CHAPTER – II

WORKING OF PARLIAMENTARY DEMOCRACY IN INDIA

The Constitution of India establishes a system of parliamentary democracy in India. Before taking such a decision, the Constituent Assembly discussed in detail as to whether Presidential System would be more suitable for India or the Parliamentary System. While some of its members like Sayeed Kaji, and S.L. Sexena, strongly supported the case for establishing a presidential system, the majority of members supported the case for adopting the parliamentary form of government. This decision was made because the people of India had some experience in the working this type of system, and because it provided for a government directly responsible to the legislature. The Constituent Assembly therefore decided to adopt the system of parliamentary democracy both at the Union as well as state levels.

The Constitution of India provides for a system of parliamentary democracy at the Union and State levels.

Indian Parliamentary Democracy: Features

The following can be described as the salient features of Indian Parliamentary system of government. The President of India is the Nominal Executive and Head of the State, while the Council of Ministers headed by the Prime Minister is the Real Head Executive. In India the executive has two parts: The Nominal or Constitutional executive which is constituted by the President of India, and the real and powerful executive which is constituted by the Prime Minister and the Council of Ministers. The President is the nominal and constitutional head of the executive in India. Article 53 vests the executive
powers of the Union in the President. It reads: “The Executive power of the Union shall be vested in the President and shall be exercised by him either directly or indirectly with the help of officers subordinate to him.” The Constitution vests vast powers – executive, administrative, legislative, financial and emergency powers – in the President. However, the President exercises all these powers in accordance with the advice of the Council of Ministers.

Article 74(1) of the Constitution clearly states: “The shall be a Council of Ministers with Prime Minister as its head, to aid and advise the President who shall in the exercise of his functions, act in accordance with such advice.” The latter part, which makes it binding for the President to accept the advice of the Council of Ministers, was initially not a part of the Article 74. It was added by the 42nd Amendment to the Constitution. As such the Constitution now provides that the President has the executive powers which are exercised by him in accordance with the advice of the Council of Ministers and that such an advice is binding upon the President. The President is, as such, only nominal head of the State. All the acts are expressed to have been taken by the President but in reality these are the acts of the Council of Ministers which is headed by the Prime Minister.

However, the above observation should not be taken to mean that the President under the Indian Constitution enjoys a position inferior to the Council of Ministers or that the office of the President lacks vigour and vitality. The President is the sovereign head of the state. His oath of office makes him the preserver, protector and defender of the Constitution. He has, under Article 78, the right to get all information, that he desires, regarding the administration of the country from the Prime Minister. The President is the legitimizing authority.
The acts of the Council of Ministers enjoy legitimacy only when these bear the stamp of the President. The President has the ability to influence the policies and actions of the Council of Ministers by the exercise of his rights to know, to advise, to encourage, and to warn the Council of Ministers.

In fact in a parliamentary system, like the one which operates in India, the President and the Council of Ministers work in close cooperation. Theoretically, the latter advise and the former acts but in reality the former advises and the latter acts. The advice of the Council of Ministers binds the President. However, after the 44th Amendment, the President can ask the Council of Ministers to reconsider the advice tendered to him either generally or otherwise. But in such a case, the President has to accept the reconsidered advice of the Council of Ministers. This change has not seriously affected the dominant position of the Council of Ministers. At the same time, however, it has given somewhat increased importance to the President in his relation with the Council of Ministers.

Like every other parliamentary system, the Indian parliamentary system, provides for a close relationship between the Council of Ministers and the Parliament as well as for the responsibility of the former towards the latter. The Parliament exercises a continuous and formidable control over the real executive i.e., the Council of Ministers. But now-a-day, this is true more in theory than in practice. Due to several developments, the Council of Ministers has come to enjoy a stronger position in relation to the Parliament.

Every minister including the Prime Minister has to be a member of either House of the Parliament. If any non-member is made a minister or the Prime
Minister, has to secure within six months, a seat in either House failing which he cannot continue in office. Every minister takes part in the proceedings of the Parliament and is bound by the rules and procedures of the Parliament. His conduct is subject to all rules of the Parliament. He has to respect the privileges of the members of the Parliament.\textsuperscript{2} He has to accept the party commands otherwise he can invite disciplinary action from his party. The anti-defection law also binds him.

The ministers are responsible, both individually and collectively, before the Parliament, in reality the Lok Sabha.

i) Each minister is responsible and accountable before the Lok Sabha for all acts of omission and commission of the department which he heads or is attached to. In case the Lok Sabha finds him responsible for any departmental lapse, it can pass a censure motion against him or a cut motion in respect of the funds available to his department or proposes a cut in his salary. Each such act causes the exist of the minister from his office. In fact, before such a drastic measure is passed by the Lok Sabha, the minister voluntarily submits his resignation or the Prime Minister asks him to resign forthwith, which he has to comply with. Thus every minister is individually responsible before the Parliament.

ii) The Council of Ministers is collectively responsible before the Lok Sabha Act. 75(3) clearly lays down the “the Council of Ministers shall be collectively responsible before the House of the People.” The Council of Ministers works as a united team. It comes into office as a team, works as a team and goes out of office as a team. All the ministers are collectively
bound by each decision or policy of the Cabinet. In case the Parliament rejects any policy or budget or any measure for legislation initiated by the Council of Ministers through any of its ministers, or passes a cut motion, or censure motion or no confidence motion against the Council of Ministers or against the Prime Minister, the entire Council of Ministers resigns. The ministers defend each other and are bound to defend the policies of Cabinet individually as well as collectively, otherwise they have to resign. The difference of opinion over the Cauveri water dispute compelled Mr. Ramamurti to resign from his ministership in August 1991.

In case any policy or decision of the Council of Ministers is disliked by the Lok Sabha, it can pass a vote of no-confidence against the Council of Ministers or the Prime Minister. Such a step always causes the fall of the ministry.

The Parliament exercises a direct and continuous control over the Council of Ministers. For this purpose several devices are available to it:

i) The right of the MPs to put questions and supplementary questions to the ministers.

ii) The right to the MPs to use their privileges for getting information from and for exercising control over the ministers.

iii) The power to pass adjournment motion, cut motion, call attention motion, censure motion, and no-confidence motion.

iv) The power to reject budget, or a taxation proposal, or a policy or a measure for law-making, or any decision of the Council of Ministers.
The process of formation of the Council of Ministers begins by the appointment of the Prime Minister by the President. After every election to the Lok Sabha, the President appoints the leader of the majority or the single largest group in the Lok Sabha as the Prime Minister. The Prime Minister can be a member of either House of Parliament. When a non-member is appointed as the Prime Minister, he has to secure a seat in either House within a period of six months. In case no single party gets majority in the Lok Sabha, the President appoints the leader of a coalition group that may be formed; or the leader who gets the support of other parties, which decide not to join his government but accept to lend him support from outside (As BJP extended support to Mr. V.P. Singh in November 1989 or as Congress extended support to Mr. Chandra Shekhar in November 1990), or the leader who in the opinion of the President can command a majority in the Lok Sabha (As President Sanjeeva Reddy appointed Choudhry Charan Singh in 1979 as the Prime Minister). While doing so the President can ask the Prime Minister to prove his majority within a month or two (The maximum period can be six months). In June 1991, the Congress Parliament party elected P.V. Narasimha Rao as its leader, despite the fact that he was not a member of either House of the Parliament.

