IDSBulletin
Transforming Development Knowledge

EMERGING ECONOMIES AND THE CHANGING DYNAMICS OF DEVELOPMENT COOPERATION

Editors **Jing Gu and Naohiro Kitano**

India's Role as a Facilitator of Constitutional Democracy[*]

Hiroaki Shiga[1]

Abstract How can the unique knowledge, experiences, institutions, norms, and ideas from developing countries contribute to the political, economic, and social development of other developing countries? This question is worth asking, as ongoing discussions regarding emerging donors have failed to explore the possible contribution of developing countries to governance issues through the utilisation of their unique resources. This article examines the realities and potential of India's contribution to the enhancement of democratic governance in developing countries. It argues that India's enduring experience with constitutional democracy has attracted attention from other developing countries, particularly those who are tackling the daunting challenge of consolidating democracy in tandem with the projects of building a coherent nation and legitimate and functioning state within the inherently hostile environment of an ethnically and religiously divided society.

Keywords: India, emerging donor, democratic governance, democracy promotion, constitution, constitutional democracy.

1 Introduction

How can the unique experiences, institutions, norms, and ideas of developing countries contribute to the development and good governance of other developing countries? This question has been left unexplored in the ongoing discussions about the so-called 'emerging donors' that have gained impetus since the mid-2000s. Worse still, we have witnessed persistent speculation that, through their alleged indifference and negligence of 'good governance' issues such as democracy, rule of law, human rights, and anti-corruption, emerging donors are spoiling the concerted efforts of traditional donors to improve governance in developing countries (Naím 2007).

A notable exception to the general lack of interest and research into developing countries' positive contributions to governance issues is the recent attention in Western literature given to the role India plays in facilitating democratic governance. I would argue, however, that

conventional literature fails to duly evaluate the holistic picture of India's contribution to the promotion of democracy. My main argument is that India's enduring experience of constitutional democracy offers an attractive model for other developing countries facing the triple challenge of building a legitimate state, a cohesive nation with a sense of national unity, and a sustainable democracy, and that India's potential as a promoter of democratic governance is promising.

2 Review of conventional literature

2.1 Background on the recent attention given to India

Since the 2010s, Western observers have begun to pay more attention to India's role in the enhancement of democratic governance. A major factor that facilitated this increase in attention was the slowdown of the global trend towards democratisation in the 2000s. Contrary to the Western euphoria that saw democracy gain a 'near universal normative acceptance' (McFaul 2004), the 'Third Wave of democratisation' (Huntington 1993) lost momentum in the 2000s. Many countries failed to consolidate their democracy and some slid back to authoritarianism. Currently, we are witnessing a world where 'the resilience of undemocratic regimes and the trend towards authoritarianism has become the global rule' (Burnell and Schlumberger 2011: 3). The democratisation of Iraq by force in 2003 was fatal to Western-led efforts for the promotion of democracy as it 'tarnished its reputation beyond repair' (Whitehead 2009: 215). Western countries were driven into a situation in which they could not go back to the excessive self-confidence of the 1990s but nonetheless were not able to discard the normative commitment to the promotion of democracy (Whitehead 2009: 225). Thus, Western countries began to look for a reliable partner to help reverse the 'trend towards authoritarianism'.

It was exactly at this time that Western policymakers and academics interpreted several signs from the Indian government as showing a significant change in the Indian traditional diplomatic posture towards the promotion of democracy. Before the 2000s, India never presented itself in the international arena as an active and principled promoter of democracy.[2] 'Non-interference' had been one of the main pillars of Indian diplomacy and aid policy (Kondoh *et al*. 2010), and India carefully eschewed the role of 'proselytising' an authoritarian regime into a democratic one.[3]

The first sign of change appeared in its neighbourhood policy. In the face of protracted socio-political instability and civil war in Nepal, India proactively engaged in the peaceful settlement of the civil war and democratisation of Nepal in cooperation with Western nations including the United States.[4] In 2005, India showed another sign of change by taking the lead in establishing the United Nations Democratisation Fund (UNDEF) in cooperation with the United States; since then it has been the second-largest contributor only after the United States. In his address at the launch ceremony of UNDEF, the then Indian prime minister, Manmohan Singh, emphasised the significance of democracy in facilitating development:

> Poverty, illiteracy or socioeconomic backwardness do not hinder the exercise of democracy. Quite the contrary, our experience of more than fifty years of democratic rule demonstrates how democracy is a most powerful tool to successfully overcome the challenge of development… India has been sharing its rich experience, institutional capabilities, and training infrastructure with nations that share our values and beliefs and request our assistance. We are prepared to do much more, both as active participants in the Democracy Fund and in the Community of Democracies (Singh 2005).

Singh's depiction of democracy as the 'most powerful tool' in overcoming the challenge of development was interpreted by Western observers as a remarkable change in India's long-standing commitment to 'non-interference' and as a sign of proactive engagement in the Western-led enterprise of democratisation. It was expected on the Western side that 'shared values and adherence to democracy' would work as 'natural common ground for closer cooperation' in the promotion of democratic governance (Kugiel 2012: 1).

2.2 Review of conventional literature

Against this background, much of the conventional literature is motivated by the same research question: 'Will India be a reliable Western partner in the promotion of democracy?' The title of a publication by Carothers and Youngs (2011), *Looking for Help: Will Rising Democracies Become International Democracy Supporters?*, succinctly describes the shared concern of Western authors. However, the prognosis in the conventional literature is gloomy. They are almost unanimous in concluding that India will not be a principled partner in promoting democracy, at least in the near future, and that the Indian model of democracy is not attractive due to its defective nature.

