

PARLIAMENTARY SYSTEM OF GOVERNMENT IN INDIA: PROSPECTS AND RETROSPECTS

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Abstract

In this paper, the functioning of a parliamentary government has been analyzed in full detail as the nation is headed for general elections, the 17th general elections within a few months from now. It also looks into the aspect of how far and how effective is it in India, with its multi-cultural, multi-racial, multi-lingual, multi-religious, pluralistic political landscape. Generally, a parliamentary form of government works smoothly under a two-party political system like Britain and provides the much needed political stability. However, we have to examine how successful is the system in a multi-party system in terms of providing good governance to the people and the corrective measures that need to be taken, if any. Although the functioning of a parliamentary government can be examined and evaluated from several aspects, the focus in this article is on the stability factor.

Keywords: Parliamentary form, presidential system, coalition, Constitution, governance, proportional representation and liberalism.

Introduction

In another two months from now, the great carnival of democracy will be held in India, the world's largest democracy, which is also described as the world's fastest growing democracy. General elections will be held to the 17th Lok Sabha, as the tenure of the 16th Lok Sabha is coming to an end in a few months from now and the dates have also been notified by the Election Commission of India. The efficacy of the parliamentary system of government would be put to a severe test.

Parliamentary democracy has been functioning in the country for the last seven decades after the founding fathers of the Constitution decided to adopt the British type of Westminster model in the Constitutional Assembly which was elected to frame a Constitution for independent India. They thought it fit to choose the parliamentary form of government for the nation as India was under the British rule for nearly 200 years mainly owing to its familiarity. Moreover, they felt that it was more feasible. Although there were some members like K. T. Shah, who argued in favour of the American type of Presidential system, it was rejected. They felt that separation of powers between the executive, legislative and judiciary might lead to conflicts proving detrimental to the system. Even the Switzerland method of electing the members of the cabinet was considered and rejected.

In this paper, an attempt is made to assess and evaluate the working of parliamentary form of government in a country like India, with its multi-cultural, multi-racial, multi-lingual, multi-religious, pluralistic political landscape. Generally, a parliamentary form of government works properly under a two-party political system like Britain and provides the much needed political stability. However, how effective is it in a multi-party system? Did it really serve the purpose for which it was meant or should changes be introduced in it to make it suitable to the changing socio-politico-economic fabric of the country? Let us see.

Methodology

The methodology used for writing this research paper is purely based on secondary sources of data. The authors have gone through articles published in various newspapers, magazines, textbooks used of undergraduate and post-graduate courses, papers published in standard journals national and international journals like the Indian Journal of Political Science, Indian Journal of Public Administration, British Journal of Political Science and books published by eminent authors like Rajni Kothari and Ramachandra Guha, Nani Palkhiwala, Subhash C Kashyap, Ivor Jennings, etc. Also, we surfed through various websites on the internet to get information on the parliamentary system of government functioning in various countries and reports published by the government and various NGOs.

Parliamentary system in Britain and India

During the debates in the Constituent Assembly, most of the members, including Pandit Jawaharlal Nehru and Dr. B R Ambedkar, the Chairman of the Drafting Committee of the Constitution of India, preferred a parliamentary form owing to its familiarity, with India under the British rule for nearly 200 years. The makers of the Indian Constitution, while adopting the parliamentary form of government, opined that it will be the most suitable form of government for India and they transplanted the British Westminster system on the Indian soil. Pt. Jawaharlal

Nehru, Sardar Patel, K.M. Munshi, Dr. B.R. Ambedkar and Alladi Krishnaswamy Iyer strongly believed that the British parliamentary system would be the best model, which would be able to meet with all democratic problems and aspirations in future. But, after 67 years of the parliamentary system of governance, we find that the operation of this system is not so smooth or free from hurdles.

