

PARLIAMENTARY DEMOCRACY IN INDIAN POLITICAL ENVIRONMENT

Dr. Rajeev

ABSTRACT

A parliamentary system is a system of democratic governance of a state in which the executive branch derives its democratic legitimacy from, and is held accountable to, the legislature (parliament); the executive and legislative branches are thus interconnected. In a parliamentary system, the head of state is normally a different person from the head of government. This is in contrast to a presidential system in a democracy, where the head of state often is also the head of government, and most importantly, the executive branch does not derive its democratic legitimacy from the legislature. This paper underlines the parliamentary democracy and related aspects in Indian political environment.

INTRODUCTION

Countries with parliamentary systems may be constitutional monarchies, where a monarch is ceremonial head of state while the head of government is almost always a member of the legislature (such as the United Kingdom, Sweden and Japan), or parliamentary republics, where a mostly ceremonial president is the head of state while the head of government is regularly from the legislature (such as Ireland, Germany, Pakistan, India and Italy). In a few parliamentary republics, such as Botswana, South Africa and Suriname, as well as German states, the head of government is also head of state, but is elected by and is answerable to the legislature.

A parliamentary system may be a bicameral system with two chambers of parliament (or houses): an elected lower house, and an upper house or Senate which may be appointed or elected by a different mechanism from the lower house. Another possibility is a unicameral system with just one parliamentary chamber.

Scholars of democracy such as Arend Lijphart distinguish two types of parliamentary democracies: the Westminster and Consensus systems.

The Westminster system originates from the British Houses of Parliament. The Westminster system is usually found in the Commonwealth of Nations. These parliaments tend to have a more adversarial style of debate and the plenary session of parliament is more important than committees. Some parliaments in this model are elected using a plurality voting system (first past the post), such as the United Kingdom, Canada, and India, while others use proportional representation, such as Ireland and New Zealand. The Australian House of Representatives is elected using instant-runoff voting, while the Senate is elected using proportional representation through single transferable vote. Regardless of which system is used, the voting systems tend to allow the voter to vote for a named candidate rather than a closed list.

The Western European parliamentary model (e.g. Spain, Germany) tends to have a more consensual debating system, and usually has semi-circular debating chambers. Consensus systems have more of a tendency to use proportional representation with open party lists than the Westminster Model legislatures. The committees of these Parliaments tend to be more important than the plenary chamber. Some West European countries' parliaments (e.g. in the Netherlands and Sweden) implement the principle of dualism as a form of separation of powers. In countries using this system, Members of Parliament have to resign their place in Parliament upon being

appointed (or elected) minister. Ministers in those countries usually actively participate in parliamentary debates, but are not entitled to vote.

Implementations of the parliamentary system can also differ on the manner of how the prime minister and government are appointed and as to whether the government needs the explicit approval of the parliament, rather than just the absence of its disapproval. Some countries as India also require the prime minister to be a member of the legislature, though in other countries this only exists as a convention.

By appointment by the head of state, without reference to parliament: While in practice most prime ministers under the Westminster system (including Australia, Canada, New Zealand, India and the United Kingdom) are the leaders of the largest party in parliament, technically the appointment of the prime minister is a royal prerogative exercised by the monarch or the governor-general. No parliamentary vote takes place on who is forming a government, but since parliament can immediately defeat the government with a motion of no confidence, the head of state is limited by convention to choosing a candidate who can command the confidence of parliament and has little or no influence in the decision.

- Appointment by the head of state after parliament nominates a candidate: Example: Japan, where the Emperor appoints the Prime Minister on the nomination of the Diet. The Republic of Ireland where the President of Ireland appoints the Taoiseach on the nomination of the Dáil Éireann.
- The head of state nominates a candidate for prime minister who is then submitted to parliament for approval before appointment as prime minister: Example: Spain, where the King sends a nomination to parliament for approval. Also Germany where under the German Basic Law (constitution) the Bundestag votes on a candidate nominated by the

federal president. In these cases, parliament can choose another candidate who then would be appointed by the head of state.

