

An Analysis of Impediments and Opportunities in Parliamentary Democracy of India

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Abstract

This paper attempts to study **impediments and opportunities** faced by India's governmental system which is a federal (or quasi-federal) democratic republic with a **parliamentary system** of government. 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.

Key words: India, Parliament , critics, judiciary, social composition.

Introduction

One of the Indian Parliament's roles is to hold the government accountable; a work that is still in progress.

Colonial India, commencing with the Montagu- Chelmsford reforms of 1919 and followed by the Government of India Act 1935, witnessed a limited adult franchise with about 15% of the adult population entitled to vote, subject to wealth, property, and other criteria. The mandate of the handful of electorates was further fractured on communal lines under the system of separate electorates. However, the representative Constituent assembly took it upon itself to create a socially and politically united electorate that could elect the Lower House of the Parliament, representative of the united and inclusive aspirations of the demography. 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 hero worshippers 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. Economic reform—other than the push button variety such as exchange rates and changes in quotas and tariff rates—require institutional change. In turn, this requires a large body of new legislation and laws to underpin these changes. However, delay rather than debate seems to be the principal role being played by Parliament. In part, the delays are due to the changing norms of Parliament, including the increasingly disruptive sessions of Parliament over issues that leave little time to deliberate new legislation. In part, the delays are due to ineptness in the executive ranging from deficient floor management skills—which are necessary in shepherding legislation through Parliament—to poor legislative drafting skills. But a considerable part of the delay also stems from the role played by the numerous standing committees in each ministry, some of which are headed by opposition MPs.

Objective:

This paper intends to explore and analyze **Parliamentary democracy of India** that builds upon the free and fair electoral process. Also the analyse **impediments and opportunities** by it in which people of India have reposed absolute trust in the democratic values

An Assessment of Parliamentary Democracy in India

Inequality of rights and disparity of opportunity having been breeding grounds of revolutions. So on the ruins of monarchy and aristocracy, democracy has come into being with its doctrine of political equality. It is undoubtedly a grand social ideal. According to George Bernard Shaw, it is “a social order aiming at the greatest available welfare for the whole population and not for a class”. A world in which the voice of the people is voice of God, and political capacity and sagacity of everyone over the age of twenty-one is infinite and infallible is to him, “a fairy land”.

Parliamentary democracy has had its origin in England, though its roots lie far deeper in the soil of history. It is said that ancient Indian rulers were guided by a council of ministers and these ministers were chosen from amongst the “wise persons who were elected by the general public of the village or town”. It has also existed compartmentally in a ‘divided world’ and in a factional way; and it has co-existed with monarchies, empires and even pastoral primitiveness. If parliamentary democracy has not revealed its possibilities, it is because the world was not safe for it.

The strange truth is the parliamentary democracy contains within itself the seeds of dissolution and decay as well as life and progress. It may conceivably lead to despotism of a collective mediocrity the free play of self-interest, the negation of freedom, and the deterioration of individual and national character. But under really favourable conditions it encourages self-reliance, initiative, and intelligence, creative impulse on the part of the individual and social sense of free men by placing the ultimate responsibility for government or citizens themselves. What is more it can make authority a trust and ensures equal consideration for all. Its effectual success depends on the spiritual efforts of the people put forth and the readjustment of democratic institution in accordance with the changing environment.

Parliamentary democracy accepts the ideal of universal evolution and happiness for all, where there will be neither exploitation nor in justice; the social order will be founded on liberty, equality and mutuality and the authority will primarily be concerned with the management of social affairs, and will in reality to devoted to public service. It insists on man’s obligation to society where man will be the centre of such a society but self-interest will not be the basis of social organisation. It regards mutual well-being as an essential precondition of human welfare, but lays stress on moral values and the development of personality. It agrees that man’s moral nature and his cultural will come into full bloom only when the principle of mutuality of life is extended to

embrace the whole human race. Parliamentary democracy, therefore, also stands for a world society based on the principle of freedom and equality and of voluntary co-operation between free peoples.

Some critics point out that Indian parliamentary democracy is likely to be caught napping if its gaze is fixed exclusively on the future towards which the successive five-year plans are supposed to indicate the way, and which after the completion of each plan show hardly half the results achieved. They say that it must at the same time think of those alive in the present who are not destined to wait for a heaven of plenty in the dim distant future. The present grinding poverty of the masses, the magnitude of unemployment among the educated and the uneducated and the lower limit of literacy are the few firsts and the greatest dangers of our parliamentary democracy. Parliamentary democracy to be really effective must first root out these evils which are eating into the very vital nerves of our society.

Role of Indian Parliament

The **Parliament** of India, a fine blend of the legislature and the executive, with the **government** holding office till the time it commands confidence in the popular House, is the place to deliberate upon the policies and legislations proposed by the government.

In India's seven-decade long history as a republic, only 14 private members' bills have turned into enforceable codes. Consequently, the sheer proportion of bills introduced and passed by ministers calls for a check over the **government** through debates and deliberations. In extreme scenarios, the expulsion of opposition MPs by the presiding officer of the respective House has allowed the ruling dispensation to steer bills through the House without much impediment. An uptick in the number of ordinances being promulgated is also a repercussion of the continual adjournments.

