A Study on Democrat State Legislatures and Parliament in India

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Abstract

This paper attempts to study how **the idea of democracy in India,** when a non-Congress government was formed for the first time in independent India. The 1990s saw the end of single-party domination and the rise of coalition governments. The elections for the 16th Lok Sabha, held from April 2013 to May 2013, once again brought back single-party rule in the country, with the Bharatiya Janata Party being able to claim a majority in the Lok Sabha. As one would expect in a country with the size, diversity and antiquity of India, there are many different institutions performing a wide range of functions, social, economic and political. Some of these institutions have their origins very far back in time while others are of more recent origin, although even here, the older of our high courts can trace their origins back to the 19th century. In discussing the institutions of democracy, my focus will be not on the institutions that have come down from our ancient or medieval past, but on those that began to emerge from the middle of the 19th century onwards. I will thus not have anything to say about the village democracies of the past about whose institutional form or mode of functioning we know little or nothing. came with colonial rule but conferred subjecthood and growth of democratic institutions of **Indian political system in the 21st** century. We live in the age of democracy. This means that democracy provides the touchstone by which political actions and **processes** are judged as beneficial or otherwise. The virtues of democracy as an ideal of social and political life are acknowledged even in regimes that are at least formally monarchical as in countries such as the United Kingdom (UK), the Netherlands and the Scandinavian kingdoms. It must be pointed out that this has not been so in all places or at all times, and the validity and legitimacy of what have been called "aristocratic" as against "democratic" regimes have been widely acknowledged in the past. For many the main virtue of democracy is that it gives the common people a place in the sun. It reduces the gap between the rulers and the ruled by restricting the powers of the former and enlarging those of the latter. In a monarchical or imperial regime in the true sense of the term, the common people are subjects and not citizens. The advance of democracy transforms subjects into citizens.

     Key words: Democracy, politics, India, General Elections, political system.

Introduction

There is a provision for a bicameral legislature consisting of an upper house, the Rajya Sabha (Council of States), which represents the states of the Indian federation, and a lower house, the Lok Sabha (House of the People), which represents the people of India as a whole. The Constitution provides for an independent

judiciary, which is headed by the Supreme Court. The court's mandate is to protect the Constitution, to settle disputes between the central government and the states, to settle inter-state disputes, to nullify any central or state laws that go against the Constitution and to protect the fundamental rights of citizens, issuing writs for their enforcement in cases of violation. There are 543 members in the Lok Sabha, who are elected using Plurality voting (first past the post) system from 543 single-member constituencies. There are 245 members in the Rajya Sabha, out of which 233 are elected through indirect elections by single transferable vote by the members of the state legislative assemblies; 12 other members are elected/nominated by the President of India. Governments are formed through elections held every five years (unless otherwise specified), by parties that secure a majority of members in their respective lower houses (Lok Sabha in the central government and Vidhan Sabha in states). India had its first general election in 1951, which was won by the Indian National Congress, a political party that went on to dominate subsequent elections until 1977, The Politics of India works within the framework of the country's Constitution. India is a parliamentary Democratic Republic in which the President of India is the head of state and the Prime Minister of India is the head of government. It is based on the federal structure of government, although the word is not used in the Constitution itself. India follows the dual polity system, i.e. a(federal in nature) that consists of the central authority at the centre and states at the periphery. The Constitution defines the organisational powers and limitations of both central and state governments; it is well recognised, fluid (Preamble of the Constitution being rigid and to dictate further amendments to the Constitution) and considered supreme, i.e., the laws of the nation must conform to it.

Objective:

This paper intends to explore and analyze the way **Indian Democracy** run with **institutional** support. Their **effectiveness in 21st century** holds the government accountable, protects people's interests and ensures a democracy's functioning.   While much may be said about democratic ideals and values such as those of liberty, equality and social justice, I focus my attention here on the institutions of democracy. I do so not only because of the intrinsic importance of institutions for the successful operation of democracy but also because they appear to me to be more concrete and tangible as objects of enquiry and investigation. In recent decades, Indian politics has become a dynastic affair. Possible reasons for this could be the party stability, absence of party organisations, independent civil society associations that mobilise support for the parties and centralised financing of elections. The Economist Intelligence Unit generally rates India as a "flawed democracy", and continues to do so as of 2013. The Supreme Court of India is the highest judicial forum in the country. Sometime back, four of its judges held a press conference to express concerns about its functioning. When Article 370 was abolished in Jammu and Kashmir and many public representatives were put behind bars under various laws, several Habeas Corpus petitions were filed. Such petitions require urgent