The President appointed him the Prime Minister because he was the leader of the single largest party in the Lok Sabha. While appointing him as the Prime Minister, the President asked him to prove his majority within a month. On July 15th 1991, P.M Narasimha Rao proved his majority in the Lok Sabha. Similar exercises were repeated in May 1996, June 1996, April 1997 and March 1998 at the time of appointment of Mr. Atal Bihari Vajpayee, Mr. H.D. Deve Gowda, Mr. Inder Kumar Gujral and Mr. Atal Bihari Vajpayee respectively. PM
Atal Bihari Vajpayee resigned on 28th May, 1996 when he found it impossible to secure a confidence vote in the Lok Sabha; PM H.D. Deve Gowda had to reign when he lost the confidence vote in the Lok Sabha on 12th April, 1997. PM Inder Kumar Gujral was successful in securing a vote of confidence from the Lok Sabha with in 24 hours of his appointment. Similarly in March 1998, Mr. Vajpayee also proved the majority support for his government. However, on 17th April 1999 when his government failed to win the trust vote from the Lok Sabha by a margin of just one vote, the Prime Minister tendered to the President his resignation. In October 1999, since the NDA had got a clear simple majority in the 13th Lok Sabha, the New government of PM Atal Bihari Vajpayee was not called upon the seek a confidence / trust vote. Thus, the government of India has to be a representative government, has to maintain its such a character continuously and has to prove it, whenever challenged by the opposition or whenever circumstances may so demand.

After the appointment of the Prime Minister, the President appoints other ministers upon his recommendation. The Prime Minister prepares the list of the persons whom he recommends for appointment as ministers. The President always accepts the advice of the Prime Minister in this matter. The President, acting upon the advice of the Prime Minister, distributes portfolios to the ministers. The Prime Minister is the sole judge to decide: Who shall be a minister ? Which portfolio will a minister get ? Who will be a Cabinet Minister, or a Minister of State or a Deputy Minister ? The Constitution gives a free hand to the Prime Minister to constitute the Council of Ministers. It provides only one condition under Article 75(e)-normally only a member of either House of the Parliament be appointed a minister. However, the Prime Minister can appoint
a non-member also a minister, but such a person has to secure a seat in either of the two Houses within a period of six months. In case of failure to do so, the concerned minister has to resign, just as Mr. Pranab Mukherjee had to do in 1995.

The Council of Ministers is a four tier body. Its structure incorporates a system of wheels within the wheel.

i) **Cabinet Ministers**

Their number is between 15-20. They constitute the Cabinet- the powerful policy-making and decision-making part of the Council of Ministers. They are the top level leaders of the party / parties in power and happen to be close to the Prime Minister.

ii) **Ministers of State**

They constitute the second category of ministers. They are not the members of the Cabinet. A Minister of State either holds an independent charge of a small department or is attached to a Cabinet Minister. While the departments like Home, External Affairs, Defense, Finance, Agriculture have 2 or 3 Ministers of State, The Department like Civil Aviation, Information and Broadcasting, Labour, Welfare, Surface Transport and Textiles are headed by a Minister of State each. Such ministers attend the meetings of the Cabinet only when they are specially invited to do so by the Prime Minister or the Cabinet.

iii) **Deputy Ministers**

They are helping ministers attached to the Cabinet Ministers or the Ministers of State. No Deputy Minister holds an independent charge of
any department. His function is to help the minister under whom he works. They are, mainly, given the responsibility to prepare answers to the parliamentary questions pertaining to their respective departments and to help the process of getting the government bills passed by the Parliament.

iv) Parliamentary Secretaries

These are neither ministers nor are assigned any administrative work. Their sole function is to help the ministers in the Parliament. These do not draw salaries. The office of a Parliamentary Secretary is an office used for training ‘future ministers’.

Article 74 of the Constitution provides for only the Council of Ministers and makes no mention of the Cabinet. The Cabinet is as such an extra-constitutional body. It is a part of the Council of Ministers. This part consists of 15 to 20 top level ministers, the Cabinet Ministers who together undertake the function of policy-making. It constitutes the inner-most ring of the Council of Ministers. Cabinet decisions are always referred to as the decisions of the Council of Ministers and all ministers are duty bound to support these. Every disagreeing minister has to quit the ministry. As Mr. Ramamurti did in August 1991. The Cabinet is the real centre of power in the Council of Ministers, in fact in the whole of Indian political system. The following points illustrate the difference between the Council of Ministers and the cabinet.

i) The Cabinet is a part of the Council of Ministers. The Council of Ministers is a wider body of which the Cabinet is small but most powerful part.
ii) All the ministers constitute the Council of Ministers, where as the Cabinet consists only of the top 15-20 ministers who stand designated as Cabinet Ministers.

iii) Only the Cabinet Ministers take part in the meetings of the Cabinet, which are regularly (the minimum being once a week) held under the chairmanship of the Prime Minister. Other ministers attend a meeting of the Cabinet only when specially asked by the Prime Minister or the Cabinet to do so. A full meeting of the Council of Ministers is rarely held.

iv) Policy-making is the function of the Cabinet and not of the Council of Ministers.

v) The Constitution, under its Article 74, provides for the Council of Ministers and not the Cabinet. The organization and working of the Cabinet rest upon conventions of the parliamentary system. Cabinet is, technically, an extra constitution body which, nevertheless, is the most powerful single political institution of the Indian political system.

Art 75 declares that ministers shall hold office during the pleasure of the President, which really means so long as they enjoy the confidence of the majority in the Lok Sabha or even the confidence of the Prime Minister. The Prime Minister can, at any time demand a resignation from any minister and the later mostly complies with the wishes of the former. The Prime Minister can recommend to the President, the dismissal of any minister and the President always acts upon his advice. The resignation of the Prime Minister means the resignation of the union Council of Ministers. The Lok Sabha can pass a vote of no-confidence against the ministry and cause its fall at any time. It can also
create this effect by passing a cut motion or a censure motion against the Prime Minister, or by rejecting any government public bill or policy or the budget. It can pass a vote of no-confidence or a censure motion against any minister over any departmental bungling. This also forces the concerned minister to resign. Any minister can resign from the Council of Ministers at any time on moral grounds. Thus the tenure of the ministry or a minister is not fixed. The ministry remains in office so long as it enjoys the confidence of the majority in the Lok Sabha, or so long as the Prime Minister does not resign. However, the maximum period for which a ministry can remain in office is 5 years i.e., for the term of the Lok Sabha. After every new general elections or mid-term poll to the Lok Sabha, a new ministry has to be formed.\(^3\)

The Lok Sabha has a tenure of 5 years. However, it can be dissolved at any time by the President acting under the advice of the Prime Minister and the Council of Ministers. Even otherwise, if no party is in a position to form the Government or to maintain itself in power, the President can dissolve the Lok Sabha and order a fresh poll. In this case the elections to the Lok Sabha are termed as a mid-term poll. Every new minister has to undertake the Oath of Office and Secrecy before entering into his office. The oath is administered to him by the President of India.