An example of this comes from Burnell and Schlumberger (2011: 11) who criticise India's commitment to the promotion of democracy as still being quite weak. They argue that in order for the Western-led promotion of democracy, which was tarnished in Iraq, to regain international legitimacy, regional actors such as India should stand at the front line; they also argue that India's initiative in South Asia will be an important barometer for determining whether democracy or authoritarianism would be a dominant direction in the future. Likewise, Grävingholt *et al.* (2011: 1) argue that India is making no significant contribution to the enhancement of democracy in its neighbourhood and hardly acts as a democratic counterbalance to China and Russia. In sum, the literature argues that India still does not contribute in a visible manner to the West's concerted effort to undertake a counteroffensive against the 'trend towards authoritarianism' (Burnell and Schlumberger 2011: 3) by proselytising undemocratic regimes.

To date, there has been only a limited assessment of those Indian activities for the promotion of democracy that fall within the category of development aid (South–South cooperation). Many commentators

discuss India's comparative advantage in delivering democracy assistance and recommend that India's rich experience in organising and monitoring elections should be shared with other developing countries (Faust and Wagner 2010: 4; Kugiel 2012). No reference is made to India's development aid for institution-building or capacity development, which are both indispensable for democratic governance.

Regarding the possibility that India could serve as an 'exemplar' of democracy for other developing countries and thus differentiate itself both from a 'crusading and domineering West and a cynical China' (Mohan 2011), the assessment in conventional literature is also pessimistic. For example, Faust and Wagner point to Indian 'political deficiencies' such as clientelism, patronage, and corruption, and argue that 'only a credible domestic assault on bad governance will be able to promote the basis of [India's] international soft power' (2010: 4).

3 Causes of the underestimation of India's role in the promotion of democracy

Both the reality and the potential of India's role in democracy promotion are underestimated in the conventional understanding. The defects in conventional literature are twofold: first, conventional literature tends to focus narrowly on the role of a foreign state in the 'proselytising' of authoritarian regimes into democracy; this leaves India's active development aid for the consolidation of democracy, as well as its potential to serve as an 'exemplar' of democracy, virtually unexplored.

Second, conventional literature employs a minimalistic definition of democracy that places weight on the right of people to choose their leaders by means of regular, free, and fair elections (Diamond 2009: 21). This narrow definition of democracy, which leaves the imminent danger of majoritarian democracy and the importance of the sound development of constitutional democracy in divided societies unattended, unfortunately excludes India's contribution to democracy promotion. For, as we shall see later, constitutional democracy is the very mode of democracy for which India has been serving as a model for other developing countries.

3.1 Problems in the scope of research

The first defect in conventional literature relates to its scope, as it fails to assess the holistic picture of India's contribution to democracy promotion.

In general, as an external actor, a state can contribute to the enhancement of democratic governance in other countries in various ways (see Table 1). A state can cajole, prod, or even pressure authoritarian regimes into democratising, or it can mediate negotiation among conflict parties and thus facilitate democratic transition. After the transition, a state can facilitate democratic consolidation by assisting with institution-building and capacity development within various organisations, which is essential for democracy to function. There is an abundance of policy instruments available: a state can employ

Table 1 Multiple ways to contribute to democratic governance

Type		Example		Phase	Nature of state action
Active promotion of democracy	*Vis-à-vis* undemocratic regimes	Exerting pressure on the leadership of undemocratic regimes by sanctions, etc.	Western sanctions to Myanmar military regime	Democratic transition	Strategic and diplomatic
		Mediation and brokering of democratic transition	US and India's engagements in democratisation of Nepal in the 2000s		
		Assistance to anti-government political parties, non-governmental organisations, and mass media	US engagements in the 'colour revolutions' in the former Soviet Union		Development aid (South–South cooperation)
	Vis-à-vis democratic / democratising regimes	Assistance to democratic institution-building and democracy-related capacity development of government and civil society organisations	Poland's assistance to Ukraine, Belarus, Moldova, and Georgia (Petrova 2012).	Democratic consolidation	
		Provision of expertise and materials necessary for democratic procedures (i.e. elections)	Japan's election assistances		
Serving as a model of democracy	Unique norms, ideas, institutions, and practices are studied and emulated by other countries		India's role as a model of constitutional democracy	Democratic transition and consolidation	No state action required

Source Author's own.

military intervention or economic sanctions, or extend development aid. Much less focused, but nonetheless an important contribution to the enhancement of democracy, are cases where a state serves as a model to garner interest and be studied and emulated by other countries.

In conventional literature on the various options, the focus tends to be on the phase of democratic transition – a revolutionary phase of democratisation in which the incumbent authoritarian regime is toppled

and power is transferred to the democrats. They regard visible measures for facilitating democratic transition, such as diplomatic pressure, sanctions on authoritarian regimes, or direct support for democratically minded forces, as evidence of a principled commitment to the cause of global democratisation.

The unfortunate consequence of this tendency to focus on the more radical measures is that much less attention has been paid to those methods that facilitate the long and difficult process of democratic consolidation after transition,[5] not to mention India's role as a model of democracy for other developing countries. This has a pernicious effect on the fair evaluation of India's role, as development aid for democratic consolidation is India's main field of activity. Moreover, being able to serve as a model of democracy is the most distinctive aspect of India's contribution to the enhancement of democratic governance in other developing countries.

