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INDIAN AND PAKISTANI REGIME TRAJECTORIES: SOCIAL HIERARCHY AND MAJORITY RELIGION'S PUBLIC PRESENCE VERSUS DEMOCRACY

Abstract

The hierarchical organisation of society and the lack of distinction between the public and private sphere in Hinduism and Islam are cultural features of India and Pakistan that seem inconsistent with democracy. Reservation policy and the recognition of the most popular regional languages both demonstrate the adjustment of India's democratic framework to the caste system and the arithmetic of ethnic groups respectively. These measures have helped to pave the way for India's smooth political transition. In contrast to the Indian National Congress, the Muslim League refused to introduce similar solutions in Pakistan. The public presence of Hinduism in India and Islam in Pakistan has barely affected the countries overall political trajectories. However, the recent radicalisation, marked by the rise of the Bharatiya Janata Party in India and the entrance of Islamist agenda to mainstream politics in Pakistan, have triggered tendencies towards authoritarianism. This paper concludes by reconsidering the similarities between the impact of the majority religion's public presence on the post-2014 Indian and Pakistani regime trajectories. By the comparative analysis of the two countries, this study contributes to the contemporary debates in political science about the rise of authoritarianism and the demand for identity.

Keywords: India, Pakistan, democracy, regime trajectory, Hinduism, Islam

Introduction

The cultural conditions of the Indian subcontinent distance India and Pakistan from liberal democracy. But both countries, to a different extent, have experienced improvements in electoral (or procedural) democracy. Hierarchical organisation of society and the lack of distinction between public and private sphere in Islam and Hinduism are the cultural features of India and Pakistan that seem to be the most inconsistent with democracy even when we limit the meaning of this political system to free and fair elections. This paper exposes the im-

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pact of these two features on the countries regime trajectories. The first claim is that reservation policy and the recognition of regional languages demonstrate the adjustment of India's political framework to its fragmented and hierarchically organised society. These measures have helped to pave the way for the country's smooth political transition. In contrast to the Indian National Congress (INC), the Muslim League (ML) leadership refused to recognise ethnic groups' arithmetic and society's structure preventing democracy from developing in the early post-independence period. The second claim is that while the public presence of the two majority religions has hardly affected the overall Indian and Pakistani regime trajectories, a recent radicalisation marked by the rise of the Bharatiya Janata Party (BJP) in India and the entrance of Islamist agenda to mainstream politics in Pakistan, have triggered tendencies towards authoritarianism. Drawing on academic literature, both implemented and proposed legislation, media news and democracy comparative studies, this paper concludes by reconsidering the similarities between the impact of the majority religion's public presence on the post-2014 Indian and Pakistani regime trajectories.

A limited amount of research comparing the regimes trajectories in India and Pakistan has been carried out over the past two decades. This research identified particular political, social and cultural conditions that energised and/or impeded the transition towards democracy. These multifactorial analyses of Christophe Jaffrelot, Philipp Oldenburg and Maya Tudor confirmed the dominant role of a political environment, including the differences between Pakistan and India in strength and approach towards the democracy of their independence movements, and the external security positions that indicate that priority is given to national security in the Islamic Republic[2]. In addition, according to Aziz Ahsan, the different social structures (which were shaped to some extent by British colonial policies) with the dominance of military and landlords in Pakistan versus a relatively vibrant merchant class in India are reasons for the contrast between the two regimes[3]. Despite the assumption in the literature that culture (including religion as its central defining element) plays a lesser role in influencing the regime trajectories, India's and Pakistan's cultural features need to be recognised in this particular context. For more than seven decades of both countries' existence, these features have persisted. India's and Pakistan's cultural characteristics appear to be resistant to some acts of national law that are contradictory to tra-

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2   Christophe Jaffrelot, India and Pakistan: Interpreting the Divergence of Two Political Trajectories, *Cambridge Review of International Affairs*, Vol. 15, No. 2, 2002, pp. 251-267; Philip Oldenburg, *India, Pakistan and Democracy. Solving the Puzzle of Divergent Paths*, Routledge, New York, 2010; Maya Tudor, *The Promise of Power. The Origins of Democracy in India and Autocracy in Pakistan*, Cambridge University Press, Cambridge, 2013.

3   Aziz Ahsan, "Why Pakistan is Not a Democracy?", in: *Divided by Democracy*, Page David (eds.), Roli Books, New Delhi, 2005, pp. 75–144. Such contrasting colonial legacy lacks a general recognition among academics. Tudor refers to Ayesha Jalal's notion on similar colonial legacies in India and Pakistan arguing that they "were, with the exception of the disproportionate inheritance of military personnel in Pakistan, largely similar, particularly relative to the substantial variation in the cross-national institutional inheritances of post-colonial states elsewhere"; Maya Tudor, *The Promise of Power. The Origins of Democracy in India and Autocracy in Pakistan*, Cambridge University Press, Cambridge, 2013, p. 21.

ditional customs and to the external influences of Western liberal values.

By the comparative analysis of the two countries, this paper contributes to the contemporary debates in political science about the rise of authoritarianism[4] in relation to the recent decline in Indian and Pakistani democracies, and the demand for identity[5] which is highlighted by Indian and Pakistani demands for ethnic and/or religious identities. This demand confirms that "religion is a fact of the future, not of the past"[6] as Miroljub Jevtić emphasises when referring to the foundation of Pakistan.

Conceptualising and Measuring Democracy in South Asia's Context

While studying individual South Asian states' democratic experiences, I begin with defining democracy in a modest manner, particularly in accordance with Schumpeter's minimalist conception. It limits the meaning of democracy to free competition for a free vote[7]. Richard Rose, who investigates this approach, provides three conditions for such a narrowly defined democracy. "The first condition of democracy today is that all adult citizens have the right to vote. Second, elections are competitive, free and fair. (…) Third, voters decide who holds principal offices in the government"[8]. Similarly, the Freedom House (FH) identifies electoral democracies based on selected indicators that the organisation uses to produce the Freedom Index. This minimalist definition refuses to unconditionally link democracy with Western liberal values. Consequently, to applying the definition this study investigates how the selected cultural features have affected India's and Pakistan's electoral frameworks and performances.

