



## Parliamentary Democracy in India - Looking at Recent Trends

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In the Constituent Assembly a plea was made that India should opt for the U.S. Presidential model of democracy. This plea however could not prevail and ultimately the country adopted a Parliamentary democratic system after a “purposive and elaborate debate”.

As we observe the 62<sup>nd</sup> anniversary of the birth of our Republic coinciding with the coming into force of our Constitution it would be relevant to delve a little into the working of our Parliamentary democracy.

Why did the founding fathers prefer Parliamentary Democracy to the U.S. Presidential model? India had some experience of operating the Parliamentary system of democracy under British rule. “After this experience”, there was no need to ‘go back upon the tradition that had been built for over a hundred years and buy a novel experience’. Apart from experience, the question of suitability in the context of the specificity of Indian society also weighed in their mind. They believed that ‘in the world’s most complex plural society, as we have in India, Parliamentary Government offers greater scope for giving representation to various interests, and regions’. Over and above the founding fathers ‘after a long struggle for responsible government and against arbitrary executive authority under British Raj

were naturally allergic to a fixed term irremovable executive’. In fact, they preferred a more responsible executive of the Parliamentary system to a more stable executive of U.S. Presidential model. ‘Hence the draft Constitution in recommending the Parliamentary system of executive has preferred more responsibility to more stability’.

Sir Anthony Eden, Ex-Prime Minister of United Kingdom from April 1955 to January 1957 spoke some significant words regarding India opting for the Parliamentary democracy. In his view, ‘of all the experiments attempted since the beginning of time, the Indian venture into Parliamentary Government is most exciting. A vast subcontinent is attempting to apply to its tens and thousands of millions a system of free democracy. It is a brave thing to try to do so - If it succeeds, its influence in Asia, is incalculable for good’.

True indeed were Anthony’s words. In fact working out and operating a democratic Government with its scale and magnitude in India was virtually a challenging experiment. There were many who thought that democracy would not be suitable for a country of continental dimensions with an enormously large population. It was apprehended that “with our appalling poverty, expanding population, extensive illiteracy and



multi-dimensional composition of people, India may relapse sooner or later to an autocracy exercising arbitrary powers’.

India’s Parliamentary democracy has not only belied all such fears and apprehensions, it has stood the test of time. As of today one can say with confidence that it has come to stay even though one may have reservations about the system and want it reformed. We have almost successfully conducted 15 general elections in the largest democracy on earth. Moreover, our Parliamentary system has ensured ‘peaceful transfer of power, more than once from one party to another party or alliance’ surviving of course many pressures, stresses and strains. It is by all means a remarkable achievement of India’s Parliamentary democracy. Even inspite of the coalition Governments which have become almost an inescapable reality in India’s multi-party system and the instability syndrome which at times has undermined the faith of well-meaning critics in Parliamentary democracy, we have till date experienced a good deal of political stability.

But then, the journey traversed by Indian democracy has not always been a smooth-sailing affair. As it were, it had to weather many a storm “especially during the dark period of emergency (1975 – 1977) when a concerted attempt was made to undermine the country’s democratic structure” and also during the six year time span from 1998 to 2004 when the nation had to face an ‘onslaught on its secular ethos’.

In the midst of this encircling gloom, the vast electorate of Indian People showed to the world their unquestionable commitment to the democratic system. The 1977 election which overthrew the Indira regime and brought to power a non-Congress Government showed to the world that the Indian Electorate had ‘an enormous

sense of responsibility and uncanny wisdom’ to rise to the occasion and safeguard India’s Parliamentary democracy. It was hardly surprising therefore that the Newyork Times called the results “an inspiration to all democracies”. The U.S. President, Jimmy Carter in his congratulatory message said. ‘The reaffirmation of the democratic process in India through a free, open and vigorous election had been an inspiration to Americans and to peoples in all parts of the world’. That the Indian electorate – ‘the faceless Indian voter could not be taken for granted and could act with a fair degree of wisdom has been shown in subsequent elections. Whenever required they have used their ballot like bullet overthrowing a party in power if it ventured to undermine India’s Constitution, its secular ethos or followed divisive and anti-people policies or misused the popular mandate. Hence, it has been rightly said that ‘the driving force behind the Indian democracy has been our people - the vast electorate that has shown to the world its unquestionable capability and commitment to work the democratic system that the Constitution has provided for governance’.

