# AGENDA FOR CHANGE BEFORE THE REPUBLIC OF INDIA

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## Abstract

Based on the electoral history of past 13 General Elections in the country, the paper argues that while the electorate has been pushing the political parties towards coalitions and grand alliances, the same are unlikely to be stable or effective.  It proposes that along with the constitutional reforms for the choice of a leader and longevity and stability of the government, the opportunity should be utilized to resolve other issues that have come to the fore in the Indian democracy.  Towards this end, the paper proposes an agenda for change before the Republic of India that includes apart from the various provisions of the constitution, the issues that have rocked the nation and steps needed to meet the future challenge.

# AGENDA FOR CHANGE BEFORE THE REPUBLIC OF INDIA

J. P. Singh[1]

Almost two generations have elapsed since the formation of the Indian Republic. While the first generation voted to stay with a single party government for 25 years and five successive elections, the second, starting with 1977, has experimented with several alternatives. In the process it gave the nation eight governments in 23 years. These include:

- A motley collection of all parties hastily brought under one banner
- A Clear, even brute, majority to a single party
- A government supported from outside by the single largest party
- A marginally minority government
- A couple of hung parliaments, including one with a shifting centre of gravity
- A supposedly stable coalition of several partners

Despite all these political experiments, a hope has been nurtured by all that somehow a single party government will emerge, if only we keep going back to the electorate.

While political analysts agree that the Indian Republic has entered an era of Coalition Governments, few among the voters and politicians accept that a single party government in the foreseeable future is a near impossibility. Among the two large parties, only Bhartiya Janata Party (BJP) understood this certainty of a coalition government, at least for the 1999 General Elections. Indian National Congress (INC), the other of the two large parties in the country, guided by the mistaken belief of large swings in electoral fortunes, clung to the hope that it will be able to form a single party government.

The fact is that Coalition governments are here to stay, more than most people believe.

THE PROBABLE FUTURE

The inevitability of coalition governments becomes obvious if we look at the likely pattern of future contests. Analysis of vote share in the 13 general elections shows that a direct contest between the two large parties is possible only in a small number of constituencies, concentrated primarily in the north. For the rest, elections will be a triangular and a quadrangular affair between firmly entrenched influence groups and political parties. Pre-election seat sharing arrangements are possible, but in no way alter the fragmented outcome. Based on this analysis,

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states and constituencies can be grouped in four categories for future contests. These are:

Table 1: Types of Future Contest

**Type I - NN Contest:    A National Party Vs a  National Party Contest.**

 In states where both parties have a strong base. These are:

| State | Seats |
|---|---|
| Madhya Pradesh | 40 |
| Gujarat | 26 |
| Rajasthan | 25 |
| Himachal Pradesh | 04 |
| Union Territories of Delhi and Chandigarh | 08 |
| Total | 103 |

**Type II - NNR Contest:    A National Party Vs A National Party Vs a Regional Party Contest.**

In states where apart from the two national parties, at least one strong regional party exists. These include:

| State | Seats |
|---|---|
| Andhra Pradesh | 42 |
| Karnataka | 28 |
| Orissa | 21 |
| Assam | 14 |
| Punjab | 13 |
| Haryana | 10 |
| Jammu & Kashmir | 6 |
| Goa | 2 |
| Total | 136 |

**Type III - NRR Contest:  One or Two National Parties vs. two Regional Parties Contest.**

In states where two or more strong regional parties exist apart from at least one of the two National Parties. These include:

| States | Seats |
|---|---|
| Uttar Pradesh | 85 |
| Bihar | 54 |
| Maharashtra | 48 |
| Kerala | 20 |
| Some North East states and Union Territories | 13 |
| Total | 220 |

**Type IV: RR Contest:    A Regional party vs. a regional party Contest.**

In states where strong regional parties dominate the scene and the two National Parties can at best hope to ride on the strength of a regional party. These include:

| States | Seats |
|---|---|
| West Bengal | 42 |
| Tamil Nadu | 39 |
| Manipur. | 02 |
| Pondicherry | 01 |
| Total | 84 |

Considering that  the political parties in India are in a state of constant flux, the categorisation of states may vary over time. Yet based on the longevity of the political parties and the strength of local influence groups, the above seems to be a fair forecast for future. Goa, for example, based on the 1999 election results can be classified in Type I category. But this will ignore the strong regional influence that continues to exist and may re-emerge at any time. Thus one will need to watch at least two more elections in Goa before changing its category.