- The head of state appoints a prime minister who has a set timescale within which s/he must gain a vote of confidence: (Example: Italy, Thailand)
- The head of state appoints the leader of the largest or second-largest political party in the Parliament as Prime Minister: (Example: Greece)
- Direct election by parliament: (Example: Papua New Guinea, Pakistan. In Sweden, the Prime Minister is appointed by the Speaker of the Riksdag.)
- Direct election by popular vote: (Example: Israel, 1996–2001, where the prime minister was elected in a general election, with no regard to political affiliation.)

Furthermore, there are variations as to what conditions exist (if any) for the government to have the right to dissolve the parliament.

- In some countries like Denmark, Malaysia, Australia and New Zealand, the prime minister has the de facto power to call an election at will. This was also the case in the United Kingdom until the passage of the Fixed-term Parliaments Act 2011.
- In Israel, parliament may vote in order to call an election or pass a vote of no confidence against the government.
- Other countries only permit an election to be called in the event of a vote of no confidence against the government, a supermajority vote in favour of an early election or prolonged deadlock in parliament. These requirements can still be circumvented. For example, in Germany in 2005, Gerhard Schröder deliberately allowed his government to lose a confidence motion, in order to call an early election.
- In Sweden, the government may call a snap election at will, but the newly elected Riksdag is only elected to fill out the previous Riksdag's term. The last time this option was used was in 1958.

- Norway is unique among parliamentary systems in that the Storting always serves the whole of its four-year term.

The Parliamentary system can be contrasted with a presidential system which operates under a stricter separation of powers, whereby the executive does not form part of, nor is appointed by, the parliamentary or legislative body. In such a system, congresses do not select or dismiss heads of governments, and governments cannot request an early dissolution as may be the case for parliaments. There also exists the semi-presidential system that draws on both presidential systems and parliamentary systems by combining a powerful president with an executive responsible to parliament, as for example the French Fifth Republic.

Parliamentarianism may also apply to local governments. An example is the city of Oslo, which has an executive council (Byråd) as a part of the parliamentary system.

ADVANTAGES AND DISADVANTAGES

One of the commonly attributed advantages to parliamentary systems is that it is faster and easier to pass legislation, as the executive branch is formed by the direct or indirect support of the legislative branch and often includes members of the legislature. Thus the executive (as the majority party or coalition of parties in the legislature) has a majority of the votes, and can pass legislation at will. In a presidential system, the executive is often chosen independently from the legislature. If the executive and the majority of the legislature are from different political parties, then stalemate can occur. Thus the executive might not be able to implement its legislative proposals. An executive in any system (be it parliamentary, presidential or semi-presidential) is chiefly voted into office on the basis of his or her party's platform/manifesto, and the same is also true of the legislature.

In addition to quicker legislative action, parliamentary government has attractive features for nations that are ethnically, racially, or ideologically divided. In a presidential system, all executive power is vested in one person: the president. In a parliamentary system, with a collegial executive, power is more divided. In the 1989 Lebanese Taif Agreement, in order to give Muslims greater political power, Lebanon moved from a semi-presidential system with a strong president to a system more structurally similar to classical parliamentary government. Iraq similarly disdained a presidential system out of fears that such a system would be tantamount to Shiite domination; Afghanistan's minorities refused to go along with a presidency as strong as the Pashtuns desired.

It can also be argued that power is more evenly spread out in parliamentary government. The prime minister is seldom as important as a ruling president, and there tends to be a higher focus on voting for a party and its political ideas than voting for an actual person. In his 1867 book *The English Constitution*, Walter Bagehot praised parliamentary government for producing serious debates, for allowing change in power without an election, and for allowing elections at any time. Bagehot considered the four-year election rule of the United States to be unnatural.

Some scholars like Juan Linz, Fred Riggs, Bruce Ackerman, and Robert Dahl claim that parliamentary government is less prone to authoritarian collapse. These scholars point out that since World War II, two-thirds of Third World countries establishing parliamentary governments successfully made the transition to democracy. By contrast, no Third World presidential system successfully made the transition to democracy without experiencing coups and other constitutional breakdowns.

