TWO-DAY CONSULTATIVE MEETING ON DEVELOPMENT, DEMOCRACY, AND GOVERNANCE: BROAD LESSONS FROM POST-COLONIAL EXPERIENCES OF INDIA
BHUBANESWAR, 24-26 MAY 2008

A. Perspective

1. In 2003 the Calcutta Research Group (CRG) with assistance of the Ford Foundation embarked on a research programme on some of the critical questions facing post-colonial democracies, such as India. Since then CRG has conducted collective research into issues of autonomy and social justice. The research and the dialogues on the theme of autonomy, and the significant case studies it undertook led to further work – this time on the theme of justice, in particular on social justice. Researchers and members who participated in the numerous dialogues on autonomy repeatedly came up with the issue of governmentalised forms of autonomy as against the demands and ideas of autonomies that sought to address the incipient demands for justice. The constitutional, legal, financial, resource-centred, administrative, gender-just – various forms of autonomies were investigated and discussed, in as much were discussed the philosophical-political-historical issues related to the issue of autonomy. There were public lectures on "autonomous voices". Several research reports were published, and three volumes came out of the programme, namely, *The Politics of Autonomy*, *Indian Autonomy – Keywords and Key Texts*, and *Autonomy – Beyond Kant and Hermeneutics*. The CRG website and its small archive contain resources on this theme and related issues for the benefit of further research in this area.

2. The fundamental point that emerged out of this research and related dialogues was that while democracies treat autonomy as an exceptional principle (mostly for ethnic minorities), which otherwise should not be at conflict with the supreme principle of republican people-hood, autonomy has to be seen as an essential democratic principle. It implies thus not one overarching model of autonomy, or autonomy of one people constituting the nation, but re-imagining the democratic space as the intersecting field of autonomies (hence, dialogic relation between autonomies), as a fundamental conflict resolution mechanism of the political society, as the field of accommodation.

3. The method of combining collective research and dialogues continued with the following research programme on the theme of social justice. While we have already noted that the second programme followed from the preceding one, this programme was designed in a specific way. It was not meant as a philosophical inquiry or pure political research, the emphasis was to combine critical legal inquiries with detailed ethnographic studies intended to find out popular notions of justice and their interface with the dominant legal forms. Of course appropriate theoretical conclusions have been drawn in due course, and these conclusions reflect on relevant philosophical issues as well. Once again the emphasis in both research and dialogues has been on investigating the critical role that notions of justice play in post-colonial democracies such as India. In these ethnographic and critical legal studies the historical orientation has been pronounced.

4. In this second research programme various forms and notions of justice came up for study, such as revenge, instant, restorative, gender justice, legal, moral, transitional,

minimal, allocative, justice as constitutive of rights, justice in form of the right to claim making, justice as response to marginal situations, and finally justice as the supplement of rights. Research papers as case studies or short status reports are being brought out, and the programme soon to end will hopefully culminate in a four volume series on social justice in India. The proposed four volumes are: (a) *Enlightenment and Social Justice – What is happening in West Bengal Today?* (b) *Law and Justice: Limits to the Deliverables of Law*, (c) *Marginalities and Justice*, and (d) *Key Texts on Social Justice – A Compendium*. In this research and dialogue programme nearly one hundred and fifty people participated, and shared their views and knowledge with the researchers. They also took part in framing the research questions and discussing the conclusions. The reports carry the details of the way research was conducted. On the CRG website there are online versions of the reports, and soon there will be an online compendium of *Keywords on Social Justice*.

5. Both studies gained from the deliberations of the two conferences that were by design and declaration critically oriented. We can here refer to the second deliberation wherefrom several points seemed to emerge: (a) what constitutes the social of social justice; (b) what constitutes the relation between marginalities and social justice; (c) what determines the field of the interaction of command, order, law, and determination of the just; (d) and the five dominant forms – justice as the supplement of law, justice as the protection offered by the mighty, justice as order, justice as the end of exploitation; and justice as that which begins as response to injustice.

B. Current Research Concerns Flowing from CRG's Past Work

1. Now the question in terms of CRG's research agenda is, if we have argued through our last five years' work that autonomy and justice form two of the critical questions facing post-colonial democracy such as India (and perhaps all modern democracies), where do we proceed from this formulation? In view of the fact that both autonomy and social justice can be practised and are realised mainly in governmental ways and forms (indeed this is happening in a situation where democracy is governmentalised), is it not necessary to bring this research programme to some sort of over all argumentation by focusing this time on the relations between democracy, development, and governance in post-colonial democracy, once again Indian being a typical instance of these three factors and their interrelations? In the last two researches we focused on two ways in which popular aspirations have formed significant aspects of democracy. However, in the wake of globalisation and globalisation-induced development we cannot forget that the relations between governance and democracy have become critical more than ever.