The resurgent civil society movement against corruption, during the recent months has further strengthened and deepened Indian democracy. It has been rightly said that ‘potentially it strengthens our democratic foundations and widens the process of participation in public affairs. It gives voice to the people and empowering. It contributes to the checks and balances and oversight capacity required in a progressive society’.

Inspite of what has been favourably said outlining positive dimensions of India’s Parliamentary democracy, we need to make an honest self-introspection and identify also its weaknesses and areas of concern which negatively affect the health and well being of our



democracy. The major problem areas which affect the health of India's Parliamentary democracy are : (a) Instability syndrome (b) Criminalization of politics (c) The nature of recent functioning of India's Parliament.

Since the Congress party lost power in 1989, no single party has been able to secure an absolute majority in the Lok Sabha. It has virtually made Coalition Governments inevitable. Those Coalition Governments have a built-in-element of fragility. That has added to the instability syndrome. To be more specific, by and large Coalition Governments have become precariously unstable barring some exceptions like the non-Congress Coalition Govt. of Atal Bihari Vajpayee which completed its term (1999 – 2004) and Congress led UPA Government of Dr. Manmohan Singh which has been continuing from 2004 till today with its second term commencing in 2009.

How making and breaking of Governments became a recurring phenomenon forcing elections on the country with horrendous expenses would be evident from the following examples. During the Ninth Lok Sabha (1989 – 91) period, the minority Govt. of V.P. Singh propped up by the support of BJP and left parties from outside could not continue even a year in office. BJP and its allies withdrew their support to his government in retaliation against the arrest of L.K. Advani and stoppage of his Rath Jatra for construction of Ram Temple. The Chandrasekhar Government following V.P. Singh's Govt. equally became short-lived. The Eleventh Lok Sabha (1996 – 97) had also its shortest life span. Political parties became unable to form a stable Government with support of majority of members. As many as 28 political parties were represented in the house "it saw three Governments and Prime-Ministers come and

go. Atal Bihari Vajpayee for 13 days followed by Deve Gowda and I.K. Gujral".

This instability syndrome has eaten into the vitals of our body politic forcing upon the nation frequent elections with horrendous expenditure which could have been profitably used for the country's growth and development. This has led even well-meaning critics to think that the Parliamentary system has outlived its utility and that there is need to change over to the presidential model.

Shashi Tharoor is one such well-meaning critic who in his article. "It is time to rethink Parliamentary system" brought out very aptly this instability syndrome. In his view, "the Parliamentary system, we borrowed from the British has become in Indian conditions nothing but a recipe for Governmental instability, and an instability is precisely what India, with its critical economic and social changes can not afford. We must have a system of Government whose leaders can focus on governance rather than on staying in power. But quite apart from the horrendous costs, can we as a country afford to keep expecting elections to provide miraculous results when we know that they are but certain to produce inconclusive outcomes and more Coalition Governments ? Is not it time we realized the problem is with the system itself ?"

This viewpoint of thinking beyond the Westminster model of Parliamentary democracy and switching over to the presidential system has been advanced subsequently by some others taking into account the experience of Coalition Governments at the Centre in the past and even in the present. Atal Bihari Vajpayee our Ex-Prime Minister, during a special session on Jan 28, 2000 proposed the establishment of a commission to review the Constitution and make



recommendations aimed at ensuring stability at the Centre.

