THE INDIAN PARLIAMENT
A Comparative Perspective

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under the auspices of

CENTRE FOR PUBLIC AFFAIRS

KONRAD ADENAUER FOUNDATION

KONARK PUBLISHERS PVT LTD

Chapter 3

India: A Westminster Model of Democracy?

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When India became independent on August 15, 1947, she inherited a multiplicity of legacies from the British, which shaped her future development in many ways. Independence did not mark a complete and abrupt break with the colonial past; it was more of an integral part in a long journey from British dominance to political self-determination. The continuity of the political development before and after 1947 is clearly reflected in the Constitution of India which shows great similarity with, even direct borrowings from the Government of India Act, 1935.

Therefore, it is small wonder that India's political system is generally considered as belonging to the Westminster model of democracy.[1] It is commonly held

[1] See, for example, James Manor (1994:116): '... the framers of the new nation's Constitution had opted for a variant of the Westminster system of parliamentary government.' Also Paul Brass (1990:2): '. . . the Constitution adopts in total the Westminster form of parliamentary government.'

that the world's largest democracy follows the British form of responsible parliamentary government, showing all the essential features of majority rule with a dominant cabinet dependent on the confidence of Parliament which, in reality, means the support of the majority party. According to Paul Brass (1991:343) India 'has, except for a period of two years, functioned with a highly competitive and distinctly adversarial system of politics':

In his comparative study *Democracies: Patterns of Majoritarian and Consensus Government in 21 Countries* (1984) Arend Lijphart states that the essence of the Westminster model is majority rule which is diametrically opposed to the consensus model of government based on the principle of 'as many people as possible'. He lists nine interrelated elements that characterize the Westminster or majoritarian model in general and, more narrowly, are typical of the British parliamentary and governmental institutions:

1. Concentration of executive power: one-party and bare-majority cabinets
2. Fusion of power and cabinet dominance
3. Asymmetric bicameralism
4. Two-party system
5. One-dimensional party system
6. Plurality system of elections
7. Unitary and centralized government
8. Unwritten constitution and parliamentary sovereignty
9. Exclusively representative democracy

The Westminster model generates clear winners and clear losers. Therefore it faces great difficulties in coping with ethnic, religious and cultural divisions in deeply divided societies because it reinforces them. Generally speaking, the Westminster system of government is best suited for homogeneous societies while consensus democracy is an appropriate form of government in

heterogeneous societies. That is the reason why it has failed in virtually all post-colonial states in Asia and Africa, leaving India as the great exception to the rule or, as Graham Wilson (1994:199) puts it, 'an interesting anomaly'.

The question arises whether India, an extremely heterogeneous society by any standard and with a population of over one billion people, is a deviant case for consociational theory which maintains that democracy is possible in deeply divided societies but only if it is consociational and evinces all its essential features like grand coalition government, cultural autonomy, proportional representation and minority veto. Power-sharing, accommodation and broad agreement on major political issues are the only adequate institutional set-up and style of governing that allow democratic rule in these countries. In order to solve the 'big puzzle of Indian democracy', Arend Lijphart, of course, presents a consociational interpretation of Indian democracy which can 'strengthen our understanding of the Indian case by providing a theoretically coherent explanation of the main patterns and trends in its political development' (Lijphart 1996).

One parliamentary democracy — two opposite interpretations. Is India an 'interesting anomaly' of the Westminster model, or 'an impressive confirming case' for consociational, i.e. power-sharing theory?

This question is not only of academic interest because these two opposite models of democracy characterize the ways and means in which they have institutionalised their decision-making procedures. They substantially differ from each other 'in the way elections and other institutions and practices are organized to ensure responsive government' (Lijphart 1984:2). Institutions do matter. They structure the strategies of the political actors within a given polity. For example, it makes a lot of a difference if Parliament is elected according to the

principle of plurality or proportionality.

