cronyism of the Mujib years was curbed, and efforts to limit problematically rapid population growth were put into place. Yet civil liberties and personal rights were squelched and the Zia regime displayed scant regard for the rights of the substantial Hindu minority. The formal commitment to a secular state that promised equality before the law for all citizens, regardless of religious affiliation, evaporated under Zia's military dictatorship.

Zia's regime, in turn, was overthrown in yet another military coup in May 1981. The democratic interregnum that ensued proved to be short-lived. In March 1982, Lieutenant General Husain Mohammed Ershad overthrew the faltering and inefficacious regime of President Abdus Sattar. Ershad's regime, in turn, lasted until 1991. Since then Bangladesh has made a rocky transition to democracy. Yet the fundamental norms that should undergird a democratic polity have yet to take hold. Even though routine alternations of government take place through the electoral process, none of the major political parties has accepted the principle of an honest and loyal opposition. The aftermath of every national election follows a predictable, desultory pattern: The victorious party exults while the defeated party promptly contends that the electoral process was flawed and refuses to abide by the results of the election.⁴⁹ Both the Awami League and the Bangladesh National Party (BNP) have shown scant regard for the other when in opposition. They have routinely resorted to extraparliamentary tactics including demonstrations, strikes, and chicanery in order to undermine each other's ability to govern.⁵⁰ Unsurprisingly, Bangladesh fares poorly in assessments of democratic quality.

The Rule of Law

In Bangladesh, the rule of law is decidedly brittle. The state has a nominally independent judiciary that follows the canons of British common law. In practice, however, the judiciary is quite pliant and subject to political intervention and direction. The police are underpaid, poorly trained, ineffective, and venal. The inadequate training and skills of the police lead them to use uncalibrated force, frequently resulting in the deaths of innocent bystanders. Most importantly, they are acutely subject to blatant political interference. Particular governments regularly use the police to harass political opponents rather than as neutral instruments for the maintenance of public order. Furthermore, oversight of police conduct is exceedingly weak. Individuals are frequently arrested without adequate cause under the terms of the sweeping Special Powers Act, and deaths in police custody are disturbingly common.⁵¹

A recent example illustrates the problem of rampant, state-sanctioned police misconduct. In late 2002, in an ostensible effort to enhance the quality of law and order across the country, the BNP regime of Prime

Minister Begum Khaleda Zia launched "Operation Clean Heart." This operation involved some 40,000 military personnel and was putatively designed to arrest "listed criminals," to recover illegal firearms, and to improve the deteriorating law-and-order situation across the country. Contrary to these stated aims, however, much of this police and military operation was turned into a vendetta against political opponents.

Such state-sanctioned police misconduct further undermines the professional mores of an already overburdened, underequipped, and poorly trained police force. Consequently, the police forces are not nearly as good as they need to be at upholding the law and solving common crimes, but are *dismayingly energetic at corrupt activities* such as extortion and bribe-taking. To compound all these problems, rampant political interference in the day-to-day functioning of the police further erodes their professionalism, effectiveness, and credibility.

Accountability

At one level, the forms of behavior recounted above can be traced to the bureaucratic-authoritarian political culture that pervaded East Pakistan. Bureaucrats wield significant amounts of political and coercive power and can exercise it with considerable impunity. Furthermore, the country's shaky transition to democracy has done little to instill a culture of accountability into its bureaucracy. Since the nation's parliament functions fitfully and in a blatantly partisan fashion, little effort is expended in ensuring systematic oversight of the bureaucracy. The norms of *parliamentary democracy*, so well embedded in India, are acutely lacking in Bangladesh. Consequently, while political meddling with the bureaucracy is common, responsible oversight by elected officials is rare. The meddling is often manifest in the manipulation of official appointments, promotions, and transfers, and also in the blatantly partisan ways in which state funds are diverted to or from various public projects.⁵²

One instrument of accountability in a democracy is a free press. Bangladesh does have feisty media outlets with little fear of criticizing the government of the day. And yet journalists who especially annoy the powerful can become victims of harassment tactics ranging from physical assault to outright death threats. *Matters have worsened significantly under the coalition government of Begum Khaleda Zia.*⁵³ The Zia government has been especially sensitive about its record on minority rights, the behavior of some of its radical Islamist coalition partners, and the possible ties of some Bangladeshi political organizations to Islamic radicals in Indonesia and Pakistan.⁵⁴

A relative bright spot in the area of accountability has been the conduct of national elections. While losers still regularly hurl charges of skullduggery, deceit, and perfidy, pressure from the international donor

community has led the Bangladeshi state to make significant progress toward conducting moderately free and fair national elections.