**The inevitable outcome:**

Assuming Excellent Performance by a winning party in all the four categories, by itself an almost impossible task, the following outcome is likely:

Table 2: Single Party Seat Share under Best Performance Scenario

| Contest Type | Seats Nos. | Best wins % | Seat Share Nos. |
|---|---|---|---|
| NN | 103 | 60% | 60 |
| NNR | 136 | 40% | 55 |
| NRR | 220 | 35% | 77 |
| RR | 084 | 20% | 17 |
| Total | | | 209 |

Thus the best performance that any single party can hope to achieve is approximately 210 seats, a level that is far below the simple majority mark to form a government. In reality, even this level is likely to be achieved only in rare cases. In most elections, seats win ranging between 170 to 190 for the largest party is more likely. The unmistakable conclusion that emerges is that in future any single party is unlikely to be able to form a government on its own strength.

The above conclusion is further strengthened when we examine the past record of vote share for formation of a single party government. Analysis shows that for a single party government, a party needs over 40% national vote share. In 1967, INC with 40.8% votes bagged 283 seats. But in 1989, the same party with a vote share of 39.53% got only 197 seats and decided to support the second largest party with its vote base of 17.66% and 142 seats. Barring dramatic events, such a large share of votes under one party is unlikely in future considering the total vote bank of national parties.

A single party government, thus can be ruled out in the foreseeable future.


THE PUSH TOWARDS GRAND ALLIANCES

Analysis of the vote share of groups of parties over time shows that the total vote base in India can be divided into four groups. Figure 1 below shows the approximate share of votes of these party groups.

**Fig. 1: Vote Share of Party Groups**

- National Large 50%
- National Others 20%
- Recognized Regional 20%
- Other Registered 10%
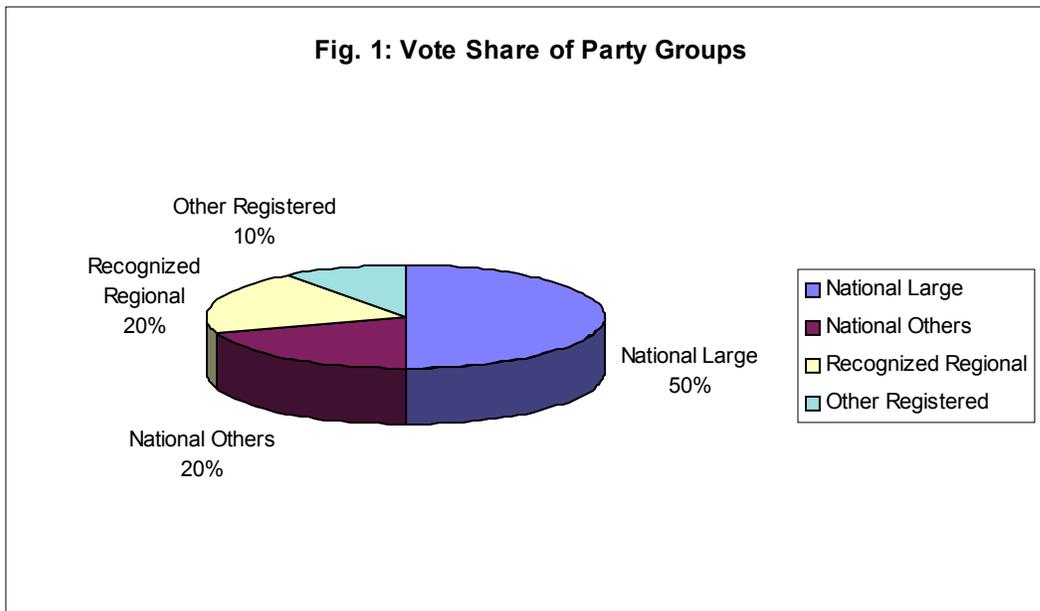
Even if the above data is approximate and is likely to witness changes in the subsequent elections, the figures are stable enough to make reasonable assumptions for future.

For one, for a coalition to provide a fair representation to the entire nation, it will have to run through all the four groups of parties ranging from the National to the Registered and Unrecognised. The unmistakable conclusion of the above vote distribution is that the Indian voter is pushing the nation to the formation of large alliances. Thus, despite sarcasm and pin-pricks, the BJP strategy of forming a Pre-election 24 party alliance was a rational strategic step to ensure government formation. This appears to be a logical outcome of the voter behaviour over 50 years of elections.

Emergence of Grand Alliances, around the national parties, is thus a logical outcome.

WILL A SECOND GRAND ALLIANCE EMERGE

'Will another Grand Alliance emerge' will depend on the stance likely to be adopted by the CPM-CPI Combine, BSP and other major regional parties. Since political survival is the basic instinct of all political players, it is but inevitable that adjustments will be made.

