

POLITICAL PARTIES AND ELECTORAL REFORMS: GIVING INDIA'S UNCERTAIN DEMOCRACY A CHANCE TO SURVIVE

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PARLIAMENTARY FEDERAL SYSTEM VS PRESIDENTIAL SYSTEM

Switching over from the present parliamentary federal system to the presidential system in India-the view expressed in certain quarters would be harmful rather than helping the cause of democracy and political stability in this country. Whatever their intention may be, the net effect of the inessential rhetorics of changing the whole system has only served to divert attention from where the reforms are needed to where the constitutional restructuring is not only unnecessary but also undesirable. Democracy is better served by the parliamentary federal system than by a presidential federal system. Outside the U.S.A. the latter has often either degenerated into authoritarian regime (e.g., Latin America) or engendered the desire to go back to the parliamentary system (e.g., in south Asia). Even in the U.S.A., as also elsewhere, another problem with the presidential system has been occasional constitutional deadlocks between separate and coequal organs of the government that in fact may become more destabilizing in a new democracy than the usual instability of the parliamentary government. Moreover, the collective parliamentary cabinet is better suited to accommodate the social and regional diversities of India's sub-continental society than the "lonely" presidential executives at the Centre and in the States. The Emergency interlude in India (1975-77) showed that even the parliamentary cabinet was not a foolproof institutional guarantee against authoritarian intervention. However, the U.S.A. style neo-monarchical presidential system would probably provide an even more hospitable setting for authoritarian takeover of the regime. For such a system's mechanism of divided and separate powers more often than not either gives in to deadlocks and anarchy and or to executive's aggrandizement. If anything, the Fifth French republican and post-communist Russian combination of the presidential with the parliamentary system would appear to be more desirable for India rather than the U.S. presidentialism. This is for two reasons: (a) over half a century of India's experience with parliamentary system in that model would not entirely go down the drain; and (b) a directly elected president and a prime minister elected by the Parliament would countervail each other as well as they must cohabit to let the system work. Even the Swiss type collegial presidential executive-the Federal Council-with a rotating President from among half a dozen or so presidential incumbents would probably be a better option for India than the American Presidency.

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Even these alternatives are not really necessary for India to go for if we put our finger on the real reforms required. Instead of quixotically tilting at the windmills of whole constitutional restructuring, what we really need are party and electoral reforms. Lessons of comparative politics are clear enough. Wherever representative democracy has become functionally viable and parliamentary or parliamentary federal government has become dynamically stable e.g., England, Canada, Australia, New Zealand, Western Europe, Japan, pre-1989 India etc- a constant political factor that is common to all, despite their socio-economic variations, is well established party system with alternating one-party or multi-party coalition governments. That even coalition governments need not be uniformly unstable, provided there are democratically disciplined party systems, is shown by the political experience of West Bengal and Kerala that have proved to be exceptional in the prevailing political scenario in India today. The onset of political instability in India clearly coincides with decline of parties and party system, mounting social and cultural conflicts and alarming increase in corruption and criminality in politics and economy.

THE REAL ISSUES UNDER INDIAN CONSTITUTION

It is symptomatic of the approach of the framers of the Indian Constitution that while they made the longest basic law for the country in the world in 1950, they left the party system entirely to be evolved through convention.¹ Elections, to be sure, got a chapter (Part XV) but rather a small one with only six Articles that do not mention political parties at all. Even parliamentary statutes relevant in this context like the Companies Act, 1956 (sections 293A and B), the Income Tax Act, 1961 (sections 13A and 139, 4B), and Foreign Contribution (Regulation) Act, sections 4, 5 and 6), mention political parties incidentally in the larger framework of economic laws. The Anti-Defection Act, 1985, added to the Constitution by the 52nd Amendment, refers to political parties directly but only in the limited context of defection of MPs/MLAs from the party on whose ticket one is elected to a House to another party and their consequent disqualification for membership of the House, excepting in case of a split in the “original political party.... [where the splitting] group consists of not less than one-third of the members of such legislative party” (section 3). The Tenth Schedule has nothing to do with the

¹ It is appropriate that the Consultation paper prepared for the members of the National Commission to Review the working of the Constitution (NCRWC) (Chair Justice M.N. Venkatchelliah) appointed by the BJP led National Democratic Alliance Government has outlined the need and areas and points for a legislation governing political parties. See “Review of the Working of Political Parties Specially in Relation to Elections and Reform Options: A Consultation Paper” (For Generating Debate and Eliciting Public Reactions and opinion) (New Delhi: NCRWC).

organization, ideology, and working of political parties as vital links between the democratic state and the civil society.