Challenges : Anti-defection law and voting system

On the flip side, during the smooth functioning of the Houses, the rules of procedure mandate the presiding officer to divide the time amongst parties for debates on the basis of their strength in the respective Houses. It is then that the leader of the party allocates time internally to its members. Moreover, the insertion of the Tenth Schedule through the 52nd Constitutional Amendment Act, 1985, has rendered the individual positioning of an MP toothless. It is the political posturing of the party whip in the House that prevails over the interest of a constituency, represented by its respective MP. Moreover, a major chunk of the bills in the Parliament is passed using 'voice voting', when compared to the much more reliable 'division voting' that can record the response of each member, including abstentions.

Parliamentary committees

In-house bill discussions are supplemented by parliamentary committees. These offer an arena for across the spectrum and off the camera political consultations. However, this parliamentary tool of furthering the process of deliberation has taken a back seat in recent times. A quick comparison highlights that during the 15th Lok

Sabha, 71% of the bills were referred to the committees. In contrast, the 16th Lok Sabha referred only 21% of the bills.

The daunting task undertaken by the Constituent assembly to unite the fractured mandate has come a long way in ensuring the democratic fabric of the Nation. The road ahead can be demystified by amending the rules of procedure of both the Houses of Parliament under Article 118 of the Indian Constitution, making it mandatory to refer bills to the parliamentary committees and prescribing appropriate action against unruly members. Moreover, relevant amendments to the Constitution of India, including the Tenth Schedule, can go a long way in fulfilling the task of upholding the Constitution that we, the people of India gifted to ourselves in 1949.

Debate, deliberation and discussion

The weakness of the Indian Parliament has often slowed down legislation. But it has also given the executive more powers. The authors argue that these are manifest in the increasing number of ordinances that have been used as a substitute for legislation and weak financial oversight. After years of wrangling, the Parliament finally passed the Fiscal Budget Responsibility and Management Act as a means of putting financial discipline on the government. But day-to-day parliamentary scrutiny of the executive in financial matters remains weak. In 2002, when the Indian Parliament celebrated its fiftieth anniversary, Indian commentators rued the palpable decline of what Jawaharlal Nehru had termed as the “majesty” of Parliament. With much of Parliament’s time wasted on rowdiness and disorder, and theatrics replacing debate, there are serious concerns about whether Parliament has become dysfunctional. While “unparliamentary” behaviour by members of Parliament (MPs) has undoubtedly robbed Parliament of the mystique that often underpins authority, the weakness of Parliament as an institution of accountability stems from many factors, both within and outside the institution. While India’s public institutions need wide-ranging reform, Parliament faces a daunting challenge. First, it is increasingly becoming ineffective in providing surveillance of the executive branch of government. The oversight function of the legislative branch of government is always likely to be highly politicized. Parliament is, after all, a political body, which represents constituent interests, brokers deals, and advocates views in a partisan manner. Nonetheless, even relative to these limited expectations, one would expect the oversight function to be stronger in an era where there is widespread disenchantment with government and resource scarcity is acute—rather than the converse.

Second, there is an ever-growing gap between the complex demands that modern legislation places upon MPs on the one hand, and their capacity and inclination for attending to that legislation on the other. Third, the profusion of political parties in Parliament, most of which are institutionally weak, has substantially increased the barriers to collective action. But if this paper has any implications for these issues, it is to emphasize that, to a large degree, Parliament’s inability to come to terms with these challenges is as much of its own making as the product of any general structural changes in Indian politics, or the economy. Rather, the Indian Parliament has self-abdicated many of its functions. For example, the authors find no reason whatsoever, other than

indifference, to explain why the committee oversight system is so weak. They assert that Indian politics has become a lot more fractious and fragmented. In such an environment, the imperatives of electoral and party politics give politicians great incentives to delay important legislation just for the sake of delay. The delay in legislation does not mean that there is better qualitative improvement in legislation. It simply means that Parliament is more an oppositional space rather than a forum for genuine debate.

Whatever be the defects, if any, in the parliamentary system in India, it can never even break the idea to get herself transformed into a military dictatorship. For the advancement of our national aspiration, for the emancipation of our country's prestige abroad, we have to maintain our democratic ideal which is not a legacy of British rule, but which is rather a traditional gift and proud heritage of our ancient policy. Of course, the glaring defects which tend to paralyse smooth working of democratic way of life in our country are to be swept clean. We do not say that there should be no political parties or opposition; there must be parties, since political parties form the backbone of parliamentary democracy, and without which democracy tends to be mere farce. But where a place for opposition is granted, there should be a healthy party system based upon constructive ideals, and not wrapped in narrow cliques of casteism, communalism, linguism and regionalism.