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Indian democracy cannot be considered as an example of a Westminster type of democracy 'with a highly competitive and distinctly adversarial system of politics' as suggested e.g., by Paul Brass (1991:343). It fulfils only partly Lijphart's criteria of a majoritarian democracy in which the majority determines the direction of politics. The very fact that the Indian parliament does not enjoy full and unrestricted sovereignty but is subordinated to the supremacy of a written constitution is indication enough that Indian democracy lacks 'a vital ingredient of the majoritarianism of the Westminster model' (Lijphart 1984:9), i.e. the principle of parliamentary sovereignty. The legislative powers of the Indian parliament are limited by being subject to judicial review by the Supreme Court. Equally, the federal structure of the Indian Union, the bicameral system — however weak and unbalanced they are — and even the office of the President are institutional forms of power-sharing which undermine the principles of a majoritarian democracy. They constitute institutional veto points (Kaiser 1997: 436) which take into account the political heterogeneity of the country and are meant to ensure adequate participation of the political actors in the decision-making process. These veto points shape the strategies of the politicians; they may or may not be used by them. As polar types, democracies with a minimum of veto points are majoritarian in character, while consensus democracies, or, in Kaiser's words, negotiation democracies contain a maximum of veto points (Kaiser 1997:436). The trend to reconciliation of interests and negotiated compromise is inherent in Indian politics, for no group or party can claim an absolute majority. This reconciliation of interests used to take place within the dominant

Congress Party, but manifests itself today in a plethora of parties which contest power and influence in the political arena and are obliged to form coalitions. The highly complex Indian party system is by no means one-dimensional, i.e. its divisions are not principally determined by socio-economic differences.

Nor can Indian democracy be classified as a consensual or consensus democracy in which decision-making takes place on the basis of accommodation and reconciliation that includes as many actors as possible and is regulated through binding institutions. India is not an impressive confirming case for consociational theory, as stated by Arend Lijphart (1996). Proportional representation, for example, does not exist in India, where the plurality electoral system in single-member constituencies prevails, leading to marked discrepancies between the parties' shares of votes and the distribution of seats in parliament. Since 1952 the Congress Party, for example, often enjoyed a two-thirds majority in Lok Sabha though it polled less than 50 per cent of all votes. Correspondingly, the principle of majority rule and the close union of government and parliament do not guarantee a balanced proportional representation of the major parties in government nor a clear separation of the executive and legislative powers. Furthermore, clearly defined veto rights for the various ethnic groups and their representatives exist only in a very rudimentary form. The plurality electoral system as well as the principle of majority rule automatically enables the majority party to push through its policies irrespective of the opposition or without recourse to informal procedures of reaching consensus. Here the framework of the constitution and the basic-structure doctrine of the Supreme Court of India—first introduced in 1973—form the limit according to which Parliament is not entitled to change the 'basic structure' or 'fundamental features' of the Constitution like the rule of law, basic rights, judicial review, democracy and

secularism. On no account can the Indian polity be classified as a consensus or consociational democracy according to Lijphart's typology.[2]

Despite the given veto points the basis logic of the institutional set-up that structurally influences the decision-making process, points in the direction of majority democracy. The party with the majority of seats in parliament usually also forms the government, be it as a majority or minority government or as leader of a coalition. Institutional veto points enforcing participation of all relevant political actors in political decision-making, more or less compelling them to reach a compromise or postpone a decision, exist only marginally. True, the existing veto points do to a certain extent limit the

[2] Sathyamurthy (1996: 836) sharply criticizes Lijphart's evaluation of Indian democracy as follows: 'The main difficulty with this evaluation, heavily derived from the writings of a single social scientist (i.e. Rajni Kothari, C.J.), is that it is based on an over-simplification of a complex picture as vulgar on the opposite liberal extreme as the vulgar Marxist approach on the Left.' Wilkinson (2000) also disproves Lijphart's consociational interpretation of the Indian case, stating that India under Jawaharlal Nehru was less consociational than under Indira Gandhi and even under British rule from 1919 to 1947. He criticizes Lijphart for paying too much attention to the provisions of the Indian Constitution and the *policies* of the central government in New Delhi and not enough to the *actions* of both the central and state governments. Interestingly enough, according to Wilkinson the levels of ethnic violence were highest during those periods when India has been most consociational. He concludes: 'Consociational agreements have several weaknesses—most importantly the institutionalisation and freezing of ethnic identities that are by nature multidimensional and oppositional—that seem to intensify rather than moderate ethnic violence' (p. 791). See also Paul Brass (1991:333-348): India's 'successes and failures in resolving ethnic conflicts do not support the assumptions of either consociationalists and their critics or the solutions offered by the consociationalist' (334). India '. . . is not a consociational democracy at all. . .'(343).

chances of the majority for pushing through their policies irrespective of the others; yet they are by no means comprehensive enough to warrant characterisation of Indian democracy as institutionalised consensualism, i.e. unanimity as the predominant means of making decisions. As a general rule it is up to the majority to decide with whom it would like to negotiate and how far it is prepared to go with compromises. No really binding institutional regulations exist that stipulate participation of all relevant political actors in political decision-making or prevent decisions of the majority through veto rights of specific groups.