Thus the modernizing political elites in India at the dawn of Independence from British colonial control, who set up a regime of heavily regulated mixed economy from 1950s to '80s, preferred "free enterprise" principle in the arena of party political processes. In adopting this approach they were partly influenced by the British and old Commonwealth Nations, where parties have grown as a matter of convention without constitutional or legal fiat, and partly reassured by the vigour of the civic and political action emanating from the civil society during the freedom struggle. In retrospect, it would appear to be a myopic vision for neither medieval India nor the post-Nehru period have had much to show for strong institutions of the civil society as a countervailing force to the strong or "overdeveloped" state.²

Particularly since the 1970s the decline of the party system and the growing corruption in elections, government and the economy have revealed a serious crisis in political institutions and developmental state to an extent that the very practice of parliamentary government at the centre and in some states has become problematic. No government at the centre for a full decade (1990s), excepting the Rao Congress administration could complete its term on account of lack of parliamentary majority, resulting in frequent and fruitless recourse to mid-term polls. Even the Rao Government subsequently came under the clouds for seeking to survive by promoting defections and splits and finally bribing some MPs to win a vote of confidence. Politics of defection, an euphemism for individuals and groups of legislators changing party allegiances on the legislative floor in return for money or ministerial berths, that had spread like an epidemic at the state level since the late 1960s surfaced on the supposedly more august floor of the national Parliament as well.

Caste and community identities, reviving on the organizational debris of political parties, moreover, have also often rushed to gate-crash into the political process and masquerade as political parties. In an atmosphere of general decline of political and economic institutions of governance and corporate management in relation to the hapless public political elites have indulged in unabashed political populism and dynastic domination all around as a shortcut to party-building that in reality proves to be the high road to party-destroying. These tendencies commonly pervade the federal as well as regional levels of politics.

The electoral and party degeneration eventually also led to the failure and discrediting of the developmental state in India and its agenda of economic

² This assessment of the "Overdeveloped" nature of the Indian state comes from Pranab Bardham, *POLITICAL ECONOMY OF THE DEVELOPMENT IN INDIA* (Delhi: Oxford University Press, 1984). This is contrary to the idea of "soft states" in post – South Asia in Gunnar Myrdal's classic work in political economy of the region, the *ASIAN DRAMA*. Both the images are at least partly correct.

growth with justice and equity. On attaining freedom in 1947, India had adopted the Nehru-Mahalanobis strategy of economic development and parliamentary federal model of political development. It was aimed at generating a complex dialectic of development with an immense transformative potential. The principal components of this strategy of development could be construed as follows: (1) restructuring economic dependency on metropolitan capitalism into independent economic development; (2) state capitalist and capitalist developments in the urban industrial sector; (3) transition from semi-feudal agriculture to capitalist farming; and (4) democratization of a largely authoritarian society and elitist polity.³

This strategy of development came to serious grief in the post-Nehru years. The growing crisis of the developmental state have been sought to be variously explained. Political scientists explain them in terms of decline of the party system and organs of government and over centralization of political powers and whittling down of the federal component of the system. The economic reductionists locate them in the class contradictions involving the state capitalist, national and multinational capitalist, and the semi-feudal peasant and capitalist relations and forces of production in industry and agriculture. Ethnic structuralists trace them to particularistic communalization and fundamentalization of primordial identities, setting off the explosive mines of nationality and secessionist demands and recurrence of communal riots and caste and tribal conflicts. The technological determinants draw attention to the inherent tendency of high-technology to centralize power, which runs against the inherent federal and pluralist character of Indian society and culture.

The central contradiction of the Indian state today is the unreconciled conflict between the rationality of the "political market" of democracy and legitimacy and the rationality of the "economic market" of commodity production, exchange and class relations. The rationality of the former demands maximization of production and profit, while that of the latter is fixated on accumulation of votes. As Habermas (1987: 346) aptly remarks: "This paradox... manifests itself in the fact that if parties want to gain or retain power of office, they have to secure the trust of private investors and of the masses simultaneously."⁴ This may appear to be a paradox, but it should not be a problem so long as the state is run in a way that it wins over the legitimate trust of the corporate sector of the economy and the popular allegiance of the mass public. In the moment of resurgent idealism of freedom struggle and Independence it was hoped that the authority of the democratic and

³ M.P. Singh, "The Crisis of the Indian State: From Quiet Developmentalism to Noisy Democracy", XXX *ASIAN SURVEY*, No. 8, August 1990.