Describing the elections in Britain, James Middleton said, "There is no greater gamble on Earth than the British general elections." If Middleton was commenting on the electoral outcomes in a country like Britain, which is predominantly a unitary bi-party system where the parliamentary system functions successfully, then what to speak of a country like India which has a plethora of political parties, each competing for power in the small political space provided for them in conditions of diversities. Can there be a bigger gamble than a general election held every five years by pumping in thousands of crores of rupees? According to official estimates, the Election Commission of India spent Rs 3,426 crore for conducting the general elections to the Lok Sabha in the year 2014, while it was Rs 1,483 crore in 2009. Overall, there was a 20-fold increase witnessed in the country when compared to the first general elections which were conducted in the year 1952. In that year, the cost was just Rs 10.45 crore. Therefore, if a stable government is not formed after the elections, it will be a huge drain on the public exchequer and a political tragedy. Money meant for developmental purposes will go down the drain unnecessarily.

General elections in India

Political pundits and party leaders are keeping their fingers crossed as to what kind of a Lower House it would throw up or what kind of government that would be formed after the declaration of results. Will it usher in a stable government or plunge the nation into political turmoil? The success or failure of a system of government depends, by and large, on its feasibility to throw up a stable government for a period of five years. On the other hand, if the government falls within a year or two, it means the purpose of choosing it has been defeated. A political party getting a landslide majority may be an exception, though not a rule. Just as in the year 2014, India got a stable government at the Centre after a long period of 30 years (Last time, it was in 1984, the Congress party under the leadership of Rajiv Gandhi won a landslide victory of bagging more than 400 seats, propelled by the sympathy wave generated after the assassination of the then Prime Minister Indira Gandhi on October 31, 1984 by her own Sikh security guards.) Will it be a repeat performance of 2014 in 2019 or a replay of the 1989 or 1996 moments, is hard to guess. But it will be a bad day for democracy if the President of India is not in a position to form a new government immediately after the general elections in the event of a hung Parliament after considering various permutations and combinations.

Nature of parliamentarism

The parliamentary system of government refers to “A system of government having the real executive power vested in a cabinet composed of members of the legislature who are individually and collectively responsible to the legislature.” (Jennings,1969). In such a system, the parliament is supreme.

The German jurist Carl Schmitt even questioned the legitimacy of a parliamentary form of government in his ‘*Crisis of Parliamentary Democracy*’ in 1923 while commenting on the Constitution of the Weimar Republic, which he felt was not based on the foundations of democracy like openness and discussion. According to him, parliamentarism has nothing to do with democracy and is based on principles of liberalism. He opined that in Parliament, the majority members trample on the rights of the minorities. However, this argument seems too far-fetched and cannot be applied to parliamentary systems, which are working on the basis of democratic principles in India, Britain and several other European countries.

In case of one-party dominant system under a charismatic and powerful Prime Minister, a parliamentary system might turn into a dictatorship under a Prime Ministerial government or a cabinet dictatorship, which is an aberration. Democracy may go missing and Carl Schmitt may prove to be right after all in such a case. On the other hand, if we have a weak minority government, then the system becomes dysfunctional and unstable, and again, democracy may be the biggest casualty. In case of hung parliament, it becomes difficult to form durable governments. These are some of the disquieting features of a parliamentary system, especially in a gigantic country like India.

Congress party dominant system

After independence, the Congress party, by cashing on the goodwill that it enjoyed among the masses, transformed itself into a political party to take up the challenge of running responsible governments at the Centre as well as in States. For the first thirty years after independence, the governments functioned smoothly as the Congress was in power both at the Centre and in the States. Kothari described it as a Congress Party dominant system or a one-party dominant system. The one-party dominant system “is a competitive party system but in which the competing parties play rather dissimilar roles. It consists of parties of consensus and parties of pressure.”(Johari, 1990) The Congress in those early decades of independence enjoyed the trust and was able to mobilize the support of the masses.

Changing contours of the Indian political system

It was in the year 1977, a landmark year that a non-Congress government was formed for the first time at the Centre. In the 1967 general elections, the Congress lost power in nearly nine states but could come to power at the Centre with a reduced majority.