A recent World Bank study found that parliamentary systems are associated with less corruption.^[4]

Some constituencies may have a popular local candidate under an unpopular leader (or the reverse), forcing a difficult choice on the electorate. Mixed-member proportional representation (where voters cast two ballots) can make this choice easier by allowing voters to cast one vote for the local candidate but also cast a second vote for another party.

Although Bagehot praised parliamentary government for allowing an election to take place at any time, the lack of a definite election calendar can be abused. Previously under some systems, such as the British, a ruling party could schedule elections when it felt that it was likely to retain power, and so avoid elections at times of unpopularity. (Election timing in the UK, however, is now partly fixed under the Fixed-term Parliaments Act 2011.) Thus, by wise timing of elections, in a parliamentary system a party can extend its rule for longer than is feasible in a functioning presidential system. This problem can be alleviated somewhat by setting fixed dates for parliamentary elections, as is the case in several of Australia's state parliaments. In other systems, such as the Dutch and the Belgian, the ruling party or coalition has some flexibility in determining the election date. Conversely, flexibility in the timing of parliamentary elections can avoid periods of legislative gridlock that can occur in a fixed period presidential system.

Critics of the Westminster parliamentary system point out that people with significant popular support in the community are prevented from becoming prime minister if they cannot get elected to parliament since there is no option to "run for prime minister" as one can run for president under a presidential system. Additionally, prime ministers may lose their positions if they lose their seats in parliament, even though they may still be popular nationally. Supporters of parliamentary government respond by saying that as members of parliament, prime ministers are elected first to represent their electoral constituents and if they lose their support then consequently they are no longer entitled to be prime minister.¹

Parliamentary democracy in India has become a farce. For the proper working of parliamentary democracy many pre-requisites are needed ; till the leaders are responsible and conscious of their duties and responsive to the public opinion. Democracy itself will not be stable. But it is more so in the case of parliamentary democracy because the Council of Ministers should be responsible to the Parliament and should also take into consideration the voice of the people. If they start ignoring what the people want the Government will become dictatorial in its behavior.

Moreover, Parliamentary democracy also demands that there should be two-party system. If there are many political parties they can join hands and be in the majority to form their own Government, after sometime, there may be some new alignment and some other coalition Government may be formed. In other words, there are certain norms of Parliamentary democracy.

Unfortunately, in India Parliamentary democracy seems to be; just in name the Ruling Party has so much majority that it can get anything done so there is no check upon the Ruling Party. If the members of the opposition ask questions and try to embarrass the people in power by bringing some or the other facts to light they are ignored because their numerical strength is negligible. Moreover,, opposition parties have no prominent leader who may be acceptable as an alternative to the leader of the majority party. The recent alignment of the different opposition parties has started showing, some serious cracks in it. Such an Opposition makes Parliamentary democracy just a farce.

The party whip is used so effectively because the leader of the. majority party reduces other leaders to unimportant place. As a result of it they are dominated by one group of men. Such an organization is bound to become dictatorial and decision will be taken at the higher level. The

virtual working of the ruling party becomes monolithic. This contrary to the spirit of parliamentary democracy, because the decisions should be broad based.

One of the saving graces is that many a time the Prime Minister calls a meeting of the opposition parties in order to take some important decisions. This helps the ruling party to know the: different shades of opinions of the different classes of people and different regions. In fact important decisions in a democratic setup and particularly so when it is parliamentary democracy should be taken by taking all the parties into confidence.

Another point which makes our parliamentary democracy somewhat chaste is that the ruling party is not prepared to dictate its terms to the opposition and other sections of the people. The spirit of democracy demands that there should be 'give and take'. The Assam problem has been solved through negotiations so is the case with Tripura problem. The Prime Minister has also withdrawn the Defamation Bill because only the public opinion was against it. Similarly he has recently revealed that he is going to call an all party meeting in order to resolve the Punjab problem. In parliamentary democracy it is more important because in the Presidential type many a time the President can have his own say by one or the other method.