⁴ Jurgen Habermas, "The Theory of Communicative Action", Vol. 2, *LIFEWORLD AND SYSTEM: CRITIQUE OF FUNCTIONALIST REASON* (translated from the German by Thomas McCarthy) (Cambridge: Polity Press, 1987).

developmental state would be a dependable national instrument to control the cupidity of private corporate interests and special ethnic groups both "majoritarianisms" and "minoritarianisms" and classes and regions. It was also expected that the sovereignty of the national state and its rational-legal legitimacy would gradually prevail, upon the instrumental legitimacy of special interest groups and ascriptive and primordial loyalties. It was not sufficiently realized at that time that the state itself may become a problem due to institutional dysfunctionality and authoritarian and corrupt indulgence of the political elites.

The developmental state in India inaugurated with great expectations in the 1950s has lost much of its credibility today. In the complex causation of this failing, besides economic and cultural factors, the nature of the politics that have come to pass must also take a major blame. This point may be clearly illustrated by some micro-level case studies. In a fieldwork-based study Lieten (1996) presented some evidence from West Bengal countryside that Panchayats were party-dominated, the leaders for both the major parties came from the peasantry, and the success of development programmes depended on effective land reforms in the State in comparison with other Indian States and on presence or absence of sustained grassroots movement within the state. Observes Lieten (1996: 185):

In the CPI(M) stronghold of Memari, in a commendable process of upward political mobility, low class leaders have been promoted. The leaders with a rich background have displayed various degrees of commitment to the cause of the low-class people. Although it could be said of some of them that they have declassed themselves, overall class origins may impede an active and commendable leadership on behalf of an alien class. The leaders in Ramnagar are often of dubious integrity and had not been thrown up in the course of a class-based political struggle. Lurking opportunism and raghobayal tendencies were some of the characteristics ascribed to congress and CPI (M) leaders. The latter usually came from among the small and middle peasants. The former by and large belong to traditional elite class of rich peasants and school teachers. They did not seem to be particularly engaged in building a grassroots movement.⁵

On the other hand, in a detailed empirical study of a slum in Madras (Chennai) De Wit (1996) found that electoral democracy has meant little to the slum-dwellers. For the "machine politics" or "vote bank politics" brings them relief that are inadequate, sporadic, and often distributed arbitrarily. Politicians who are omnipresent during electioneering disappear after the polls. In seeking

⁵ G.K. Lieten, *DEVELOPMENT, DEVOLUTION AND DEMOCRACY: VILLAGE DISCOURSE IN WEST BENGAL* (New Delhi: Sage Publication, 1996).

to explain why “the poor do not turn away from politics altogether” De Wit invokes the construction of “Politics of illusion”:

Such politics entail the clever manipulation of values, of concepts from Tamil culture and history by party politicians, who have developed a special style of oratory to convey their messages. Pandian (1989: 62) argues that the subaltern Tamil classes have accepted the hegemony of the elites through such processes as deference to the elites and emulation of elite values. Initially, the film star MGR was instrumental in this process.⁶

In a similar vein Bardhan (1997: 192) surmises:

[I]n situations of severe social and economic inequality if the poor and the underprivileged are not organized, the local bullies and powerful people find it easy to capture the local institutions and devolution of authority to the local level really works out to their disadvantage. Appeals to supra-local political authorities by the subalterns in such situations for protection and relief are not uncommon. Decentralized development is, for example, beginning to work in West Bengal villages, where the poor are to some extent organized by a relatively disciplined centralized party, but in the adjoining state of Bihar, without such organization, decentralization may leave the poor grievously exposed to the mercies of the local overlords and things.⁷

In the absence of political organization neither democracy nor economic growth nor social justice nor ecological balance – in one word sustainable development is possible. It was largely in the domestic context of the failure of the developmental state, the triumph of the neo-conservative ideology in the West in the 1980s apart, that the new discourse of economic reforms and structural adjustment prompted by the IMF/World Bank has gained ground in India since 1991.

However, India would not do well to write off its strategy of growth with justice sanctioned by the Constitution. The need is to remove the distortions rather than abandon the project. The Nehru and Indira Gandhi years have managed to lay down the foundations of a state that can stand on it own in terms of industrial and military power in a region vulnerable to disorder and instability. If the nation wants to sustain these fruits of development and move ahead in a turbulent world, the third important move that needs to get underway is to bring about a package of party and electoral reforms. This

⁶ Joop W. and De Wit, *POVERTY, POLICY AND POLITICS IN MADRAS SLUMS: DYNAMICS OF SUVRAL GENDER AND LEADERSHIP* (New Delhi: Sage Publications, 1996).