In this connection, what president K.R. Narayan said in the same Parliamentary session is quite significant ‘we have to consider’ he said, ‘whether it is the Constitution that has failed us or whether it is we who have failed the Constitution. Our experience of instability in Government is perhaps not sufficient reason to discard the Parliamentary system in favour of the Presidential or any other system.’ Not only President Narayan but even the opposition parties in India including Congress CPI and CPI (M) are against any change in our Parliamentary system. I recall back to memory a sentence which I read somewhere ‘for forms of Government let alone fools contest and whatever is best administered is the best. What is really important is how the people who operate a Constitutional system act-whether they have short term political interest in view or larger interest of the Indian Democracy.

The way the present UPA-II Government is functioning has forced important personalities and even the media tycoons to think of what could be done to ensure stable tenure for the coalitions. The country is watching how small coalition partners like Trinamool Congress “have consistently leveraged their bargaining clout to stall necessary reforms and legislation which in turn has dulled Parliament’s vibrancy and functioning” If Government is unable to effectively carry forward its policies and reforms to its successful conclusion ‘it is because of the nagging anxiety about being forced to face a no-confidence motion in Parliament’. In fact, “the opposition’s deliberate obstructionism plays on the ruling party’s fear of losing the numbers game” which may lead to the break down of the Government more so when some of its own alliance partners are voicing a

discordant and hostile note even after a decided policy is put up on the floor of Parliament.

It has been suggested that without any change of our Parliamentary system we should adopt the German concept of ‘a constructive vote of no-confidence’. ‘This constructive vote of no-confidence is a variation on the motion of no confidence. It allows a Parliament to withdraw confidence from a head of Government only if there is a positive majority for a prospective successor. This concept which is being suggested for India in view of the instability syndrome was invented in Germany but it is also used today in other nations such as Belgium, Spain, Hungary, Slovenia, etc’. M.P. Sri Bajjayant Jay Panda has advocated this system for India with remarkable clarity and insight. In his own words ‘Governments need stable tenures in order to go about their business confidently which Parliamentary systems can not assure. This is even more pronounced in the era of coalitions. One way to instill greater stability would be to adopt the German model of a constructive vote of no-confidence, which requires voting for a specific new leader rather than just challenging the incumbent (which is our system).

Our model fosters uncertainty and encourages would be challengers hoping to benefit from muddy waters or mid-term elections. The German model would make challenges to the Government’s continuance far rarer and even when it occurred would eliminate both uncertainty and premature elections’.

Criminalization of politics and politicization of criminals is another area of serious concern for the health of India’s Parliamentary democracy. In a democratic system the quality of governance is rightly said to be ‘proportional to the quality of legislators’. But over the years, an



‘unholy criminal-politician nexus’ has been a marked phenomenon in India’s political system vitiating the purity of our Parliamentary democracy. Possibly “no political party can honestly claim that it has no criminal elements within its fold. The criminal elements, as has been said” have not entered the august portals of the Parliament and State legislatures by accident. Rather it is the other way round. Today they hold the key to electoral success and grabbing power’.

The gravity of the situation would be evident from the nature of composition of the present Lok Sabha. As per available data-76 MPs including 13 Congress and 19 BJP MPs– in the current Lok Sabha (14% of its total strength) have serious criminal charges framed against them by a Court of Law. These are not politically motivated charges. They include as per affidavits filed with the EC “murder, rape, kidnapping, extortion, forgery, bribery, dacoity and causing grievous hurt by dangerous weapons’. Looking at this sad scenario, it has been rightly said: “When 14% of own law-makers are charged as law breakers, Parliament stands undermined. The presence of tainted elected Lok Sabha MPs poses a greater threat to Indian Parliamentary democracy than any number of unelected citizen activists’.

Even in the State level, the position is no better as regards criminalization of politics. Political parties might be criticizing each other for fielding criminal candidates, but the fact is that none of them is clean in this regard.

U.P. election watch and National Election watch have analyzed the candidates declared till January 4, 2012, for the U.P. Assembly Election 2012. Excluding the ruling BSP, which is yet to release the official list of candidates all the parties have fielded candidates with criminal records.