The powers and functions of the Prime Minister clearly bring out the fact that this is the most powerful office in the Indian Political system. He exercises real and formidable powers in all spheres of governmental activity – executive, legislative and financial. The powers that the Constitution vests in the President are exercised by the Cabinet, which stands dominated by the Prime Minister. The Prime Minister is the captain of the ship, of state, the key-stone of
cabinet-arch, the steering wheel of government, and the moon against lesser stars. The Constitution categorically states, under Art.74, that the Prime Minister is the head of the Council of Ministers and as such cannot be described like the British Prime Minister as a first amongst equals.

The Indian Prime Minister enjoys a constitutionally superior status as the Constitution describes him as the head of the Council of Ministers. The organization and working of the Council of ministers depend upon the Prime Minister who is central to its life and death. The process of formulation of ministry begins when the President appoints the Prime Minister, and he has usually little choice in doing so. The Prime Minister gets his appointment by virtue of being the leader of the majority party in the Lok Sabha and not really by the act of the President. In appointing other ministers and in the distribution and changing of the portfolios of the ministers, the President is bound by the advice of the Prime Minister. As such ministry -- making is the sole prerogative facto means the resignation or the dissolution of the Council of Ministers. Hence, the Prime Minister is the king pin, the centre of gravity and the foundation stone of the Council of Ministers.

The President always acts upon the advice of the Prime Minister. The Constitution assigns to the latter the role of being the chief advisor to the President. The powers of the President, both the normal and the emergency powers are really the powers of the Prime Minister. The Cabinet works under the leadership, direction, supervision and control of the Prime Minister. As the head of the government, leader of the Cabinet, leader of the majority, leader of the Parliament and leader of the nation, the Prime Minister plays an important role in policy-making, planning, legislation, decision-making and public opinion-making.
Keeping in view the powerful position of the Prime Minister, several scholars opine that Indian parliamentary system has virtually come to be replaced by a prime ministerial form of Government.

**Parliamentary Form of Government at the State Level**

At the State level also, the Constitution of India provides for a Parliamentary system. In each State, the Governor is the executive head. He is appointed by the President. He is a constitutional and nominal head of the State. Only in an emergency he can become a real executive head of the State. The Chief Minister and the State Council of Ministers constitute the real executive. There is close relationship between the state Legislature and the State Council of Ministers. All ministers including the Chief Minister are also members of the state Legislature. A non-member of the State Legislature, however, can remain a minister or even the Chief Minister for a maximum period of six months. Ministers work in dual capacity, i.e., both as members of the executive as well as of the legislature. All the ministers belong to the same political party which has a majority in the State Legislative Assembly. However, if no single party gets a majority in the State Legislative Assembly, a coalition ministry can be formed by a group of political parties.

The ministers are both individually and collectively responsible before the State Legislature. The later can remove them by passing a vote of no confidence. The ministry remains in office so long as it enjoys the confidence of majority in the State Legislative Assembly. The tenure of Council of Ministers is as such not fixed. The Chief Minister can get the State Legislative Assembly dissolved by advising the Governor to do so. In fact all the features of the
Parliamentary form which characterize the organization and working of the Union Government are also the features of the State government.

Thus 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 five decades, parliamentary democracy has been at work and we can describe it as a successful working, despite the presence of several hindrances in the Indian political environment.

**Working of Parliamentary Democracy**

During 1950-67, Parliamentary system worked smoothly due to the fact that the Indian National Congress remained the single largest and dominant party in the country and upto 1964 a charismatic leader, Pt. Jawahar Lal Nehru, was its leader-in-chief. The governments at the Centre worked as stable governments because of the fact that the Congress got big and clear cut majorities in each of the three general elections held in 1952, 1957 and 1962. During this period the process of socio-economic development of the country through organized planning and action got initiated.

The office of the Prime Minister worked as a powerful office. The first President of free India Dr. Rajendra Prasad did advocate the need to clearly define the powers of the President and even categorically stated his strong views on the Hindu Code Bill, nevertheless he always and largely accepted his position a constitutional head of state, as was essential for the smooth working of a parliamentary democracy. In 1962, Dr. Radhakrishnan became the President of
India. He accepted his position as a constitutional head but at the same time did not refrain from giving his opinions on Indian policies, which were at times different from the views of PM Nehru. However, both the leaders were in a position to maintain a fully compatible relationship between the offices of the President and the Prime Minister. In 1964, upon the death of PM Nehru, Sh. Lal Bahadur Shastri became the Prime Minister and held the office till January 1966. He was in a position to maintain a high level of cordial relations with the President Dr. Radhakrishnan. The next PM Mrs. Indira Gandhi developed some differences with the President. Initially, she accepted the advice of the President to include Dr. Gulzari Lal Nanda into her cabinet but in November 1966 during a reshuffle of her ministry, Mrs. Gandhi did not take the President into confidence. Thereafter, Dr. Radhakrishnan started speaking freely on governmental policies and even criticized some of these. However, he decided not to contest the next Presidential elections in 1967 and Dr. Zakir Hussain got elected as the President of India on 13th May, 1967.

Thus, during 1950-67, despite some differences between the offices of the President and the Prime Minister, the former always acted as a constitutional and nominal head of the State and the latter as the real executive head of the government.

Since the Indian National Congress, the ruling party, enjoyed comfortable majorities in the first three Parliaments, and because of the absence of an organized and strong opposition, the Council of Ministers and Prime Minister worked as a strong centre of power. At the State level also, all the states except Kerala, had Congress government, which always accepted the Central leadership in running their administrations. The office of the Governor of the
state did not face much difficulty because of the close relationship between the Congress ruled states and the centre as well as because of the political stability prevailing at the state level.  

The Parliament acted as an active law-making body. It passed 20 constitutional amendments during this period. It even incorporated the Ninth Schedule in the Constitution which included the list of laws which were not to be subject to the judicial review power of the courts. It acted as a powerful legislature but in its working it remained dominated by the congress, and the cabinet emerged as the strongest central institution.

**Working of Parliamentary Democracy from 1967-77**

In 1967, the Fourth General Elections were held. The results produced a big change in Indian politics. The Congress suffered a big loss of popularity and seats in the Lok Sabha. Now it could get only 285 out of 520 seats in the Lok Sabha, against its tally of 361 out of 494 Lok Sabha seats in 1962. In the states also it could get power only in 8 out of the sixteen states in which the elections were held. In Bihar, Kerala, Madras (now Tamil Nadu), Orissa, Punjab, Rajasthan, UP and West Bengal, the Congress failed to get majorities. Non-Congress Governments were formed in seven states while in UP the Congress was in a position to form the Government.

The Fourth General Elections produced big changes in the working of India’s Parliamentary Democracy. It witnessed the rise of coalition governments in several states. The existence of several non-Congress governments is some of the states and the continued rule of the Congress at the Centre gave rise to tensions and strains in Centre-state relations. The Indian Party System
witnessed the emergence of the evil of defections. The politics of defections came to rise as a big source of increased political corruption. Toppling games came to be played at the state level. During the first 17 months of the post-1967 election period as many as 17 state governments got toppled due to frequent defections of elected representatives from one party to another. The age of Aya Rams – Gaya Rams made the Indian party system unstable and it adversely affected the working of the parliamentary democracy particularly at the State level. Between 1967-1974, out of a total of 3500 elected representatives as many as 500 representatives changed their party loyalties and several of them got indulged in repeated defections.