The Indian society, with its distinct heterogeneous nature coupled with a complexity of problems, nurtured a large number of political parties at the national, state and local level. For over five decades since independence, a mushrooming of political parties with very little ideological differences took place, especially after the 1960s.

For the first thirty years, India had a period of stable governments at the Centre despite all the social and economic problems, primarily because of certain charismatic leaders Sardar Patel, Rajendra Prasad, Pandit Jawaharlal Nehru and Mrs. Indira Gandhi, who were supported by a galaxy of selfless leaders like Lal Bahadur Shastri, Kamaraj, Chavan and so on. During the uninterrupted rule of Jawaharlal Nehru, which lasted for about a period of 18 years, the Congress enjoyed monopoly in power both at the Centre and in various States. Nehru strode like a colossus over the Indian political firmament and with his magnetic personality, was able to sway the voters towards the Congress. In those days, the faith of people in his leadership was so strong that even a lamp post could get elected on the Congress ticket. He was able to resolve conflicts effectively and build a consensus in the party.

In the early 1960s, the impact that Pandit Nehru made on the Indian political system was so powerful and unmatched that when English writer Aldous Huxley visited India after a long gap, he wrote a letter to his brother Julian Huxley expressing apprehensions that after Jawaharlal Nehru, democracy might be completely wiped out from India leading to military dictatorship like in so many newly independent states. Even several foreign observers felt that Nehru was the only unifying and cohesive force in the entire country and after his death, there would be political upheaval splitting the nation along caste, communal, regional and ideological camps.(Guha, 2007) However, no such thing happened as democracy was gradually taking roots in the country. The people have proved that India was not a banana republic, like many Latin American or African countries which became independent after the Second World War.

Although the death of Pandit Nehru on May 27, 1964 was a major setback for the Congress, the party quickly recovered from the shock and under the dynamic leadership of his successor Lal Bahadur Shastri, India could score a decisive military victory over Pakistan in the 1965 war. While the nation thought that the leadership crisis came to an end, the sudden death of Lal Bahadur Shastri created a big leadership vacuum once again. Maybe, had he lived for some more time, the ethical foundations of Indian polity might have been strengthened.

After lot of high political drama, Indira Gandhi was chosen Prime Minister to lead the country. But the process of degeneration of the Congress Party started during her tenure and it culminated in the disintegration of the party during her tenure, once in 1969 and another time in 1978. In the year 1969, she wanted to prove that she was no dumb doll (*goongi gudiya*) as described by the socialist leader Ram Manohar Lohia, free herself from the clutch of the Syndicate group comprising senior Congress leaders like Kamaraj Nadar, Nijalingappa, Atulya Ghosh and N Sanjiva Reddy and thus, engineered a split in the party into Congress (R) and Congress (O). Later, in 1978, she wanted to regain her total control over the party, which she had lost after her defeat in the 1977 general elections from the Rai Barely constituency, and thus, engineered a split in the party. From then on, Congress became more personalized in orientation and lacking in internal democracy.

Gradually, after some years, many political parties started mushrooming which created new dimensions to the structure and functions of governments in the Indian political system. She resorted to the implementation of populist strategies to strengthen her position in the party. The politics of consensus was given a goby and in its place, tensions and confrontation were gradually on the rise within the party and outside.

Working of parliamentary system in India

Parliament has not functioned as a significant political body that could help in resolving conflicts or make policy. With the entry of new social groups making new demands, the political system has been weakened considerably. And it is not easy to accommodate their demands.

If the ruling party is very strong and powerful while the Opposition parties weak to make any significant impact, the parliamentary system is converted into a Prime Ministerial government under a Cabinet dictatorship, with the Prime Minister developing authoritarian tendencies. In such a scenario, all the other institutions pale into insignificance and they are trampled upon by the Prime Minister. There is a tendency of the Prime Minister riding roughshod over other democratic institutions, which are forced to compromise on their independence. This has happened once from June 1975 to March 1977 and it is quite palpable whenever a strong leader is swept into power in a political wave. This is a major lacuna which needs corrective measures. Presently, it all depends upon electoral outcomes.