2. What sort of study of democratic governance are we proposing? This proposal aims to conduct a three year long study of India caught in the whirlpool of globalisation, and globalisation-induced development, trying to reorient her democracy to suit the world of globalisation, and refashion her politics to promote development. In this sense we are proposing a study of governing a transitional phase – *governance of transition*. The country has changed from a poor, semi-colonial economy to a developed market economy with stable and largely secular politics, and a developed constitutional culture. The Indian constitution is remarkable for its merits and limits. Similarly there is an ongoing shift from the dynamics of a welfare state to those of a market state. Above all, the country is big in size, rich in resources, remarkable for her internal variety, and can claim natural leadership of the developing countries in the global world of politics, economics, reconstruction, and development. Indeed it is said that India is an instance of successful developmental democracy. We can ask then:

(a) If governance is to help this transition, what sort of governing practices do we have?

(b) How does it look at the question of developmental democracy?

(c) How have people responded to this situation?

(d) Or, how has the process of governing treated the people in this developmental conundrum?

(e) In other words, if development has required an appropriate administration, has it in the same measure responded to the requirements of democracy?

3. Let us look little more clearly at this situation, which is marked by fragility in face of globalisation, the particularly structured developmental processes, and the new claim makings provoked by these processes. Looking at India, we can say that a distinct regime type is emerging. It can be named as the regime of "developmental democracy". Its features prima facie seem to be: (a) new emphasis on development in place of welfare and citizens' participation as the "theology of politics", (b) the capacity of the states in these polities are diminishing in terms of assuring basic economic, social, and civil rights; (c) because of the developmental contradictions, issues of politics are increasingly becoming the ones with stakes in life, and thus politics is increasingly becoming bio-political; (d) globalisation is increasing conflicts within these societies and polities, and disparities between sections of population are increasing; (e) the legislation and deliberation process is shrinking in developmental democracies, while the executive is on the ascendancy; (f) the principle of autonomy in this background has appeared as the route for the people to claim agency for political participation; (g) and finally the landscape of social justice is marked by a varying combination of legalities and illegalities and fresh debates about the role of law in redistributing and reconfiguring power and to guarantee delivery mechanisms of justice.

4. In another age of such epoch-making changes, the years after the First World War, in *The Concept of the Political* Carl Schmitt raised the point, "The acute question to pose is upon whom will fall the frightening power implied in a world-embracing economic and technical organisation. This question can by no means be dismissed in the belief that everything would then function automatically, that things would administer themselves, and that a government by people over people would be superfluous because human beings would then be absolutely free. For what would they be free? This can be answered by optimistic or pessimistic conjectures, all of which finally lead to an anthropological profession of faith." However as we know Schmitt did not stop at that. At that hour of crisis – of the state system, nation system, constitutionalism, liberty, of the earlier designated systems of friendship and enmities, and several other politico-social sub-systems – Schmitt not only brought down the question of the crisis to the issue of an anthropological resolution, that is to say, how we look at man and how we should look at man, and on that would depend how we want to resolve the matter of unprecedented power organised at an international level, but he also indicated that this anthropological resolution involved the entire concept of the political, and how we intended to save and revive the concept of the political, by which Schmitt meant primarily the issue of state, legality, and sovereignty, also the capacity to make friend/enemy distinction that would enable politics to serve the interests of the state which was public politics at its purest, that is the nation.

5. Schmitt as we know chose the fascist option. And he is rightly condemned for that. But the fact that we may be at times in an era of hard choices is not wrong, and we are now in a similar way in such a time. Globalisation has made the emergence of new global constellations of territory and authority possible, implying obligatory searches by these solidarities for new friends and new enemies. Constitution, legality, juridical principles and arguments over the threshold of tolerance of illegalities and semi-legalities – all are under review in this situation. All states look like the Weimar State; therefore the phenomenon of every political party, every social group, or solidarity vying for governmental power or at least a share therein, is viewed with alertness by all sections of society. With the expansion of the area of claim making, the regime of developmental democracy considers that conceding the claims for justice is a sign of the weakness of the State. Naturally, representation and governmental power – these two have become the hottest property towards the resolution of claims. This fact more than any other has reshaped the relation between government and the people, to the extent that more than ever in the eyes of the government people have turned into population groups to be 'developed" with bureaucratic-rational means. The question is: what is the impact of this phenomenon on democracy?