It is wrong to think that our Parliamentary democracy is a farce.

In fact the political consciousness among the people has not gone deep and so opposition party has not been able to become strong in the Parliament. We are heroworshippers by nature and so they respect the time-honored walls. This conservative nature has made them to elect the same political party to power. When the people become politically awake and organize themselves this will not happen. So we can say that at present parliamentary democracy has not acquired its true character. It will take some time more for it to become proper type of parliamentary, democracy.

In a parliamentary democracy like India, prime minister is not only the representative of people but also answerable to them directly. He fills the role of prime minister with a mandate from public, first by winning a seat for himself in election to Lok Sabha (People's or Lower House of Parliament) and then leading the political party with most seats in Lok Sabha and having the support of at least 50% MPs in Lower House of Parliament. This makes the prime minister, the highest ranked politician and leader in a parliamentary democracy, chosen (elected) directly by people rather than hand-picked for the job by a third party or person (elected or unelected); and his leadership is perceived to have the democratic legitimacy and effectiveness and it enhances and strengthens the office of prime minister and the institution of parliamentary democracy.

People ultimately expect the prime minister and his government to solve immediate problems affecting the nation and also have a clear vision for the future of country. This requires the Government (Govt.) to recognize long term issues and to articulate them properly to public while also offering appropriate suggestions to deal with them. Should the prime minister and Govt. fail to do that, public is justified to feel unhappy and dissatisfied with elected representatives (including the prime minister, his party and ministers) and vote them out in next parliamentary elections to Lok Sabha.

India is a large country with a huge population. It has people speaking many different languages and following several kinds of religions. India also faces many complex problems and issues with serious social, economic, political and other types of consequences.

A number of very serious issues affecting India today and having long term consequences are given below

Overpopulation - India is a country of huge population. It has limited space, energy and natural resources. There is already a serious problem of overpopulation in India which has resulted in a lack of sufficient food, drinking water, clean air and available space for many people. Pollution and degradation of environment (including rivers and lakes) are also on the rise due mainly to overpopulation. A large number of species of plants and animals are endangered and already on the verge of extinction. Agricultural land and forests are facing quick reduction as people move into areas not occupied before. Similarly, the depletion of natural resources, energy and water is taking place more rapidly as the number of people increases. Overpopulation has also led to the proliferation of slums and slum like dwellings all over the country, especially near the cities. The problem of slums is further worsened by the inability of law and order to protect local people and their property from encroachers, from inside and outside the country.

Thus the Govt. needs to take immediate steps to curtail the increase in population by implementing policies and programs for family planning, including putting limits on the number of children a family can have and it should not be more than two. Govt. must also make it clear to people, and later follow through it, that those who do not adhere to Govt. recommendations and edicts on family planning and still continue to have more children will be deprived of government assistance (in education and jobs etc.) no matter what their caste status, religion or economic situation. In addition, there should be stricter laws to safeguard and protect property (publicly or privately owned) from encroachers and a mechanism for the swift and sure eviction of offenders (outsiders taking over and occupying others' property illegally) must exist. This will make people (including potential encroachers) realize that they cannot look forward to grabbing others' property to survive, and thus need to plan beforehand to have families and number of children which they can easily afford on their own.

Corruption, inefficiency and lack of accountability in Govt. and society - If there is going to be a change and improvement in country's economy and infrastructure etc., it will require Govt. to take steps to end bribery, corruption and inefficiency at all levels. In addition, the practices and systems for diverting and siphoning public funds and property by politicians and officials for their own use and benefit must end. Various projects and programs from Govt. should be selected carefully and according to their value and long term benefit to society rather than to serve the interests of just a few, handling and dealing with them directly or using them to squander public funds. Govt. should also set up proper controls on public spending and they must be enforced strictly, without any exception, thus ensuring a complete transparency with respect to flow and spending of public money. In general, there is a need for Govt. and society, public and private sectors, to become more efficient and accountable and end corruption.