3.2 Definitional problems with 'democracy' and 'democratisation'
3.2.1 Importance of an inclusive and pluralistic democracy
The second problem with the conventional literature of democracy promotion is that its evaluation of Indian activities and resources for the promotion of democracy is based on an inadequately narrow definition of the term 'democracy' to be promoted. My argument here is that it is necessary to extend the definition of democracy by departing from the minimalist one advanced by Robert Dahl. Dahl's concept of democracy, or 'polyarchy', is made up of two components: people's participation in politics through free and periodic elections, and freedom of political speech (freedom of public contestation) (Dahl 2000). It is clear that these two components are vital for democracy; however, they are the *minimum* requirements of democracy. The problem is that Dahl misses the indispensable elements for tackling the daunting challenge prevalent in many developing countries: that democracy must be consolidated in tandem with the projects of nation-building and state-building within the inherently hostile environment of a divided society.[6] Here, nation-building refers to the creation of common national identities that serve as a locus of loyalty that trumps attachments to tribe, region, or ethnic group (Fukuyama 2015: 39). Also, state-building is defined as the creation of a political organisation that possesses a monopoly on legitimate coercion and exercises that power over a defined territory (Fukuyama 2015: 9–10).

In a divided society, the ethnic, cultural, and religious minorities are doomed to be constant minorities in the political scene, no matter how many times 'free and fair elections' are implemented; the minorities are therefore virtually marginalised from the political decision-making process. In other words, the interchangeability of the majority and the minority is not guaranteed through the electoral process. From the viewpoint of minorities in such situations, elections, parliament, and laws are nothing more than instruments of the 'tyranny of majority', if the majoritarian will expressed through elections is deemed omnipotent

in legislative and political decision making. Worryingly enough, Jon Elster's concern that after democratic transitions in Eastern European countries, 'dictatorship by communists was just replaced by majoritarian dictatorship' (Elster 1992: 19) is now becoming a reality in many other countries. In such situations, the cleavage between the majority and the minorities would be hard to overcome, and any sense of national unity beyond parochial ethnic or religious group identities would be difficult to form, thus making the projects of nation-building and state-building remote goals. Indeed, this is the very problem that dominates politics in many 'fragile' or 'failed' states.

In this regard, it is worth noting that India emphasises the importance of *inclusive and pluralistic* democracy to make democracy sustainable and enduring. The former prime minister, Manmohan Singh, said that both authoritarianism and *majoritarianism* are an aberration, and that:

> Our commitment to democracy is conjoined with a commitment to the deeper values of pluralism and liberalism. India's embrace of diversity as an essential ingredient of our democracy what today is characterised as multiculturalism is deeply rooted in our culture… This is a model of democratic practice that has great relevance to this fractured world, in which we often hear seductive arguments equating ethnicity or language or religion with nationhood. Such flawed hypotheses do not create states or civilisations. Democracy cannot be based on exclusion; it has to be inclusive because it celebrates plurality… Multicultural nations like ours, will remain the targets of the protagonists of bigotry because our societies invalidate their thesis (Singh 2004).

This notion of inclusive and pluralistic democracy, which embraces ethnic, religious, and cultural diversity, is the defining characteristic of Indian democracy and a model that has been emulated by other developing countries striving for the triple challenge of nation-building, state-building, and the consolidation of democracy. The point to be noted here is that India itself has long been, and still is, facing this daunting challenge of building a functioning and legitimate state, coherent nation, and sustainable democracy. It means that India has been, and still is, grappling to overcome the malfunction and corruption of the government, exclusion and marginalisation of particular groups, and the resultant activation of parochial ethnic and religious identities, communal violence, and secessionist movements. In other words, India's historical challenge has been to translate the ideal of constitutional democracy as epitomised in the Indian Constitution into practice and to realise an inclusive and pluralistic democracy.

3.2.2 Importance of prudent constitutional design
Having said that, inclusive and pluralistic democracy is a vague notion. It needs to be institutionalised in a constitution and duly exercised through actual implementation, interpretation, and reinterpretation of the constitution. Focusing on constitutions is important, as

democratisation never fails to be accompanied by the drafting of a new constitution. Additionally, a constitution is critical for the future of a country not only as it establishes a government framework and new rules of the political game, but also as it stipulates the defining characteristics of a newly established state, polity, and nation. Especially, it is a powerful instrument to inscribe a particular version of 'We, the People' in a divided society that is grappling with the definition of its unity (Malagodi 2010: 57).

The imminent problem in drafting a new constitution is that democratic transition does not necessarily guarantee the formulation of a constitution that works as a solid base for an inclusive and pluralistic democracy. Worryingly, in many developing countries Elster's concern for 'majoritarian dictatorship' becomes a reality during the process of constitutional drafting. The advent of the so-called 'constitutional nationalism' is a manifestation of such danger. 'Constitutional nationalism' is a term that was coined by Robert Hyden in his examination of the situation in the newly independent republics of the former Yugoslavia, and is defined as 'a constitutional and legal structure that privileges the members of *one* ethnically defined nation over other residents in a particular [polyethnic] state' (Hyden 1992: 655, emphasis added). Under this regime, a nation is defined not in civic terms but in the ethnic or religious terms of the dominant majority group; this results in the legal, political, social, and cultural exclusion and alienation of other minorities. In other words, constitutional nationalism undermines the creation of an inclusive and pluralistic democracy.