The fact that the political constellation in India, particularly since the decline of the formerly dominant Congress Party, is such as to render a policy of negotiated compromise advisable, not to say compulsory, is primarily a consequence of the enormous social and political heterogeneity of Indian society and not of institutional necessity. The marked difference in political behaviour between Jawaharlal Nehru and Indira Gandhi or of the various coalition governments shows just how diverse the process of decision-making and its implementation can be. It can be described as consensualism vs. authoritarianism. In other words: there are clear limits to constitutional engineering.

Political astuteness based on enlightened self-interest and rational, purposive considerations on the part of the ruling majority, particularly of its leadership, can promote a style of governing that does not seek harsh confrontation nor ruthlessly push through its own decisions but aspires to reconcile the different viewpoints through informal negotiations and achieves as broad a consensus as possible on major political questions. Consensual politics in India is thus primarily a result of the political behaviour of the dominant political actors and not of institutional regulation of political decision-making. And whether the element of rational, purposive

voluntarism, as for example under Nehru, or that of necessity tends to prevail, depends on the constellation of political forces, the dominance of one party or the existence of several parties that have to form a coalition because none has the absolute majority. Since independence India has experienced all of these political scenarios, each time with quite different consequences for how the country was ruled. Generally speaking, the diversity of the subcontinent favours a structural tendency towards consensual politics, a system that certainly better accommodates India's unique societal conditions than a purely majoritarian policy. The present political constellation in India clearly encourages consensual politics for no party is strong enough to override the others.

While the heterogeneity of the country is undoubtedly a source of various recurring conflicts, it also acts as a counterbalance to a too centralistic, top-bottom politics. Precisely the 1970s and '80s have shown that an excessive centralisation and personalisation of political decision-making does not do justice to the pluralism of Indian society. It is by no means pure chance that Indira Gandhi and her son Rajiv Gandhi both — almost tragically — failed in their attempt to strengthen Indian democracy, admittedly under very difficult circumstances. Indira Gandhi in particular completely disregarded the pluralistic nature of Indian politics and attempted, authoritarian-style, to ruthlessly push through her decisions and increase her power. Nehru, on the other hand, respected the diversity of interests and political views and always sought solutions that did them justice, through negotiation and compromise. His policy of cooperation helped consolidate Indian democracy and strengthen the unity of the Indian Union precisely because it respected the heterogeneity of the country. The flagrant disregard of this fundamental characteristic by his daughter Indira Gandhi was

bound to lead, sooner or later, to the formation of opposition parties and movements, and ultimately not only to increased regionalism but also to a weakening of the democratic institutions and of her own Congress Party. The considerable decrease in number of people voting for the Congress since the end of the 1980s has led to an end of its former political and ideological hegemony and deprives this party of all hope of ever attaining its former strength.

Under these specifically Indian conditions a policy which aims at cooperation and reconciliation of varying interests is thus a perfectly rational strategy for ensuring participation in political decision-making in view of the great diversity of political ideologies and parties. The social and political circumstances more or less compel the political actors to seek compromise with others in order to escape the risk of being reduced to political insignificance or even their own downfall. Yet there are only a few institutional provisions for the sharing of power. It is thus primarily the informal political and social realities that make consensus-orientated decision-making seem quite rational and appropriate both to the political actors themselves and the state as a whole. The present lack of a dominant party and the heterogeneity of Indian society make the actors realize that in the immediate future none of them can mobilize the majority of voters in its favour, which alone would enable a politics of clear majoritarian decision-making.

In sum, Indian democracy, as has been shown above, cannot be properly understood by referring exclusively to the opposing concepts of majoritarian versus consensus democracy. Rather does it oscillate between the two poles of a majoritarian and a negotiation democracy.[3] Depending on the situation the pendulum

[3] Like Kaiser (1997) I prefer the use of the term negotiation democracy instead of consensus democracy, for in this type of

sways more in the one or the other direction. In this process the behaviour of the political actors, in particular of the political leadership plays an important role; while the institutional arrangements naturally influence their behaviour, they are nonetheless such as to enable a quite considerable measure of individual freedom of decision-making. Just how different governance under the same institutional set-up can be, has been shown only too clearly by Jawaharlal Nehru and his daughter Indira Gandhi. In his analysis of the political development in India since 1947 Paul Brass (1990) particularly