Even at the centre, the changed political environment of India had its effect. In May 1967, Presidential elections were held and Dr. Zakir Hussain became the President of India. PM Mrs. Gandhi had very cordial relations with Dr. Hussain and under its impact the offices of the President and Prime Minister developed a high level of compatibility. However, Dr. Zakir Hussain died in office on 20 July, 1969 and presidential elections were held in August 1969. In these elections while Dr. Neelam Sanjeeva Reddy was the official Congress candidate, PM Mrs. Gandhi and her loyalists gave support to the candidature of Sri. V.V. Giri. He got elected as the President of India and it was possible due to the support given to him by PM Mrs. Gandhi and his loyalists. This fact reflected the strong given to him by PM Mrs. Gandhi. The President, naturally, accepted his position as a constitutional and nominal head of State, though at times Sri. Giri did try to assert his position.

In fact by July 1969, there had appeared noticeable differences between the Congress-men loyal to Mrs. Gandhi and those who were opposed to her
policies. The former often criticized the latter as rightists and conservatives and took pride in describing themselves as progressive. The defeat of the official Congress candidate in August 1969 Presidential election reflected the existence of a sharp division between these two groups within the Congress. In September 1969, the Congress suffered a split and there came to be two Congresses – Congress (Indira) or Congress (I) and Congress (O) (Syndicate Congress or Old Congress) 65 MPs joined Congress (O) while Congress(I) was left with 228 MPs. Mrs. Gandhi’s Government was reduced to a minority. This compelled her to seek support of the CPI and DMK. In order to prove her progressive credentials, Mrs. Gandhi came out with decisions for the nationalization of 14 banks and the abolition of the Privy Purses of former Indian Maharajas. However, Mrs. Gandhi failed to get the 24th Amendment passed from the Parliament. During this period there also emerged strains between the Parliament and Supreme Court over the issue of amendment of Fundamental Rights. The Supreme Court also rejected some of the decisions like Bank Nationalization and Privy Purses abolition of Mrs. Gandhi’s government as ultra vires. These were, however subsequently, got re-enacted by the government of Mrs. Gandhi I 1971. In December 1970, Mrs. Gandhi decided to get the Lok Sabha dissolved for seeking a fresh mandate from the people. In March 1971, Fifth General Elections (Technically a mid-term poll) were held. During 1967 to 1971, there emerged a process of decline of political institutions and one of the most unfortunate and unhealthy practice – the evil practice of defections had its emergence is a big way. In the elections to the Lok Sabha held in March 1971, Mrs. Gandhi raised the slogan of ‘Garibi Hatao’ and projected herself and her Congress (I) as the real and progressive party capable of providing strong and effective leadership. In these
elections the Congress (I) got 350 seats and other political parties including Congress (O), now called Congress (N) suffered big defeats.

The strong majority position gave strength to Mrs. Gandhi and here Congress I. The Parliament was once again dominated by the government of Mrs. Gandhi. Three Constitutional Amendments – 24th, 25th, and 26th were got passed in a short span of time. By 24th Amendment, the Parliament asserted its right to amend every part of the Constitution including the Fundamental Rights; by 25th Amendment, the right to property was amended and by 26th Amendment, the privy purses were abolished. In 1972 four, 1973 two, 1974 four, 1975 four and in 1976 three constitutional amendments were made. The 42nd Amendment made during the era of emergency rule (June 1975 to March 1977) was an omnibus amendment which amended several provisions of the Constitution. Many scholars came forward to criticize these amendments, and held that erosion of political institutions was being done by the party in power. Indian judicial system also became a victim of an executive action when the principle of seniority was violated by Mrs. Gandhi’s government. The appointment of Mr. Justice A.N. Ray as the Chief Justice of India involved the violation of seniorities of three judges of the Supreme Court, who tendered their resignations. There was widespread criticism of the decision to violate the cherished principle of seniority in the appointment and promotion of judges. However, Mrs. Gandhi’s government preferred to ignore the criticism and followed it up by superseding the seniorities of some of the judges of the High courts. At the State level the Congress governments reappeared in most of the states which went to poll in 1971 and 1972. In March 1974, the Congress registered victory in the UP Vidhan Sabha elections. In Presidential elections held in August 1974, Mr. Fakhruddin
Ali Ahmed, who had been minister in PM Mrs. Gandhi’s government, got elected as the President of India. This gave a further boost to the power of Mrs. Gandhi in the Indian politics. It was at the time of this election that the Supreme Court of India ruled that vacancies in the Presidential Electoral College (the Gujarat Vidhan Sabha stood dissolved and there had been imposed Presidential rule in it in March 1974) cannot be admitted as a ground for postponing the scheduled Presidential elections.¹

In 1975, there developed a crisis in Indian Parliamentary Democracy. On 12th June, 1975, Justice Jagmohan Lal Sinha of the Allahabad High Court declared Mrs. Gandhi’s election from Rai Bareilly Lok Sabha constituency (in 1971) as void. He held Mrs. Gandhi guilty of using electoral malpractices and ruled her ineligible for contesting elections to the Parliament and State Legislatures for a period of 6 years. He, however, gave a 20 – day stay in the implementation of the judgment. On 24th June 1975, the Supreme Court granted Mrs. Gandhi a conditional stay. She was permitted to participate in the proceedings of the Parliament but without the right to vote. Almost all the political parties demanded the resignation of Mrs. Gandhi from the Prime Minister ship. Mrs. Gandhi refused to tender her resignation. The President, preferred to wait, rather ignored the demand of the opposition. The non-Congress political parties with the exception of CPI decided to launch a country wide agitation, and on 25th June, 1975 a meeting of the leaders of the parties in opposition was held to chalk out the programme. It was agreed to form a Lok Sangharsh Samiti. Sri. Jaya Prakash Narayan, emerged as the leader-in-chief of the opposition. He gave a call to the police, army and the civil servants to refuse obedience to the dictates of the government. This alarmed Mrs. Gandhi, who was still struggling
to overcome the shock she had received from the Judgement of Allahabad High Court. On the night of June 25, 1975, Mrs. Gandhi got issued a Presidential Proclamation imposing a Constitutional emergency in the country under Art. 352 (Internal Disturbances clause). She justified this declaration on the ground that a serious threat to internal peace and security of the country had arisen due to internal disturbances and agitations. On 26th June, 1975, the President issued proclamation under Art. 359 of the Constitution and suspended the right of the people to go to the courts for protection to their rights under Articles 14, 21 and 22. Maintenance of Internal Security Act (MISA) was enforced with additional teeth. This led to the beginning of the authoritarian – emergency rule of Mrs. Gandhi, and it lasted for 21 months. Mrs. Gandhi’s government was in a position to get the emergency proclamation approved by both the Houses of the Union Parliament. The arrest of leaders of parties in opposition made this task easy. It was also decided that this emergency was to remain in operation till the elimination of danger to the unity of India and till fresh elections were ordered.

The Emergency rule witnessed a virtual derailment of parliamentary democracy in India and the imposition of a disguised authoritarian regime. It was reflected in the detention of leaders of the parties in opposition, removal of dissidence and dissidents from with in the Congress I, imposition of censorship of press, use (misuse) of MISA for effecting illegal detentions, transfer of judges from one High Court to another, and other such measures, 42nd Amendment was made in the Constitution and an attempt was made to change even the basic structure of the Constitution. The Judicial review and writ – issuing power of the High Courts was reduced. Judicial review process was made difficult and rigid. Along with it, with a view to please the public, a populistic 20-point programme
was announced by Mrs. Gandhi. The elections to the Fifth Lok Sabha were postponed from its scheduled time (March 1976) to a future date. The tenure of the Parliament was enhanced by one year through a Presidential proclamation in January 1976 and then again in December 1977. Erosion of political institutions took place in a big way during this emergency rule. However, in January 1977, acting upon the advice of PM Mrs. Gandhi, President Fakhruddin Ali Ahmed dissolved the Lok Sabha and fresh elections were ordered for March 1977. This action set the process of restoration of parliamentary democracy in the country.