The danger of 'constitutional nationalism' is especially imminent in India's neighbouring states of Nepal (Malagodi 2013a: 1), Bhutan, and Sri Lanka. For instance, in Nepal's first democratically drafted constitution, which came into force in 1990, the Nepali nation was defined in the ethno-cultural terms of the dominant ethnic group, namely, Hinduism, the Shah monarchy, and the Nepali language, in defiance of the country's remarkable ethno-cultural, religious, and linguistic diversity.[7] As Malagodi put it, the 1990 Constitution provided 'a homogenising vision of how Nepalis ought to be' (Malagodi 2010: 76). Worse still, no institutional measures aimed at protecting minorities, such as a federal system, reservation of seats in parliament for minorities, or affirmative action, were adopted in the Constitution. As a result, minorities felt that they were excluded and marginalised. The government was blamed for discriminating against and excluding many social groups on the basis of ethnicity, religion, or language (Malagodi 2013a: 3). The Constitution was accused of institutionalising and legitimising discrimination and exclusion of minorities, and thereby failing to guarantee fundamental rights, in particular, the right to equality. Thus, the Constitution progressively became an embattled document. Political instability was exacerbated, and civil war ensued when the Communist Party of Nepal (Maoist) launched an armed struggle against the government in 1996, claiming to rectify the inequality prevalent under the Constitution.

This example testifies to the importance of prudent constitutional design as a means of ensuring the smooth functioning of inclusive and pluralistic democracy by entrenching the protection of minorities. More concretely, a civic rather than an ethnic definition of the word 'nation'; a guarantee of a minority's cultural, religious, and linguistic rights; the separation of powers; an independent and active judiciary; the separation of state and religion; and self-government by minorities via federal arrangements, are vitally important. Furthermore, to rectify the situation where marginalised people are substantially deprived of the opportunity to participate in the political and judicial processes, constitutionally entrenched measures for their empowerment are indispensable.

Having said that, as James Madison sarcastically said (1788), a constitution itself is a mere 'parchment barrier' that is too meagre to check and contain the arbitrariness of the political strongmen or majoritarian will expressed through elections. Hence, constitutional democracy must be exercised through the vibrant implementation of constitutional provisions: the separation of powers as a system of checks and balances must be well functioning, and, above all, the courts must be bold enough to challenge the democratic government when its behaviour is unconstitutional and infringes on minority rights. In summary, the inculcation and maintenance of sustainable norms and cultures of constitutional democracy is a *sine qua non* for the consolidation of inclusive and pluralistic democracy (Harbeson 2013: 88).

4 India's unique role as a facilitator of constitutional democracy
As the discussion so far suggests, inclusive and pluralistic democracy should be a form of democratic governance for developing countries that consolidates democracy and makes it sustainable. In order for inclusive and pluralistic democracy to be consolidated, it must be institutionalised in a constitution and duly implemented. This means that contributions to the promotion of democratic governance in developing countries must be discussed and evaluated accordingly. From this perspective, two facts are important for examining India's unique role as a facilitator of democratic governance.

The first point to be noted is that India's constitution is one of the oldest of any developing country and is virtually the only constitution that has been vibrantly implemented almost without suspension or significant amendments to its fundamental structure. The remarkable experience of Indian constitutional democracy is widely studied, utilised, and referred to by many developing countries, especially by neighbouring states and African countries. The second fact is that India has been offering assistance for constitutional drafting to other developing countries, thereby making the most of its own experience with constitutional democracy. These two facts will be explored further in the following sub-sections.

4.1 The attractiveness of Indian constitutional democracy

The attractiveness of Indian constitutional democracy is evident in the fact that the country's experience is often referred to and utilised in other developing countries. Overall structures, individual provisions, institutions, case law, and the underlying ideals and norms of the Indian constitution have been studied by the constitutional drafters of countries such as South Africa, Tanzania, Uganda, Nepal, Bhutan, and Malaysia. For example, the Constitutional Commission of Uganda chose four foreign constitutions that they then referred to when drafting the new Ugandan constitution in the late 1980s – the Indian constitution was the only one from a developing country (Odoki 2005: 83). Not only was the Indian constitution studied but some institutions were emulated and introduced by other countries. For example, public interest litigation (PIL), an Indian constitutional innovation and powerful institution for the empowerment of the marginalised in accessing judicial procedures, was introduced in South Asian countries such as Bangladesh, Nepal, and Bhutan as well as African countries such as South Africa, Kenya, Uganda, Zambia, and Tanzania (Oloka-Onyango 2015). In addition, case law accumulated in the course of the implementation of the Constitution and judgments by the Indian Supreme Court are often referred to and cited in the judgments of courts in other countries.[8]

Needless to say, the common historical experience of being colonised and governed by the British Empire and the resultant proximity between the legal systems partly explains the above-mentioned flow of knowledge and experiences between India and the adjacent countries and anglophone African states. In particular, neighbouring states had been exposed to the British model of legal and political institutions as revised in the Indian context, and as a result this Anglo-Indian model was the institutional framework with which many leaders of those states were most familiar and comfortable (Go 2002).

However, a more important factor in explaining the attractiveness of Indian constitutional democracy is that the Indian Constitution was virtually the first constitution designed to tackle the challenge of building a thriving democracy, coherent nation, and functioning and legitimate state *simultaneously*. The Indian Constitution was adopted in 1950 and is one of the oldest constitutions of any developing country. The constitution is the fruit of deliberations by constitutional framers facing the imminent danger of failing to create an 'Indian' nation and democracy, and the dismemberment of the state. It is a well-balanced hybrid of imported and indigenous components, and it opened up an 'innovative period of alternative constitutional arrangements shaped by the difficulties of underdevelopment and cultural diversity' (Klug 2000: 11). The constitution introduced the parliamentary system of its colonial master, whereas the Bill of Rights was adopted mainly from the constitution of the United States. In contrast, affirmative action measures to empower minorities and the poor were largely home-grown. For example, PIL was created and developed out of a series of case law formulated from the judgments of the Supreme Court of India.