While most comparative studies have identified India as a democracy for its entire existence, the perception of Pakistan varies. The country is recognised as an authoritarian or hybrid regime, rarely a democracy, depending on the period and the research. India's and Pakistan's divergent regime paths have been clearly recognised since the early post-independence period (Figure 1). Accordingly, FH has identified India as an electoral democracy since the first list of electoral democracies was published in 1989, but Pakistan was only recognised as such in two periods; from 1989 to 1998 and from 2013 to 2016.

4   Marlies Glasius, What authoritarianism is... and is not: a practice perspective, *International Affairs*, Vol. 94, No. 3, 2018, pp. 515–533.

5   Francis Fukuyama, *Identity: The Demand for Dignity and the Politics of Resentment*, Straus and Giroux, Farrar, 2018.

6   Miroljub Jevtić, 25 Years of Politology of Religion, *Journal of the Catholic Social Thought*, No. 23, Warsaw, 2019, p. 153.

7   Joseph Schumpeter, *Capitalism, Socialism and Democracy*, Harper and Row, New York, 1962, p. 250.

8   Richard Rose, "Democratic and Undemocratic States", in: *Democratization*, Christian, W. Haerpfer, Patrick Bernhagen, Ronald F. Inglehart and Christian Welzel (eds.), Oxford University Press, New York, 2009, p. 12.

Figure 1. Indian and Pakistani Regime Trajectories
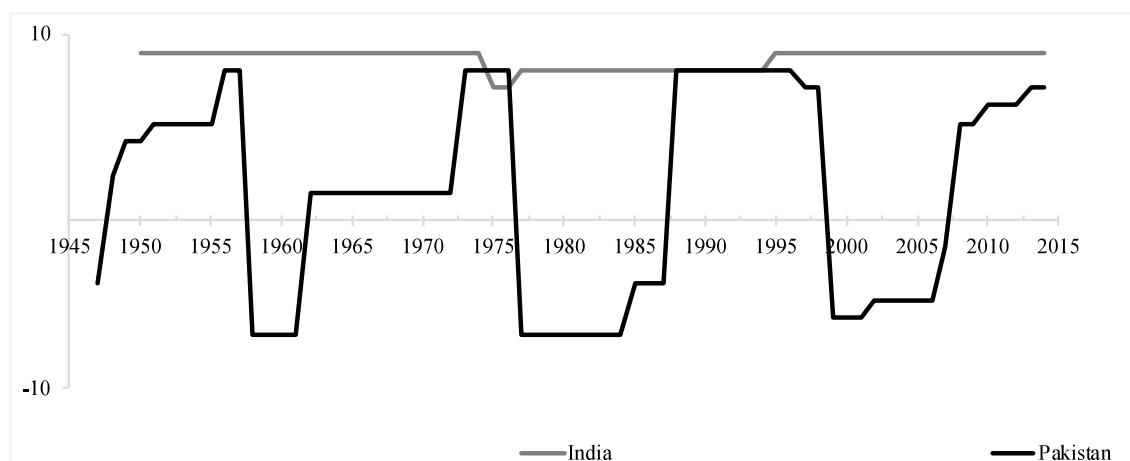
Full Democracy (10), Democracy (6 to 9), Open Anocracy (1 to 5), Closed Anocracy (-5 to 0), Autocracy (-10 to -6)

Source: Polity IV Project, Polity IV Individual Country Regime Trends, 1946-2013, 2014, *http://www.systemicpeace.org/polity/polity4.htm* (accessed 10.09.2019).

India's peaceful transition was slightly disturbed by the state of emergency declared between 1975 and 1977, while Pakistan experienced sharp democratic declines that were caused by the military coups in 1958, 1977 and 1999 (Figure 1). Highlighting the coups' impact upon the regime's trajectory Polity IV (2014) research confirmed that "the Pakistan military has repeatedly intervened to arrest the developments of democracy"[9].

Far from recognising India as a democratic miracle, or contrarily a semi-democratic state due to electoral malpractices and resistance vis-à-vis liberal values, this study emphasises the regime's rare characteristics. When investigating democratisation models "India will always be the exception to the rule"[10]. Subrata Mitra who named Indian democracy "a deviant case" noted "one wonders why Indian democracy did not meet the same tragic fate as neighbouring Pakistan"[11]. However, India's post-independence political history explains the peculiarity of this democracy. Indian state architects promptly introduced a political framework that appeared to be relatively sensitive to the country's unique cultural features, including the caste system and the arithmetic of ethnic groups. The Constitution of the Republic of India came into force in 1950, and the first general and state elections took place between October 1951 and February 1952. This political framework, rather than India's social structures "has become the

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9   Aquil Shah, "The Military and Democracy", in: *Pakistan at the Crossroads. Domestic Dynamics and External Pressures*, Christophe Jaffrelot (eds.), Random House India, Haryana, p. 23.

10   Ramachandra Guha, *India after Gandhi. The History of the World's Largest Democracy*, Macmillan, London, 2008.

11   Subrata Mitra, "India's Counterfactual Democracy: Institutional Innovation, Political Capital and the Promise of Resilience", in: *India in the Contemporary World. Polity, Economy and International Relations*, Zajączkowski Jakub, Schottli Jivanta and Manish Thapa (eds.), Routledge, London & New York, New Delhi, 2014, p. 21.

main agent of change"[12], as Mitra argues to explain the relative success of Indian democracy. What is more, and worth emphasizing when comparing Indian and Pakistani regime trajectories, India's newly established political system seemed to be relatively resistant to external threats, and they have hardly affected its performance.

