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The Status of Indian Democracy:

Contextualising Trends of Representation in the Lok Sabha

| Yashoroop Dey



Discussion Paper

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May 2022

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ABSTRACT

Indian democracy shows a steady decline across various globally cited indicators of democracy, even while the practice of democracy remains strong and consistent. The Freedom House Index has changed India's status from "free" to "partly free" in 2021. Peculiarly, India has performed well on indicators of political representation and indicators of free and fair elections at the same time. This discussion paper analyses the backsliding of democracy in India, suggesting a de-linking between the democratic process and accountability. This discussion contextualises the makeup and trends of political representation in the last 4 terms of the Lok Sabha against the concerns associated with democratic degeneration. The discussion highlights a significant trend of privileged representation in the Lok Sabha and a growing incidence of criminal and rent-seeking tendencies amongst members. The changes in the status of Indian democracy reflect changes in the Lok Sabha, suggesting a situation of elite capture and adverse selection in representative democracy in India.

Keywords: Democracy, Political Representation, Rent-Seeking, Freedom, Elite Capture

INTRODUCTION

Prime Minister Narendra Modi upheld the spirit of democracy as integral to the Indian experience and emphasised India's continuous commitment to democratic ideals at the Summit for Democracy held on the 9th and 10th of December 2021 (Ministry of External Affairs, 2021). The speech addressed India's commitment to democratic institutions, wherein the Prime Minister said, "The structural features like multi-party elections, independent judiciary, and free media - are important instruments of democracy" (ibid.). The speech echoes a common sentiment about multi-party democracies – democratic mechanisms allow voters, media, and opposition parties to act as checks and balances to the power of the ruling government to best provide and protect the public good (Sen, 1982, 2006). Scholars have discussed that as long as multiple parties and a distinct parliamentary exist and regular fair elections occur, any significant deterioration of the government's commitment to democratic institutions is likely to be arrested over electoral cycles (Sen, 1982, 1999; Bogaards, 2005; Acemoglu & Robinson, 2006). The persistence of multiple parties, regular elections, and the magnitude of voter turnouts over the years suggests that democracy remains strong and the average Indian citizen meaningfully participates in democratic exercise. However, global indicators have shown a steady decline in India's status as a democracy (Biswas, 2021). The 2021 report by the International Institute for Democracy and Electoral Assistance expressed concerns of an increasing trend of democratic erosion, especially in Brazil and India.

The practice of democracy in the 21st century remains robust in India, with a significant presence of multiple parties, lawful handover of power and regular electoral events. The 2019 Lok Sabha election saw the highest voter turnout in Indian history at 67.1% across 542 constituencies barring Vellore (Jain, 2019). This was the largest instance of fundamental democratic exercise in the history of the world (ibid.). As the epicentre of Indian democracy, the 543 Lok Sabha members exercise the deliberative and legislative functions of Indian democracy. The experience of democracy in India is largely expected to be reflected in the actions, makeup, and representation of the electorate in the Lok Sabha (Arora & Tawa Lama-Rewal, 2009).

In spite of the prevalence of democratic processes and commitment in India, global indicators of democracy indicate otherwise. Indian democracy ranked lower in 2021 and 2022 than the years before, highlighting a trend of steady decline. Democracy is threatened by the weakening of its democratic institutions and civil liberties, along with the capture of political power and narrative by a rent-seeking, powerful elite (Stephenson, 2015, 2020). This paper aims to discuss the changing status of Indian democracy and contextualise the same against the makeup and background of Indian electorate representation in the Lok Sabhas of this century. An analysis of the 4 Lok Sabha terms of the 21st century - 2004, 2009, 2014, and 2019 - reflects trends of inefficient representation. This trend is characterised by increasing elite presence and concerns of rent-seeking¹ along with a decline in India's democratic status.