An independent Election Commission monitors the conduct of elections, which are held under the aegis of a "caretaker government." This innovation, which came about with the Thirteenth Amendment to the Bangladeshi constitution, proved necessary because of the lack of faith that the opposition typically felt toward the party or parties in power at any given moment. Under the terms of this system, the most recently retired chief justice of Bangladesh heads up the caretaker regime and is responsible for the neutral conduct of elections in conjunction with the Election Commission. Despite the existence of this institutional arrangement, political parties of all coloration have questioned the neutrality of the caretaker government when they have fared poorly at the polls.⁵⁵

Systematic and statistical evidence on vertical accountability is unavailable in Bangladesh. Though the Bangladeshi press is mostly free, it cannot provide effective vertical accountability. The reasons are complex. To begin with, the level of professionalism in Bangladeshi journalism has always been extremely low. Again, the legacy of authoritarianism is a major cause. During the long years of Pakistani rule, the press both in both East and the West faced severe restrictions. After the establishment of Bangladesh as an independent state, a free press did emerge. However, as Jack Snyder has cogently argued, a free press does not amount to one that is necessarily professional and norm-bound.⁵⁶ The press in Bangladesh—lacking adequate training, bereft of independent professional organizations that engage in self-policing, and subject to the demands of powerful owners—cannot be deemed autonomous. Instead, it is so bias-ridden, and so frequently publishes articles based upon rumor and innuendo, that it cannot serve a useful and reliable watchdog role. In recent years, particularly under BNP-led regimes, it has even faced a degree of government harassment especially when it has sought to highlight the plight of hapless minorities.

Responsiveness

State responsiveness to felt needs and grievances is extremely weak in Bangladesh. Ironically, the state is more responsive to the demands and expectations of the international donor communities than to the hopes of much of its own populace. The responsiveness to the donor community stems from Bangladesh's acute dependence upon foreign aid. As one of the poorest nations in the world, it can ill afford to incur the wrath of its global donors.⁵⁷ Consequently, certain governmental programs in Bangladesh have been remarkably successful. These include efforts to reduce the endemic incidence of cholera and to curb

runaway population growth. Both of these matters were important priorities of major international donors and, not surprisingly, have received sustained attention from various Bangladeshi governments.

One area where the state has shown some promise in the arena of responsiveness without the benefit of external pressure is that of judicial reform. As in India, the Bangladeshi judiciary is hopelessly swamped by an overdue caseload. In an effort to address this million-case backlog, the Bangladeshi Ministry of Law set up a pilot program of *Alternative Dispute Resolution* in 2001 in the city of Comilla. This pilot program allows people to bring their grievances first to citizen mediators who have some familiarity with the law before going to court. Initial citizen response has been mostly positive. It remains to be seen if the government will now extend the reach of this program nationwide.⁵⁸

Freedom and Rights

The constitution of Bangladesh formally guarantees a range of civil and political rights. Their realization, however, is another matter entirely. Weak judicial institutions, partial and unprofessional police, and an unresponsive bureaucracy blight the prospects that most Bangladeshis will in practice be able to call on these rights when they need them.

For example, in the area of civil rights, the constitution formally bans the use of torture as well as cruel, inhumane, and degrading forms of punishment. Yet police routinely use torture as an instrument of policy and those responsible for these acts are rarely, if ever, punished. Bangladesh's record in protecting the rights of its religious and ethnic minorities is even worse. Created as a secular state, Bangladesh abandoned this constitutional commitment within the first decade of its existence and made Islam its state religion. Its substantial Hindu minority, which includes somewhere between 11 and 16 percent of the populace, has faced routine harassment and even physical intimidation in recent years.⁵⁹ Other ethnic minorities, most notably the Buddhist Chakmas, have seen the steady erosion of their rights since Bangladesh came into being in 1971.⁶⁰ The state has sought to deny them their linguistic rights, has alienated their land, and has sought to forcibly assimilate them into the majority culture.