In contrast to the INC, Pakistan's founding ML leadership operated within an environment characterized by severe external pressure and the unfavorable internal conditions of a country divided into two wings, East Pakistan (currently Bangladesh) and West Pakistan. Pakistan's first constitution was introduced in 1956 that is nine years after the country gained independence. The first general direct elections were held in December 1970. From 1970 to 2013 the country's electoral process suffered from a lack of continuity. As Aqil Shah emphasizes: "Between 1947 and 2012, not even once did the elected complete its tenure and peacefully transfer power to another elected government"[13]. Against global tendencies, Pakistan's transition towards democracy gradually improved between 2005 and 2016. Larry Diamond noticed in 2015 that "only two countries (Singapore and Pakistan) are freer today (and only modestly so) than in 2005"[14]. In particular, a significant political transition in Pakistan was triggered in 2013 by the first democratic transition of power.

Although India's and Pakistan's regime trajectories significantly differ, they both highlight the distinction between electoral and liberal democracy. While assessing these political regimes, the multidimensional democracy measures recognise the distinction between political and socio-cultural dimensions of democracy. While the first one (Political Laws dimension in the Freedom Index) refers to laws (e.g. electoral laws), the second one (Civil Liberties dimension in the Freedom Index) demonstrates to what extent these laws are exercised in India's and Pakistan's traditional societies. The countries' performances in the Freedom Index, except the periods of military regimes in Pakistan, have recognised smaller, or in India's case equal (1977-79; 1993-95), degree of freedom in the civil liberties than political rights. Given that 1 represents the greatest and 7 the smallest degree of freedom, India and Pakistan are awarded 3 and 5 for the second dimension, respectively (Graph 1).

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12   Ibidem, p. 23.

13   Aqil Shah, "The Military and Democracy", in: *Pakistan at the Crossroads. Domestic Dynamics and External Pressures,* Christophe Jaffrelot (eds.), Random House India, Haryana, p. 23.

14   Larry Diamond, Facing Up to the Democratic recession, *Journal of Democracy,* Vol. 26, No. 1, 2015, p. 151.

Graph 1. Political Rights and Civil Liberties in India and Pakistan
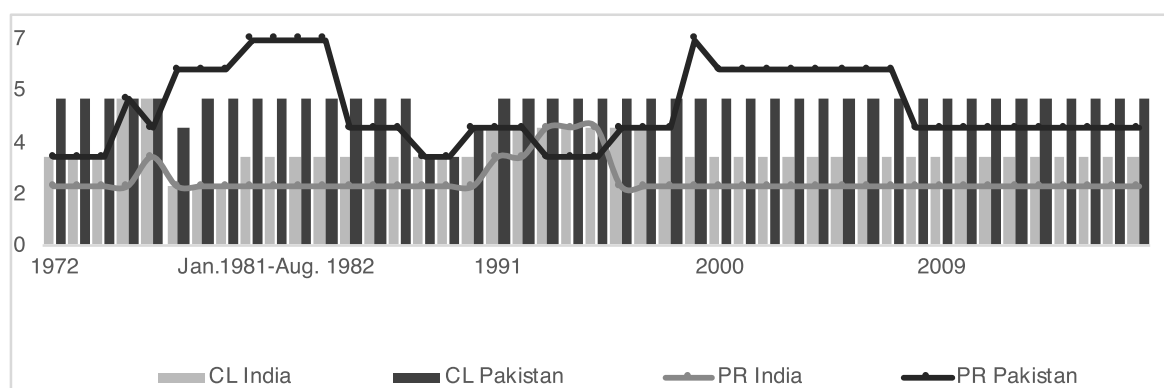
PR – Political Rights; CL – Civil Liberties; 1 – Most free and 7 – Least free.
Source: Freedom House, Country and Territory Ratings and Statuses, 1973-2018, *https://freedomhouse.org/sites/default/files/Country%20and%20Territory%20Ratings%20and%20Statuses%20FIW1973-2018.xlsx* (accessed 24.10.2019).

While India and Pakistan, to a different degree, have experienced improvements in electoral democracy, they have also effectively distanced themselves from liberal values that is confirmed by their relative weak performance in the Civil Liberties dimension of the Freedom Index.

Electoral Framework and Social Fragmentation

Indian and Pakistani political transitions have emerged in hierarchically organised societies that are fragmented by caste, language, gender and religion. Gender and religious disparities exist in most countries, including those that are democracies, while the caste systems seem to be exclusive to a few Asian and African states including India, Pakistan, Nepal, Bangladesh, Sri Lanka, Japan Nigeria, Senegal and Mauritania[15]. Among these countries, India, Nepal, Sri Lanka, Japan and Senegal are electoral democracies[16].

We associate the caste system, that is based on the Hindu concept of ritual purity, with India. However, in the literature, the word caste is often used to refer to the whole Indian subcontinent. Louis Dumont argues that a caste system also divides the non-Hindu population living in the Indian subcontinent[17]. The local Christian and Muslim communities, especially those established by converts from Hinduism, imitated the caste system. Against their expectations, the

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15   Human Rights Watch, Caste Discrimination: A Global Concern, *https://www.hrw.org/reports/2001/globalcaste/caste0801.pdf* (accessed 10.09.2019).

16   Freedom House, Freedom in the World. Democracy in Crisis, *https://freedomhouse.org/sites/default/files/FH_FITW_Report_2018_Final_SinglePage.pdf* (accessed 10.09.2019).

17   Louis Dumont, *Homo Hierarchicus. The Caste System and Its Implications*, The University of Chicago Press, Chicago and London, 1980, pp. 201-215.

conversion of Hindu Dalits failed to release them from the caste hierarchy, highlighting the victory of custom over the formal procedure.