While the BJP and Congress lists each contain 26 such candidates, SP and RLD lists contain 24 and one candidate respectively with criminal records (based on 2007 and subsequent affidavits). In view of this sorry State of affairs, there is an urgent need to swiftly take steps to debar criminals from entering politics Salman Khurshid, the Law Minister of Government of India is reported to have had assured the Chief Election Commissioner S.Y. Quarashi that the Government would bring major reforms in the winter session that included proposals to debar criminals and transparency of political funding. Since, somehow that could not be possible, due to round-the-clock pre-occupation of Government with the Lokpal Bill, let us hope that Government brings in the electoral reforms Bill in the coming budget session. Apart from law, what is virtually more important is the attitude of political parties if criminalization of politics has got to be checked. If all political parties deny tickets to criminals, if criminals are not used by them for booth capturing and grabbing of power, possibly there will be no need for any amendment in the Representation of People’s Act, in the Constitution. Will the political parties sit together and evolve a code of conduct in this regard ? That is of course a million dollar question.

Our Parliament which represents the collective will of the people of India and is the pivot of our political system has ‘contributed the most to the consolidation and strengthening of democracy in the country’. During the years 1952-57, the Lok Sabha was in a formative period. It laid down healthy foundations for building the strong edifice of Parliamentary institutions and procedures. New situations had to be faced, fresh procedures evolved and appropriate rules laid down. And in all this it fared well.



In terms quality, the first Lok Sabha consisted of outstanding Parliamentarians. They were talented, accomplished and skilled in the art of Parliamentary debate. The debates and discussions on the floor of Parliament were of very high standard and quality. In terms of discipline, decorum and optimum utilization of Parliamentary time, it left behind an exemplary mark in Parliamentary history. More or less, the same type of healthy debate and discussion with an exemplary degree of Parliamentary discipline and decorum continued in the early Parliaments.

But unfortunately, at present 'healthy debate and discussions, the hallmark of Parliamentary democracy' are overshadowed by disruption, confrontation, and forced adjournments of the house. The Parliament gets stalled and forced to close the session before its original schedule to conclude. This results in the massive wastage of public money and loss of working hours Parliament finds itself disabled to discuss and deliberate on important issues such as poverty, unemployment and price rise which affect the people most.

In view of what has been said above on the functioning of the Parliament in recent years, 'questions are being raised about the utility and relevance of Parliament in our polity and indeed about the workability of our democratic set up based on the Parliamentary system'.

'If Parliament does not function effectively and loses public trust, Parliamentary democracy too will begin to wilt' says Somnath Chatterji. The findings of a study conducted by PRs Legislative research on the functioning of the current Lok Sabha (15<sup>th</sup>) deserve a closer look. The 15<sup>th</sup> Lok Sabha completing two-and-a half years is the most disrupted as it utilized just 72 percent of the allotted time so far.' Many of the bills passed in

the 15<sup>th</sup> Lok Sabha were debated for less than 5 minutes. 'In terms of legislation, 57 of the 200 bills planned, have been passed since the beginning of the 15<sup>th</sup> Lok Sabha :

The last winter session was no better. It has been estimated that the exchequer tends to lose Rs.25 Lakhs for every hour the house is disrupted. Disruptions in the winter session of Parliament is said to have already caused a loss of about twelve crores to the exchequer. The winter session 'hardly covered itself in glory'. As has been said : "Despite the three day extension and lengthy debates on the Lokpal in the last session, Lok Sabha worked only 67% of planned time and Rajya Sabha for 71%. Much of the first two weeks of the session was lost to disruptions on issues such as the adjournment motion on price rise, FDI in retail, Telengana and the Mullaperiyar dam. This meant that of the 86 bills pending before Parliament prior to the winter session and the 30 introduced during it, only 17 were passed'.

Because of the current turmoil in the functioning of the Parliament the public especially the youth is disillusioned about the relevance of the Parliamentary system. They find that the Parliament is not functioning in the right and proper manner. In fact, this type of functioning of Parliament has been a matter of serious concern to lovers of Parliamentary democracy. Political parties have adopted the technique of paralyzing the Parliament with a view to oppose the Government and its policies. It appears as if doggedness in terms of opposition for opposition sake and not to allow the Parliament to function and paralyse it, has become part of the recent political strategy.