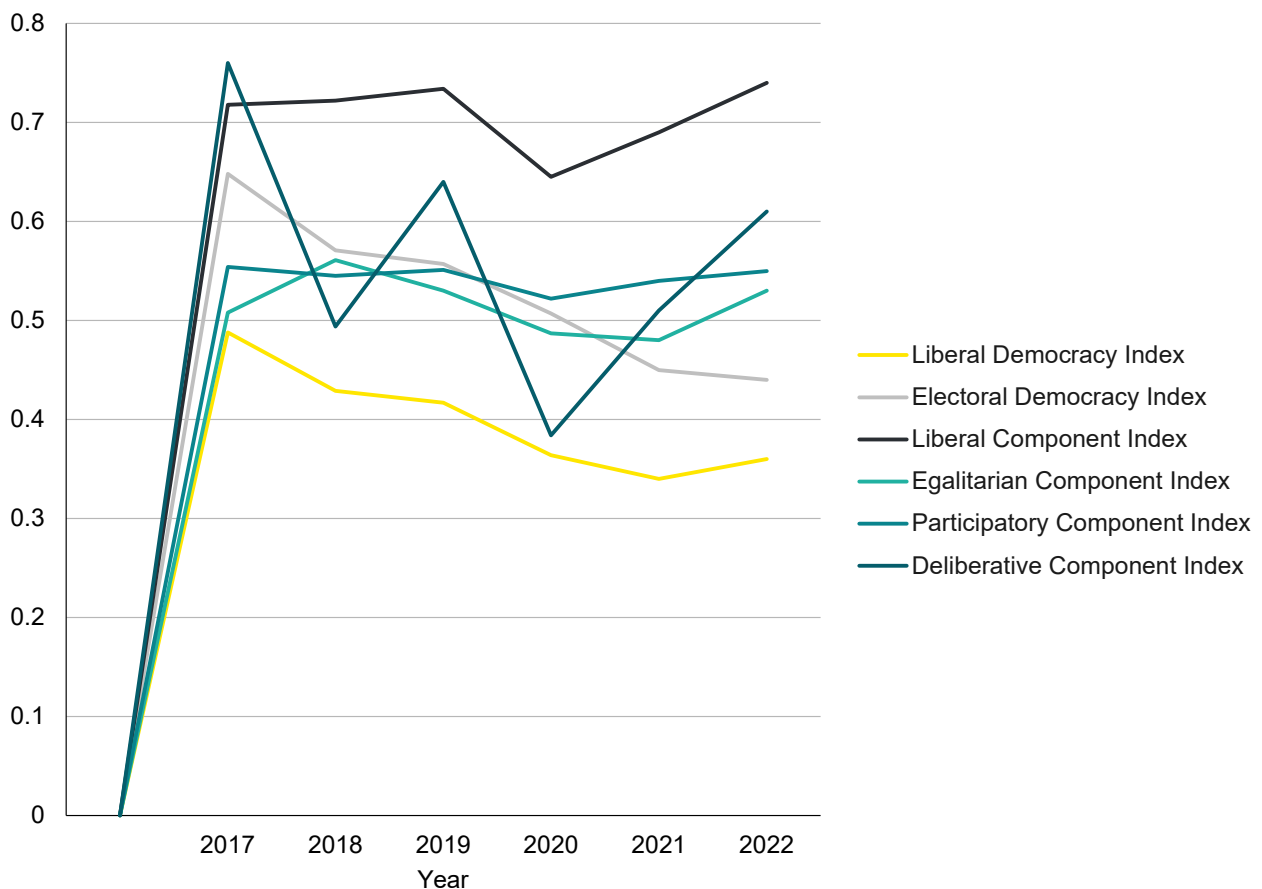
¹ Rent-seeking is often used to refer to bribes or personal profit- the desire to collect "rents". In this scenario, rent-seeking politicians refer to corrupt politicians.

THE CHANGING STATUS OF INDIAN DEMOCRACY

The viability and interpretation of indicators for any political system may involve a sense of subjectivity and should be indicative in nature (Biswas 2021). However, these indicators are international exercises involving a range of datasets to account for various nuances of widely accepted markers of democracy (ibid.). India reflects a decline across a range of indicators. This section discusses some key findings from the most recent reports.

In the 2022 Democracy Report, released by independent research institute Varieties of Democracy [V-Dem], India remains classified as an “Electoral Autocracy [EA]”. Such classification indicates autocratic trends and conducts in the face of free, fair, and regular elections (V-Dem, 2022). This classification was given to India for the first time in the same report from 2021. However, the 2021 report had stated that India could be in a higher category of electoral autocracy [EA+], indicating that such a classification may be uncertain. India’s classification as EA removed any uncertainty this year. In the years prior to 2021, India’s classification has been that of an Electoral Democracy. The V-Dem report of 2020 had suggested that India was on the verge of losing its status as a democracy. While the rest of South Asia and India’s demographically and geographically smaller democratic neighbours have consistently improved their democratic status in recent years, India’s status has steadily declined.

Figure 1: V-Dem Indices for Democracy 2017-2022



Source: Compiled by the Author from the V-Dem Democracy Reports (2017, 2018, 2019, 2020, 2021, 2022).