Rasul Bakhsh Rais who uses the word caste in the context of contemporary Pakistani society argues "the democratic principles of free will and self-determination are idealistic in the traditional caste and class-based society of Pakistan. Caste differentiation, though not the same as in India, remains a strong social marker"[18]. In addition to a caste, Pakistani society also recognises a kinship group called biraderi. While in rural Pakistan biraderi influences who one decides to marry and elect, its role "in political mobilisation, for example, has received nothing like the attention of caste in Indian context"[19].

Democracy versus Social Hierarchy: India's Reservation Policies and Pakistan's Quotas

Under the conditions of these hierarchical social orders, the idea of equality seemed foreign to Indian culture in the pre-independence period. Therefore, introducing universal suffrage as being a crucial component of democracy "was a revolutionary step just because nothing in Indian history justified it"[20].

India's Constituent Assembly assumed that universal suffrage would be insufficient to enable disadvantaged groups to effectively participate in public life. As a result, the electoral system has provided additional measures for some of the most discriminated sections of Indian society. Among other provisions, the reservation policy assigns special status to the societies that the Indian Constitution recognises as Scheduled Castes (SC) and Scheduled Tribes (ST)[21]. The SC category was designed for Dalits who make up approximately 17% of Indian society. The ST category was created for Adivasi tribal groups living in underdeveloped parts of the country who constitute approximately 8.5% of the Indian population[22]. Contrary to the ST that is the religion-neutral category, the SC category excludes Muslims as "no person who professes a religion different from the Hindu, the Sikh or the Buddhist religion shall be deemed to be a member of a Scheduled Caste"[23]. The Constitution (art. 243, 330) reserves seats in the Lok Sabha (the Lower House of Parliament), Vidhan Sabhas (State Assemblies), Municipalities and Panchayats for these two categories in a number proportional to the number of SC and ST in the total population in a particular state. Due to its reservation policy, Indian democracy has been experiencing a political awak-

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18   Rasul Bakhsh Rais, "Pakistan", in: *Electoral Processes and Governance in South Asia,* Mendis Dushyantha (ed.), SAGE, New Delhi, 2008, p. 444.

19   Ian Talbot, *Pakistan a Modern History,* Foundation Books, London, p. 10.

20   Meghnad Desai, "Why India is a Democracy?", in: *Divided by Democracy,* Page David (eds.), Roli Books, New Delhi, 2005, p. 26.

21   There are no electoral measures for the Other Backward Classes (OBC).

22   Census of India of 2011, *http://www.censusindia.gov.in/2011census/hlo/pca/pca_pdf/PCA-CRC-0000.pdf* (accessed 16.052019).

23   Constitution of India (Scheduled Castes), Order of 1950, *http://socialjustice.nic.in/writereaddata/UploadFile/scorder1950636011777382153618.pdf* (accessed 24.10.2019).

ing in profoundly discriminated sections of society. The India's unique political framework has given castes a vigorous political character.

Although the Indian Constitution guarantees the representation of ST and SC in particular legislative bodies, it cannot ensure that they are well represented. Commonly the higher castes in various ways exploit those from the bottom of the social hierarchy to serve their own interests. The history of Phoolan Devi, that the movie Bandit Queen[24] is based on, demonstrates this underhand practice. Despite Phoolan Devi's criminal activity, politicians exploited her in their electoral campaigns because the local population of untouchables in Uttar Pradesh admired their Dalit Bandit Queen. Once in power the Dalit representatives often devote themselves to different objectives, not to their electorate's interests. Kumari Mayawati, the first Dalit in the history of independent India to serve as a Chief Minister of a state, appears to have wasted public money on monuments dedicated to herself and an elephant, the Bahujan Samaj Party's (BSP) symbol[25].

India's reservation policy ignores minorities, and to a large extent women. To guard India's secular character and mark a difference between Islamic Pakistan, the Constituent Assembly refused to design any electoral (and other) measures for minorities. In the context of the women's presence in legislative bodies in India, only one-third of seats reserved in the lower levels of local government, particularly in Municipal Councils, Municipal Corporations and Panchayats are dedicated to female members (including seats reserved for women from SC and ST)[26]. The Women's Reservation Bill that guarantees women 33% of seats in the Lok Sabha and all Vidhan Sabhas[27] still has not passed parliament. "The Bill was adopted by the Rajya Sabha in 2010. The distance between the Rajya Sabha and the Lok Sabha is just a five-minute walk. But the Bill has not moved for seven years. The Women's Reservation Bill is a victim of patriarchal power to ensure the status quo of male entitlement, said Communist Party of India (Marxist)'s politburo member Brinda Karat"[28].

Due to its turbulent regime path and the tendencies of establishments to change the electoral framework, similar to India's solutions have rarely been implemented in Pakistan. Pakistan's quotas have varied from six to 10 representa-

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24 Shekhar Kapur, *Bandit Queen*, Kaleidoscope Entertainment, India, 1994.

25 Krishnadas Rajagopal, Mayawati has to repay public money spent on erecting her statues, BSP symbols in parks: SC, The Hindu, February 8, 2019, *https://www.thehindu.com/news/national/mayawati-has-to-pay-back-money-used-for-erecting-her-statues-bsp-symbol-in-public-parks-sc/article26213283.ece* (accessed 26.10.2019).

26 Constitution of India (Seventy-fourth Amendment) Act, 1992, *https://www.india.gov.in/my-government/constitution-india/amendments/constitution-india-seventy-fourth-amendment-act-1992* (accessed 20.09.2019); Constitution of Pakistan (Seventy-third Amendment) Act, 1992, *https://www.india.gov.in/my-government/constitution-india/amendments/constitution-india-seventy-third-amendment-act-1992* (accessed 20.09.2019).

27 Women's Reservation Bill, 2008, *https://www.prsindia.org/sites/default/files/bill_files/1211455181_The_Constitution__One_Hundred_and_Eighth_Amendment__Bill__2008.pdf* (accessed 13.09.2019).