If the people's verdict throws up a hung Parliament, there would be political instability with government formation becoming extremely difficult. As a result, political morality is thrown to the winds with political parties competing with each in stitching unholy alliances merely to capture power. Although, it is not possible to introduce major electoral reforms and transform the political system as there would be stiff resistance from several quarters, the least that can be done

by the leaders of the political parties, keeping aside their differences and personal ambitions immediately after elections is to ensure that a stable government is formed without throwing moral values to the winds. They should prevent the nation from plunging into deep political turmoil by stitching together a post-poll alliance and stick to it for five years so that the verdict of the people is not wasted. Moreover, the Opposition parties should also play a responsible and constructive role while in the opposition and not just make efforts in dislodging the party that is in power. The Opposition parties should also play an important role in a democracy, whether parliamentary or presidential.

Another lacuna in the parliamentary system is the deterioration in political discussions and debates, with unruly scenes witnessed from the opposition benches, who keep disrupting the proceedings. In the process, several sessions have been washed out without any fruitful discussions, thus, wasting the tax payer's money. Parliamentary norms, conventions and procedures are being undermined with impunity.

The dawn of coalition era in India

The formation of coalition governments, both at the Centre and the States, is the result of the sprouting of the multi-party system in a democratic set up. A number of minority parties are forced to join hands for the purpose of running the government, which usually, is not possible under a single party dominant system. Many political parties agree to join hands on a common platform by keeping aside their broad differences and form a majority to form a government. Gradually, over the years, with the weakening of the Congress Party at the Centre and in several states, coalition governments have become necessary to keep the political system afloat.

Meaning of the term 'coalition'

The term *coalition* has been derived from the Latin word '*coalitio*', meaning to go or grow together. Thus, the term coalition means an act of coalescing or uniting into one body or alliance. It indicates the combination of a number of bodies or parts into one body or whole. In the political sense, the term is used for an alliance or temporary union between various political groups for the exercise or control of political power.

Prof. Fredrick Austin Ogg defines it in *The Encyclopedia of Social Sciences* as a cooperative arrangement under which distinct political parties or all events members of such parties unite to form a government. "A coalition is thus an alliance between two or more hitherto separate or even hostile groups or parties formed in order to carry on the governance and share the principle offices of the state".⁶ It is done to promote compromises in politics. Everybody must yield something although mutual surrender is rarely sufficient to guarantee stability.

Reasons for the rise of coalition governments

The rise of coalition or minority governments was due to the widening and deepening of the democratic ethos in India. Different regions and different groups had acquired a greater stake in the system. Leaders of various political parties did their bit by mobilizing the hitherto unrepresented or underprivileged groups into mainstream politics.

Lot of political, economic and social changes started taking place in India from the 1970s onwards. The decline of the one-party-dominant system led to the emergence of multi-party system which is dominated by the regional parties. Emergence of regional parties made formation of government a difficult task. In the changing political scenario, no single party is in a position to form government on its own, and now, both the major national parties, the major parties, Congress and the BJP are searching for allies to consolidate their vote share . They have to ally itself with one or more parties to form a government after elections. Political parties with different ideologies and interests made governance more difficult.

In a parliamentary democracy, coalitions arise mainly as a result of political compulsion or conflicts arising out of racial, communal, religious, economic, social or political differences. Policies that are adopted by the coalition government are made by the coalescing parties and merely finalized by the leader of the coalition. There will be tough bargaining and negotiations for ministerial positions by the competing political parties.

The Congress Party after 1977

The monopoly of the Congress Party over power at the Centre was broken in March, 1977 when it was swept out of power by the tidal wave of the Janata Party which swept across the country as the people were fed up with the dictatorial rule of the Congress government headed by Mrs Indira Gandhi. Even in the year 1967, the monopoly of the Congress was broken when it lost power in eight states. "The 1967 election results exposed the artificial level of political stability, democratic maturity and parliamentary sophistication at which the political system had so far appeared to the operating." (Kashyap, 1969)

According to Kothari, the Congress came to be plagued by factionalism, parochialism and lack of internal democracy with a loose coalition network of power. If the party leadership made changes from time to time, it appeared to be more symbolic than real.

