CHAPTER – V

MEASURES TO STRENGTHEN THE PARLIAMENTARY DEMOCRACY

IN INDIAN COALITION POLITICS

Our experience with the Parliamentary System, based on the British model, has thrown up serious deficiencies in the last 10 years (i.e.) since 1989. During the Nehru era, Characterized by the dominant party system, the Congress enjoyed a virtual monopoly of power both at the Centre and in the States, though the Swatantra Party and the Communist Party of India (CPI) ruled in Orissa and Kerala respectively. However, the hegemony of the Indian National Congress (INC) was first challenged in Indira Gandhi’s election of 1967, and was overturned after the emergency ended in 1977. The Sixth General Elections of 1977 brought to an end of the “Congress System”, under which one party, made up of conflicting factions, had dominated the National Government of India and most of the States for thirty years.¹ The numerous opposition groups, alone, in concert, or in alliance with factions of the governing party, had sometimes made in roads into individual States, but they had never shared power at the national level. But, the 1977 Elections were the first success story of anti-Congressism. Unfortunately, however, this coalition experiment collapsed in 1979 and the Congress Party came romping back to power in 1980. Following the assassination of Smt. Indira Gandhi and the wide-spread corrupt allegations against Rajiv Gandhi Government, the Elections of 1989 again brought back the non-Congress Coalition Government at the Centre. Hence, the Coalition governments are getting evolved slowly and one can safely presume that this will be the pattern of the Central Government in the next century.

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The Tenth Lok Sabha Elections have brought new aviations among the major political parties of India. The voter’s verdict for the 1991 Lok Sabha is clearly against a stable, strong and effective Central Government. The stability of the Union Government will depend on the role of the opposition parties in the Tenth Lok Sabha. Thus, the opposition parties are treating the 1991 Minority Government as another “interim” arrangement like the Minority Governments of 1989 and 1990. Similarly, India in reality has entered a stage of “interim” and unstable governments at the Centre because minimum consensus does not exist among the national political parties. Thus, the coalition government at the Centre, considered an aberration in the aftermath of 1977 General Elections, has become more or less a permanent feature of the political system. But the country has not had a happy experience of coalition politics and government. All the five experiments so far have ended up leaving a bad taste in the mouth. It is unfortunate that no experiment has lasted enough time to infuse confidence in coalition governments. The crises which engulfed all the Coalition Governments at the Centre since 1977 have raised fundamental constitutional questions and presidential actions have become a subject matter of controversy. For this, the President may be required to play an activist role – he could insist not only on the participation of all coalition partners in the government but also on firm commitments against internal destabilization.

Today, there are too many contradictory things going on in our polity and we are passing through a crisis in our basic constitutional commitments, a crisis in confidence in our democratic institutions, including Parliamentary Democracy. The framers of the Constitution had not anticipated certain handicaps standing in the way of the smooth working of our Parliamentary Democracy, based on the
party system. The most glaring of these is the existence of a multiplicity of political parties, the root cause of a hung Parliament. In the opinion of Prof. Ashutosh Varshney of Harvard University, four foundations of Post-Independence India have been altered, or fundamentally challenged, by the politics of recent years. First, the political mobilization of lower castes is undermining, perhaps decisively, the traditional caste hierarchy of a social order which has dominated for centuries the lives of most Hindus. Second, the secular political order has been mightily challenged by Hindu Nationalism. The challenge, however, is beginning to fizzle out, as Hindu nationalism is increasingly being taken over by the realities of Indian politics requiring a serious dilution of ideological purity and the need for broad coalition making. Third, the Fabian Socialist and inward-looking core of the economic system is dying out, giving way to a deepening market orientation and international openness. And finally, the end of the cold war has rendered non-alignment, the lynchpin of India’s foreign policy doctrine has emerged to guide India in a confused international system. To sum up, compared to its past, India today is less statist, less secular, less Moscow-friendly, less dominated by the upper castes, and more democratic. As we look back upon a whole century, we will notice that Indian politics has been dominated by what may be called three ‘master narratives’ – secular nationalism, religious nationalism, and caste as a basis of social justice.²