The V-Dem report assigns an index score between 0 and 1 for different aspects of democratic functioning and freedoms in a country. As Figure 1 suggests, the Electoral Democracy Index [EDI] has seen a consistent decline since 2017. According to V-Dem, the Electoral Democracy Index captures “not only the extent to which regimes hold clean, free, and fair elections but also their actual freedom of expression, alternative sources of information and association” (V-Dem, 2022: 51). The index thus acts as an indicator of actual democratic conditions, contextualised against the regular exercise of elections. The Deliberative Component Index is an indicator of common deliberation within democracies towards the governance of public goods and services. While this index fluctuates heavily for India, there is an increase in the year before the 2019 Lok Sabha elections, followed by a steep fall in the year after. In sharp contrast to the other indices, the Liberal Component Index [LCI] remains relatively stable and high. LCI is an indicator of inter-institutional checks and balances on the institutions of the Executive, Legislative, and Judiciary. The Liberal Component score can be interpreted as an indicator of a country’s democratic principles of separation of power and horizontal accountability. The Participatory Component Index [PCI] and Egalitarian Component Index [ECI] have remained largely stable, indicating that the equality of participation by different socio-economic groups has not improved and that citizen participation in political processes has remained the same. It is of note that both these indices remain relatively low, with India having a rank of 114 for the ECI and 85 for the PCI out of 177 countries.

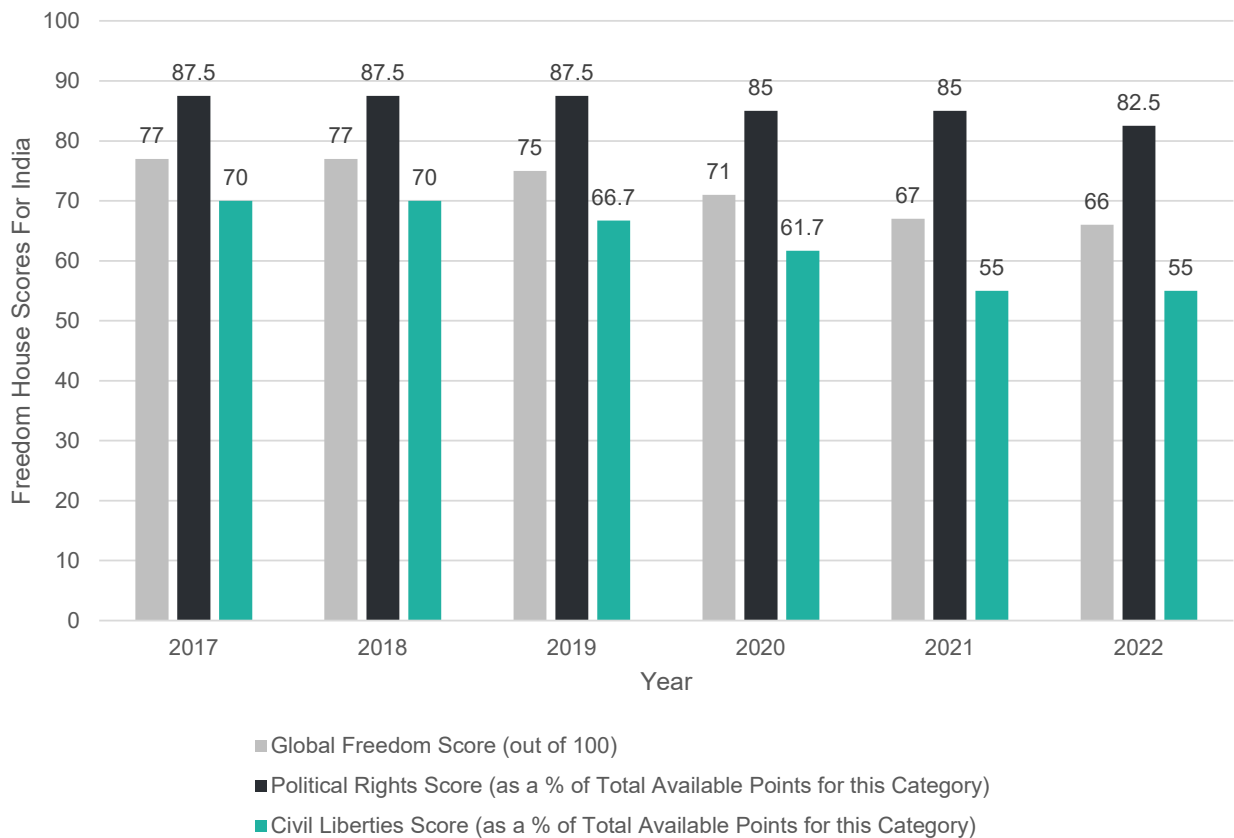
A striking summation of Indian democracy can be found through the Liberal Democracy Index [LDI]. LDI captures the liberal and electoral aspects of democracy found in the LCI and EDI. Therefore, it contextualises the guarantees of association and free and fair elections against the protection of civil liberties and checks and balances among institutions. The LDI remains the lowest compared to the other indicators with a steep decline. This decline suggests that free and fair elections and democratic practice are accompanied by negative changes in civil liberties and institutional checks on power. Other globally cited indicators of democracy have reflected a similar backsliding for India as well. The Democracy Index by the Economist Intelligence Unit [EIU] (2021) has classified India as a “flawed democracy”. India scored better in 2021 on the EIU indicator compared to 2020. However, the report has cautioned that with an overall decline of 1.20 points between 2016 and 2021, such a trend reflected a significant deterioration in the quality of democracy under the present Indian leadership (EIU 2021).