Another important factor is that Indian constitutional democracy has survived under the inhospitable conditions of multiple ethnic, religious, and cultural cleavages and a hierarchical social structure. The Indian Constitution has been exercised almost uninterruptedly since its adoption in 1950. The only interruption of Indian constitutional rule was the 21-month period of a State of Emergency from June 1975 to March 1977 declared by Indira Gandhi's administration. However, the events after the 'Emergency' demonstrated the resilience of Indian democracy: the Congress Party suffered a crushing defeat in the election in 1977, and the prime minister herself lost her seat in the Parliament. As Hewitt observed, 'the sheer decisiveness through which the Indian electorate reaffirmed its commitment to an elected parliament, gave the event widespread international coverage, and became part of the mystique of India as the world's largest democracy' (Hewitt 2008: 13). The separation of powers functions well, and the Supreme Court is sometimes bold enough to declare parliamentary laws to be unconstitutional and thus null and void. PIL is actively utilised in favour of the marginalised. In this sense, it would not be an exaggeration to argue that India is virtually the sole example of a developing country that has been operating successfully under a constitutional democracy for such a long time. The prudent structure of the Indian Constitution and its long-standing and vibrant implementation have raised its status to one of the most studied constitutions in the world (Khilnani, Raghavan and Thiruvengadam 2013: 12–13).

4.2 India's support for the promotion of constitutional democracy

The attractiveness of Indian constitutional democracy as a relevant model is a solid foundation for India to continue to promote constitutional democracy, especially constitutional drafting in other developing countries. To begin with, in 1947 the Indian government dispatched B.N. Rau, a member of the Indian Constituent Assembly and a father of the Indian Constitution, to Rangoon to assist with the drafting of a democratic constitution (Gupta 2013: 85). Since then, India has assisted with constitutional drafting in Nepal, Sri Lanka, South Africa, Uganda, and Tanzania. Most recently, India helped with the drafting of Bhutan's first constitution in 2008 by dispatching K.K. Venugopal, a senior advocate of the Supreme Court of India, to assist. Moreover, in 2014 the Indian External Affairs Minister Sushma Swaraj pledged India's continuous support for the constitutional drafting process in Nepal. A noteworthy fact is that in many cases India was the only developing country to extend assistance of this kind. For example, its support for the making of a constitution in Uganda in the late 1980s was provided in conjunction with Australia, Canada, Denmark, West Germany, the United Kingdom, and the United States, which are all developed countries (Odoki 2005: 34).

Supporting constitutional drafting in other countries is an inherently difficult endeavour, since a constitution is a country's most fundamental legal and political document and hence its drafting is a politically sensitive process in which the presence of foreign advisors could easily

be interpreted as infringement of constitutional autonomy. This is particularly true of India's engagement in constitution-making in other countries, because of its intimidating size and power, as well as India's previous 'Indira Doctrine' – an interventionist foreign policy toward its neighbours. One of the most illustrative incidences of how difficult it is for India to engage in the constitutional affairs of its neighbours was the intervention by the then prime minister, Indira Gandhi, in the ethnic conflict in Sri Lanka. In 1987, India brokered a peace agreement between warring parties and put pressure on Colombo to relinquish the constitutionally entrenched 'Sinhalese-first policy' and to accept a constitutional amendment to accommodate the demand of ethnic minority Tamils. The Indian 'advice' was to introduce an India-like decentralised governance system to expand the autonomy of Tamils, as well as to elevate the Tamil language to the status of an official language alongside Sinhalese (Jacobsohn and Shankar 2013: 196). The Sri Lankan government's reticent acceptance of India's 'advice' elicited violent protests by the majority Sinhalese, which resulted in the reoccurrence of civil conflict. After the adoption of the Gujral Doctrine in 1996, in which India pledged a new neighbourhood diplomacy designed to foster mutual trust among South Asian countries, India abstained from taking a high-handed policy of interventionism in order to win the confidence of neighbouring countries that it would no longer conduct 'big stick diplomacy'.

Having said that, India cannot afford to be indifferent to the constitutional arrangements of its neighbours, as it duly recognises that 'constitutional nationalism' would bring about political and social destabilisation in adjacent countries and thus threatens India's own security. Therefore, the dilemma for India is that it must eschew any high-handed actions that could be interpreted by recipient countries as India's undue intervention in domestic affairs, while at the same time it must make sure that its neighbours formulate a solid constitutional foundation for an inclusive and pluralistic democracy.

However, the conditions favourable to India strengthening its engagement are being put into place. First, inclusive and pluralistic democracy is steadily being adopted in neighbouring countries. For instance, in Nepal, the argument that the majoritarian democracy adopted in the 1990 Constitution should be replaced by more inclusive and pluralistic democracy has gained impetus, and, as a result, elements of 'constitutional nationalism' in the 1990 Constitution were substantially eradicated from the Interim Constitution adopted in 2007 (Malagodi 2013b).