Political parties play a vital role in the running of democracy. But, in India people are tired of political parties. There seems to be a flourishing cottage industry in political parties. This industry gets galvanized at the eve of elections. Politicians in India consider political parties to be their political damsels which
could cater to their personal interest, there is no element of ideology, policy or programme involved in the making or unmaking of political parties. Such political parties are irrelevant for our democracy, yet they create confusion in the popular mind and lead to a distortion in the outcome of ballot. Even the established political parties are so indifferent to their own sense of responsibility and accountability that they have only earned the wrath and ridicule of the electorate but also people are fast losing their faith in the political parties, political leaders and the political system. Those who occupy vantage positions in political parties, government and legislature have the responsibility and power to eliminate corruption. But when they themselves turn out to be beneficiaries and, worse still, benefactors of corruption, there is a grave crisis endangering the political system itself. If politics continues to be criminalized, if the politician-official-mafia nexus continues to be strong and if corruption continues to hit the headlines, can people be blamed for losing faith in the system. Therefore, our democratic and administrative institutions have mutated and weakened. They have been vitiated by corruption and interference from numerous vested interests. But the institutions and practices of a political democracy have not only survived but also taken real root. This enduring vitality is owed, above all, to the democratic ethos and commitment of the ordinary people. In fact, the largest ever survey of the image of Parliament and perceptions of Indian citizens conducted by the Indian Institute of Public Opinion (IIPO) New Delhi in March, 1996 found that half (50%) of the respondents have faith in Indian Parliamentary Democracy reflected in their large proportion attaching importance to Parliament. Not withstanding respondents loss of credibility of MPs, about half (47.9%) are optimistic about the future of Indian Democracy, presumably because of their faith in it.
After 50 years of political independence, it is appropriate that we should take stalk of our achievements and short-comings in terms of the health of our polity. Though the Parliamentary Democracy is accepted as one of the basic features in our Constitution and though it is so provided therein, in practice an erosion of the Parliamentary Democracy is taking place on a massive Scale. In the context of the unstable governance prevailed since 1989, general question about the governance in an era of turbulence is being raised. What is the rationale behind the suitability of the coalition theory for India? Is the Coalition governance at the centre given the enough leeway to effectively exercise its authority. How can the coalition system be generated? After 49 years of functioning of the Constitution and its modifications for nearly 80 plus times, is India in a position to assert that the present Constitution will fulfil the democratic aspirations of the people? It is true that our experience of nearly five decades has shown that the quality of governance in the country has gone down considerably. We must ponder over the matter now, in the light of our coalition experience, and make such changes which may be found necessary to ensure a good and stable governance. In order to overcome the difficulty posed by a hung Parliament since 1989, many important leaders, administrators, jurists and intellectuals have advocated many reforms and proposals to ensure the political stability in the country.3

Following the emergence of political instability after 1989 General Elections to the Parliament, Sri. C. Subramaniam, former Governor of Maharashtra and Union Cabinet Minister, suggested a “National Government of all talents”. He advocated that there could be a “Standing Consultative Body of all parties represented in Parliament, working together with mutual goodwill and
advising the government on policies and issues aimed at furthering the national interest”. Due to the different party predilections to pull on together to share power in one government, this novel idea was not acceptable to the political leaders. However, R. Venkataraman, former President of India, expounded his thesis of a National Government at great length, while inaugurating the First Annual Conference of the Madabhushi Anathasayanam Institute of Public Affairs at Tirupati on April 22, 1995. He hoped that it would ensure stability and bring forth the “Cooperation of all parties” with Stalwarts all being in the government. He said, the Prime Minister shall be elected after a general election or on the occurrence of vacancy in the office by death, resignation or otherwise, by the Lok Sabha by means of the single transferable vote. The Prime Minister shall secure the support of more than 50 per cent of the members present and voting. The Prime Minister need not be a member of either House of Parliament but shall not continue in office unless he gets elected to either House of Parliament within 6 months of his assuming office. The same provision shall apply to members of the Council of Ministers. Significant among his other suggestions are:

a) The Council of Ministers shall be elected by means of the single transferable vote by each House of Parliament as it is now being done in the case of Parliamentary Committees,

b) The decision of Parliament shall be binding on the Council of Ministers,

c) The validity of the Parliamentary decisions should not be questioned except before the judicial authority competent to decide the same.

The existing powers of the President under Article 111 to return the bills etc. may be deleted. He has expressed his reservations over the suitability of
the Cabinet form of Government in view of the political instability it triggered since the 1989 Parliamentary elections and has given a call to the political leaders to “get out of the rut and think freely, boldly and decide wisely” to devise a new system which was capable of giving a stable government.