**Working of Parliamentary Democracy 1977-79**

The proclamation for the holding of Lok Sabha elections in March 1977 was followed by the release of political leaders. After their release these leaders decided to unite their efforts for defeating the forces of authoritarianism in the Indian politics. The Congress (O), Bhartiya Lok Dal, Jan Sangh, Socialist Party, and some Congress dissidents like Sh. Chander Shekhar and Krishan Kant joined hands to form a united party – the Janata Party. Sh. Morarji Desia came to be its President and Ch. Charan Singh its Vice-President. The Janata Party adopted the Lok Dal flag and election symbol in these elections. Mr. Jagjivan Ram, a Congress leader left the party of form his own Congress for Democracy and contested the elections in cooperation with the Janata Party.

Historic elections were held in March 1977 for electing 525 members of the Lok Sabha, and these produced historic results. The Congress suffered a defeat and it could secure only 153 seats. Mrs. Indira Gandhi ailed to win from her constituency and so was the fate of his son Mr. Sanjay Gandhi. The Janata Party emerged victorious by getting 300 seats – 272 sets went to Janata Party
and 28 seats to Congress for Democracy. On 21st March 1977, emergency due to internal causes was abolished and on 24 March 1977, Janata Party formed the first non-Congress Government at the Centre with Mr. Morarji Desai as the Prime Minister and Choudhry Charan Singh as the deputy Prime Minister.

The process of re-railing the process of parliamentary democracy was initiated without any delay. Now Congress I became the recognized official opposition party in the Parliament. Mr. Y.R. Chavan got recognition as the leader of opposition in the Lok Sabha and Sh. Kamlapati Tripathi in the Rajya Sabha. The Janata Government appointed several commissions to investigate the excesses committed during the emergency rule as well as for punishing the guilty.

However, the Janata Government soon developed internal differences and several of its decisions also reflected a lack of politico-administrative maturity. In April 1977, the Home Minister Ch. Charan Singh gave a directive for dissolving the state Legislative Assemblies of HP, Punjab, Haryana, UP, Bihar, Rajasthan, Orissa, West Bengal and MP, and for holding fresh elections because the government felt that these had lost popular confidence. This decision gave rise to a controversy. Some of the state legislators even went to the Supreme Court to grant stay, which was however, not granted.

In February 1977, President Fakhruddin Ali Ahmed died in office and in his place Vice-President B.D. Jatti became the Acting President. Mr. Jatti tried to delay the dissolution of state legislatures but Mr. Charan Singh, the Home Minister in the Janata Government convinced Mr. Jatti about the need to dissolve the state legislatures in these states. Consequently, on 30 April, 1977 Mr. Jatti
singed the proclamation ordering the dissolution of legislative assemblies of nine states. While the Janata party leaders criticized the delay made by the Acting President Mr. Jatti, several other leaders and scholars criticized the decision as a dangerous, unwarranted and hasty action on the party of the Janata Party leaders.

In July 1977, Mr. Neelam Sanjeeva Reddy got elected unopposed as the President of India. This gave additional strength to the Janata Party. The Janata Party government got enacted the 43rd Amendment Act by which several changes made by the 42nd Amendment, particularly the one which checked the powers of the High Courts and the system of judicial review, were eliminated. The Judicial System, with its power of judicial review was restored to its original position. Thereafter, 44th Amendment was made in the constitution and its major objective was to make the exercise of emergency powers more difficult. It also dropped the Right to Property from the list of Fundamental Rights and made it a legal right under Article 300 A. At the same time it sought to give added protection to the right to life, liberty and speech.6

However, the June 1978, serious differences cropped up among Janata Party leaders particularly between Mr. Morarji Desai, Ch. Charan Singh and Sri. Raj Narayan. PM Desai demanded their resignations which were promptly handed over to him. This led to some defections from the Janata Party. The Janata Party could not live long with such divisions. On 15th July, 1979, PM Morarjee Desai handed over the resignation of is ministry to the President.

The President thereupon invited the Congress I leader, Mr. Y.R. Chavan to form the government as he was the leader of the opposition as well as the
leader of the single largest party in the Lok Sabha. Mr. Chavan, however, declined to form the government. The Congress I expressed its support for the candidature of Ch. Charan Singh, who had been the elected leader of the Lok Dal group in the Lok Sabha. Consequently, the President Sh. N. Sanjeeva Reddy invited Ch. Charan Singh to form the government at the Centre and asked him to prove his majority on the floor of the Lok Sabha. With Congress I support from outside, Ch. Charan Singh became the Prime Minister of India. However, he found it difficult to prove his majority, the Lok Sabha and consequently advised the President to dissolve the Lok Sabha. (But only after about six months). Elections for the Sixth Lok Sabha were held in December-January 1980 and in these the Congress I secured a big victory. Mrs. Gandhi again became the Prime Minister of India.

In January 1980, Mrs. Gandhi and her Congress I secured 351 out of 515 Lok Sabha seats, results for which were announced. The Janata Party suffered a crushing defeat. This time Mrs. Gandhi’s Congress I government repeated the action of the Janata Party by ordering the dissolution of nine State Legislative Assemblies (UP, Bihar, Rajasthan, MP, Punjab, Gujarat, Orissa, Maharashtra and Tamil Nadu). In the elections which followed, the Congress I captured power in all these states, with the exception of Tamil Nadu. It gave further strength to the Congress I. Mrs. Gandhi, however, gave a call for cooperation between the Centre and the States.

In March 1980, the erstwhile Jan Sangh members came out of the Janata Party over the issue of relations with the RSS. In April 1980, they formed a new party, the Bhartiya Janata Party (BJP). The opposition parties in India once
again got divided. The country, also witnessed an emergence of terrorism in Punjab and in some other parts of the country.

In July 1982, Presidential Elections were held and this time a trusted lieutenant of Mrs. Gandhi, Giani Zail Singh got elected as the President of India. He defeated Mr. Hans Raj Khanna, the jointly sponsored candidate of the non-Congress I parties. The relations between President Zail Singh and PM Mrs. Gandhi continued to remain very cordial. In October 1984, Mrs. Gandhi was assassinated and his son Mr. Rajiv Gandhi became the Prime Minister of the country. President Giani Zail Singh played an important role in getting installed the new Prime Minister. In December 1984, the Lok Sabha elections were again held and the Congress I, under the leadership of PM Rajiv Gandhi, secured a massive victory. It got 411 out of 529 Lok Sabha Seats.