Second, in neighbouring countries where antipathy and vigilance against India is still prevalent, a willingness to learn from the Indian experience is growing. This is partly because these countries have begun to learn from the bitter experiences of constitutional nationalism in the past. For instance, legal experts in Nepal are increasingly ready to learn from the Indian experience of constitutional democracy. The

argument given by Bipin Adhikari, dean of the Kathmandu University School of Law, seems to suggest this change. He argues that most of the important modern examples of success in getting a new democratic constitution through an elected constituent assembly, *including an Indian one*, have some common features, such as the presence of a charismatic leader and a leading political party, and a common commitment to constitutional democracy (Adhikari 2010, emphasis added).

In a country where anti-Indian sentiment is still prevalent, it is meaningful that an influential legal expert such as Adhikari has advocated the need to learn from the Indian experience. This change might be a reflection on the constitutional nationalism embodied in the 1990 Constitution, which was built on 'the rejection of the Indian-style constitutional approach to socio-cultural diversity' (Malagodi 2010: 78). The hand has also been outstretched by the Indian side: Indian constitutional lawyers went to Kathmandu to share the Indian experience and recommended that their Nepali counterparts learn from the Indian failure to manage affirmative action programmes designed to empower the estranged ethnic minorities in Darjeeling (Malagodi 2010: 70).

The growing interest in the Indian experience is not limited to South Asian countries. For instance, in 2012 an international seminar was convened in Zambia to discuss the potential of PIL with financial assistance from the India-funded UNDEF. It was argued in the seminar that PIL has a high potential to realise the right to health care for vulnerable and disadvantaged groups, such as those infected with HIV/AIDS, and that it provides a useful avenue for improved access to justice (SALC 2012).

In summary, there are growing prospects for Indian constitutional democracy to be a promising model for democratic governance, and thus it would be an important resource that India could mobilise for the enhancement of democratic governance in developing countries. India's recent diplomatic effort to impress upon its neighbours its abdication of the role of 'gendarme of South Asia' and the increasing readiness on the side of recipients to accept Indian engagement would enable Indian assistance to assume a more apolitical and technical nature, and thus further enhance the attractiveness of Indian constitutional democracy.

5 India's long history as a promoter of democracy

India has long been an active provider of South–South cooperation in the field of democracy promotion with the participation of a wide range of organisations. The flagship programme for Indian technical assistance is the Indian Technical and Economic Cooperation (ITEC) programme, established in 1964. It is managed by the Ministry of External Affairs (MEA), and various government organisations and institutions offer a series of training courses to accommodate trainees from other developing countries.

Figure 1 **Regional distribution of trainees accommodated by the Bureau of Parliamentary Studies and Training, 2010–15**
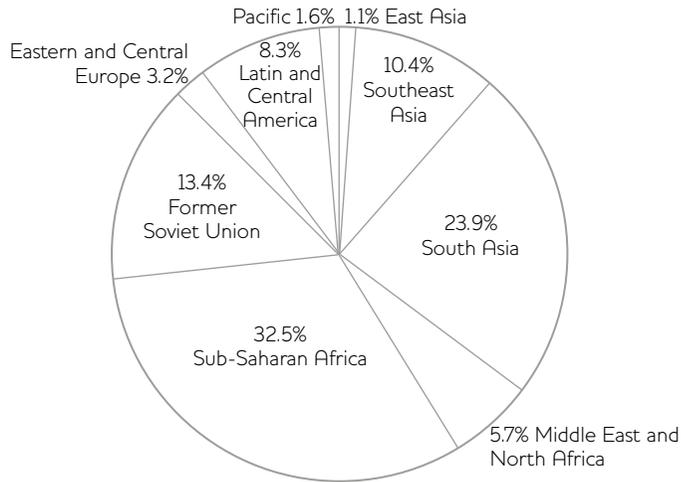
Source Author's own, calculated from Bureau of Parliamentary Studies and Training data.[9]

Among these organisations, the Election Commission of India (ECI) has the longest history and was active before the establishment of the ITEC. Indeed, election in India, or 'the largest democracy in the world' (Nehru 1963: 457), is the 'world's biggest carnival of democracy' (Chand 2014) in terms of its scale and complexity. Making the most of their expertise in election management, the ECI has been a supporter of democratic elections in other developing countries and has been extending assistance for many history-making elections, such as Ethiopia's first general election in 1954 and Cambodia's first general election after the Paris Peace Accord in 1991. In addition, the ECI facilitates the exchange of experiences among developing countries facing the challenges of under-representation of women and minorities who are disadvantaged in exercising their right to vote (PTI 2013).

It is notable that numerous countries are the beneficiaries of Indian democracy promotion assistance. For example, during the period from 2010 to 2015, the Bureau of Parliamentary Studies and Training offered training and internship programmes for 566 participants from 87 countries. Sub-Saharan African countries (e.g. Kenya, Tanzania, Uganda, and South Africa) are the largest beneficiaries, followed by South Asian countries (e.g. Sri Lanka, Bangladesh, and Afghanistan), countries from the former Soviet Union (e.g. Belarus, Lithuania, Uzbekistan, and Ukraine) and Southeast Asian countries (e.g. Myanmar, Cambodia, Indonesia, and the Philippines) (see Figure 1).

6 Conclusion

This article has demonstrated that India plays a unique role in facilitating democratic governance in other developing countries by making the most of its own experiences with constitutional democracy. Moreover, it has explored the possibility of assistance for constitutional

drafting, which is one of the least explored issues in the literature on the promotion of democracy, good governance, law and development, and development aid.

The implications of these findings are that the unique experiences, norms, and institutions of developing countries can be more attractive than those provided by advanced countries, as they are born out of developing countries and are continuously tested in relation to the ongoing challenges that many developing countries commonly face.