28 Saubhdra Chatterji, Political Will, Patriarchy: Why The Women's Reservation Bill Has Still Not Been Passed, *Hindustan Times*, March 8, 2017, *https://www.hindustantimes.com/india-news/political-will-patriarchy-why-the-women-s-reservation-bill-has-still-not-been-passed/story-TB8ABRItzXm5QRuZaDSb5K.html* (accessed 15.10.2019).

tives of religious minorities, and none to 60 for women in the National Assembly. These modest women and minority quotas were only included depending on the particular governments' priorities. Also, it has to be noted that while under India's reservation policy, citizens elect their representatives directly, the quotas in Pakistan require them to be nominated by the political parties. This is a crucial difference between these two measures.

Seats for women and non-Muslims are reserved in the National Assembly (60 for women, 10 for non-Muslims/342), Senate (17 for women, 4 for non-Muslims/104) and Provincial Assemblies (the number depends on the Assembly) in Pakistan. These gender and minority quotas omit the two administrative territories of Gilgit-Baltistan and Azad Jammu and Kashmir that introduced their own quotas for women only. Similarly, before the Federally Administered Tribal Areas (FATA)-Khyber Pakhtunkhwa (KPK) merger in May 2018, the FATA lacked women's and minorities' representatives at local and central level. The Constitution (Thirty-first Amendment) Act of 2018 that followed the merger grants the FATA 21 seats, including four sears for women and one for non-Muslims in the 145-member KPK Assembly[29]. Accordingly, the first female and minorities representatives for the FATA were elected in July 2019.

The current gender quotas significantly increased the proportion of female legislators in the National Assembly from 3% to 21% in 2002, the year that they were introduced. Nevertheless, they failed to provide women with the representation that would effectively act in their favour. In other words, the 70 females in the current 14th National Assembly (60 elected due to the women quota, one elected on a non-Muslim seat, and nine elected directly), are incapable of influencing the status of the average woman.

A woman's status in Pakistan is restricted by her caste, religion and whether she lives in a rural or urban setting. Despite the quotas, indigenous traditions effectively prevent an average Pakistani woman from exercising her political rights to a different extent in various provinces. A Pakistani newspaper Dawn observes "While we have a considerable number of women in parliament, womenfolk can still be barred from getting registered as voters and from casting their ballots"[30]. For example, the following case was reported during the by-elections for KPK Provincial Assembly in December 2017. Although over six thousand women were registered to vote in each constituency in Dir districts (Lower and Upper Dir) none cast a vote. The Election Commission's failure to provide female voters with polling stations and booths facilitated the implementation of the political parties' pre-election agreement to bar local women from voting[31]. Since each

29   Constitution (Thirty-first Amendment) Act, 2018, *http://www.na.gov.pk/uploads/documents/1527169356_307.pdf* (accessed 25.10.2019).

30   Tahir Mehdi, Women in politics, *Dawn,* May 25, 2015, *https://www.dawn.com/news/1183988* (accessed 24.10.2019)

31   Dawn Report, Not a Single Woman Cast Vote in Local Government By-Polls in Dir Districts, *Dawn,* December 26, 2017, *https://www.dawn.com/news/1378923* (accessed 15.08.2019).

winning candidate received between 1200 and to 2100 votes, the over six thousand potential women's votes per constituency would have reversed these by-election results[32].

The quotas limited strength prevented the political empowerment of the most discriminated sections of Pakistan's society. Ian Talbot notices that the absence of minorities and women in legislative bodies hinders democracy in Pakistan, "To consolidate Pakistan's procedural/formal democracy, the introduction of proportional representation, and restoration of a joint electorate with reservation of seats for minorities should be contemplated along with the restoration of reserved seats for women"[33]. Although Musharraf's regime formally restored a joint electorate and increased gender quotas, the sections of Pakistan's society that are discriminated against continue to suffer from the lack of political parties and individual politicians that can fairly represent their interests.

Democracy versus Ethnic Arithmetic: Regional Languages and Ethnic Groups' Voices

Another decision of the INC, that acknowledges India's cultural conditions, refers to the most popular regional languages recognition. Since the Constitution came into power the number of recognised languages has increased from 14 to 22[34]. The recognition has enabled non-Hindi speaking Indians, who have constituted approximately 60% of the total population during the entire country's existence, to participate in public life. By recognising regional languages, the Constitution gave voice to various ethnic groups. In addition, it promoted the rise of state parties[35] that commonly built their support by appealing to the voter's language. However, despite the boost between 1991 and 1999 when "regional parties increased their vote share from 25 % to 46 %"[36], this voice was barely heard in New Delhi.

Paradoxically the Hindi status is endangered by post-2014 Hindutva policies. In contrast to the ruling party's intentions, the policies fuelled anti-Hindi campaigns that originated in the late 1930s and still exist today in Tamil Nadu (formerly Madras State). In May 2017 the Bengal State Education Minister, Partha Chatterjee, called to make the Bengali language compulsory classes in schools

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32   Monitoring Report, No woman vote in local government by-polls in Dir districts: report, Pakistan Today, December 26, 2017, https://www.pakistantoday.com.pk/2017/12/26/no-woman-vote-in-local-government-by-polls-in-dir-districts-report/ (accessed 08.10.2019)

33   Talbot Ian, *Pakistan a Modern History,* Foundation Books, London, p. 372.

34   Eighth Schedule to the Constitution of India of 1963, p. 330, https://www.india.gov.in/sites/upload_files/npi/files/coi-eng-schedules_1-12.pdf (accessed 24.10.2019).

35   Based on quantitative criteria that refer to parties' electoral performance, the Election Commission of India recognises three kinds of political parties, national parties, state parties and unrecognised registered parties.