The recently released Freedom in The World Report (2022) by Freedom House, an American non-profit organisation, has classified India as “Partly Free” with a Global Freedom Score [GFS] of 66/100. This classification is the same as 2021, prior to which India had been classified as “Free” between 2017 and 2020², indicating a similar downward trend for Indian democracy. The GFS acts as an overall indicator of the democratic freedoms and processes in a country, with a higher score suggesting a better status of a country’s democracy.

Besides an overall GFS, the Freedom in The World Reports assigns separate scores to two categories- Political Rights and Civil Liberties. Both these categories contain sub-categories, with a score between 0-4 assigned to certain criteria within the sub-categories. The Political Rights Score is an indicator of electoral and governmental political freedoms, with criteria for the sub-categories of Electoral Process, Political Pluralism and Participation, and Functioning of Government. The Civil Liberties Score indicates civil liberties and protection, with criteria for the sub-categories of Freedom of Expression and Belief, Associational and Organisational Rights, Rule of Law, and Personal Autonomy and Individual Rights. As per the 2022 Report, India has a score of 33/40 for Political Rights and 33/60 for Civil Liberties.

² Freedom House began assessing India in 2017.

Figure 2: Freedom House Scores for India (scores for Political Rights and Civil Liberties are expressed as a percentage of the total points for the category)



Source: Compiled by the Author from Freedom House (2017, 2018, 2019, 2020, 2021, 2022).

Figure 2 shows that the Political Rights Score for India has been relatively stable. In sharp contrast, the GFS and the Civil Liberties Score have declined considerably across the same period. The Political Rights Score is an indicator of the incidence of free and fair elections, democratic handovers of power, and the functioning of the electoral process. India scores quite high on most of the criteria within the sub-categories of Political Rights. Civil rights are the source of citizen freedoms to participate in socio-economic life and are a determinant of citizens' ability to access political structures and express themselves politically. On this metric, India has performed worse than its previous years, even while maintaining its high score on political plurality. The GFS, as a result, has been on a steady decline.

The increasing gap between political rights and civil liberties indicates a de-linking of democratic outcomes and democratic processes. Such a trend is particularly alarming for a country that relies heavily on its democratic processes to correct civil rights threats and the public good's disbursement. Research has shown that democratic systems are likely to produce more public goods and invest more in public services (Niskanen, 1977; Ghobarah et al., 2004; Ross, 2006). The effectiveness of democratic machinery lies in its ability to firmly and efficiently link the socio-political interests of the electorate and the public office towards a common goal through the effective functioning of democratic institutions. On the other hand, the apparent de-linkage of democratic outcomes and accountability suggests that even as democracy continues, the expected benefits of democratic accountability worsen over time.