In Western literature, a long-standing and entrenched belief that Western expertise is based on superior knowledge, science, and institutions that are universally applicable has been brought under critical investigation (Mawdsley 2012). A sober examination and fair recognition of India's role in the promotion of democracy would be a good starting point for further investigation into the huge potential of developing countries in facilitating political, economic, and social development in fellow developing countries. There is much evidence that a network of knowledge transfer and sharing among developing countries has been created (Shimomura and Wang 2015), and future research is warranted.

Notes
* An earlier version of this article was produced as a JICA-RI Working Paper.
1 Senior Research Fellow, JICA Research Institute.
2 One reason for this position relates to India's diplomatic aspiration to garner support from other developing countries and thus to take a leadership role in the developing world as a 'spokesperson of the global South'. Presenting itself as an ardent promoter of democracy was not a good policy since it was reminiscent of crusading Western interventionism, and thus attracted displeasure from the leaders of the undemocratic regimes prevalent in developing countries. The other reason is that India had been obliged to remain engaged with whichever government was exercising authority in any country in its neighbourhood, whether they were democratic or undemocratic (Saran 2005).
3 However, India sometimes joined concerted international efforts to demand democratisation. For instance, India's long-standing denouncement of apartheid in South Africa was apparently a demand for democratisation. Also, the Indian government expressed support for democratic leader Aung San Suu Kyi and demanded the military junta democratise in the face of *coup d'état* in Burma in 1988.
4 Pratap Mehta remarked that India promoted Nepalese democracy 'more constructively than the thousands of foreign consultants who are distorting that troubled country's internal negotiating process' (2011: 108).
5 It is clear that the study of democratisation is shifting its focus from democratic transition to democratic consolidation. Nonetheless, studies on democracy promotion have failed to change their focus accordingly.

6 In a divided society, political decision-making on important public policies is hampered by the lack of mutual trust among ethnic groups (Choudhry 2008: 5).

7 Nepal has 92 languages, 102 caste and ethnic groups, and 10 religions (Malagodi 2010: 56).

8 For instance, the judgment of South Africa's Constitutional Court in 2002 cited the rulings of the Indian Supreme Court in PIL in dealing with the question of whether courts can enforce the socioeconomic rights of South African citizens.

9 http://164.100.47.194/bpstnew/Participants_Details.aspx.

References

Adhikari, B. (2010) 'Writer's block', *Mikeldunham* blog, 5 March, www.mikeldunham.blogs.com/mikeldunham/2010/03/nepal-anatomy-of-a-constitution-not-written.html (accessed 9 May 2018)

Burnell, P. and Schlumberger, O. (2011) '*Promoting Democracy – Promoting Autocracy? International Politics and National Political Regimes',* in P. Burnell and O. Schlumberger (eds), *International Politics and National Political Regimes: Promoting Democracy – Promoting Autocracy,* New York NY: Routledge

Carothers, T. and Youngs, R. (2011) *Looking for Help: Will Rising Democracies Become International Democracy Supporters?* The Carnegie Papers, Washington DC: Carnegie Endowment for International Peace

Chand, M. (2014) *Why World's Biggest Carnival of Democracy Matters/ Elections 2014: Celebrating the Carnival of Indian Democracy*, http://mea.gov.in/ in-focus-article.htm?23199/Why+worlds+ biggest+carnival+of+ democracy+mattersElections+2014+ Celebrating+the+carnival+of+Indian+democracy (accessed 20 April 2018)

Choudhry, S. (2008) 'Bridging Comparative Politics and Comparative Constitutional Law: Constitutional Design in Divided Societies', in S. Choudhry (ed.), *Constitutional Design for Divided Societies: Integration or Accommodation?* Oxford: Oxford University Press

Dahl, R. (2000) *On Democracy,* New Haven CT: Yale University Press

Diamond, L. (2009) *The Spirit of Democracy: The Struggle to Build Free Societies Throughout the World,* New York NY: Henry Holt

Elster, J. (1992) 'On Majoritarianism and Rights', *East European Constitutional Review* 1.3: 19–24

Faust, J. and Wagner, C. (2010) *India: A New Partner in Democracy Promotion?* Briefing Paper 3/2010, Bonn: Deutsches Institut für Entwicklungspolitik [German Development Institute]

Fukuyama, F. (2015) *Political Order and Political Decay: From the Industrial Revolution to the Globalization of Democracy*, London: Profile Books

Go, J. (2002) 'Modeling the State: Postcolonial Constitutions in Asia and Africa', *Southeast Asian Studies* 39.4: 558–83

Grävingholt, J.; Bader, J.; Faust, J. and Kästner, A. (2011) *The Influence of China, Russia and India on the Future of Democracy in the EuroAsian Region*, Briefing Paper 2/2011, Bonn: Deutsches Institut für Entwicklungspolitik [German Development Institute]

Gupta, R. (2013) 'China, Myanmar and India: A Strategic Perspective', *Indian Foreign Affairs Journal* 8.1: 80–92

Harbeson, J.W. (2013) 'Democracy, Autocracy, and the Sub-Saharan African State', in J.W. Harbeson and D. Rothchild (eds), *Africa in World Politics: Engaging a Changing Global Order*, 5th ed., New York NY: Westview Press

Hewitt, V. (2008) *Political Mobilisation and Democracy in India: States of Emergency*, New York NY: Routledge