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democracy negotiations are the predominant means of decision-making and are to a large extent institutionally regulated. It is worth noting that Arend Lijphart solves the 'big puzzle of Indian democracy' by characterising Indian democracy as consociational and not as consensual or consensus democracy. He does so with reference primarily to the behaviour of the political actors and the societal and physical conditions of the Indian subcontinent. The political institutions that structurally influence political decision-making are not the focus of his interpretation. It is striking that Lijphart deals at length with the politics of the grand coalition under Nehru, but deals only marginally with the centralising and authoritarian measures of the post-Nehru period. According to Lijphart Indian democracy remained 'basically consociational' even in the days of Indira Gandhi and her son Rajiv Gandhi. One cannot help but get the impression that Lijphart tries to evade the self-imposed restraints of his argumentation in the form of his opposing concepts of majoritarian versus consensus democracy by taking recourse to his earlier, more flexible concept of consociational democracy with its four characteristics (grand coalition, segmental autonomy, veto rights, proportionality), without, however, explicitly stating his reasons for doing so. Lijphart clearly cannot describe India as a majoritarian democracy, for such a term is by definition only applicable to homogeneous societies—a condition certainly not given in India. But because certain important characteristics of his definition of a consensus democracy are also lacking, his only alternative is to revert to the concept of consociational democracy.

emphasizes this aspect. In his opinion the centralizing and authoritarian policies of the central government in the post-Nehru era is the main cause of the critical state of the Indian polity.

The progressive differentiation and democratisation of Indian society that also manifests itself in an increasing political mobilisation of the various sectors of the population, favours the visible trend towards more regionalisation and decentralization in Indian politics. In consequence, a politics of majoritarian decision-making and the polarisation it inevitably brings with it, has little prospect of becoming a permanent feature of Indian politics and will, *nolens volens*, have to give way to a policy based on negotiation and accommodation.

India's political system thus has an in-built trend towards the sharing of power through negotiated compromise, without which democracy in this heterogeneous and large country probably cannot continue to exist. It has a high measure of flexibility. Its capacity to adapt to continually changing situations is phenomenal. This capacity ensures an astonishing stability in Indian democracy and makes Indian politics an exciting process fraught with ever new surprises. Some observers of Indian politics who think in narrow categories of stability and efficiency tend to see in this fluidity a permanent crisis that could well lead to the final collapse of the democratic institutions, and even to the disintegration of the Indian Union. Despite legitimate criticism of abuses in the political system, the democratic institutions in India have undoubtedly taken firm root and a political culture has emerged that can ensure the continued existence of the democratic system. Its legitimacy is undisputed, even more so today than in the past.

This assessment of the situation as a whole is confirmed by the findings of a comprehensive representative survey conducted in 1996 throughout the

country, in which 10,000 persons were interviewed (Mitra and Singh 1999). They show clearly that democratic institutions and participation in political affairs are by no means regarded as imported luxury goods for the benefit of the well-to-do and the educated, but as an integral part of the Indian Union. Indeed, the majority of the poor and the underprivileged have recognized the chances and advantages of a democratic polity and are becoming increasingly politically active, particularly at the regional and local level. Their turnout at elections is even slightly higher than that of the upper strata, as is shown by the survey. The criticism voiced and the occasionally bitter disapproval of the prevailing political situation are directed, for the most part, at particular institutions and actors — especially the police, bureaucracy, parties and elected deputies — and not against the democratic system as a whole. Almost 70 per cent of those interviewed were not of the opinion that India would be better governed without democratic institutions. The political parties as well, from the Hindu nationalists on the right to the Communists on the left, declare themselves in favour of the democratic system of government; there is no demand to restrict political participation so as to increase state efficiency. In the sixth decade of her post-colonial existence as an independent state Indian democracy thus proves itself very much alive and sufficiently well established to enable her to meet the challenges of the present and the future.[4]

The confusing contradictions of Indian democracy that run so counter to the analytical desire for order and computability, and the equally manifest capacity to keep functioning despite all the prophets of doom, have led John Galbraith, former American ambassador, to

[4] This view is also shared by S. Hoeber Rudolph and L. I. Rudolph (2002).

describe India as 'functioning anarchy'. This characterisation seems to hit the nail on the head. Indian society possesses mysterious, not easily fathomable self-regulating mechanisms, that contrive time and again to balance the extremes, thereby preventing them from becoming a real danger to the whole. 'The Centrist Future of Indian Politics', so the title of an article already published in 1980 by Susanne and Lloyd Rudolph, thus seems a still valid, plausible and appropriate assessment of the future development of the 'largest democracy in the world'. Still more important is the fact that India's democratic record defies the widely held view that democracy is a luxury poor countries cannot afford. The case of India, a poor and extremely heterogeneous society of more than one billion people, is a source of hope in a still predominantly undemocratic world.

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