The people of the country are watching the functioning of the Lok Sabha and Rajya Sabha. The Parliamentary paralysis is having a



negative impact on the whole nation. A sense of disgust and alienation is created in the mind of people. That our Parliament is not being allowed to function for whatever the compulsion does not appear to be a healthy example to our neighbouring countries wherein democracy is beset with problems. What would be the feeling of the common man in Lahore, Dhaka, Colombo and Kathamandu when he finds that the Parliament of the greatest democracy of the world is becoming dysfunctional ? This is the question being raised by Kuldip Nayar in a recently published article.

To improve the functioning of the Parliament the following issues need to be addressed.

- (a) Quality of debates and discussion on the floor of Parliament need to be improved.
- (b) Absenteeism among members which has assumed alarming proportions needs to be checked if we are not to make a mockery of our Parliamentary democracy.
- (c) The increasing indiscipline and unruly behaviour of Members and the increasing tendency to disrupt the House and stall Parliamentary proceedings has got to be checked. It amounts to paralyzing the activity of governance and legislation.
- (d) “More time is to be devoted to Law-making and make the committee system more effective to better oversee the Government’s functions—”.
- (e) “A strict code of conduct for people’s representatives, implementing the policy of ‘No work, No pay’, if Parliament session was disturbed by members,

devoting most of the time in quality debate and discussions and disqualifying the tainted MPs are some of the urgent measures which should be implemented. That would definitely make the Parliamentary Democracy more useful and meaningful”.

What deserves mention here is that 10 Members of Parliament were rightly expelled in 2005 in the ‘cash-for-query scam’. ‘It is a watershed event in Parliamentary history across the world, nowhere have so many elected legislators in a national Parliament been expelled for misdemeanor by a vote of the House’.

### **Conclusion :**

Our Constitution gave us a Parliamentary democratic system of governance. When India went for it, there were many who thought that democracy would not be suitable for India in view of its appalling poverty, extensive illiteracy, huge and multi-dimensional population with diversity of caste, creed, religion and language. Those prophets of pessimism have been proved wrong. India’s Parliamentary democracy working over all these years since our Constitution came into form on 26.01.1950 has stood the test of time and has come to stay as a functioning democracy.

The vast electorate of Indian people has shown to the world their commitment and dedication to the democratic system with an ‘enormous sense of responsibility and uncanny wisdom’ whenever required, they have used their ballot like a bullet overthrowing a party in power which ventured to undermine its Constitution or democratic structure or its secular ethos.

The recent emergence of a pro-active civil society and its movement against corruption, which has brought in the people’s power to the



forefront has further strengthened and deepened our democracy.

Some well-meaning critics have advocated a switch-over from our Parliamentary democracy to the U.S. Presidential system as a remedy to the malady of Governmental instability in the system of Coalition Governments which has become an inescapable reality in India more particularly since 1989 when no political party has been able to secure an absolute majority. However, it is also true that inspite of the Coalition Governments, we have till date experienced a good deal of political stability. It has been rightly said that 'our experience of instability in Government is not sufficient reason to discard the Parliamentary system'.

Whatever problems our Parliamentary democracy is facing today could of course be improved—may it be the instability syndrome, criminalization of politics or even Parliament being forcibly made dysfunctional through disruption, confrontation or forced adjournments. For this, two things are needed (a) necessary reforms to be undertaken within the existing Parliamentary system and (b) men of character and integrity in the political system. As has been rightly said by Rajendra Prasad : "If the people who are elected are capable and men of character and integrity they would be able to make the best even of a defective Constitution. If they are lacking in these, the Constitution can not help the country. After all a Constitution like a machine is a lifeless thing. It acquires life because of men who control it and operate it and India needs to-day nothing more than a set of honest men who will have the interest of the country before them.

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