Given that power maximisation is the prime goal of a political player, be it a party or an individual, the Third and Fourth front alternative are unlikely to be given up

easily. Resultantly, a three or four way distribution of power will continue to ensure instability of any government.

Further, given the large plethora of parties at the state level, any future coalitions will be a messy affair, somewhat on the lines of what BJP alliance during the 1999 election. This is likely to add further fuel to the issue of instability.

Grand alliances also raise two additional issues. One, they pre-empt the leadership issue by generally deciding it in favour of the largest partner. This is likely to make them unacceptable to a large number of aspirants to the leadership position who thrive under the present system and for whom the issue of electoral acceptability is redundant.

Secondly, grand alliances are also likely to be unworkable due not only to the large size, but more so due to the lack of any ideology binding the alliance partners. Of course, the assumption of ideological alliances presupposes the existence of an ideological base among the political parties, a risky assumption even at the best of times.

Thus, the possibility of destabilising the government at a short notice will continue to exist to the dread of the electorate. This is so, despite the electorate giving a worthy mandate, each time they are asked to cast their vote.

Thus Grand Alliances may neither be acceptable nor workable.

THE ALTERNATIVE

Given the above scenario, the only other option available to a national party wishing to form a single party government is to enlarge its own political base and spread it to the entire nation. This is possible by following one of the following routes:

a. By replacing regional parties and making them redundant through engineered break ups and hostile take-over of their vote banks

b. By ensuring blissful amalgamation of smaller parties with the larger whole.

c. By promoting new disguised regional parties to replace the existing and merge them with the national party at an appropriate time.

None of these options seem to be workable given the character of Indian polity. Both hostile take-overs and happy amalgamations are possible and have been demonstrated to be effective. But invariably, the electorate has punished at least one, if not both the parties involved and without dissolving the regional vote bank. Thus gains made have been temporary and therefore do not really provide a permanent solution to the issue of regional influence on our polity. Promotion of

new disguised parties seems to be too slow a process to suit the taste of political players.

Thus a national party wanting to expand its base at the cost of regional parties is likely to be pushed back to the grand alliance option.


CAN COALITIONS WORK IN INDIA

'If Coalitions can work elsewhere, why cant they work in India?' is a question that has been oft repeated.

This question can be easily answered by looking at the 1999 election results. Table 3 below shows the minimum number of parties required to form a coalition government at the centre from within the pre-election alliance.

Table 3: Minimum Requirements for a coalition in the 13th Lok Sabha

182(BJP) + 29(TDP) + 21(JDU) + 15(SS) + 12(DMK) + 10(BJD) + 8(TC) = 277

The above data shows that arithmetically only seven parties are needed to form a government in the present Lok Sabha. Thus, prima facie, a compact coalition of a few select parties can be formed in India. This is so, without even counting a two party coalition between BJP and INC, even thought, presently, an unfeasible proposition.

FORCES AGAINST A COMPACT COALITION

Assuming that a group of seven strong parties can be called compact, forces against such an arithmetical coalition are many.

**The geographical spread of the country.** This is the prime force against such a coalition to remain stable as it leaves large parts of the country unrepresented. These include all the four Northern states of J&K, Punjab, Himachal and Haryana, the western coastal fringe of Goa and Kerala, the entire North Eastern states and most union territories in the country. This inevitably points to a situation wherein the centrifugal forces will get strengthened. Past experience shows that it will necessitate the unpalatable spook of separatism and associated large scale repression of groups and communities for the government to continue in power.

**The distribution of parliamentary seats among various states**. The present seat distribution goes against a compact coalition as twelve large states account for 470 seats as against 73 seats for the rest of the twelve states and all the

union territories put together. An adequate representation to various parts of the country ipso facto requires that a grand alliance, rather than a coalition is the working alternative under the present system. It may be noted here that this uneven distribution can make the above exemplified coalition a possibility in each election.

**Ideology**: The fact that our political parties can hardly be distinguished on the basis of ideology makes the stability of a large coalition even more tenuous. As a result, parties can switch sides and opt out of an alliance with ease and without any stirring of conscience at the drop of a hat. Witness the speed with which National Conference joined the government. Or, the post-haste coming together of TMC and ADMK in Tamil Nadu or the NCP and INC in Maharashtra. All these events are example's indicative of political behaviour rather than exceptions.

**Mercurial Behaviour of Politicians**: Last important force against a stable coalition in India is the mercurial behaviour of our political leaders, a final straw that may break many a coalition in the country.

Thus one is led to the conclusion that although arranged coalitions are possible in India, the forces against them are strong enough to render them ineffective and short lived.