The first non-Congress Janata Government

On March 24, 1977, The Janata Party government was formed under Mr Morarji Desai, who became the fourth Prime Minister of India. Although it was not a coalition government in the strict sense of the term as parties like Bharatiya Lok Dal, Jan Sangh, Congress (O) and Congress For Democracy, Socialist Party, etc., it had all the trappings of a coalition government.

However, the Janata government, which was formed amidst great fanfare and euphoria, putting democracy back on track after it got derailed during Emergency, which was proclaimed on June 26, 1975, could not last long and it had to bow out of office in July 1979, when Morarji Desai resigned after many of the members started resigning from the party over the flimsy issue of dual membership of the Jan Sangh members in the RSS.

Actually, during those days, top leaders of the party like Morarji Desai and the two Deputy Prime Ministers Mr Chaudhary Charan Singh and Mr Jagjivan Ram could not get along with each other and had difficulties in compromising on power sharing. Even by elevating Charan Singh and Jagjivan Ram as Deputy Prime Ministers, the government could not remain stable. On the issue of dual membership of the Jan Sangh constituent unit with the RSS, MPs started deserting the Janata Party as if it was a house on fire, which ultimately led to its fall in July, 1979.

Later, nursing Prime Ministerial ambitions, Charan Singh formed the Janata (Secular) government with the outside support given by the Congress (I), thus, fulfilling his lifelong ambition. But, it could also not last long and Charan Singh submitted his resignation in August 1979, within less than a month, after the Congress (I) Party withdrew support without facing the Lok Sabha even once.

In the mid-term elections held in January, 1980, the Congress (I) led by Mrs Indira Gandhi romped home to victory, dumping the Janata Party in the woods, a result that was least expected by the Janata Party leaders. The people of the country were disgusted with the infighting of the Janata Party leaders. The split in the Janata Party and the Congress Party benefitted the Congress (I) led by Mrs Indira Gandhi.

Thus, the first non-Congress coalition government ended up in failure, much to the disappointment of the people of India. Expressing his disappointment over the failure of the Janata experiment, Kothari states that the Janata Party wasted a unique opportunity to build a truly federal and decentralized structure. Perhaps, if the Janata Party was allowed to continue and complete its full term, politics in the country could have taken a different course.

For the next ten years, till December 1989, the nation was under the Congress dispensation. When Indira Gandhi was gunned down by her own Sikh security guards on October 31, 1984 avenging 'Operation Bluestar' of June 1984 for flushing out terrorists from the Golden Temple, the Congress, again, riding on the sympathetic wave generated after her assassination, scored a landslide victory by winning more than 400 seats in the Lok Sabha.

However, owing to the Bofors scandal, and other political and social developments, the image of the Congress Party, especially that of Prime Minister Rajiv Gandhi got dented and in the 1989 elections, the Congress emerged as the single largest party with a reduced margin of just winning 197 seats. But, it decided not to stake claim to form the government as the then Congress President Rajiv Gandhi said that the party did not have the mandate to rule.

In 1989, for the first time, government was formed with the support of the right and left parties by putting an end to the one-party dominant system. To defeat the mighty Congress, the non-Congress parties formed an alliance and the National Front government was formed under the leadership of V. P. Singh with the support of Janata Dal, Congress(S), DMK, TDP and Assam Gana Parishad. The BJP supported the central government from outside. Indian democracy started facing new challenges from the 1990s onwards, i.e., the emergence of coalition governments.