Huntington, S.P. (1993) *The Third Wave: Democratization in the Late Twentieth Century*, New York NY: University of Oklahoma Press

Hyden, R.M. (1992) 'Constitutional Nationalism in the Formerly Yugoslav Republics', *Slavic Review* 51.4: 654–73

Jacobsohn, G.J. and Shankar, S. (2013) 'Constitutional Borrowing in South Asia: India, Sri Lanka, and Secular Constitutional Identity', in S. Khilnani, V. Raghavan and A.K. Thiruvengadam (eds), *Comparative Constitutionalism in South Asia*, New Delhi: Oxford University Press

Khilnani, S.; Raghavan, V. and Thiruvengadam, A.K. (2013) 'Introduction: Reviving South Asian Comparative Constitutionalism', in S. Khilnani, V. Raghavan and A.K. Thiruvengadam (eds), *Comparative Constitutionalism in South Asia*, New Delhi: Oxford University Press

Klug, H. (2000) *Constituting Democracy: Law, Globalism and South Africa's Political Reconstruction*, New York NY: Cambridge University Press

Kondoh, H.; Kobayashi, T.; Shiga, H. and Sato, J. (2010) *Diversity and Transformation of Aid Patterns in Asia's 'Emerging Donors'*, JICA-RI Working Paper 21, Tokyo: Japan International Cooperation Agency (JICA) Research Institute

Kugiel, P. (2012) *The European Union and India: Partners in Democracy Promotion?* PISM Policy Paper 25, Warsaw: Polski Instytut Spraw Miedzynarodowych [Polish Institute of International Affairs]

Madison, J. (1788) 'These Departments Should Not Be So Far Separated as to Have No Constitutional Control Over Each Other', *The Federalist* 48, http://avalon.law.yale.edu/18th_century/fed48.asp (accessed 2 February 2018)

Malagodi, M. (2013a) *Constitutional Nationalism and Legal Exclusion: Equality, Identity Politics, and Democracy in Nepal (1990–2007)*, New Delhi: Oxford University Press

Malagodi, M. (2013b) 'Constitutional Developments in a Himalayan Kingdom: The Experience of Nepal', in S. Khilnani, V. Raghavan and A.K. Thiruvengadam (eds), *Comparative Constitutionalism in South Asia*, New Delhi: Oxford University Press

Malagodi, M. (2010) 'Minority Rights and Constitutional Borrowings in the Drafting of Nepal's 1990 Constitution', *European Bulletin of Himalayan Research* 37: 56–81

Mawdsley, E. (2012) *From Recipients to Donors: Emerging Powers and the Changing Development Landscape*, London: Zed Books

McFaul, M. (2004) 'Democracy Promotion as a World Value', *Washington Quarterly* 28.1: 147–63

Mehta, P. (2011) 'Do New Democracies Support Democracy? Reluctant India', *Journal of Democracy* 22.4: 97–109

Mohan, C.R. (2011) 'Out to Africa', *The Indian Express*, 24 May, www.indianexpress.com/news/out-to-africa/794796/0 (accessed 2 November 2015)

Naím, M. (2007) 'Rogue Aid', *Foreign Policy* 159 (March–April): 95–96

Nehru, J. (1963) 'Changing India', *Foreign Affairs* 41.3: 453–65

Odoki, B.J. (2005) *The Search for a National Consensus: The Making of the 1995 Uganda Constitution*, Kampala: Fountain Publishers

Oloka-Onyango, J. (2015) 'Human Rights and Public Interest Litigation in East Africa: A Bird's Eye View', *George Washington International Law Review* 47.4: 763–823

Petrova, T. (2012) 'How Poland Promotes Democracy', *Journal of Democracy* 23.2: 133–47

PTI (Press Trust of India) (2013) 'Election Commissions of SAARC Members to Share Expertise', *Moneycontrol,* 30 January, www.moneycontrol.com/news/wire-news/election-commissionssaarc-members-to-share-expertise_815586.html (accessed 18 February 2016)

SALC (2012) *Workshop on Public Interest Litigation in Zambia*, Southern Africa Litigation Centre, www.southernafricalitigationcentre.org/ 2012/08/27/workshop-on-public-interest-litigation-in-zambia/ (accessed 4 November 2015)

Saran, S. (2005) 'India and its Neighbours', speech by Foreign Secretary Shyam Saran at the India International Centre (IIC), 14 February, http://mea.gov.in/Speeches-Statements.htm?dtl/2483/ Foreign+Secretary+Mr+Shyam+Sarans+speech+on+India+and+ its+Neighbours+at+the+India+International+Centre+IIC (accessed 18 April 2018)

Shimomura, Y. and Wang, P. (2015) *Chains of Knowledge Creation and Emerging Donors*, JICA-RI Working Paper 88, Tokyo: Japan International Cooperation Agency (JICA) Research Institute

Singh, M. (2005) 'Remarks at the Launching of UN Democracy Fund', speech by Prime Minister Dr Manmohan Singh, New York, 14 September, http://archivepmo.nic.in/drmanmohansingh/ speech-details.php?nodeid=187 (accessed 13 April 2018)

Singh, M. (2004) 'PM's speech at the Council on Foreign Relations', speech by Prime Minister Dr Manmohan Singh, New York, 24 September, http://archivepmo.nic.in/drmanmohansingh/ speech-details.php?nodeid=20 (accessed 13 April 2018)

Whitehead, L. (2009) 'Losing "the Force"? The "Dark Side" of Democratisation after Iraq', *Democratisation* 16.2: 215–42