36   Adam Ziegfeld, Coalition Government and Party System Change: Explaining the Rise of Regional Political Parties in India, *Comparative Politics,* Vol. 45, No. 1, 2012, p. 69.

in West Bengal, "From now on, it will be mandatory for students to learn Bengali in schools (…) as an optional subject from Class 1, giving students the option to choose it either as second or third language"[37]. Under the BJP, the practice that was typical in South India has also been applied in West Bengal on the north.

Focusing on Urdu's elevation to the status of a national language the ML, as well as its successors, refused to introduce a solution similar to the one used in India. In February 1948 the then Prime Minister Liaquat Ali Khan denied making the status of Urdu equal with other languages, including the most spoken Bengali. In the first census conducted in independent Pakistan three years later, Urdu was claimed as a mother tongue by 3.3% of the country's population, and Bengali by 55%[38]. Maya Tudor explains the lack of similarity to India's measures in Pakistan by the ML's anti-democratic attitude in the pre- and post-independence periods. She argues that ML leadership defined democracy as a system that exclusively favoured the majority[39], which combined Hindu in British India and Bengali from East Pakistan in the newly created Pakistan.

This statistical approach to democracy had a wider impact. It prevented the ML leadership from organising direct general elections during the post-independence period. As a result, electoral democracy failed to take root in the country. Most probably, if they were not fully rigged, the elections would bring victory to the Bengali majority's representatives from the Awami League (AL). Under these circumstances, the ethnic groups failed to form their own political parties that would have effectively protect these groups' own interests. The Muttahida Qaumi Movement (MQM) representing Urdu-speaking Muhajirs (migrants from India) from Sindh remains the most significant political party that appeals to the voters' language in Pakistan.

Religion in the Public Sphere

India and Pakistan share a rich collection of cultural features, apart from a majority religion as approximately 98% of Pakistanis are Muslim and more than 80% of Indians are Hindu. While religious differences rarely disturbed the communities peaceful coexistence in British India[40] the post-partition narrative is vastly different. Indian activist, Arundhati Roy admits that the partition turned neighbours on each other "as though they'd never known each other, never been to each other's weddings, never sung each other's songs"[41]. Furthermore,

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37   Somdatta Basu, Bengali set to be must in all schools from classes I to VIII, Times of India, May 20, 2017, *http://timesofindia. indiatimes.com/articleshow/58757671.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst* (accessed 10.08.2019).

38   *Census of Pakistan, 1951.* Manager of Publications, Govt. of Pakistan, Karachi, 1955.

39   Maya Tudor, *The Promise of Power. The Origins of Democracy in India and Autocracy in Pakistan,* Cambridge University Press, Cambridge 2013, pp. 61–65.

40   Aziz Ahsan, "Why Pakistan is Not a Democracy?", in: *Divided by Democracy,* Page David (ed.), Roli Books, New Delhi, 2005, p. 78.

41   Arundhati Roy, *The Ministry of Utmost Happiness,* Knopf, New York, 2017, p. 13.

apart from the religion itself, the majority religion's official status in the countries is different as well. Islam is a state religion in Pakistan while Hinduism lacks such recognition in India.

Islamic Pakistan

Pakistan's constitution legitimises Islam's strong presence and provides Muslims with various provisions. For instance, only a Muslim may serve as Pakistan's prime minister. In addition, the Pew Research Centre confirms Pakistanis' general consent to religion's wide impact upon the public sphere. According to a survey conducted in 2012, 78 % of Pakistani citizens agree that "laws should strictly follow the Quran"[42]. However, Islam's place in Pakistan's national life lacks a clear-cut recognition. While most mainstream political parties refer to Muhammad Ali Jinnah legacy, his vision of a secular and pluralist Pakistan has vastly eroded[43]. In the context of Pakistan's relations with Islam, Farzana Shaikh distinguishes two main competing visions. Limiting the role of this religion, the first one sees Pakistan as a Muslim Homeland free from discrimination vis-à-vis Hindu. This vision aligns with Pakistan's label as a moderate Islamic state. The second vision legitimises Islam's omnipresence and demands national life to be orchestrated by Islamic laws and clerical elite [44].

This decade has witnessed a sequence of political events that sharpe Pakistan's Islamic profile. In 2011 Minority Minister Shahbaz Bhatti and Punjab Governor Salman Taseer were assassinated over blasphemy laws that they both publicly opposed. The mass glorification of Mumtaz Qadri, the convicted murderer of the latter, promoted the rise of Islamist political movements including the Tehreek-e-Labbaik Party (TLP). In 2017 two years after the TLP emerged, it led a victorious three-week protest over the wording of the parliamentary oath. As its leadership argues the new oath, finally recognised as a clerical error, softens Pakistan's position towards Ahmadis[45]. The protests that effectively paralysed Islamabad and a few other Pakistani cities forced the Law Minister Zahid Hamid to resign. The TLP's hidden agenda was to defame the Pakistan Muslim League (Nawaz) (PML(N))-led government before the upcoming elections for the Senate and National Assembly.

The recent electoral performance of TLP supported, yet labelled as independent, Azhar Hussain Rizvi placed a parliamentary mandate within the party's range. In September 2017 just before the protests began the candidate achieved

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42   Pew Research Centre, Role of Islam in Politics, 2012, *http://www.pewglobal.org/2012/07/10/chapter-3-role-of-islam-in-politics/* (accessed 17.09.2019).

43   Hamza Alavi, Social Forces and Ideology in the Making of Pakistan, *Economic and Political Weekly,* Vol. 37, No. 51, 2002, pp. 5119-5124.