Initially PM Rajiv Gandhi’s relations with President Zail Singh remained cordial but towards the closing months of 1986 these became strained. While President Zail Singh held that he was not being informed fully about the working of the government and administration as stipulated under Art. 78, PM Rajiv Gandhi held that his was not true. The relations became gradually more and more strained and PM Rajiv Gandhi started meeting the President only officially and that too on rare occasions. At one time President Zail Singh considered even the possibility of dismissing PM Rajiv Gandhi’s government. However, he decided to uphold his role as a constitutional head and to refrain from such a course. In 1987, Presidential elections were held and Sri. R. Venkataraman got elected to this highest office. President Venkataraman and PM Rajiv Gandhi maintained cordial relations between them.
During PM Rajiv Gandhi’s tenure, the Constitution was amended for eleven times. The 52nd Amendment was passed for eliminating defections. By 61st Amendment the voting age was reduced from 21 to 18 years. Several new policies and agreements were made, but their implementation remained limited. PM Rajiv Gandhi’s government suffered a big credibility loss over the issue of Bofors gun deal in which it was alleged that huge kick backs commissions had been paid by the Bofors Company. In July 1989, 82 MPs belonging to twelve different political parties. Tendered their resignations over the issue of the alleged failure of the government to give full information as well as to take speedy action in respect of the Bofors case. Charges of corruption and inefficiency were levied against the government. In November 1989, elections for a new Lok Sabha were held and the Congress I suffered a defeat.

**Working of Parliamentary Democracy : 1989 to 2003**

The elections to the Ninth Lok Sabha were held in November 1989. These produced a Hung Parliament as no party could get a clear majority of seats. Congress I emerged as the single largest party with 193 seats. However, it decided to sit in opposition. Consequently, the president invited the leader of the Janta Dal and the National Front, Mr. V.P. Singh to form the government, and to prove majority support within 30 days. The National Front Government Gandhi, the leader of Congress I got recognition and status as the leader of opposition, and parliamentary democracy in India started working on expected lines. The National Front (NF) government, however, proved to be a weak government due to internal factionalism among its constituents, as well as due to its obsession with the Bofors case. In January 1990, the President acting under the advice of the government, called for the resignations of all the Governors. Almost all the
Governors tendered their resignations and the NF government was in a position to make the intended appointments to this office. The Congress I, however, strongly condemned the move. The NF Government introduced three amendments in the Constitution, one of which was designed to change some of the provisions of the 59th amendment.

In November 1989, the NF Government suffered a debacle due to a division in the Janata Dal caused by a break away group of MPs led by Sri. Chander Shekhar. It formed a separate party-the Samajwadi Janata Party. On 7th November 1990, the Lok Sabha rejected the confidence resolution sponsored by PM V.P. Singh and his government. There upon Mr. V.P. Singh tendered his resignation. The Janata (S) under the leadership of Sri. Chander Shekhar was in a position to secure the support (from outside) of Congress I. Consequently, the President invited Mr. Chander Shekhar to form the Government. This government took office on 9th November, 1990.

By this time it became known that Indian economy was in a crisis. India had to secure a huge loan from international financial institutions, and had to pledge gold with the Bank of London. The Janata (S) government could not provide an effective leadership in international relations. The Gulf crisis, the subsequent Gulf war as well as the NAM found Indian policy lacking vigour and initiative. However, PM Chander Shekhar could secure some improvement in relations with Nepal.

The Janata (S) Government of PM Chander Shekhar was a minority government which enjoyed the support of Congress I from outside. However, soon differences developed between the leaders of Janata (S) and Congress I.
The Janata (S) government found itself unable to get passed in March 1991, and it had to resign. In May – June 1991, elections for the 10th Lok Sabha were held. These proved to be long drawn out elections which were marred by increased political violence. On May 21st, 1991, Mr. Rajiv Gandhi was killed by a suicide bomb squad. The results of these elections once again produced a Hung Parliament.

The Tenth Lok Sabha (1991) also came to be a Hung House as no party was in a position to get a clear majority of seats. Congress I emerged as the single largest party with 225 seats and BJP came second with 119 seats. The Janata Dal got only 55 seats. This time the Congress I decided to form the government and it elected Mr. Narasimha Rao its leader. The President invited Mr. Narasimha Rao to form the government and prove is majority within four weeks. Once again the Congress I came to power at the Centre with Mr. Narasimha Rao as the Prime Minister. On 15th July 1991, this government was in a position to secure a confidence vote from the Lok Sabha and this set the stage for the working of Parliamentary democracy in India once again under the leadership of Congress I as the ruling party at the Centre. For the first time a person who was not a member of either house of Parliament became the Prime Minister of India. Later on, however, Mr. Narasimha Rao got elected to Lok Sabha from Nandyal (AP).

At the State level also the Congress returned to power in Haryana but lost UP to BJP. It also secured power in Assam, Kerala, Karnataka and six North – Eastern states. AIADMK formed the government in Tamil Nadu while the CPM and Forward Bloc continued to hold power in West Bengal.
Between June 1991 to May 1996, the Congress I Government remained in power at the Centre. It worked as a minority government between June 1991 to December 1993. In November 1993, it transformed into majority government when the Mr. Ajit Singh group, which had parted company with the Janata Dal, joined the Congress I. This raised the Congress strength to 269 in a House of 534.

However, even during its life as a minority government, PM Narasimha Rao and his team was in position to initiate and implement a series of economic changes and reforms which were urgently needed to get the nation out of financial crisis which had been persisting since the early months of 1989. With Dr. Manmohan Singh as the Finance Minister, the Congress I government initiated a process of economic reforms. Rupee was devalued, export – import policy was liberalized, Indian markets were opened to foreign concerns, foreign investments, particularly investments by Non-resident Indians were encouraged, emphasis on public sector was reduced, the private sector was given an opportunity to develop rapidly, competitiveness was encouraged, and disinvestment of public sector was undertaken. A movement for liberalization, privatization, globalization and competitiveness was started. Through such economic reforms, the Congress I government was successful in giving a new impetus to the process of economic development. However, the Bank Scam, the Security Scam, the Sugar Scam adversely affected its efforts and image.7

The Panchayati Raj and Nagarpalika Amendment Acts (73rd and 74th Amendments) were passed for revamping the working of local government with a view to make it an efficient and regular system of the local government in India.
It was a welcome act for strengthening democracy at the grass roots as well as for helping the attainment of socio-economic development.

The Congress I government however, failed to avert the Ayodhya crisis and on 6 December 1992, the Kar Sewaks were in a position to demolish the disputed structure. However, it exhibited its ability by keeping limited and under control the violence that erupted as a fall out of the Ayodhya demolition. Likewise, it was in a position to handle effectively the situation arising out of Bombay blasts.

The political environment in the country continued to be dynamic and vibrant. At times, however, it reflected tensions. Bye-elections to the Lok Sabha and elections to State Legislative Assemblies were regularly held. After intervals, the State Governments kept on changing. Maharashtra, Gujarat, Rajasthan, UP, Tamil Nadu, West Bengal, Andhra Pradesh, Orissa, Bihar, Karnataka and some other states came to be ruled by non-Congress governments. However, the Central government tried to keep up harmonious relations with them.

In May 1995, a group of dissident Congress men led by Mr. Arjun Singh, N.D. Tiwari, Kumarmanglam, Fotedar and some others formed a parallel break away Congress Party. With Mr. Arjun Singh as the Executive President and Mr. N.D. Tiwari as the President, it came to reflect a virtual split in the Congress I.