The rights of religious minorities deserve some discussion. Their rights, though long formally guaranteed under the constitution, have been under assault since the inception of the Bangladeshi state and have eroded dramatically since the late 1990s. Members of non-Muslim communities face routine employment discrimination, especially when seeking government jobs. Their property rights have also been severely undermined, with state consent, by the now-repealed Vested Property Act. Though this law was overturned in 2001, the state has made only

feeble efforts to return property seized from the Hindu minority under the act's aegis.⁶¹

The rights of women have also come under increasing assault despite the presence of women at the head of each of the two main political parties. Outside the highly educated uppermost precincts of Bangladeshi society, women face severe discrimination. Their plight has worsened in recent years with the rise of Islamic zealotry,⁶² especially since 2001 when the radical the Jamaat-i-Islami joined the ruling coalition. As the principal member of the coalition, the BNP remains dependent upon the Jamaat-i-Islami for parliamentary support and thus the BNP's leader, Begum Zia, has been loath to contain the activities of the Islamic zealots.⁶³

Equality

Any notion of human equality confronts almost insuperable barriers in Bangladesh, a desperately poor country with an annual per capita income of about US\$375.⁶⁴ According to the World Bank, in 2003–2004, 50 percent of the population remained below the national poverty line and 48 percent of children under five were malnourished.⁶⁵ The bulk of the country's wealth and productive resources remains concentrated in the hands of a tiny and rapacious elite. This elite resides mostly in Dhaka, the capital, and is noted for taking much interest in conspicuous consumption and little in Bangladesh's overall development. In the foreseeable future there is little prospect for the growth of a substantial middle class.

Though Bangladesh boasts a large number of nongovernmental organizations (NGOs) dedicated to the alleviation of both rural and urban poverty, their actual impact appears slight. One of the better-known indigenous NGOs, which pioneered the provision of microcredit, is the Grameen Bank. Founded in 1976 and formally converted into a bank in 1983, Grameen lends primarily to poor women and claims a 98 percent repayment rate. (A figure that some critics question.) Since its inception, the bank has disbursed as much as \$4.2 billion through some 1,200 branches. It is now seeking to help beggars start businesses under a new and innovative program.⁶⁶ These efforts, though well meaning, appear extremely limited when compared to the vast, endemic, and pervasive problems of poverty and inequality that confront Bangladesh today.

As in India, the social rights that the Bangladeshi constitution lists are merely hortatory. The Bangladeshi state has no formal or legal commitment to the preservation or enhancement of the social rights of its citizens. Consequently, any attempt to provide social rights to the vast majority of Bangladeshi citizens stems from the activities of a range of nongovernmental organizations. When it comes to providing

effectual social rights to citizens, the Bangladeshi state is more hindrance than help.

Conclusions

What explains the uneven quality of democracy in India and the very poor quality of democracy in Bangladesh? In both cases, their historical legacies explain a great deal. In the Indian case, the long period of British colonial rule reinforced existing social and economic hierarchies and crystallized certain social mores that are inimical to democracy. For example, the social artifacts of caste and religious community were significantly bolstered and strengthened under British rule. The colonial census played a significant role in sharply delineating both religious boundaries and caste distinctions. Consequently, social identities that had once been fluid now became firm and fixed. The defining of these identities provided the basis of much social conflict as political entrepreneurs sought to exploit religious differences and accentuate existing caste conflicts. Such ethnoreligious cleavages could hardly be conducive to the development of democratic politics.

At another level, the reinforcement of existing social and economic hierarchies proved a barrier to democratic politics. India had many leaders who were notionally committed to egalitarian principles, but who at the same time had imbibed influential British cultural ideas about the putative need for class stratification and social hierarchy. Happily, however, the persistent efforts of social activists and the continued working of democratic institutions (especially free and fair elections) kept salutary challenges to the existing social order alive and effectively propelled the cause of fuller democratization.

All these problems, of course, manifested themselves even more intensely in Bangladesh, which during its first 24 years as East Pakistan had access to none of the benefits of open, democratic politics. As a virtual internal colony of its western wing it had a double burden to bear. Its elites had inherited many of the same social prejudices as their Indian counterparts, and still worse, were not forced to make any meaningful accommodations even after the creation of Pakistan. Instead, as Pakistan quickly fell victim to authoritarian rule, many of these norms of hierarchy and deference, far from coming under challenge, met instead with nothing but reinforcement. Moreover, since the state of Pakistan had done little to foster democratic institutions and practices, the key inheritance of the Bangladeshi nationalists were an elitist bureaucracy and an army unused to serving civilian authority. Neither of these two features of the polity was conducive to the growth of democracy, let alone its deepening or consolidation.