The election results of 1989, 1991, 1996 and 1998 returning hung parliaments confirm this new trend in Indian politics. The institutional decline of the Congress party has not been offset by the development of an alternative national party. The party system in India entered into a new transitional phase in the sense that a region based multi-party system came to the fore at the national level and various states have started competing for power at the Centre, demanding a share in the governance. It was indeed a challenging and turbulent period as the Congress President and former Prime Minister Rajiv Gandhi was assassinated in Sriperumbudur on May 21, 1991 by an LTTE suicide bomber while electioneering. Perhaps, if the Chandrashekar government was allowed to continue and the Lok Sabha not dissolved, the tragic event which tormented the entire nation might not have taken place. But, these are some of the 'ifs' and 'buts' of history over which we have no control.

From then on, there have been paradigmatic shifts in the Indian political system in terms of political federalization and economic liberalization, writes Kothari. The decade (1989-99) featured a series of unstable coalitions and minority governments, following each other like a game of musical chairs. In India, the coalitions and minority governments are the outcome of the failure of the parliamentary system to satisfy the norms of getting absolute majority of seats in the Lower House (Lok Sabha) to form government.

In the year 1996, the people gave the Indian National Congress a severe drubbing and no single party could get a majority on its own to form a government. As a result, a coalition government, the United Front government, with the help of various regional parties was formed with the then Karnataka Chief Minister H. D. Deve Gowda as Prime Minister on May 1, 1996 after the fall of the BJP led NDA government of A B Vajpayee after just 13 days of being in power. However, this arrangement also did not last long as the government fell on April 10, 1997 when the Congress President Sitaram Kesri decided to withdraw support to the UF government. Later, a coalition government headed by I K Gujral was formed but that too did not last long and went out office after six months.

The seventh coalition government, headed by Atal Behari Vajpayee again, was defeated on the floor of the House by a single vote on April 17, 1999.

In most of the cases mentioned above, governments fell due to discretionary reasons and not on account of technical reasons. A government falls on technical reasons when the incumbent Prime Minister or Chief Minister dies in office while under discretionary reasons, a government falls due to the decisions taken by political actors. In India, governments fell on technical grounds when Pandit Jawaharlal Nehru, Lal Bahadur Shastri and Indira Gandhi died while in office. On other occasions, they fell on discretionary reasons after political parties withdrew support. (Clarke and Golder, 2018)

Later, on October 10, 1999 a BJP led NDA government was formed under the leadership of Atal Bihari Vajpayee again supported by 24 political parties, with the TDP extending support from outside. After this, good sense seems to have been prevailing among the leaders and cadres of various political parties that it is not in the national interest to pull down a central government on flimsy grounds and they decided to stick on till the end of their tenure, thus, saving the country from political turmoil.

As there is no wave sweeping across the nation in favour of any political leader or party in the 2019 elections, like the Modi wave in 2014, or the Indira wave of 1971 or 1980, or the sympathetic wave of 1984 aftermath Indira Gandhi's assassination, pragmatic political compulsions demand that leaders across the political spectrum shed their overinflated egos, keep their personal agendas aside for some time and strive for the formation of a stable government in case of a hung parliament after elections. They should chalk out a common minimum programme to stay afloat for five years. A common minimum programme has to be truly or genuinely minimum in order to remain common.

Commenting on the coalition governments, Mani Shankar Iyer writes, "There is nothing inherently unstable about coalitions. It depends upon the intensity of the motivation that brings

them together, which they are managed, the esprit de corps that inspires them, and their success in enthusing the people to hold that the government they floated works. Above all, it depends upon the cohesion of leaderships”.

In this connection, political leaders should chalk out a pre-coalition alliance or pre-electoral alliances. Writing about the coalitions, Golder states that political parties, which have ideological affinities could come together and form a pre-electoral alliance, so that they need not be at a loss as to what to do after elections. Then, they could rule together after elections.

Such pre-electoral alliances can make a profound impact on the outcome of the elections by allowing voters to identify government alternatives during the time of elections. As a result, such coalitions may enhance democratic transparency and provide coalition governments with increased legitimacy and stronger policy mandates (Golder, 2006). The Indian political system is not unfamiliar with such types of coalition formations. The United Progressive Alliance led by the Congress and the National Democratic Alliance led by the BJP are such pre-coalitions.