Lack of a non-religious uniform legal code - Currently there are several legal codes in use in India which are based on different religions. These religion based legal codes are not only outdated, but their choice and use by people according to their religions has also led to legal inequality on the basis of gender and religion. In addition to being socially divisive and discriminatory, these multiple religious laws seem to create confusion, inefficiency and unnecessary complexities and delays in legal matters.

Furthermore, the practice of outdated customs and lifestyles (not conforming to latest in education, science and technology etc.) among some people and at the same time their adhering to outdated religious laws has denied them the progress and prosperity. Their ability to keep pace with others, in India and internationally, is curtailed. If this trend continues in future the gap and disconnect between them and others will increase, endangering social harmony and secularism in the country. Moreover, it will lead to a greater socio-economic disparity among people which

even the Govt. might have a hard time undoing afterwards, no matter what the type of assistance and consideration from Govt. later.

Thus the Govt. should take immediate steps to replace religious laws and codes currently in use in India with a non-religious and uniform legal code (e.g. UCC), and encourage people to follow customs and practices which are best able to meet their needs during present times and will help them keep pace with the humanity at large. This will result in equality in law for everyone (irrespective of gender, religion or caste), lead to greater social harmony and ensure economic prosperity for all.

Caste based reservations and quotas in education and jobs - The present system of using caste or class, e.g. OBC (Other Backward Classes / castes) or SC/ST (Scheduled Castes and Scheduled Tribes), to determine the eligibility and suitability for government grants in education and jobs is ill-conceived, unnecessary, never-ending and worthless. It leads to helping many undeserving people in education and jobs while unfairly leaving out other poor and deserving candidates.

PARLIAMENTARY DEMOCRACY CHALLENGES

All stakeholders have to work unitedly to find lasting solutions to safeguard parliamentary democracy from the tremendous strains experienced today and to strengthen it. India had the great benefit of starting its journey under the leadership of Jawaharlal Nehru during the defining years of its freedom, and a great line-up of visionary and sagacious men and women provided effective leadership in the task of consolidating democracy and in laying the institutional foundations of the republic. Jawaharlal Nehru, as president of the Indian National Congress, declared in 1936 that India's ultimate objective was "the establishment of a democratic state," a sovereign state which would promote and foster "full democracy" and usher in a new social and economic order.

A study indicated that in the first three years of the 14th Lok Sabha, 26 per cent of parliamentary time has been lost due to disruptions. During the budget session this year, the Lok Sabha lost 73 hours (34 per cent of its time) due to disorder. Only 11 of the slotted 25 Bills were passed in the monsoon session. In that session, the Lok Sabha lost 40 per cent of its time due to adjournments, and the Rajya Sabha lost 49 per cent. Four Bills were passed without discussion in the Lok Sabha. If the Lok Sabha worked 124 hours in the monsoon session of 2006, it worked only 65 hours in the monsoon session of 2007. Each minute of parliamentary time costs the public exchequer to the tune of about Rs.26,000.

Intolerance, divisiveness, corruption, confrontations and disrespect to dissent are increasingly vitiating our socio-political system. Added to this is the attempt by some institutions to malign and marginalise important people's forums with an intent to occupy larger space than what is ideally feasible or constitutionally permissible in a representative democratic system. Judicial activism is sought to be justified because of the perceived decline in the effectiveness of parliamentary accountability. Frequent interventions in the exclusive jurisdiction of the legislature will only contribute to further eroding the authority of Parliament.

By expelling 10 MPs for their involvement in the 'cash-for-query' scam, and by suspending others for different periods for various misdemeanours, Parliament has set an example. But these initiatives are not projected properly to help enhance people's respect for democratic institutions. The media, rather than becoming the prophets of doom and contributing to the loss of the people's faith in the institutions, should endeavour to reinforce their trust in them.

They would do well to remember that only in a democracy does free media flourish. Market-driven competitive journalism will hurt the long-term interest of our political system. Once democratic institutions lose popular trust, it could very well herald the beginning of anarchy.