A Constitutional Reforms Package to ensure stability in government suggested by the former Speaker of Lok Sabha, Sri. Shivaraj V. Patil deserves serious thought. He is of the firm belief that there would be a hung Parliament in 1996 and a coalition government is imminent and hence he has alerted the leaders of various parties to think of consequences which are going to turn up after the General Elections to the Parliament. The former Speaker wants the following provisions to take place before bringing in a coalition government. First, the Prime Minister be elected by the Lok Sabha and resigns only when an alternative leader is chosen; Second, the Prime Minister be elected by 2/3 majority of the Lok Sabha and the Rajya Sabha; Third, the Prime Minister be elected by a majority of the Lok Sabha and the Rajya Sabha and can be removed only by 2/3 majority of the Lok Sabha and the Rajya Sabha; and Fourth, the Prime Minister be elected by a simple majority of the Lok Sabha and a No Confidence Motion to be passed must secure the support of 2/3 majority in the Lok Sabha. Unfortunately, the good proposals of R. Venkataraman and Shivaraj V. Patil have not been considered seriously due to the lack of consensus among the different political parties, over an agreement on a common leader to form a National Government.4

When the proposal of all Party National Government was kept in dark, a former Cabinet Secretary of India B.G. Deshmukh, has advocated the idea of the “President’s Government of Experts” in February 1996, in view of the Hawala
Complaints against the then Prime Minister; former Union Ministers and some of the opposition leaders. This scheme outlined that it can be proper for the President to ask the Prime Minister to step down and appoint a Council of Ministers consisting purely of political experts, like B.K. Nehru, Nirmal Mukherjee, Soli J. Sorabjee, I.G. Patel, Sam Pitroda and Julio Ribeiro. This would create public confidence. The new Council of Ministers is only for a short specified period i.e. till the general elections of the Lok Sabha are held and that this is being done to ensure that elections are held in a far better and cleaner atmosphere.

In order to overcome the difficulty posed by a hung Parliament, the then Leader of Opposition in Lok Sabha and the present Prime Minister Sri. Atal Bihari Vajpayee suggested that the Prime Minister should be elected directly by the people themselves. He further advocates the need for a national debate on possible alternatives to cleanse the democratic, governing system of its ills, and feels that “if the Presidential System is considered impractical or undesirable, then we should introduce prompt and radical changes in the present Parliamentary Democratic System fashioned after the British mode”. Suggesting the “List System” for a fair representation, he said, a proportional representation should be introduced in at least 50 per cent of the total number of seats in the Lok Sabha and Vidhan Sabhas. According to him, under the present “first-past-the-post system”, the representative character of elective bodies was weakened because candidates winning the largest number of votes in an election were declared winners, irrespective of whether they had the first or the second preference support of the majority of voters to overcome these maladies, he explained that a party with a larger percentage of overall votes might still have a
lower number of seats in Lok Sabha or Vidhan Sabhas, and called for removing this anomaly from the system of governance.

At the 1992 Ranganadhan Memorial Lecture, Sri. B.K. Nehru, former Governor and diplomat, suggested three proposals for stability in the governance. First, the legislature must be separated from the executive by making it impossible for any member of the legislature to hold any office of profit under the government including a ministership. This would immediately and automatically reduce drastically the attraction of becoming a legislator. Second, to usher in a fixed term for the Chief Executive with the President or the Governor holding the office of profit for a fixed term of years without any possibility of his removal during that term, except by impeachment for acts of moral delinquency. Third, how should he be elected? Theoretically, the best way to do it would be to have him directly elected by the adult population of the country or the State. While urging the Indian Government to take a fresh look at the Constitution and replace it with a more mature one for a transition to a peaceful, honest, just and progressive nation, B.K. Nehru said, the present Constitution was such that it almost inevitably and increasingly catapulted into seats of power the more undesirable elements of society. He opined that “the proportion of criminals and history shelters in the Legislative Assemblies of the Country have been increasing from election to election”. In a similar way, Nani A. Palhivala, an eminent constitutional expert, proposed three desirable changes in our fundamental laws without amending the Constitution, in the wake of political instability and downfall of three governments in a brief span of 18 months between December 1989 and June 1991. First, no political party should be recognized by the Election Commission or by any other authority unless the
party is willing to maintain audited accounts of all its receipts and expenditure. Such a change requires no constitutional amendments but can be affected merely by the addition of a section to the Representation of the people Act, 1951. Secondly, it seems essential to introduce Partial Proportional Representation in the Lok Sabha. 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. Proportional Representation in the Lok Sabha is permissible under Article 81 of the Constitution which only requires “direct election”. Therefore, the desired change can be accomplished by amending the Representation of the People Act. Thirdly, some minimum qualifications should be prescribed for those who seek election to Parliament. This again, can be done without amending the Constitution. Article 84 already provides that the qualifications for a person who seeks to stand for election to the Lok Sabha are:

a) He must be a citizen of India
b) He must be 25 years old, and
c) He must possess such qualifications as Parliament may, by law, prescribe.

What is required even more for good governance than good law makers is an Executive whether at the Centre or in the States, which will have stability and strength.
When we examine our system of stability in the context of fluid political situation prevailed since 1989, it is a moot point whether the coalition governance and polity really suit to India. It is in this context that we need to understand the alien character of our macro system of democratic governance. Therefore, a deeper exploration of coalitionism is needed to suggest ways and means to strengthen the system of coalition governance in India. Following the loss of a majority by the Congress in 1996 would plunge India into an unprecedented constitutional crisis. Indeed, 1989 and 1991 have already bereft of any party with a clear majority in the Lok Sabha. This new development has changed the political agenda of India in the perspectives on the party system. The alternative for forming a government under the present political system is therefore, a coalition. We have had at the Centre and in the States experience of coalition rule – with or without “outside” support – but none of them has proved success because they have been compelled to spend more time in ensuring their own continued existence than in governing the country. However, it is important to note that the greater representativeness of coalition governments is a qualified one under plurality-rule (first-past-the-post) electoral systems like ours. Supporting on this aspect, E. Sridharan of Centre for Policy Research argues that.

i) Coalition governments are likely to be better from the point of view of representativeness of the diversity of political opinion and interests in both the legislature as well as the electorate and society at large

ii) Coalition governments are likely to be, in the Indian context, unstable and short-sighted and, contrary to the optimistic view, unlikely to overcome these short-comings with experience and learn to work together,
iii) Coalition governments are not likely to be able to develop and implement coherent public policies, especially economic policy and particularly, continued structural adjustment towards an efficient, internationally competitive economy.

At the same time, in order to succeed, a coalition must fulfil the following basic conditions:

First, there should be a dominant party which determines its politics and programmes, making some relatively in consequential concessions to sectional interests represented by junior partners of the arrangement.

Secondly, there should be both a programmatic understanding and electoral adjustment prior to the polls among all coalition partners. In other words, they should contest the elections jointly and try to obtain a mandate, instead of ganging up following the declaration of results with certain short-term objectives. If the latter happens, the arrangement cannot be durable.

Thirdly, all partners of any such programmatic and electoral arrangement must participate in government. The concept of “support from outside” is what renders coalition unstable, as evident from the Charan Singh, V.P. Singh, Chandra Shekhar, Deve Gowda and Gujral experiments.

Fourthly, if erstwhile rivals come together to forge an electoral (or in a rare case, a post-electoral) alliance, they should publicly declare their ‘historic compromise’ as the Italian Communist leader Enrico Berlingner did when entering into an arrangement with the Christian Democrats. Lack of transparency
is another factor which results in mistrust between coalition partners and brings down such governments.

Finally, in the Indian context, a successful coalition needs one more qualifying clause. Given that most political parties represent certain reasonably well-defined class/caste interests, it is important that a social coalition is forged at the grass-roots which eventually translates into a political arrangement.5

Unfortunately, the Indian experience with coalition governments has not been a particularly happy one. Given this disturbing scenario, recent public debate has focused on possible institutional reforms in order to facilitate stable governance in the country. For example, Vasant Sathe has suggested that the present instability can be set right if we make a minor shift to Presidential form of Cabinet System as against Prime Ministerial form of Parliamentary System, which we have tried and failed miserably. Under such circumstances, our Constitution provides for a shift to the Presidential form of Cabinet System. Hence, the best way out of the present impasse is to allow the President to exercise his elective mandate by just a few changes in Articles 74 and 75. Therefore, mere deletion of:

a) The proviso introduced in Article 74 and

b) Sub-Clause (3) of Article 75 might achieve the objective of having a stable governance under the guidance of the President with the frame work of the present Constitution itself.