At the turn of every general election, the national political parties like the Indian National Congress and the BJP are forced to placate and cajole smaller political parties. After the 13th Lok Sabha elections held in September 1999, the pre-poll alliance of BJP with the regional parties enabled it to complete its tenure in 2004 with cooperation from the regional parties like DMK, TDP and Akali Da (Badal).

The BJP was able to win only 183 seats but with the backing of pre-election allies, it could muster the requisite majority by taking the help of 24 political parties and groups. The regional parties which supported NDA from inside were DMK (12), BJD (10), MDMK (4), MGDK (1), MSCP (1) and SAD.

Now, in order to isolate the BJP and defeat it in the 2019 elections, some of the Opposition parties led by the Congress have decided to form a ‘mahagabandhan’ so that the BJP may not benefit by a split in the votes polled by various opposition parties.

Changing dynamics of Indian politics

Thus, political consciousness is not what it was about 40 or 60 years ago and it is expanding. The Indian voters have become more matured politically with the proliferation of the mass media and the onset of social media. They have become more demanding in asserting their rights. Till the 1960s, the Congress Party, with a vote share of approximately 48 per cent, could manage to win over two-thirds of seats in the Lower House, but the situation is vastly different now. In the 2014

elections, the BJP with just a 31 per cent vote share across the country, could win 282 Lok Sabha seats, thus forming a stable government after a period of 30 years.

After the fall of seven coalition governments during the decade (1989-1999), a phase of political instability, the leaders of various political parties might have become more enlightened, as during the next 15 years (1999-2014), coalition governments, the BJP led NDA government (1999-2004) and later, the Congress led UPA government headed by Dr. Manmohan Singh (2004-14) that were formed, successfully completed their tenures without creating major political upheavals. Therefore, it can be said that political leaders have learnt to live with coalitions, political instability and hung parliaments as coalitions have become an important feature of Indian democracy. They have come to realize that parties cannot expect landslide victories each and every time as their fortunes keep fluctuating.

Remedial measures to end political impasse

The Central government, from time to time, academic institutions and legal luminaries have been making consistent efforts to plug the loopholes and bottlenecks in the Constitution, which create hurdles in the functioning of the parliamentary governments. However, these did not create much impact.

In the early 1980s, there were debates and discussions on the feasibility of introducing the presidential system in India in place of the parliamentary system. The then Maharashtra Chief Minister A R Anthulay, Andhra Pradesh Chief Minister Dr M Channa Reddy, legal luminaries like Nani Palkhiwala were all in favour of the presidential system as it would provide the much needed stability. Moreover, it will also provide an opportunity to select the best talent in the Cabinet from outside Parliament too. Selections need not be confined to Parliament Members only and eminent personalities from various walks of life can be chosen.

In the year 1985, the then Congress government headed by Mr Rajiv Gandhi tried to put an end to the scourge of political defection by passing the Anti-Defection Act through the 52nd Constitutional Amendment. According to this law, if a member wants to switch over to another party, he must also resign his membership of Lok Sabha, Rajya Sabha or State Legislative Assembly. But, it proved to be ineffective in cases of splits and mergers in political parties. If more than 1/3 members of a party decide to resign, it is deemed to be a split and they need not give up their membership of legislature. There were many loopholes in the law.

The NDA government, decided to appoint a National Commission under the chairmanship of Justice M N Venkatachellaiah on February 22, 2000 to make a thorough assessment and review

of the working of the Constitution and make suggestions to make the functioning of the government effective and smooth.

The first-past-the-post-method of electing the people's representatives has come under severe criticism as the outcome does not represent the will of the majority in the Lok Sabha as a majority of the people will be left out. A candidate can get elected on a simple majority. For example, in a triangular contest, even if the other two candidates get more number of votes put together, their votes will go waste, as the third candidate

For example, according to official figures, although the BJP could get only 31 per cent of the vote, it could still win a majority of seats and form the government. That means, 69 per cent of the voters are left out and do not have say in governance of the country.