During 1991-96, the Janata Dal continued to suffer divisions and splits. The Ajit Singh group, and George Fernades and his loyalist group parted company with it. In Maharashtra, the Shiv Sena – BJP came to power in 1995. In Karnataka also the Janata Dal scored victories. In Andhra Pradesh, the Telegu
Desham returned to power, while BJP came to power in Gujarat. In Orissa, the Congress I returned to power. The UP came under the rule of SP-BSP combine, while Rajasthan continued to have a BJP government. In November 1993, the BJP came to control the newly set up Delhi Legislative assembly. Its leader Mr. Madan Lal Khurana became the first Chief Minister of Delhi. In May – June 1995, the SP-BSP combine in UP suffered a crack. The SP-BSP backed by the BJP, form outside. Ms. Mayawati became the Chief Minister of UP and successfully proved her majority. The Speaker of the UP Vidhan Sabha was outstanding. However, the BSP rule in UP failed to survive for long as BJP was quick to withdraw support from it.

During 1991-96, a new judicial activism started developing in the country. The Supreme Court of India and High Courts working at the state level reflected a new activism. The TADA and the Anti-Defection Law were ruled as valid. In March 1995, the Supreme Court called upon the Government to take steps for developing a uniform civil code for the country as stands visualized in Art. 44 of the Constitution. During this period, the impeachment proceedings against Justice V. Ramaswamy were also initiated. Mr. Ramaswam was, however, not impeached.

The Government decided to uphold the principle of seniority in the appointment and promotion of Judges. The Supreme Court in a historic judgment on 6th October, 1993, held that the Chief Justice had the final say over the appointment and transfer of High Court and apex Court judges.

During this period, the Election Commission, particularly, the Chief Election Commissioner remained continuously in news. The CEC started
enforcing the electoral code of conduct with a strong hand. It postponed several bye-elections and elections in several constituencies, ordered repelling in several constituency segments and took several strong steps to check the role of money power, muscle power and gun power in elections. It also took steps to prevent during elections a misuse of official machinery by the party in power. When the government appointed two additional Election Commissioners, the CEC refused to allot them work. The CEC got involved in a controversy over the issue and went even to the Supreme Court for clarifying his status and powers as CEC. While many persons praised the CEC Mr. Sheshan for enforcing and the electoral code of conduct with a strong hand, other criticized him as a rigid and egoist. No one can deny that as CEC Mr. Sheshan was successful in checking election expenditure (rather wastage) and election related violence. However, in the process Mr. Sheshan also involved himself into a controversy over the issue of voters identity cards. By a Judgment (1995) of the 5-member Constitutional Bench of the Supreme Court, Election Commissioners were given equal status with the CEC.

The officers of the President and the Prime Minister maintained a harmonious relationship. Initially at the time of installation of Mr. Narasimha Rao’s government, Mr. Venkataraman was the President. Later in July 1991, presidential elections were held resulted in the victory of Congress I nominee Dr. Shankar Dayal Sharma. On 25th July the Congress I candidate Mr. K.R. Narayanan got elected as the Vice – President of India. PM Narasimha Rao’s government was successful in keeping harmonious relations with President Venkataraman and President Shankar Dyal Sharma.
During 1995-96, the popularity of Congress I suffered a decline because of the alleged involvement of some of its key leaders in Hawala scam, Urea scam and Sugar scam. Factionalism within the Congress I added fuel to the growing weakness of this party. This weakness got fully reflected in the elections to 11th Lok Sabha and six Vidhan Sabhas which were held in April-May 1996. In these elections, the Congress I could get only 140 seats with around 28% popular votes—the lowest ever score of the Congress till date. It also failed to get majority in any of the six Vidhan Sabhas for which elections were held. Its performance in elections to J and K Vidhan Sabha (Sept-Oct. 1996), Up Vidhan Sabha (Oct. 1996) and Punjab Vidhan Sabha (Feb. 1997) remained dismal. Its rule came to be confined to Orissa, HP, and MP.

As against the Congress, the BJP was successful in improving its position. It emerged as the single largest party in the Lok Sabha with 162 seats, along with its alliance partners it got 193 seats in all. Its share of popular votes also increased from 11.36% in 1989 to 21.9% in 1991 to 23.5% in 1996. The growing popularity of the BJP came to be a matter of concern for the Congress as well as for almost all other parties particularly for the CPM, CPI, and JD.

In 1996, When the 11th Lok Sabha came to be a Hung House, the President invited the leader of the single largest party BJP, Mr. Atal Bihari Vajpayee to from the government. His government, however, could last for only 12 days. It had to resign on 28th May, 1996 because it became certain that it was going to lose the confidence vote in the Lok Sabha. Earlier on 23rd May 1993, Mr. P.A. Sangma had been unanimously elected as Speaker of the 11th Lok Sabha.8
To prevent BJP’s rise to power, 13 parties-JD, CPM CPI, TMC, DMK, TDP, AGP, and others joined hand to form a United Front and elected Mr. H.D. Deve Gowda as its leader. When the Congress I decided to extend its support from outside, the President invited and installed Mr. H.D. Deve Gowda as the Prime Minister on 1st June, 1996. Within the stipulated time, the UF Government was successful in securing a vote of confidence in the Lok Sabha. It could, however, remain in power for about 10 months. On March 30th, the Congress withdrew support from it and consequently on 12th April, 1997 PM H.D. Deve Gowda’s government failed to win the vote of confidence in the Lok Sabha, and had to resign.

During its 10 month rule, the UF government maintained the process of economic reforms, invigorated Indian economic diplomacy in international relations, got prepared the Ninth Plan Paper, maintained the democratic process of government, based its foreign policy on principles of non-alignment, Panchsheel and good neighborliness and successfully improved relations with Nepal (Mahakali Agreement), Bangladesh (River waters sharing Agreement) Russia (SU-30 deal and increased defence and economic cooperation) and with other countries. It opened bilateral talks with Pakistan at Foreign Secretary level. Sub-regional cooperation with Nepal, Bangladesh and Bhutan got a new impetus and so was in relation with Iran and Central Asian Republics. However, it continued to face problems caused by the fact of being a coalition government of 13 parties and its dependence upon the support of the Congress. The elections to J and K, UP and Punjab Vidhan Sabhas were held during this period. The UP Vidhan Sabha came to be a Hung House and the UF Govt. found it difficult to handle the political crisis. The controversy between UP Governor Romesh
Bhandari and UF Home Minister Sri. Indrajit Gupta (CPI) made things worst. Later on, in March 1997, BSP-BJP government came to power in UP. This factor played a part in prompting Congress I to withdraw its support from the UF government of PM H.D. Deve Gowda.

The political crisis resulting from the fall of first UF government kept the Indian polity in a state of uncertainty. However, it was resolved when:

1) Mr. H.D. Deve Gowda decided to step down from the office of the leader of the UF.

2) Mr. Inder Kumar Gujral was by consensus elected as the new leader of the UF in the Lok Sabha.

3) When the Congress decided to resupport a new UF government under its new leader.⁹

Consequently, on 11th April 1997, Mr. Inder Kumar Gujral was installed by the President as the Prime Minister and a new UF Government came to power at the Centre. On 12th April, 1997 PM Inder Kumar Gujral's government was successful in securing a confidence vote in the Lok Sabha and hence in establishing its legitimacy and representative. Initially, the TMC decided to remain away from his government but on 29th April 1997, it revised the decision and on 1st May 1997, four of its members re-joined the UF government. Mr. P Chidambaram again became the Finance Minister and declared his resolve to get the Budget, described by some as dream budget because of its emphasis on healthy economic reforms, passed from the Parliament.
In July 1997, Sri. KR Narayanan got elected as the 10th President of India. However, the second UF government also failed to last long as in December 1997, the Congress withdrew its support, and PM I.K. Gujral had to tender his resignation. Consequently, the 11th Lok Sabha was dissolved and fresh elections for the 12th Lok Sabha were held in February 1998.