In strengthening democracy in India, Prof. Arun Kumar26 of Jawaharlal Nehru University has advocated the reform that 50 per cent of votes polled must be the criterion for being declared elected to make parties and leaders
accountable to the public, half the Lok Sabha seats must come up for election every two and a half years. Trust must be reposed in the electorate rather than treating it as illiterate. If it is all knowing in the market why not in politics?

When the President embarks on the exercise of determining the factors for and against the dissolution of the eleventh Lok Sabha, one point that should be taken into account is the increasing frustration of the ordinary citizen who sees the inability of the governing structure to produce consistent and credible policy on crucial and fundamental issues. In a significant development, the first time members of the eleventh Sabha belonging to different political parties, barring the DMK, TMC, TDP, and the left parties formed the “forum of parliamentarians opposed to the dissolution of the Lok Sabha”. In supporting the efforts of first time members of the eleventh Lok Sabha, the then Speaker Shri. P.A. Sangama was of the opinion that “there should be a provision in the Constitution to ensure that the Lower House is not dissolved before completing its five years”. Therefore, the need of the hour is an amendment in the Constitution to ensure that the Lower House is not dissolved before completion of the 5 years term. Right from the twelfth General Elections, the need for necessary changes in the Constitution for fixed tenure of the Lok Sabha has been the subject matter of very ranging debates among the academicians, politicians, administrators and others. It is, therefore, not possible to have a stable governance without proper understanding and co-operation among the partners in the BJP-led coalition government.

Unfortunately, even after the formation of the BJP-led coalition government at the Centre in March, 1998, the infighting nature among its coalition partners is creating an impression of instability. Under this scenario, an
able Prime Minister Atal Behari Vahpayee has not been able to implement the national agenda and this may put a question mark on his ability to govern. The impression of the instability is harming the nation. It is time for the Prime Minister and his team to get out of the fire-fighting mode and start striking at targets. They have to think of ways in which the nation can be provided with a good, stable and efficient government. Otherwise, tiny parties will able to blackmail the government into submission.

Since a coalition government has become a necessity for the country the following package could be tried to increase its longevity.

a) The practice of “outside support” must end and all partners must join the government. “Outside Support” meant power without responsibility for any of its omissions and commissions. Firm conventions need to be built to ensure against recourse to it. For this, the President of India may be required to play an activist role—he could insist not only on the participation of all coalition partners in the government but also on firm commitments against internal destabilization.

b) Article 83 of the Indian Constitution be amended to ensure that the Lok Sabha is not dissolved before the completion of its 5 years term. In recent times, Sri. R. Venkataraman, Sri. Nija Lingappa, Sri. P.A. Sangama and many intellectuals have been strongly supported in favour of full tenure of the Lok Sabha, following the emergence of political instability the country.

c) The Prime Minister, the Chief Executive of the nation, be elected directly by the people for a period of 5 years so that he cannot be voted out of power according to the whims and fancies of disgruntled members of the
Parliament. But, if he acts against the law or against the people, he could be removed by the impeachment as laid down in the case of the President of India.

d) Members of coalition should contest the election as a coalition, with a Common Election Manifesto. The parties which have bought against each other during an election an ideological basis or otherwise can not form a viable combine afterwards and provide a credible or creditable polity.

e) The suitable persons only are allowed to enter Parliament or State legislatures as representatives of the people. For this, all citizens who have a vote should take the trouble of exercising it. It is time that India learns to live with it and suitably amend the Constitution where necessary, have electoral reform, and redefine national parties. Apart from that the voters should not vote for those who are suspected of being corrupt or are tainted with criminality, directly or by association.

f) Coalition made up of parties with a programme compatible with their ideologies is more durable than one which is unprincipled, formed purely for the sake of power. Ideological homogeneity is a pre-requisite for the stability of a coalition. Thus, for a real success of coalition government, the role of human factor is important.

g) Amending the Anti-Defection Law to discourage large scale defections of the type being seen in the past few years and, the role of the Speaker of the legislatures needs redefining. The recent episodes in Utter Pradesh, Gujarat and Goa and many other States do not need any
elaboration. In such a climate, stability and longevity of governments, and coherence of governance would be the natural causalities.