Opportunities Way forward

Although India had begun to take steps to liberalize its economy in the 1980s, these actions were modest in scope. It was only in 1991, following a major balance-of-payments crisis, that the country undertook a major stabilization and structural adjustment programme, which entailed a fundamental reorientation toward a more open economy and a greater reliance on market forces. The shift in policy paralleled broad global trends, albeit less drastic ones. India's reform was implemented at a gradual pace relative to many developing countries. In part, this resulted from a high degree of risk aversion to rapid change among India's political elite, and in part from institutional constraints including the role of Parliament. The reform opened India's economy in three fundamental ways. First, trade policy was significantly liberalized—although at the time of writing, India's tariffs continue to be considerably higher than for most other emerging markets. Second, the exchange rate was allowed to depreciate and the discretionary basket-pegged system gave way to a market-based “managed float”; the currency became convertible on the current account and partially on the capital account. These changes proved successful in insulating India from major currency crises that afflicted many emerging markets in the 1990s. Third, the reform opened the economy to foreign direct investment and portfolio investment, and over time 100 per cent foreign ownership was allowed in a large number of industries and majority ownership in almost all others.

The domestic liberalization gradually eliminated barriers that had hitherto granted a monopoly to state enterprises in many sectors. This was especially true of the infrastructure sector—for example, electric power, roads and railways, air transport, water, ports and telecommunications—services that were traditionally provided by the public sector, which were opened to private investment, both domestic and foreign. However, for the most part, this entailed deregulation rather than privatization. In the financial sector, reform eliminated the complex system of interest rate controls and built a more competitive environment in banking and, more recently, in insurance. Differences of opinion are likely and should be in a parliamentary democracy as it recognises that the opposition has certain rights and that without an opposition there is the danger of a majority not being kept strictly to its task and not being kept up to the mark. It recognises the need and the place of an opposition in coming to decisions. But if a majority or a minority begins to function forgetting the spirit of democracy and of parliamentary democracy then its base is shaken up and all kinds of undesirable results follow. This is applicable indeed to any system of government because no system of government by consent of large numbers of people can subsist for long unless there is this forbearance and understanding of different points of view and attempting to pull together.

The main danger to the parliamentary system in India arises from the fact that democratic conduct has not become a creative way of life for us. It is not merely the evolution of power and panchayati raj, but the development of democratic principles that can cure us of our undemocratic habits formed through inactive and lethargic centuries. For this, a lead from a firm and determined government is essential and, moreover, it is essential both for the government as well as for the public to change their existing outlook. Orthodox democracy has proved itself miserably unequal to the exigencies of India. The problem is to modify the traditional institutions of democracy to suit present day conditions. The inefficiency of democracy first became noticeable in its economic aspect. One of the most important problems for the parliamentary democracy in India, therefore, is to manage its economic system in such a way as to ensure for everybody a reasonably high standard of living, coupled with a reasonable amount of security and liberty. There are two significant challenges facing the process of constituting Parliament. The first is the thorny issue of campaign finance and the second is what in India is known as the “criminalization of politics”.

The structure of campaign finance laws and the imperatives of mobilizing funds have a decisive impact on the composition of Parliament. Many observers argue that the formidable challenge of raising funds for elections deters many citizens from actively participating in politics. In addition, the imperatives of raising electoral financing makes parliamentarians beholden to special interests and in some cases corrupts them, distorts the legislative process and causes considerable decline in the standing of Parliament. Furthermore, the unrealistic nature of Indian campaign finance laws, which set impossibly low limits on campaign contributions, makes politics an activity that is implicated in illegality right from the start. This illegality is also manifest in the second major source of concern about electoral practices: the criminalization of politics. This phenomenon involves not just chargesheeted criminals entering legislative assemblies, but also the fact that a significant number of

MPs are beholden to criminal elements. Nearly a quarter (23.2 per cent) of the MPs elected in 2004 had criminal cases registered against them. Over half of these had cases that could result in penalties amounting to imprisonment for five or more years. There is good reason to believe that criminals are entering politics in order to use political power to stymie investigations against them. The difficult and vexing issue of designing a campaign finance system that is realistic, transparent and gives politicians the incentives to stay on the right side of the law would be the subject of a long discussion in its own right. But producing such a system has more to do with major reform of the structure of the Indian polity than with internal norms of Parliament itself. It will require reform of the Indian legal system, the promulgation of better laws.

Conclusion

By one simple measure, Parliament is an enormously successful institution. Assurances given on the floor of the house carry considerable impact and authority and cannot be easily circumvented. According to the Ministry of Parliamentary Affairs, which acts as a link between the government and Parliament, the rate of implementation of assurances is very high, although both the number of assurances and implementation rates have dropped markedly since 1990's. The decline in the per cent of assurances implemented could be the result of three factors: (i) a quirk of the data in that the most recent assurances are implemented with a lag time; (ii) the decline in the number of sittings of Parliament (see table 6); and (iii) a reflection of a more general institutional decline. Of course, the "sanctity" of assurances given on the floor of the house is not all there is to the concept of parliamentary accountability, but it does suggest that parliamentary talk is not all idle.

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