The 12th Lok Sabha also turned out to be a Hung House with BJP-led alliance getting 253 seats (BJP 180 + its allies getting 73 seats). The Congress and its allies got 167 seats (141 Congress and 26 others). The United Front came a poor third with 97 seats. The President invited the BJP-led alliance to form the government and asked it to secure a vote of confidence from the Lok Sabha. On 19th March, 1998, the BJP-led government was formed under the Prime Ministership of Mr. Atal Bihari Vajpayee and it proved its majority support in the Lok Sabha on 28th March 1998. It got outside support from TDP. It began exercising power on the basis of the National Agenda for Governance which had been adopted by the BJP and its alliance partners. A coalition government came into operation. But its one coalition partner, the AIADMK, started behaving in an irresponsibly and non-co-operative manner from day one. The need to contain AIADMK and to coordinate the views and actions of the coalition partners consumed much of the time and energy of this government. Yet it took several bold decisions: conducting of Nuclear tests on 11th and 13th May 1998, constitution of National Security Councils, and others. It maintained the economic policy of liberalization. 10

However, the BJP-led Government lacked vigour and in April 1999, the AIADMK made it a minority government by withdrawing support. The President, thereupon asked the government to secure a trust vote from the Lok Sabha.
The government tabled the trust vote on 15th April but failed to secure its passage on 17th April 1999 by a margin of one vote (270 against and 269 for the trust vote). The fall came largely due to the last minute decision of the BSP to vote against it as well as due to the fact that National Conference MP Sri. Saifuddin Soz, acting against the party whip, voted against the trust vote. Further, Mr. Girdhar Gomango, the Orissa Chief Minister who had not yet resigned his Lok Sabha seat also voted against the trust vote. This action was unprecedented. Consequently, PM Atal Bihari Vajpayee tendered the resignation of his government to the President.

Thereupon, the President asked the leader of the Congress Mrs. Sonia Gandhi to form an alternative government. When she failed to do so, the President ordered the dissolution of 12th Lok Sabha, but only after the budget for 1999-2000 had been passed by the Parliament. The President also directed the BJP-led government to act as a care-take government.11

The 12th Lok Sabha had a short span of life, about 13 months. The working of the Parliamentary Democracy, through a coalition government and in the presence of a hung Parliament showed its weaknesses and gave strength to the demand for its replacement by a Presidential system of governance.

The Formation of NDA Government at the Centre and the Coalition Rule since October 1999

The elections for the 13th Lok Sabha were held in September 1999. The BJP contested this election as a part of the National Democratic Alliance (NDA) that it had formed with 23 other parties. The Congress made some electoral arrangements with the BSP and CPI. The TDP and DMK made some electoral
arrangements with the NDA. The CPM tried to revitalize the concept of Third Front on the eve of elections.

The results of the elections for the 13th Lok Sabha produced a majority for the NDA. The DMK decided to join it and the TDP extended its full support from outside. Consequently, the President called upon Mr. Atal Bihari Vajpayee who had been elected the leader of the NDA (the majority alliance), to from the Government. This Government was not required to secure a confidence vote in the Lok Sabha because it had a clear majority in the Lok Sabha. On 13th October, 1999, the NDA Government was sworn in with Mr. Atal Bihari Vajpayee as the Prime Minister and 70 other ministers – a jumbo size Council of Ministers indeed. This large size was largely due to the fact that NDA had 24 alliance partners.

The NDA government has been in power since October 1999. It has been working as a coalition government, with a fair degree of stability and even with a sort of weakness. Coalition partners have been at times positing problem by raising regional issues. Politics of bargaining has been adversely affecting the efficiency of the government. The opposition parties, particularly the Congress has been trying to demonstrate the inability of the NDA government to govern. The CPM, (RJD), BSP, SP and some other parties have been trying to dislodge the BJP-led rule, but without much success. However, the popularity graph of BJP has been going down. In February 2002, it suffered big electoral reversals in UP, Punjab and Uttrachal Vidhan Sabha Elections. On 26th March 2002 the NDA Government was successful in getting passed POTR, in a joint sitting of the two houses.
In September-October 2002 elections to J and K Vidhan Sabha were held which resulted into a hung house. Consequently a coalition government – P.D.P Congress government under the leadership of Sh. Mufti Muhammad Sayeed was formed on 26th October 2002. In December 2002, the BJP again returned to power in Gujarat and Mr. Narender Modi became the Chief Minister. In February 2003 a new government under the leadership of CM Nephgu Rio (NPF) was formed after elections to the 60-members Nagaland Vidhan Sabha. In March 2003, in Tripura the Left Front Ministry led by CPM leader Mr. Manik Sarkar was formed. The CPM bagged 35 seats in the 60-members Tripura Vidhan Sabha for which elections were held in February 2003. In Himachal Pradesh Vidhan Sabha Elections Feb. 2003, the Congress defeated the BJP and Sri. Virbhadra Singh became the Chief Minister. The new Ministry took oath of office on March 6th, 2003.

In Meghalya, the Meghalaya Democratic Alliance led by Congress leader D.D. Lepang be emerged as victorious in elections to Meghalaya Vidhan Sabha held in Feb. 2003. These elections and government-making at the state level once again demonstrated the good health and strength of Indian Parliamentary Democracy. The coalition rule of the BJP and 23 other regional parties at the centre can well as the presence of Congress rule in several states and along with it the presence of rule by other parties in some states have been a source of change in the area of centre-state relations. The regional parties have been emerging stronger and stronger. These have been, at times, successfully compelling the Centre to give more funds and projects to their respective states/regions. Bargaining federalism has been emerging in India.12
The country has been facing a big threat resulting from the activities of certain terrorist organization which have their roots and head quarters in Pakistan but which are posing a big danger to Indian democracy. The December 13th, 2001 terrorist attack on the Indian Parliament fully reflected the danger being posed by the forces of terrorism. Cross-border terrorism has been keeping the J and K state disturbed and strained. The deployment of Indian Army all along the Indo-Pak border has been a necessity but it has been keeping the Indian economy and politics under stress. The NDA government has been repeatedly affirming and reaffirming its determination to face all threats to Indian democracy by all means including war. However, the compulsions of coalition politics, have been keeping the Government occupied with the goal of maintaining the coalition, even at the cost of effective governance.

Important in 1999 elections was movement from post-election alliance to forming pre-poll alliance. This has been continuous since then. Thus in 1999 it was pre-poll National Democratic Alliance (NDA) that won a majority and formed the government. Again in 2004 and 2009, the Congress led United Progress Alliance (UPA) won majority and in 2014 the two Pre-poll alliances of UPA and NDA and a loose alliance of left and some regional parties contested elections. In 2014 though for the first time after 1984 a single party BJP got majority since 1957. Of course, in view of BJP’s clear majority the government maintained stability compared to 1994-2014 coalitions.
NOTES AND REFERENCES