h) The country must find a method to ensure a positive and constructive role to be played by both the ruling as well as opposition parties, while formulating and implementing the key policy decisions of the country. It is an essential pre-requisite of the Parliamentary Democracy to deliver the goods. Unfortunately, in the game of political rivalry, between parties and between individuals, issues are decided, not on considerations of national interest but of party or personal advantage. For a government by consensus, particularly in the era of political instability, a change in the nature of ruling and opposition is called for.

i) The regional aspirations of the people are becoming dominant and the presence of the regional parties in the coalition is important. However, the regional parties should not weaken the authority of the Centre in the general interest of every one. While redesigning the structure and asking for more powers, the need of the hour is that every regional party should be judged by its policies and programmes, outlook and style of functioning in the coalition governments. If they play their role positively, there must be appreciation of their role, otherwise, their role can be called disruptive and dangerous, in terms of longevity of the coalition government.

India is a liberal democratic system, which is working through a parliamentary form of government. India presents a real model of working parliamentary democracy to the world. In fact India has the distinction of being the world’s largest democracy at work with a parliamentary system of
governance. For more than six decades, parliament democracy has been at work and we can describe it as a successful working despite the presence of several hindrances in the Indian environment. Several critics of parliamentary system of India point out its several weaknesses and demand its replacement by a Presidential form of government.⁶

1) A parliamentary system is always unduly dependent upon the party system because in it the government is to be formed by a party which gets majority in the Parliament. Indian multi-party system has made its working defective.

2) Aggressive party politics and acute partisan spirit first develops under a Parliamentary System, and then in turn adversely affects its working. This has also been true of the Indian Parliamentary System.

3) In a Parliamentary System, the tenure of the executive is not fixed. It can be removed at any time by the parliament passing a vote of no-confidence. This has been a source of instability and weakness for the government of India.

4) The government has to maintain a majority support in the Parliament for its survival has to resort to the distribution of spoils among the MPs.

5) Most of the time of parliamentary government is consumed in answering debates in the Parliament. It gets little time to concentrate upon the important task of running the administration.
6) In a parliamentary form of government the ministers are appointed not on the basis of merit and ability but on the basis of their political standings and the patronage with the leader of the majority party.

7) In a parliamentary form of government, the Prime Minister always tries to keep a hold over the party. He tries to retain the president ship of the party along with his leadership of the government. Often this produces a clash of egos and interests between the person holding the office of the Prime Minister and the powerful political personalities of his party. The political leaders often raise the slogan `One party One post’ while this the Prime Minister always tries to simultaneously hold the party presidency in the name of unity and strength.

8) The Parliamentary System in India has been failing to operate well in the face of the existence of Hung Parliaments.

9) In a parliamentary form of government, the Head of the State acts as a constitutional and nominal executive, while the Prime Minister is the real executive head of the government. The former often finds himself virtually idle and the latter always exercises power in the name of the former. This duality often results into a friction or conflict between the offices of the President and the Prime Minister.

10) There is a substance in the charge that when a parliamentary government enjoys a majority in the parliament it tends to be irresponsible and unaccountable as parliamentary majority legalizes even its authoritarian acts, and when it is not backed by a clear majority, a parliamentary
government tends to be unstable and its efficiency and ability to work gets limited.

11) In a parliamentary system the ministers are appointed on political grounds. Their portfolios are at times shuffled and reshuffled on political grounds. Minister ship is used as a means to maintain unity in the ranks. It is also used to secure defections and splits. The instability and fluidity of the party system gets transported to the parliamentary government and its working gets always adversely affected.

12) In the era of Hung parliaments and coalition governments, Indian parliamentary system has become weak, crisis prone and even unhealthy, and hence needs replacement by a presidential system.

On the basis of all these arguments several scholars demand the termination of Parliamentary System in India and acts replacement by a Presidential system of government.  

Several scholars have been advocating the need to adopt a presidential system in place of the existing parliamentary system. They hold that all the limitations of a parliamentary system are present in the Indian system in a big way. It has been now getting more pressurized and limited because of the developments in Indian politics since 1989 (Era of Hung Parliaments and Coalition politics). India needs a strong and stable government for effectively and enduringly implementing the policies and programmers for rapid socio-economic reconstruction and development. There is also a need for lessening the role of party politics in government – making and decision implementations. India needs able and competent ministers and not highly politicized politicians as ministers.
The executive in India should devote its full time for implementation of policies and for this it should be relatively free from parliament’s excessive controls and interferences. There are sufficient reasons for combing the offices of the President and the Prime Minister intone or at least for securing a French like combined and mixed model.