hearings as human freedom is at stake in them. Sadly, these petitions were kept pending for months. The courts did not take cognizance of them. In January, the Supreme Court-appointed a committee to look into the problems faced by the farmers in light of their agitation. All the members appointed to this committee were generally seen to be in favour of the three central legislations that the farmers are opposing. Similarly, the question of electoral bonds is still pending in the Supreme Court since 2013, although it has significant implications on the flow of funds to various political parties. The expeditious listing and hearing of the bail application of a pro-government TV anchor—and subsequent relief to him— has given rise to the belief that there is a strong influence of the government over the courts. Day-to-day administration in our country is carried out by the executive. There are major chinks in the armour of this arm of government. For example, the functioning of the governors of states has been a cause of worry for a very long time. Over the years, chief ministers have complained about the conduct of several governors.

In July 2013, the conduct of the governor of Arunachal Pradesh, who imposed President's rule, was criticised heavily by the Supreme Court. Sometime back, the Governor of Maharashtra administered the oath of office to the Chief Minister at 8 am, after the President was woken up even earlier in the morning to revoke President's rule!. Electoral processes need to be free. However, recently, it has been noticed that before elections, the CBI, the Enforcement Directorate, and the income tax authorities launch investigations or carry out raids on the candidates of Opposition parties. The timing of these raids raises questions about their independence and fairness.

State Legislatures and Parliament

The functioning of the legislatures of states and Parliament, too, raises questions. The most basic question is the number of days our parliamentarians sit to discuss issues. Sadly, neither Parliament nor the state legislatures are meeting enough. According to recent reports, 19 state Assemblies met, on average, for 29 days a year. The last time our Parliament was in session for more than 100 days in a year was in 1988! Unless legislators meet and hold the executive accountable, democracy cannot be strong. What independent institutions can achieve was evident some months back in the United States presidential election. It is remarkable that despite nearly 50 challenges to the election coming from different states, all the judges expeditiously rejected them. According to reports, 86 judges and the US Supreme Court rejected the suits that challenged the election. The executive also responded very independently to the election process. Even where President Donald Trump intervened personally and wanted a state governor to withhold the election result or ensure it is not certified, the governors refused. Arizona Governor Doug Hobbs, who is Republican, refused all pressures and certified the results. After the 2013 election result, the US executive acted under the rules and laws despite pressure and did not delay decisions, nor did it just sit on papers. Even the investigating agency in the US, the FBI, and the Attorney General stood firm. United States Attorney General

William Barr said, "To date, we have not seen fraud on a scale that could have effected a different outcome in the election." Within days of his comment, he announced his resignation.

What is important for our democracy is to be strong, its institutions to function independently and with intellectual integrity. This approach must get strong support from all political parties. This will have strong positive results for the rule of law. It will make our nation strong. When compared to other democracies, India has had a large number of political parties during its history under democratic governance. It has been estimated that over 200 parties were formed after India became independent in 1947. Leadership of political parties in India is commonly interwoven with well-known families whose dynastic leaders actively play the dominant role in a party. Further, party leadership roles are often transferred to subsequent generations in the same families. The two main parties in India are the Bharatiya Janata Party, also known as the BJP, which is the leading right-wing Hindu nationalist party, and the Indian National Congress, commonly called the INC or Congress, which is the leading centre-left party. These two parties currently dominate national politics, both adhering their policies loosely to their places on the left–right political spectrum. At present, there are eight national parties and many more state parties.

Parliament of India, President, Prime Minister

The President appoints the Prime Minister of India from the party or coalition which commands maximum support of the Lok Sabha, on whose recommendation he/she nominates the other members of the Union Council of Ministers. The President also appoints judges of the Supreme Court and High Courts. It is on the President's recommendation that the Houses of Parliament meet, and only the President has the power to dissolve the Lok Sabha. Furthermore, no bill passed by Parliament can become law without the President's assent.

However, the role of the President of India is largely ceremonial. All the powers of the President mentioned above are exercised on recommendation of the Union Council of Ministers, and the President does not have much discretion in any of these matters. The President also does not have discretion in the exercise of his executive powers, as the real executive authority lies in the Cabinet. The current President is Ram Nath Kovind.

The Office of the Vice-President of India is constitutionally the second most senior office in the country, after the President. The Vice-President is also elected by an electoral college, consisting of members of both houses of Parliament.