The Commission recommended to the Union Government and the Election Commission of India to examine the issue of prescribing a minimum of 50 per cent plus one vote for election in all its aspects after holding wide consultations with various political parties. However, it remained only on paper.

The eminent jurist, the late Nani Palkhiwala argued in favour of introducing partial proportional representation method for the Lok Sabha elections. According to him, half of the Lok Sabha candidates should be elected on the basis of proportional representation, which is the system in force in several countries including Germany. In order to prevent the mushrooming of political parties and splinter groups, it should be provided that the benefit of proportional representation would be available only to those political parties which secure a certain percentage, say, 5 per cent of the votes cast in a region.

Thus, the proportional representation method enables the minorities, regional parties, and other significant segments of the general public, to find representation in Parliament. Moreover, they could also articulate their views in having a say in the making public policies.

Palkhiwala said that proportional representation in the Lok Sabha is permissible under Article 81 of the Constitution which only requires "direct election." According to this, any candidate who polls the highest number of votes wins without reference to the percentage of the votes polled. Therefore, the desired change can be accomplished by amending Section 32 of the Representation of the People Act, 1951.

However, the system of proportional representation did not find much favour among law makers and decided to stick to the first-past-the-post principle. Even the British Parliament appointed a Royal Commission in the year 1910 to consider proportional representation, the government of

the day decided against it, in spite of the fact that the Royal Commission recommended it. They felt that it might lead to the fragmentation of the polity.

Party leaders, who wish to form a pre-electoral coalition must reach an agreement over a joint electoral strategy and the distribution of office benefits that might occur to them.

Parties with ideological affinities with each other could form a coalition. New forms of social assertion, the hitherto subordinated groups, lower castes, women and unorganized workers will find representations. (Guha, 2007)

Conclusion

In spite of its failings, parliamentary system has come to stay. The functioning of parliamentary democracy in India is still puzzling even after 70 years. We can also say that it has several inherently contradictory features which keep popping up at the turn of every general election depending upon on the outcome. In the Indian political landscape, parliamentary form of government presents a paradox, or a puzzle. If a stable government is elected under the leadership of a strong leader, it is leading to an autocratic rule.

Moreover, parliamentary democracy is deeply entrenched in the country now and it cannot be uprooted though some half-hearted attempts were made in the past to introduce the presidential system of government, which only lasted for its academic interest in the 1980s. Politicians of all hues are in no mood to amend the features of parliamentary system. But, only thing is that they should make it work more effectively, which in turn, will lead to good governance. They should avoid making the mistakes that they made in the years 1979, 1990, 1991, 1996, 1997, 1998 and 1999. What we need is a strong government. But it is highly unlikely that they would try to pull down their own government on flimsy grounds although they used to do it earlier.

The third way is to amend the Constitution so drastically that its basic structure is altered. For this, the Supreme Court, in its ruling in the Keshavananda Bharati case said that this can be done only by setting up a new Constituent Assembly or by a referendum. However, this may not be possible under the present political scenario as it is impractical as political parties are averse to tinker with the basic structure of the Constitution.

In this connection, it may be pertinent to recall what Alexander Pope wrote in the *‘Essay on Man’*. “For forms of government, let fools contest, whatever is administered best is the best.” Therefore, it is essential to avoid scratching our heads on the form or structures but focus more on making the system more effective in providing stability and delivering services.

In the present day, power has become a great cementing force to keep political leaders together. Having tasted it for quite some time, they may not be inclined to give it up as easily as was done in the 1970s or 80s, unless there is some glaring political miscalculation. Power gives lot of leverage to the politicians. This is a new culture that has seeped into various political parties. Having lost it once, they may not be able to get it back easily. They do not have the patience to sit in the Opposition fighting for people's cause.

A weak government at the Centre will give an opportunity to our hostile neighbours like Pakistan and China to fish in troubled waters. Without compromising on their ideological moorings, political parties can come together and form governments.

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