All these conditions and needs can be met by a presidential system. It can provide for India a strong and stable government as well as the services of talented, able, competent and experienced ministers. It can help the country to check the transmission of the evils of Indian party system into the government. It can reduce aggressive and partisan politics and help the country to adopt a business like and professional attitude for tackling the socio-economic problems. It can end the politics of defections and allow the parliament to concentrate upon its task of law-making. The era of Hung Lok Sabhas, coalition politics and the fluid nature of Indian multi-party system has made it essential to got in for a presidential system, which is less dependent upon the health of party system than parliamentary system.⁹

In other words, the critics of parliamentary system hold that presidential system can prove better and more helpful to India both in overcoming its socio-economic-politico needs and problems, particularly in this era of hung parliaments, as well as for securing the goals of development.¹⁰

The adoption of a Presidential system of government in India can be a source of several advantages:

1. It can make the executive in India both stable and strong.
2. It can reduce the dependence of government on party politics.
3. It can be a source of structural differentiation for the Indian executive and legislature.

4. It can check the menace of political defection.

5. It can provide for a better and are more efficient system of governance.

As such, these exists a strong case for the replacement of the existing parliamentary system by a presidential system.¹¹

ARGUMENTS IN FAVOUR OF THE CONTINUANCE OF THE PARLIAMENTARY SYSTEM WITH SOME REFORMS

Several scholars and public leaders, however, do not support a replacement of the parliamentary system with a presidential system. They hold that the latter can be no panacea for the ills of the former. It has its own shortcomings and the parliamentary system has its own merits. The presidential system has been successfully operating in the USA, and the parliamentary system has been doing so in the U.K., Canada and several other countries. Furthermore, it is held that while India has some experience of working of the latter it has no such experience of the former.

The supporters of parliamentary system however admit that it has several limitations and the Indian political environment has been a source of some additional limitations. But, it has been at work since 1950, and it has worked quite successfully. Its inadequate success has been largely due to the defects of the Indian party system and some features of Indian society and not only due to the limitations of the parliamentary form of government.¹²
The supporters of the Parliamentary system in India strongly defend its continuance and point out the limitations of the Presidential system in general and its possible dangers for India in particular.

1. For a pluralistic society like India, the parliamentary system is more suitable because it gives more opportunities for popular participation in the process of politics and decision-making than a presidential system. The latter provides limited opportunities for political parties to play their roles for satisfying their interests and aspirations for power.

2. The combination of the powers and roles of President and Prime Minister into one, that is by making the President a head of the state as well as the real executive head of the government, can lead to a concentration of power into a single hand. A President can try to be an authoritarian ruler, particularly in a situation in which he would be free from a direct and continuous parliamentary control.

3. The Indian parliamentary system, some critics feel has given so much power and role to the Prime Minister that it has started working as a prime ministerial system of government. They even charged Mrs. Gandhi of practicing authoritarianism in the name of stability and strength of the government for preserving of the unity and integrity of the nation. The presidential system, with a concentration of powers in the hands of the President, hold the critics, can doubly give way to authoritarianism in India.\(^\text{13}\)

4. One of the greatest possible advantages of the Presidential system can be the fixed and stable tenure of the executive. However, when we relate
it with its possible demerit - irresponsibility of the President during the tenure of his office - one finds the disadvantage more dangerous and the advantage less advantageous.

5. Another important argument in favour of a presidential system has been that it can help the nation to get the services of really talented, educated, able and experienced persons because the President shall be free to choose his ministers on merit. There can be two counter arguments:

(i) The President can indulge in nepotism and undertake a distribution of spoils among his trusted friends, relations, helpers and even flatters;

(ii) In a parliamentary system also the Prime Ministers can induct men of proven ability and merit into the cabinet.

These person can later on secure seats in the parliament either through bye-elections or nominations. PM Narasimha Rao induced Dr. Manmohan Singh into his cabinet in this way. The President of India can nominate 12 persons to the Rajya Sabha and two Anglo-Indians to the Lok Sabha. This system can be extended in a limited way to help the process of induction of competent persons into the Parliament and then into the Cabinet.