THE KEY ISSUE

A coalition government is a politician's delight.

This glee has been unabashedly expressed, both individually and collectively, by many a political players. Barring BJP and INC all other parties rejoiced at the prospect of one more coalition in the 13th Lok Sabha elections. Some leaders of political parties even went on record before the 1999 General Election to say that a hung parliament was their only objective. Others have subsequently, proffered a sanguine hope that 'a new destabiliser' will emerge when a government is installed. This is understandable as coalition governments in general, and a hung parliament in particular, enhance the powers of each elected representative beyond that envisaged or intended by the architects of a constitution.

The basic reason for rejoicing by a politician with a coalition government is due to the fact that the parliamentary form of government does not let the leadership issue settle by the electorate.  In India, the system throws up some 1500 hopefuls for the Leadership position. Anyone who can manoeuvre, or manipulate a simple majority of the elected representatives can hope for the invitation to be the Prime Minister.  It additionally requires that the leader must ensure this majority during the pendency of a parliamentary session. Thus, the political parties and Prime Ministers are driven to fulfil as many of the wishes of the

members backing the government as possible through jumbo size cabinets and a variety of assorted rewards.

That the electorate has a right to know about the programs and policies likely to be pursued by the 'chosen' leader prior to choice is given a complete go by. Or for that matter the extent of support base for such policies and programs.

No wonder, what is an MP's delight is a Prime Minister's nightmare.

The spoil's system ensures that a Prime Minister is not free to conduct the agenda of the government as each item and debate are an occasion for bargaining. Ensuring that 273 MP's are permanently wedded to the leader every day of his existence as a Prime Minister, and every hour when the parliament is in session,  becomes the prime task for the party in power. The nadir of democracy is reached when a Prime Minister and his party are driven to purchase of votes for a confidence motion.

Thus the key issue is the manner of choice of the leader, the longevity of the government and stability of platform for delivering performance.


ENSURING A STABLE PLATFORM FOR THE GOVERNMENT

So what is the solution to the issues of Leadership, Stability and Longevity of the Government if neither a single party nor a grand alliance is a workable solution.

Currently, the following suggestions are on the anvil:

> Presidential Form of Government:
> National Government
> Permanent Coalition
> Linking No Confidence vote with Choice of a New Leader
> A fixed Tenure of the Parliament
> Changing the system to reduce the number of political parties

Two things are common in all the above alternatives.

All suggestions involve a change in the constitution for their implementation an indication  of an emerging consensus that a Constitutional Change is inevitable.

All suggestions, in some way, tend to reduce the present powers of parliamentarians. This is tricky as both the decision makers and those directly affected by change are the same. Thus any change that considerably affects the self interest of the  political players is unlikely to be favoured.

Obviously, all the above suggestions, and others that are sure to be generated, will have to be examined seriously. It will be good to remember that even the most favoured suggestion, patterned on the German system, of linking a vote of no confidence with the choice of an alternative leader has been misused for forcing a mid term election. Thus experiences of other democracies, ranging from Norway to Italy and Pacific to Atlantic must be looked at.

Rational solutions are possible. But their acceptance is important, including by the puritans wedded to a form of democracy that requires a installation of an 'Uncle Ben' to be labelled a true democracy. A good compromise will have to be evolved that delivers a healthy democracy in the long run.

Simultaneously, the occasion of Constitutional Review should be utilised to take a larger look at the system. This will enable addressing all other problems and issues that have been brought to the fore in the past.

Since, the constitution of India does not provide for a referendum, nor a mandatory process of wider consultation, a Constitutional Review Body as currently envisaged, to make recommendations for Amendments seems logical. This is highly desirable as it will ensure the minimal right of a citizen to be heard. This also means that other social forces, notably the Civil Society Organisations and the Media will have to join hands and take an active lead in propagating change.


AGENDA FOR CHANGE BEFORE THE REPUBLIC

While addressing the key issues of Leadership of the Government, the proposed Constitutional Review Body must also examine and resolve other issues that have come to the fore in our democracy. These are the major issues based on a review of the democracy in India and opinion among leading political thinkers.

   **The Leadership Issue:**

 * The Leadership of the Government, its stability, Longevity and the manner of
    choice.

 * The position of the Chief Executive, be it called by any designation, its role,
    responsibilities and checks on its powers.

 * Freedom to the Chief Executive to choose his team both from within and
    outside the Legislature.

 * Role of President and Governors vis a vis PM and CM's.

**Strengthening Democracy**

- Strengthening, provisions that prevent democracy from getting derailed and meander outside the democratic norms as has happened in the past.