44   Farzana Shaikh, *Making Sense of Pakistan,* Oxford University Press, New York, 2018, p. 12.

45   Ahmadis experience severe persecutions in Pakistan. The Islamic Republic recognises them as non-Muslims.

a third-place result in the by-election, for NA-120 seat that was organised be-
cause of Nawaz Sharif's disqualification. After receiving a fifth-place result in the
2018 national elections among all political parties, the TLP failed to secure any
mandate in the National Assembly. However, in the provincial assembly elec-
tions held the same day, the party won its first seats ever in a legislative body.
In total, the TLP has secured three seats, including two elected directly and one
filled under the gender quota, in the Provincial Assembly of Sindh. Although
the TLP, along with other radical movements, performed rather poorly in 2018
national and assembly elections, their Islamist agenda successfully entered the
political mainstream. Pakistan's leading political parties, to various extent, have
begun to accommodate the language and ideas of radical Islam. To provide the
examples, Shaikh refers to the performance and agenda of the ruling Pakistan
Justice Party's (PTI's), "During its electoral campaign the PTI mounted a strong
defence in support of the single-point agenda promoted by (…) the TLP, which
seeks harsher measures to tighten existing laws against blasphemy. (…) The PTI's
ambitious programme [aimed to introduce <<Islamic welfare state>>] had been
closely associated with the Salafi organisation Lashkar-i-Tayyaba"[46].

Despite Islam's constant public presence, some periods in Pakistan's history
have witnessed transitions towards democracy. Nevertheless, this presence pro-
vides the Pakistani establishment with a reason to use religion, more or less in-
tentionally, against democracy. For instance, the informal alliance between the
security establishment and various religious groups including religious political
parties and Islamist movements holds the potential to reinforce the unfavour-
able imbalance of control between the civil and security establishments. Zia ul-
Haq's rule, starting from the coup d'état in 1977 to his death in 1988 (that is the
period that experienced the deepest democracy's decline according to both the
FH and Polity IV), saw both democratic declines and the strengthening of the
above alliance. A video released by the BBC that reveals the Pakistani Army gen-
eral giving money to participants of an Islamist-led protest in September 2017[47]
highlights contemporary implications of this cooperation.

Secular India

Ironically the Indian establishment seems to yield to the temptation to in-
strumentalise religion to a similar extent to its Pakistani counterpart. Although
the Indian Constitution establishes secularism as one of the state's pillars[48] it fails
to eliminate religion from the public sphere. The failure is the result of the two

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46   Farzana Shaikh, *Making Sense of Pakistan*, Oxford University Press, New York, 2018, pp. 17-18.

47   Ilyas M. Khan Why Was Pakistan General Giving Money to Protesters, *BBC News*, November 29, 2017, *http://www.bbc.com/
news/world-asia-42149535* (accessed 15.10.2019).

48   Constitution of India (Twenty-first Amendment) Act, 1967, *https://www.india.gov.in/my-government/constitution-india/
amendments/constitution-india-twenty-first-amendment-act-1967* (accessed 07.10.2019).

features that are common to India and Pakistan, in particular a lack of clear distinction between public and private sphere and the establishments' tendency to play the religion card, as well as the limited Indian understanding of a secular state. The Indian notion of a model secular state varies from the common Western perception. Indians identify it as a state of religious tolerance aimed at providing minorities with equal rights. While Europeans associate this concept with a state that separates religion from the public sphere. Consequently, "the Indian constitution has not seen any contradiction between religion and secularism. Both types of activities are legitimate in India. All people of India have freedom of worship; only condition is that one religious group should not interfere in the religious life of another group"[49]. However, since the rise of the BJP in 2014, India has been drifting away from this narrowly defined secularism. The ruling party's Hindutva-based policies, including the saffronisation of education, beef bans and the overall Hindunisation of the public sphere tears down this particular state's pillar. Paradoxically due to the Supreme Court of India's judgement of 1995, Hindutva-based policies and practices are legal in officially secular India. According to the judgement, "Hindutva is understood as a way of life or a state of mind and it is not to be equated with or understood as religious Hindu fundamentalism"[50].

The post-2014 BJP Hindutva-based policies encourage the association of previous INC-led governments with a secular rule. Just before Modi's tsunami, as some Indian media outlets refer to the Prime Minister's party strong electoral performance, started flooding Indian democracy, events of communal violence affected the regime's performance. As Mitra confirms, "Over the years, sporadic but terrible attacks on members of religious minorities have put a question mark on the quality of Indian democracy"[51]. Indian establishment, regardless of the party in power, have been using religion to manipulate the electorate since the country's early days. It is not a coincidence that during elections religions clash more frequently. Widmalm's and Orkarsson's findings correlate with the above perception. Their study shows no significant difference in tolerance levels between BJP and INC supporters[52]. What is more, the Ministry of Home Affairs' statistics on communal violence refuse to confirm links between the party in power

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49   C. N. Venugopal, Polity, Religion and Secularity in India: A study of interrelationships, *Politics and Religion Journal*, Vol. 7, No. 1, 2013, p. 24.

50   Supreme Court of India, Judgement with Civil Appeal no. 2835 of 1989 Bal Thackeray v. Shri Prabhakar Kashinath Kunte & Others, December 1995, 11, *https://www.sci.gov.in/jonew/judis/10197.pdf?fbclid=IwAR3MMC0T8CkCXy6D6qx_fEvKzYDw7R_43Oh8 xoWjsaNrOeOYJV5XR_yWBLI* (accessed 07.10.2019).

51   Subrata Mitra, "India's Counterfactual Democracy: Institutional Innovation, Political Capital and the Promise of Resilience", in: *India in the Contemporary World. Polity, Economy and International Relations,* Zajączkowski Jakub, Schottli Jivanta and Manish Thapa (eds.), Routledge, London & New York, New Delhi, 2014, p. 19.

52   Sten Widmalm, Sven Oskarsson, Political Tolerance in India Descriptions and Explanations from the Heartland, *Asian Survey,* Vol. 53, 2013, pp. 533-558.

and the number of communal violence incidents in the pre-2014 period[53]. How-
ever, between 2014 and 2017, following the BJP electoral victory the number of
communal violence incidents increased by 28% from 644 to 822[54].