6. Some of the factors which have limited the operation of Indian parliamentary system have been the socio-economic factors of Indian society. Even if a decision is taken to introduce a presidential system in place of the parliamentary system, these factors are bound to act as limiting factors of the government.
7. The presidential system, which is based on a system of separation of powers, can be a source of deadlocks and conflicts between the executive and the parliament. One often witnesses the development of deadlocks in the working of the American Presidential System. The Parliamentary system provides for a close relationship between the parliament and the executive, and it is always a source of harmony between the two. It is also a source of strength for the cabinet which can get necessary laws and funds form the parliament and which can enable it to carry out its policies and programmers effectively and efficiently.

8. When the Constituent Assembly decided to adopt the parliamentary system for India, it was guided by the fact that the people had some experience with the working of this system. Now after more than five decades, the people of India have acquired more experience which can enable them to run a parliamentary government in a better way.

9. The presidential system operates through a complex system of checks and balances. In it often the legislature and the executive appear to be acting at variance with each other. The U.S. President and U.S. Congress at times act as two parallel governments. The system of checks and balances can adversely affect the working of Indian political system.

10. The Presidential system can be no remedy against such defects as defections, corruption, illiteracy, ignorance, communalism, secessionism, regionalism, red-tapism, nepotism and others. So long as these remain present, these will continue to limit every government irrespective of the fat whether it is a parliamentary government or a presidential.
11. The argument that when a parliamentary government faces instability due to its minority status, it behaves in a responsive and responsible way but when it gets stability it acts in an irresponsible way, is not fully valid. The Presidential system with its stability and virtual non-responsibility before the parliament can behave in a more irresponsible way than the way a parliamentary system works.

On the basis of all these arguments, the supporters of parliamentary system reject the demand for the adoption of a presidential system in India. They hold that a presidential system may appear to be a better system in theory but in practice it too has its weaknesses and disadvantages. It cannot be imported into India, which has been since her independence, living under a parliamentary democracy. As such they advocate the continuance of India as a parliamentary democracy. But at the same time, the possible advantages that can accrue by adopting the presidential system as well the need to eliminate the defects of the prevailing parliamentary system, make it imperative for us to attempt at reforming it. For this purpose several suggestions/reforms can be considered:

1) Every attempt must be made to overcome the limitations resulting from the nature of Indian socio-economic environment.

2) The desirability of adopting a mixed, e.g., the French model, the must be debated and considered by the parliament, the press, the intellectuals, the political parties and in fact by all at all levels. This should lead to a national consensus for a transformation of the existing system into a mixed system. We should integrate some features of the presidential system within our parliamentary system.
3) Attempts must be made to raise public awareness and efforts for opposing defections as well as the groups and parties indulging in political corruption. An active and vigilant citizenship can force the political parties to behave in a disciplined way and to make the struggle for power orderly, less expensive, mature and free from violence.

4) Electoral reforms must be introduced with a view to relate the electoral victories to the percentage of popular votes secured by each political party.

5) Attempts must be made to make it difficult for an elected representative to defect from one party to another. Defections in the name of party splits should be checked.

6) Fixing of some minimum educational qualifications for the representatives can be adopted. But before doing this, facilities for education must be expanded to cover all sections of society.

7) The government should be asked to secure a positive vote of confidence after regular intervals. The opposition should not be permitted to move more than one no-confidence motion in one year.

8) Dates for the election of Lok Sabha should be fixed. Mid-term elections be dropped. The French System of forming broad groups of legislators can be considered.

9) As far as possible, the Prime Minister while choosing his team of ministers, should give due weight-age to the abilities and past conduct of
the legislators. Appointment of ministers should not be made only on political grounds.

10) The Council of Ministers must have minimum possible recourse to rule by ordinances.

11) In case the President of India feels that the government is not giving him full and correct information about the administration of the state, he should have the right to sue the mass media for informing the public as well as for giving a public warning to an erring council of ministers Prime Minister.

12) The opposition must play its role as a constructive and positive opposition. It must oppose the government policies but at the same time should give alternative policies.

13) For ensuring stability of the government it can be laid down that once a cabinet proves its majority in the Lok Sabha by securing a confidence vote, it should be allowed to work freely for at least full one year.

All these suggestions can be considered for making the Indian parliamentary system free from some of its defects. Any hasty decision to replace it with a presidential system can be counter-productive. For the time being, the Parliamentary system must be given time to work with some reforms. Presently Indian Parliamentary system has been trying to adjust well with the realities of coalition politics. It has been demonstrating its ability to cope with the changes in Indian Political System
NOTES AND REFERENCES


5. Ibid., p. 685.