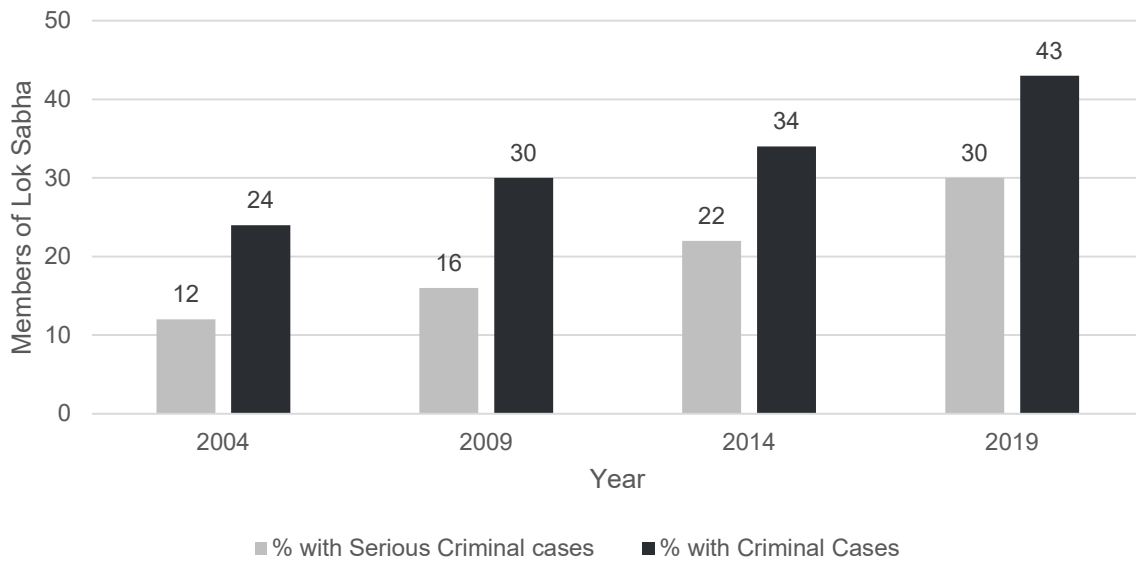
As suggested in the previous sections, theorists have argued that weakening civil protection and freedoms would prompt the electorate to hold the government democratically accountable. However, the consistent - and increasing - signs of democratic backsliding suggest the opposite. There appears to be a trend towards a standardisation of the democratic landscape that allows such inefficiencies to persist. Such standardisation indicates that the democratic institutions that hold public office and selection accountable are being weakened and exploited by a privileged political elite.

THE LOK SABHA SINCE 2004- TRENDS OF ELITE CAPTURE AND PREVALENCE OF CRIME

Over the years, the degeneration of Indian democracy suggests an alarming trend of inefficiencies in democratic decision-making and selection to public office. The growing disconnect between civil liberties and the political process may indicate that the public representative, while enjoying the electoral mandate, is inefficient or unwilling to use their deliberative and legislative responsibilities toward protecting the interests of the public. An overview of the changes in the Lok Sabha may reflect some trends that account for the backsliding in Indian democracy. Hence, Indian democracy needs to be contextualised against the selection and public commitment of the public representatives who are a direct result of the exercise of democracy. Two predominant and concerning trends arise in this analysis- as indicators of Indian democracy weaken over time, there is a consistent and significant increase in the number of criminal and privileged members of the Lok Sabha in the 21st century.

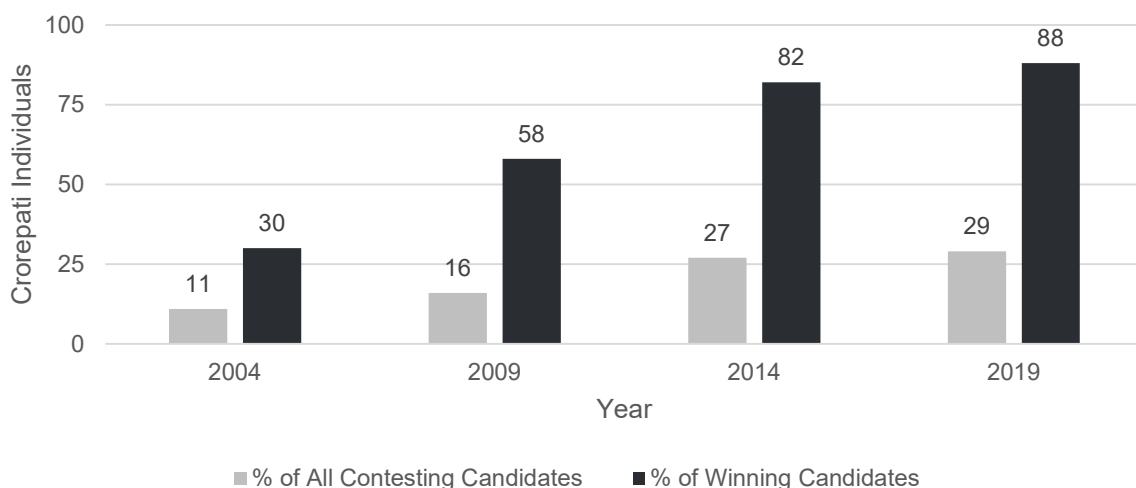
Research has shown that privileged elite politicians with rent-seeking behaviour at the helm of legislative decision-making are likely to create inefficiencies in public services and goods (Duflo et al., 2005; Blakeslee, 2018; Chatterjee & Pal, 2021). Elite capture³ by wealthy and rent-seeking politicians has adversely affected gains from poverty alleviation programmes (Panda, 2015), even while enjoying the popular mandate. Rent-seeking is a direct indicator of wealth accumulation at the cost of public interest. Moreover, it is most likely to be enforced through crime and coercion. Vaishnav (2012; 2017) has highlighted instances of party leaders openly accepting that public funds allocated to politicians are diverted to the party coffers. The crime and violence used to preserve one's rent-seeking abilities have a strong negative impact on the socio-economic lives of the public (Prakash et al., 2019).