As far as the quality of democracy is concerned, both countries still face substantial challenges. India has a long way to go, but at least it

will be building on a record of significant achievement over the last six decades. Despite Indian democracy's myriad shortcomings, its prospects of further democratic consolidation and enhancement are substantial. As argued earlier, the dramatic political mobilization that has taken place over the past several decades makes Indian politics volatile, unpredictable, and sometimes even violent. And yet these are merely the symptoms of a moribund sociopolitical order sliding toward rigor mortis. The demise of this social order, though turbulent, promises to leave India more egalitarian, open, and democratic. The hitherto dispossessed of India are now using the power of the ballot to bring about fundamental social changes and breach longstanding socioeconomic barriers.

At another level, the decline of the Congress party and the absence of a truly nationwide alternative created opportunities for the rise of regional political parties. These parties now wield considerable political clout across India, even at the national level. As a consequence, India is now becoming a truly federated polity in which all regions actively seek the representation of their various interests at the national level. The logic of Indian economic liberalization will bolster these federating propensities. States and, more importantly, entrepreneurs no longer have to look to New Delhi for a plethora of industrial licenses, quotas, and permits. This is contributing to a form of economic devolution across India, granting states far greater autonomy in terms of making economic and investment choices. The days of central planning are numbered.

These positive trends in Indian democracy are heartening. Two issues, however, continue to dog Indian public life. The first involves India's flagging commitment to secularism. In recent decades, the antiseccular movement in India has gathered considerable force. This trend, if it continues to grow, can ring the death knell of Indian democracy. India's cultural, religious, and ethnic heterogeneity necessitates a secular political order. A democracy that failed to respect some variant of secularism would consign India's substantial religious minorities to second-class status or worse. India would then become nothing more than a majoritarian democracy in which the rights of ethnic and religious minorities would receive little if any respect. Of course, secularism does not face an imminent end. A substantial and growing intellectual class remains committed to the secular enterprise. The Indian judiciary and much of the Indian press also see the need to maintain a secular political dispensation. Nevertheless, the ability of unscrupulous political entrepreneurs to scapegoat minorities, especially Muslims, for India's varied social and economic problems remains a profoundly worrisome trend.

The other threat to the quality of Indian democracy stems from the willingness of both politicians and citizens to flout the rule of law when

it appears politically and socially expedient to do so. These breaches range from the lack of tolerance for slow, awkward, and cumbersome legal procedures when dealing with the rights of suspected criminals to the rampant violation of human rights when counterinsurgency operations are afoot. The disregard for both moral norms and established legal procedures is highly corrosive of the basic expectations upon which liberal democracy itself must always rest. Whether or not countervailing civic institutions and a free press can limit and ultimately end these practices remains an open question.

As serious as India's two key barriers to enhanced democratic quality may be, they appear paltry next to those that confront Bangladesh. The Bangladeshi political class has yet to internalize the most basic precepts of a democratic polity. The principal political parties have not accepted the necessity of a loyal opposition. They continue to question electoral outcomes even when there is little doubt about their fairness. The Bangladeshi military refrains from open intervention in politics, but is nevertheless subject to political interference. It has allowed itself to be used as a political instrument rather than acting as a neutral force primarily responsible for the defense of the nation's borders. Bangladesh's inability to protect the rights of women and minorities, and worse still, state complicity in acts of repression against these groups further undermines its nascent democracy. Consequently, enhancing the quality of democracy in Bangladesh will take considerable effort. Bangladeshi democracy remains to be improved beyond a superficial state, and to be consolidated.

NOTES

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4. See the excellent treatment of this subject in Veena Kukreja, *Civil-Military Relations in South Asia: Pakistan, Bangladesh and India* (New Delhi: Sage, 1991).

5. For a discussion of this subject see Sumit Ganguly, "Explaining India's Transition to Democracy," in Lisa Anderson, ed., *Transitions to Democracy* (New York: Columbia University Press, 1999).

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7. James Manor, "Nehru's Legacy and the Condition of Indian Democracy," *World Policy Journal* 13 (Winter 1996-97): 89-95.

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13. Bahvdeep Kang, Poornima Joshi, and Rajesh Sinha, "The Law vs. the Legislator," *Outlook*, 21 June 2004, 32-42.

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16. M.S. Gill, "India: Running the World's Biggest Elections," *Journal of Democracy* 9 (January 1998): 164-68.

17. Sanjay Suri, "Vote for Curry," *Outlook*, 10 May 2004, 24.

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20. Lloyd I. Rudolph and Susanne Hoeber Rudolph, "Redoing the Constitutional Design," in Atul Kohli, ed., *The Success of India's Democracy* (Cambridge: Cambridge University Press, 2001).

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