**Wings of State**

- Ensure adequate Checks and Balances among the three wings of the state, namely Legislature, Executive and Judiciary. This issue has come to the fore on several occasions.

- Ensure Independence between the Executive and the Legislature.

**The Parliament**

∗ Examine the electoral representation system that allows a minority of total votes cast to achieve an elected majority.

∗ The objective and structure of Rajya Sabha to allow adequate voice to the smaller states.

∗ Examine changes in the conduct of Legislative business that has led to the Question hour becoming a free-for-all forum of unparliamentary behaviour.

∗ Institute systems and mechanisms that ensure accountability of the elected representatives and holders of High Offices through Ombudsman, Right to Recall and other similar provisions.

**Judiciary**

∗ Examine changes in the system that has allowed accumulation of over 3 crore cases and an average disposal time of 25 years. This, along with a pile up of 38,000 plus court orders and decrees pending for execution with an average time of 12 years.

∗ Examine Institution of Additional Dispute Redressal mechanisms with adequate statutory support to reduce the inflow of cases before the courts without denying opportunity for full justice to any.

**Centre-State Relations**

- Ensure adequate provisions for a Harmonious Relation between the Centre and the States, including the adequacy of State Governments influence over the union government and vice versa.

- Re-distribution of powers between the centre and the states including Legislative and fiscal.

∗ Institute mechanisms to resolve long standing Interstate Disputes that have obstructed socio-economic development of the country.

## Elections

∗ Examining ways and means that enable reduction of the influence of money, muscle power and guile in the electoral outcome.

- Provisions to reduce the influence of Caste, Religion and other divisive criteria in electoral politics and enhance the role of meritorious political, social or economic agenda in the electoral politics.

- Provisions to ensure adequate Internal democracy in the functioning of
    political parties, through transparency, accountability and being subject
 to  social audit.

- Provisions to contain mobocracy oriented attitudes and unlawful behaviour of the political players including instituting Right to Recall.

## Constitutional Authorities

- Provisions to enhance Autonomy of the Constitutional Authorities and other Socially Important Institutions while simultaneously ensuring adequate checks on their powers.

- Constitution of Ombudsman to enhance accountability of the appointed authorities and elected representatives.

## Neutrality of Public Services

- Provisions to ensure Neutrality of the Bureaucracy, Police and other Services.

- Provisions for Transparency in conducting affairs of the state through adequate legislative support and removal of undue security guarantees.

## Fundamental Rights

∗   Expansion of fundamental rights to include the Right to Information and added thrust to freedom of expression by allowing freedom to set up micro class radio and other broadcasts.

**Directive Principles**

∗   A re-examination of the directive principles to ensure equality of opportunities and to achieve a better distribution of wealth than has been possible in the first 50 years of republic.

**Issues that have rocked the Nation**

∗   A review of the reservations in various spheres of life including education, employment and representation of people.

∗   A review of the role of religion in the society and its relationship with the state and checks on the government from interfering with the free pursuit of Religion.

∗   Provisions to strengthen role of the weaker segments of society and minorities for their equal and adequate participation in the socio-economic and political processes in the country.

∗   Provisions for removal of gender bias in the state and society.

**Strengthening of Local Governments and Panchayats**

∗   Through further delegation of powers that bring the government closer to people.

**Futuristic Steps:**

∗   Replacement of antiquated Laws and addressing futuristic issues including the role of newly developing technologies that span across national boundaries.

∗   Issues emerging out of globalization of business which tend to alter the powers of government without  adequately addressing issues of citizenship.

∗   Role and responsibilities of Trans-national Corporations vis-à-vis the citizens and the nation.

**Amendments To the Constitution**

∗ Making amendments to the constitution a more robust and participative process than currently extant.

THE FINAL WORD

To conclude, the time to address the agenda of change in the Constitution of the Republic of India is ripe. What is needed is the political sagacity and rising above the narrow segmental interests on the part of all political parties, groups and individual to address various urgent issues. For this, although initiative must come from the government, it is the co-operative spirit of all engaged in the process, which can make the change a success and ensure that the next generation can lead an improved quality of life.

One wishes that the process of review, debate and decision making includes the common citizen. Presently, a citizen is only a recipient of what the political guardians decide for the country. Hopefully, a **Citizen's Right To Be Heard** will be restored with the grace of parliament. Perhaps the additional agenda for the constitutional review can be the Role of  Citizens in Shaping the System that Governs their Lives and a **Generation's Right to Review of the Constitution that specifies the System of Governance**. These will be the appropriate gifts from one generation to the next.