Post-2014 India's political dynamics expose the similarities in the perception
of democracy between the ruling BJP and the ML in the pre- and post-indepen-
dence periods. Both parties understand democracy to mean a regime that exclu-
sively favours the majority. Under India's relatively inclusive democratic frame-
work the BJP seeks to establish a Hindu regime. Kathryn Adeney and Jaffrelot
test it against Sammy Smooha's concept of ethnic democracy[55], that combines
"viable democratic institutions with institutionalized ethnic dominance"[56]. While
India fulfils some of the criteria for ethnic democracy and provides favourable
conditions for its development (Jaffrelot 2017), the extent to which institution-
alised ethnic dominance can hinder India's electoral democracy's performance
remains unrecognised.

Conclusion

Due to the Indian subcontinent's cultural conditions, the regime trajecto-
ries of India and Pakistan fail to seek a liberal democracy. The reservation policy
and the recognition of the most spoken regional languages have contributed
to India's transition towards an electoral democracy. The measures imposed by
the INC largely adjust India's political framework to the country's social struc-
ture and the arithmetic of ethnic groups. In contrast to the Congress, the ML not
only refused to apply similar solutions in newly independent Pakistan, but also
postponed the first direct general elections to prevent the arithmetic of ethnic
groups being revealed by their results. Pakistan's further regime trajectory has
demonstrated the country's failures to recover after the first 23 years of indepen-
dence marked by the lack of electoral democracy on the state level.

Pakistan's democracy only significantly improved in the second decade
of the 21st century. The country's first democratic transition of power in 2013
initially diverted attention away from the radicalisation of the public sphere. In
contrast, post-2014 India's Hindunisation, because of the country's official sec-
ularism and its status as the world's largest democracy, gains vast recognition
among political scholars. The majority religions' public presence itself has failed

53 Ministry of Home Affairs, Lok Sabha Unstarred Question no. 6502 to be Answered on the 7th May, 2013/Vaisakha 17, 1935 (saka), 2013, https://mha.gov.in/MHA1/Par2017/pdfs/par2013-pdfs/ls-070513/6502.pdf (accessed 09.10.2019).

54 Ministry of Home Affairs, Rajya Sabha Unstarred Question no. 521 to be Answered on the 20th December, 2017/ Agrahayana 29, 1939 (SAKA), 2017, https://mha.gov.in/MHA1/Par2017/pdfs/par2017-pdfs/rs-20122017/521.pdf (accessed 09.10.2019).

55 Kathryn Adeney, To What Degree Is India an Ethnic Democracy?, Paper presented at the 25th European Conference on South Asian Studies of the European Association of South Asian Studies, July 2018, Paris; Christophe Jaffrelot, India's Democracy at 70: Toward a Hindu State?, The Journal of Democracy, Vol. 28, No. 3, 2017, pp. 52–63.

56 Sammy Smooha, Minority Status in an Ethnic Democracy: The Status of the Arab Minority in Israel, Ethnic and Racial Studies, Vol. 13, No. 3, 1990, p. 389.

to significantly influence the regime trajectories, but if it is combined with the establishments' tendencies to play the religion card it can hinder democracy's developments.

The further Islamisation in Pakistan, alongside the rise of Hindu nationalism in formally secular India, has been fuelling authoritarian tendencies in the two countries. Having similar cultural features and contrasting regime trajectories, they both are drifting towards a religious or ethnic electoral democracy.

The strong performance of the INC vis-à-vis BJP in the November/December 2018 assembly elections in Chhattisgarh, Madhya Pradesh, Mizoram, Rajasthan and Telangana questioned the ruling party's potential to hold on to the majority in the Lok Sabha in the general elections in April/May 2019. The eventual return to coalition governance, that last general elections failed to provoke, could have reversed Hindutva policies and subsequently reduced scholarly debates on the rise of authoritarianism in India. A similar shift in Pakistan is not expected. The period following the 2018 general elections has already seen the Islamist agenda's strong impact upon Pakistan's public sphere. The removal of the Ahmadi, Western educated economy professor, Atif Mian from the Economic Advisory Council, and the violent mass protest over the acquittal of Asia Bibi a Christian accused of blasphemy are examples of this impact.

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ТРАЈЕКТОРИЈЕ РЕЖИМА У ИНДИЈИ И ПАКИСТАНУ: ДРУШТВЕНА ХИЈЕРАРХИЈА, ПРИСУСТВО ВЕЛИКИХ РЕЛИГИЈА У ЈАВНОСТИ И ДЕМОКРАТИЈА

Сажетак

Хијерархијска организација друштва и недостатак разликовања између јавне и приватне сфере у хиндуизму и исламу представљају културолошке особине Индије и Пакистана које их чине некомпатибилним са демократијом. Међутим, посебне политике и признавање најдоминантнијих локалних језика приказују како се Индија прилагођава кастинском систему и етничкој комплексности земље. Ове мере су помогле Индији у политичкој транзицији. Насупрот индијском Националном конгресу, Муслиманска лига одбија да прихвати и примени сличне мере у Пакистану. Јавно присуство хиндуизма у Индији и Пакистану нема значајан утицај на политичке трајекторије ових земаља. Међутим, скорашњи процеси радикализације, који се виде у развоју Баратија Џаната партије у Индији али и све јачим присуством исламске агенде у политичком систему Пакистана, утицали су на напредовање и раст ауторитаризма. Овај рад закључује да је потребно поново размотрити сличности утицаја доминантних религија у јавном животу у политичким трајекторијама Индије и Пакистана у пост-2014 периоду. Упоредном анализом овај чланак доприноси савременим дебатама у вези са растом ауторитаризма и проблемом идентитетских политика.

Кључне речи: Индија, Пакистан, демократија, трајекторија режима, хиндуизам, ислам