³ Elite capture refers to the phenomena by which significant corruption and privileged access results in public resources and services being biased in favour of a privileged elite. Typically, elite capture is motivated by a desire for personal profit at the expense of welfare for the larger society.

Figure 3: Share of Lok Sabha Members with Criminal and Serious Criminal Cases from 2004-2019.

Source: Compiled by the Author from Association for Democratic Reforms [ADR].

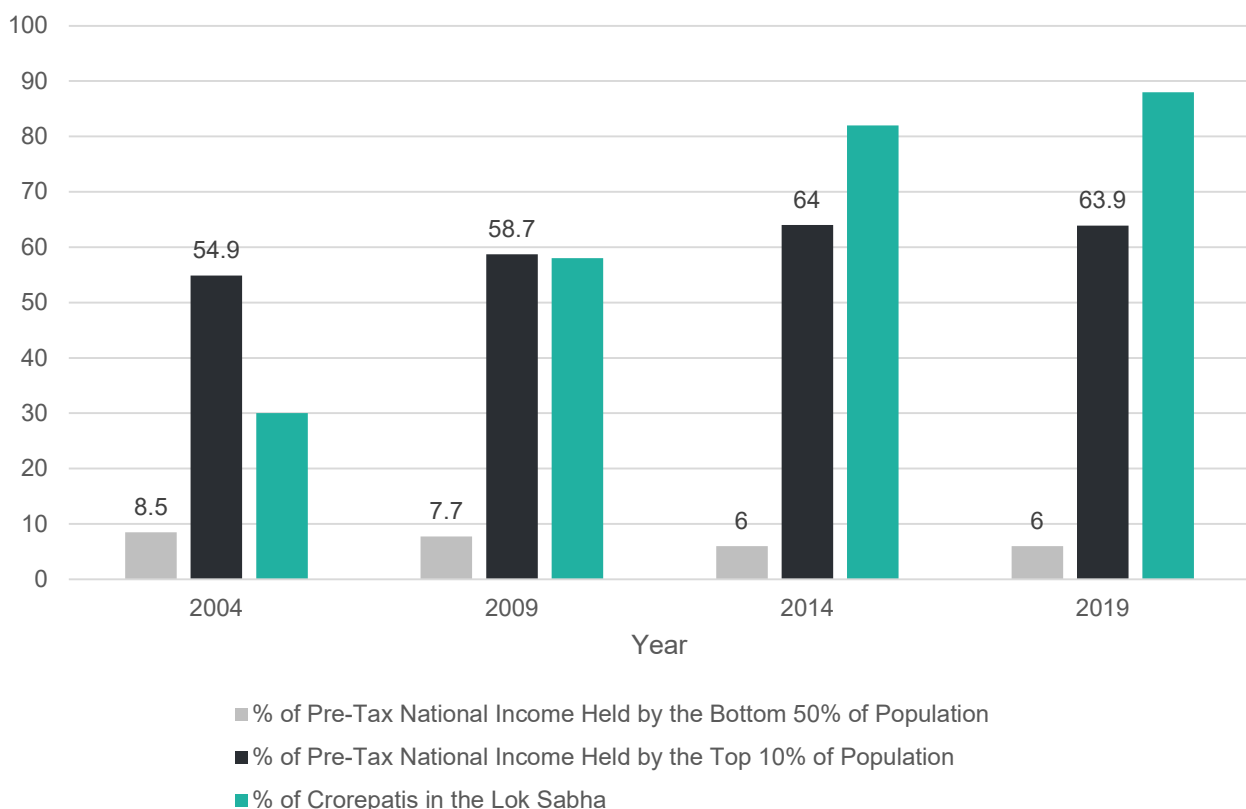
Figure 3 provides an overview of the prevalence and rise of criminal politicians in the Lok Sabha. After the 2019 elections, 43% of the newly elected members of the Lok Sabha reportedly have criminal charges against them, while 30% of them face serious criminal charges such as murder, rape or kidnapping (Association for Democratic Reforms, 2019a). The incidence of politicians with criminal records and rampant wealth accumulation has risen over the past decades. There has been a 106% increase of elected MPs in Lok Sabha with serious criminal charges since 2004 (ibid.). The structural prevalence of corruption and criminality among Indian politicians persists even within a democratic setup as there continues to be significant adverse selection to political office. The consistent increase in the share of criminal politicians is accompanied by a similar increase in the percentage of politicians with declared assets above INR 1 crore, as seen in figure 4.