C. Framing a Research Agenda and the Possible Research Questions

1. From this discussion we can visualise a research agenda and the possible research questions. *The agenda will revolve around the central question of the relation between government and the people in a regime of developmental democracy*. As soon as we turn our attention to this question, several features immediately come to our attention. They require investigation as to their origin and their current state. We cannot of course take up all here; but we can refer to some.

2. The first question that comes to mind is the massive "securitisation" of governance in the wake of developmental tasks. From taking over land to building oil and gas pipelines, constructing airports to guarding railway tracks, cleaning cities of lumpen elements, professional rioters, vagrants, suspected terrorists, militants, and urban refugees – the developmental discourse is now mixed with the security discourse. The aim of security administration is to provide cover for the developmental activities (Gandhamardan, Singur, pipelines, etc.), but more important, the developmental agenda has to be governed in a military model – regimented, disciplined, command structured, hierarchised, carefully budgeted in terms of provisions – both hardware and software, and finally recreating the difference between the military and the civilian now in form of developed areas (IT cities for instance) and the back of beyond…Guarding, maintaining, and protecting the circulation of life in form of commodities, finance, information, and skill is the most significant task of governance. Was it always so? Did the origin of modern governance in colonial India similarly lie in the model of a militarised administration? This requires inquiry. But were it to be so, it is a strange paradox we are facing: Modern governance has the aim of stabilising peace in society, so that development can ensue, whereas it is modelled along military lines, with the effect that it can speak only in the voice of a war command, and therefore can only bring back war in society. It should reflect the discourse and the institutions of order, but it produces conflict and anarchy. Anyway, we need research on the Indian origins of this trait that is marked by emphasis on logistics, discipline, and control in terms of developing the society. Governance is producing illiberalism, what should be the democratic response?

3. Governing in democracy, or governing a democracy - here we are speaking of the regime of developmental democracy - has a fundamental tendency of dividing up, rearranging, and reconfiguring the social and geographical space it is governing. This has profound impact on the liberal traditions of freedom – freedom to reside, move, visit, work in a particular area, etc. Developmental agenda on one hand increases the governmental power to reconfigure the space continually, and on the other hand it decreases the liberal space of freedom. Again we need to know how this began in independent India, its specific impact on the pattern of conflicts in society, and how it impacts on the relation between those who govern and those who are governed. The more we study conflicts around the issue of displacement of massive groups of population in the wake of riots, development, construction, militarisation etc., and consequent loss of substantive citizenship, the more important it becomes to study the relation between governance and space. One interesting aspect to investigate would be the way administrative services and institutions are spatially organised, and the Indian way in which federalism has been practised with all its implications for the relations between the government and the people. The challenge in terms of inquiry would be: Can the two principles of autonomy and justice help democracy escape the imperium of governed spaces?

4. The reaction or the response to these two trends in the process of governing is to be found in what one philosopher has termed the "revolt of the conduct", which increasingly marks democracies, and certainly Indian democracy. It too became evident in the colonial age, when in response to British administrative measures for public health, social reforms, westernised education, railway construction, setting up of plantation industry, and to establish in general what can be termed as the rule of law, revolts of conduct occurred on a wide scale. Those who have studied the early phase of establishment of rule of law in India (establishment of modern penal and jail system, the Law Commissions, and the promulgation of three important measures – The Evidence Act, the Indian Penal Code, the Indian Criminal Procedure Code, and the Police Act – of course followed by other developments in administration, would vouchsafe for the fact that these legal-administrative developments were marked by protests and revolts which we can term as revolts of the conduct. This conflict between governance and the revolts of the conduct has only exacerbated in the post-colonial time with development now catching the imagination of the nation. This sort of nationalist imagination appearing in suitable governing mode is seen as a threat and is countered by asceticism, denial of the world of law, intoxication, and equally emphatic street politics. The second way in which the revolt of the conduct becomes evident is by being footloose, defying spatial regulations. Finally, since these revolts occur "on the margin of the political", they take the governmental posture of war making seriously. In other words, these revolts start at the level of conduct, but soon become belligerent in response to government's own bellicosity. Dissidence spreads in society, from which governance cannot free itself. Because these insurrections are not strictly political, the usual bureaucratic-legal medicines fail. Government can only look at this development as anarchy. For democracy, again the issue will be: are there ways in which development can be freed at least substantially from the discourse of order, which is bound to set off the revolts of conduct? These are all possible research questions making an intense research agenda.