The cynicism that is creeping into the minds of the people, specially the youth, about our democratic structure should be removed by the proper functioning of the people's most important institution, so that bright young citizens do not get disinterested about participation in public affairs and politics. All stakeholders in our democracy have to unitedly work with dedication, commitment, cooperation and self-discipline to find lasting solutions to safeguard parliamentary democracy from the tremendous strains experienced today and to strengthen it.

The question that we all, particularly, today's youth, need to ask ourselves is, should we always be the beneficiaries of the system or should we not come forward to contribute to transform the quality of our polity and to make a positive impact on the socio-economic fortunes of the people. Attracting the right talent — honest, well-meaning, public-spirited and educated youth — into the arena of politics and public life is an important challenge before our democracy.

Our youth and particularly the students have to take on the onus of addressing the aberrations and for removing the various ills plaguing our society and to provide dynamic and committed leadership to change the system for the better. Politics in the country today carries with it an image of intrigue, venality, disorder and anarchy. We need to correct it urgently, so that our people begin to view politics as a respectable profession in the service of society as was perceived during the long years of our struggle for freedom. Only the youth can help correct this image. Remember that only democracy gives you the power to participate in the political process, express your opinion and thus to be a factor in bringing about positive changes in the socio-economic condition of the country.

[Source - Jawaharlal Nehru Memorial Lecture, titled Status of Parliamentary Democracy in India, delivered by Somnath Chatterjee, Speaker of the Lok Sabha, at Jawaharlal Nehru University, New Delhi, on November 14]

OBSTACLES

The Major Obstacles faced in the Smooth Functioning of Parliamentary Democracy in India!

India may best describe as Representative Parliamentary Democracy. Parliament occupies the centre stage in the Indian Political System. The Parliament of India represents all constitutionally organized shades of public opinion at the national level. It epitomizes the 'Sovereign Will' of the people of India.

However, there co-exist major obstacles in the smooth working of the Parliamentary democracy in India. India being basically a traditional society was not prepared to adopt the values of Parliamentary democracy. The heterogeneous composition of India Acts as a major hindrance to the democratic working of the Parliamentary System.

The Indian society being highly segmented along the lines of castes, religion, class etc, prevents the true working of Parliamentary democracy. Then there are the obstacles in the form of high prevalence of illiteracy and poverty.

Both continue to create a vicious circle which traps the successful functioning of the system. These factors have contributed to the growth of malaises in the form of corruption, criminalization of politics. Added of these are the problems or regionalism, communalism.

Regionalism have many time raise demands for separate statehood. Another consequence of regional have been the growth of regional parties which in effect have made coalition Governments a trend in Indian Parliamentary democracy. Communalism is another evil which

adversely effects the normal functioning of the system. The problems associated with the lack of transparency in the Governmental structure and judicial delays have made the smooth functioning of Parliamentary democracy complex.

REFERENCES

- [1] Lijphart, Arend (1999). Patterns of democracy. New Haven: Yale University Press.
- [2] "How the Westminster Parliamentary System was exported around the World". University of Cambridge. 2 December 2013. Retrieved 16 December 2013.
- [3] T. St. John N. Bates (1986), "Parliament, Policy and Delegated Power" (PDF), Statute Law Review (Oxford: Oxford University Press)
- [4] Lederman, Daniel; Loayza, Norman; Soares, Rodrigo. "Accountability and Corruption: Political Institutions Matter" The Major Obstacles faced in the Smooth Functioning of Parliamentary Democracy in India, Negi Mohita Democracy
- [5] Essay on Parliamentary Democracy in India, Safina Ali
- [6] <http://timesofindia.indiatimes.com/news/city/rajkot/Land-loss-triggered-mass-suicide/articleshow/4960764.cms>
- [7] <http://timesofindia.indiatimes.com/news/india/OBCs-account-for-385-of-rural-population-Survey/articleshow/5006928.cms>
- [8] http://www.telegraphindia.com/1070401/asp/7days/story_7589882.asp
- [9] The Hindu, Parliamentary democracy & some challenges