Figure 4: Share of crorepati individuals as a percentage of total contesting candidates and total winning candidates.

Source: Compiled by the Author from ADR (2019b).

Figure 4 compares the share of crorepati individuals among the total contestants against the share of crorepati among the winners for the term. Over time, there is a significant increase of crorepati among the winning candidates, with large increases observed during 2014 and 2019. However, the share of crorepati among total contestants remains comparatively low and never more than one-third of the overall candidate choices available to the public. Over time, there appears to be a significant tendency for wealthier candidates to be elected to office, even when the share of wealthy candidates is less than a third of the total contestant pool.

Figure 5: Percentage share of Pre-Tax National Income per bottom 50% and top 10% of the population and the percentage share of crorepati in the Lok Sabha.



Source: Compiled by the Author from the World Inequality Database (n.d.) website and ADR (2019b).

Figure 5 compares the share of pre-tax national income in India against the share of crorepati in the Lok Sabha. The wealth proportion of the bottom 50% of the population is represented in the predominant legislative and deliberative platform of the Indian Parliament by an overwhelmingly large share of wealthy individuals. When the incumbent Bharatiya Janata Party assumed office in 2014, 82% of crorepati members represented the bottom 50% of the population that owns 6% of the wealth. This ratio of representatives rose to 88% in the 2019 term.

A significant concern here is the alignment of interests of a relatively poor electorate with a legislature comprising a strong majority of wealthy individuals. It is not the distribution of wealthy individuals alone that is of concern, but the combination of such a trend with the increase in criminal and rent-seeking behaviour. The discussion so far indicates that criminal and wealthy politicians have overwhelmingly increased over time, even as the status of democracy has worsened. The electoral

success of such candidates suggests an elite capture of the predominant legislative and deliberative platform of Indian democracy, with the democratic legitimacy of an elected mandate. Authentic pro-poor legislation or concerns in the public interest remain increasingly at risk of being undermined due to elite capture and personal interests (Caeyers & Dercon, 2012; Panda, 2015).

Such concerns regarding legislative and deliberative hygiene in the Lok Sabha are accompanied by trends of decreased discussion and legislative scrutiny over the last 4 Lok Sabha terms. There is growing concern over the haste with which laws are introduced and passed (Roy, 2019; Veerasha, 2022), with the share of bills being passed without legislative scrutiny exceeding 60% (ibid.). In 2021, Chief Justice of India, NV Ramana, expressed concerns regarding the increased lack of debates in the Lok Sabha and state assemblies (The Wire, 2021). Interestingly, this is in contrast to the increased volume and pace of passed legislation (Roy, 2022).

CONCLUSION- ADVERSE SELECTION IN INDIAN POLITICS

The high incidence of criminality, rent-seeking, and privilege associated with the Lok Sabha indicate an adverse selection effect in Indian politics. Higher rents tend to attract more people with a rent-seeking mindset toward politics than those committed to democracy (Vaishnav, 2012; 2017). Hence, fewer non-corrupt options become available to the electorate over time. With the increase in rents and personalised privilege among key political players, there is a growing incentive to use force upon the electorate and destroy channels that may attempt to demand accountability. This has resulted in the increased curtailment of citizen freedoms and expressions, as reflected in the indicators of democracy.