5. Yet in discussing these, we cannot forget also that the legitimacy of the government, more specifically government of people's conduct and lives, stems also from the fact that this government claims that it is the prime agency of people's lives. The institutionalisation of a strong patriarchal benevolent image is from the colonial time, which one feminist historian has termed as not only the *huzur sarkar*, but also *mai bap raj*; this image is now stronger with the assumption of the "historically given task" of

national development and of catching up with other countries and time. Therefore one imaginative research would be to look into the series of the Administrative Commission Reports to find out the image/s in which the institution of government has sought to see itself. We have to find out how the dualities of service/servitude, development/control, order/democracy, and regulation/freedom have played themselves out; also how governments have projected (themselves as) a continuous order (and here we have to take into account the necessity of legal continuity), which cannot allow any discontinuity and break. Thus ministers can come and go, but government remains…

6. All these investigations into characteristics of government, that is to say, the institutions of governing in India, we must remember while summing up, have a strong political side, which must be taken into account in the same measure, if we are to have even a minimum sense of the relation between governance and the people in a regime of developmental democracy. Development has made the questions more urgent: How should we be ruled? How should we be governed? Will development increase our freedom? Or, will development turn out to be freedom, as the ethical economist of our time claims? Who should control our conduct? How should we conduct ourselves in our public life (which constitutes the core ethical issue in a democracy)? These questions mean that governments may want the people to be transformed into governable population groups, but population groups have their subjectivity; and these questions only point if only the faintest way the turmoil, incessant disputes, and the vitality of popular life, and in short to those two principles of popular life, namely *autonomy* and *social justice*.

7. We can now summarise. In the light of the features of the present condition of governing in a regime of developmental democracy the following ten questions can be taken into account:

- The impact of the shift from the dynamics of a welfare state to that of a market state on the ways of governing;

- The new ways in which the political, social, and resource space of the country are being reorganised, and are making values of governance hierarchical;

- The impact of the special policies of the government for acceleration of development (such as Special Economic Zones) on the concept of democratic equality, and citizenship;

- The securitisation of conditions of governing, resulting in making logistical considerations as the dominant priority for the government, with several other social considerations now turning into minor matters, and related population groups as minor peoples;

- The policy explosion as a feature of modern governance;

- The ways in which different popular organisations are emerging today to negotiate the changing relation between the government and the people;

- The ways in which these organisations are breaking the old distinction between the *civil* and the *political*;

- The ways in which these organisations are claiming autonomy by breaking the old distinction between *movement* and *structure,* and by taking the place of the political parties in terms of their classic function of representing the people as these parties become more and more governmentalised (indeed their essential difference with interest groups is long over);

- The ways in which these organisations create new trust networks and revive collective politics;

- And finally, the ways in which popular politics creates *social majorities*, which are distinct from *representational majorities*, with massive and deep implications for a theory and practice of democracy; indeed how these social majorities rekindle political will said to be in decline in modern representative democracy, such as India, where development seems to exhaust all avenues of disputation.

D. Organisation of the Agenda

1. Some of the questions will demand historical-genealogical inquiry; some will be analytical of the present; and some will have to be ethnographic in order to study the actual relations and processes we have referred to.

2. The programme will have a large share of attention on study of institutions. But these institutions will have to be carefully chosen so that they can point to larger truths.

3. The dialogues will have to be similarly focused, so that they can be focused group meetings on select themes of social relations throwing light on the process of governing.

4. Research meetings will be rigorous and will involve members of peer community (CRG organised its researches on autonomy and justice in this way). These research and dialogue-based findings will have to be conveyed to the larger "epistemic communities" through an appropriate orientation programme (or three orientation courses/workshops in three parts of the country) towards the end of the programme.

5. A series of publications in various journals, apart from book publications, will also help disseminate the significance of the research work.

6. This will be a three-year programme. Like the above-mentioned two programmes of CRG, the time schedule of this proposed programme also should be carefully worked out and followed.

7. Finally there will be an international research advisory group, based on CRG's past work and associations, which helped CRG's work immensely in the past, to enrich the proposed research work. CRG's Peace Studies Series was also helped in similar manner.