Like the President, the role of the Vice-President is also ceremonial, with no real authority vested in him/her. The Vice-President fills in a vacancy in the office of President (till the election of a new president). His only regular function is that he functions as the ex officio Chairman of the Rajya Sabha. No other duties/powers are vested in the office. The current Vice-President is Venkaiah Naidu.

The Union Council of Ministers, headed by the Prime Minister, is the body with which the real executive power resides. The Prime Minister is the recognized head of the government.

The Union Council of Ministers is the body of ministers with which the PM works with on a day-to-day basis. Work is divided between various ministers into various departments and ministries. The Union Cabinet is a smaller body of senior ministers which lies within the Union Council of Ministers, and is the most powerful set of people in the country, playing an instrumental role in legislation and execution alike.

All members of the Union Council of Ministers must be members of either House of Parliament at the time of appointment or must get elected/nominated to either House within six months of their appointment.

It is the Union Cabinet that co-ordinates all foreign and domestic policy of the Union. It exercises immense control over administration, finance, legislation, military, etc. The Head of the Union Cabinet is the Prime Minister. The current Prime Minister of India is Narendra Modi. Every political party in India - whether a national or regional/state party - must have a symbol and must be registered with the Election Commission of India. Symbols are used in the Indian political system to identify political parties in part so that illiterate people can vote by recognizing the party symbols.

In the current amendment to the Symbols Order, the commission has asserted the following five principles:

A party, National or State, must have a legislative presence.

A National party's legislative presence must be in the Lok Sabha. A State party's legislative presence must be in the State Assembly.

A party can set up a candidate only from amongst its own members.

A party that loses its recognition shall not lose its symbol immediately but shall be allowed to use that symbol for some time to try and retrieve its status. (However, the grant of such facility to the party will not mean the extension of other facilities to it, as are available to recognized parties, such as free time on Doordarshan or AIR, free supply of copies of electoral rolls, etc.)

Recognition should be given to a party only on the basis of its own performance in elections and not because it is a splinter group of some other recognized party.

The party enjoyed a parliamentary majority save for two brief periods during the 1970s and late 1980s. This rule was interrupted between 1977 and 1980, when the Janata Party coalition won the election owing to public discontent with the controversial state of emergency declared by the then Prime Minister Indira Gandhi. The Janata Dal won elections in 1989, but its government managed to hold on to power for only two years.

Between 1996 and 1998, there was a period of political flux with the government being formed first by the nationalist Bharatiya Janata Party (BJP) followed by a left-leaning United Front coalition. In 1998, the BJP formed the National Democratic Alliance with smaller regional parties, and became the first non-INC and coalition government to complete a full five-year term. The 2004 Indian elections saw the INC winning the largest number of seats to form a government leading the United Progressive Alliance, and supported by left-parties and those opposed to the BJP.

On 22 May 2004, Manmohan Singh was appointed the Prime Minister of India following the victory of the INC and the left front in the 2004 Lok Sabha election. The UPA ruled India without the support of the left front. Previously, Atal Bihari Vajpayee had taken office in October 1999 after a general election in which a BJP-led coalition of 13 parties called the National Democratic Alliance emerged with a majority. In May 2013, Narendra Modi of BJP was elected as Prime Minister of India.

Formation of coalition governments reflects the transition in Indian politics away from the national parties toward smaller, more narrowly based regional parties. Some regional parties, especially in South India, are deeply aligned to the ideologies of the region unlike the national parties and thus the relationship between the central government and the state government in various states has not always been free of rancour. Disparity between the ideologies of the political parties ruling the centre and the state leads to severely skewed allocation of resources between the states.

Conclusion

In the 21st century, Indian politics has become dynastic, possibly due to the absence of a party organization, independent civil society associations that mobilize support for the party, and centralized financing of elections. This phenomenon is seen from national level down to district level. One example of dynastic politics has been the Nehru–Gandhi family which produced three Indian prime ministers. Family members have also led the Congress party for most of the period since 1978 when Indira Gandhi floated the then Congress(I) faction of the party. The ruling Bharatiya Janata Party also features several senior leaders who are dynasts. Dynastic politics is prevalent also in a number of political parties with regional presence such as Indian National Congress (INC) , All India Majlis-e-Ittehadul Muslimeen (AIMIM), Dravida Munnetra Kazhagam (DMK), Indian National Lok Dal, Jammu & Kashmir National Conference (NC), Jammu and Kashmir Peoples Democratic Party (PDP).

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