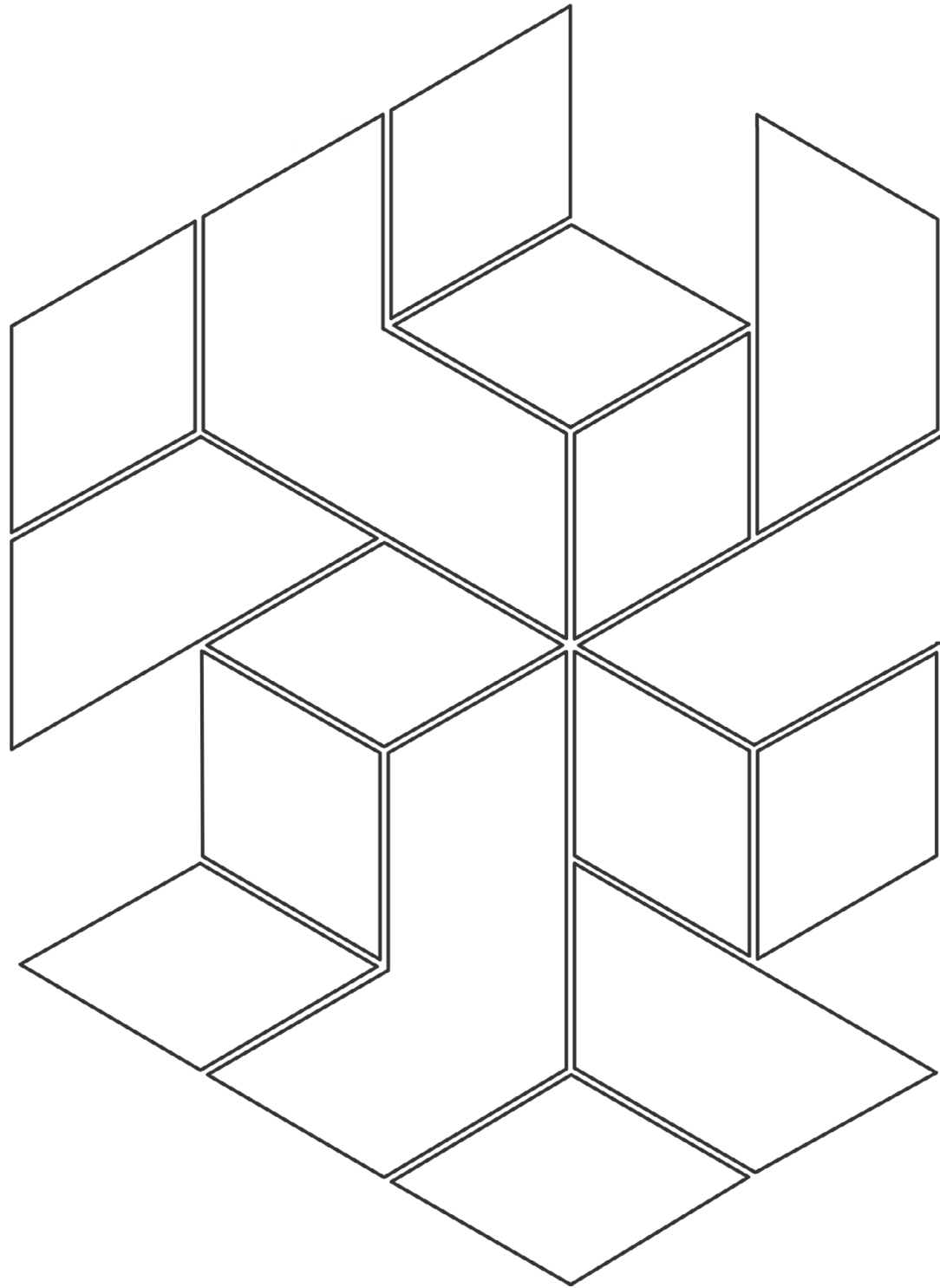
Trends of autocratisation resulting from elite capture and inefficient representation have long been a concern for democracies entering the 21st century (Huntington, 1991). For a country that relies heavily on the strength of its democratic processes to affect public life, an unchecked trend of democratic backsliding is concerning. There is a risk of tacit acceptance of criminal and privileged representation over time, which may eventually weaken public confidence in the democratic process. Given trends of elite capture and personal motivations of political representatives, such an acceptance could even be structurally enabled by compromising institutions that act as checks and balances on representative politics. Elections have done little to hold crime and privilege accountable, even as civil liberties and freedoms have gotten worse over time. Hence, Indian rhetoric and commitment to democracy, within the country and outside, needs to go beyond the practice of elections to incorporate deliberation on the institutions that allow democratic exercise.

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