⁷ Bardhan, *op cit.*

would appear to be an urgent necessity to rescue the Indian political system from the deepening political and economic crises that stare India in the face.

PARTY AND ELECTORAL REFORMS

Over the years a number of citizens as well as parliamentary committees have been proposing packages of electoral and party reforms. Among these, the more prominent ones have been the committees appointed or chaired by Jayaprakash Narayan or Justice V.R. Krishna Iyer in the late 1970s and early '80s on the civic front and the committees headed by Dinesh Goswami and Indrajit Gupta on the parliamentary front in the early and the late 1990s. Less far-reaching reforms have also been proposed from time to time by the Election Commission to the government. However, suitable legislations have not been forthcoming.⁸

One must, however, hasten to add that the active insistence on the existing laws and by laws in the conduct of elections by the Election Commission under T.N. Seshan and M.S. Gill and their colleagues have brought about a welcome wind of change on the election scene.⁹ But this is obviously not enough. Unless a comprehensive package of electoral and party reforms are brought about by parliamentary legislation, parliamentary federal governance in India would go beyond the pale of practical politics.

The effort at reforms must be concerted and directed at atleast three levels: (1) conduct of free and fair elections, (2) party-building in the civil society and the state as vital links between the people and the government, and (3) the federal context of the polity to forestall fragmentation of parties and promote the growth of democratically disciplined and federal party organizations.

The Election Commission as a central agency is almost wholly dependent on the State governments and their administrative personnel in the conduct of elections. It is a constitutional agency without teeth. It should be turned into a fully judicial agency, subject to ultimate judicial review by the Supreme Court. It should also be vested with full disciplinary executive authority over the bureaucracy engaged in election duty during the pendency of the polls. Its disciplinary actions must be irreversible by the regular executive authority of the State governments. The appointment of the Election Commissioners ought

⁸ See L.P. Singh, *ELECTORAL REFORMS: PROBLEMS AND SUGGESTED SOLUTIONS* (New Delhi: Uppal Publishers, 1986); M.P. Singh, "Electoral Politics and Phases of Politicization in India", 3 *TRENDS IN SOCIAL SCIENCE RESEARCH*, Vol. 3, No 2, December 1996; and M.P. Singh and Rekha Saxena, "Highlighting a Rain – Shadow: Party System and Electoral Reforms in India, Document", Vol. 9, January – February 1999.

⁹ See Chandan Mitra, *THE CORRUPT SOCIETY: THE CRIMINALIZATION OF INDIA FROM INDEPENDENCE TO 1990s* (New Delhi: Penguin India, 1998), chapter 5.

to be made by the Union Executive in consultation with the Chief Justice of India and the leader of the Opposition in the Lok Sabha, subject to the ratification of the nominations by the Rajya Sabha.

Party-building should aim at bringing about an enabling legislation or Election Commission regulation requiring political parties to constitute themselves into democratic organizations with regular elections and internal party democracy by strict adherence to their own bylaws and to the constitutional values of the Republic. Besides, the shady underhand deals of party financing must be brought within strict legal regulation, forcing parties to maintain transparency in sources of their funds and accounts of their expenditure. Political parties both in the mass public and the legislature must be democratically constructed from the grassroots upwards.

Finally, a federal aggregation process must be set in motion so that party fragmentation is reversed. The party should be defined meaningfully in terms of minimum percentage of votes, organizational and programmatic traits, and functional coherence in government and opposition.

We are a parliamentary federal system but we continue to elect our party leaders as if we were a parliamentary system pure and simple. Instead of electing our party leaders in the Parliament and the federal arena of the government by the Members of Parliament in principle, we ought to consider federalizing this process. We have here at least two models to choose from. In the American federal presidential system the two major national parties choose the candidates for the Presidency of the Republic at national leadership conventions of the parties concerned where the State delegations vote en bloc as States. In the Canadian parliamentary federal system parties choose the parliamentary leaders at their national conventions where the provincial delegates vote as individuals. It is my submission that the Canadian practice is more suitable for our system and purposes. This would encourage parties to federalize themselves in pursuit of parliamentary power at the same time as the electorate would have the advantage of a nationally visible set of party leaders to choose from as the prospective Prime Minister of India.