

## Problems of Parliamentarism in India

Dietmar Rothermund

Parliamentarism grew upon India just because it was initially denied to it by its British rulers. The philosopher, John Morley, who had become Secretary of State for India in 1906 when the Liberal Party formed a government, was in two minds about introducing parliamentarism in India when he had to preside over the first major constitutional reforms in the 20th century. On the one hand he admonished the Viceroy, Lord Minto, when writing to him while these reforms were on the anvil: "The spirit of English institutions ... we cannot escape ... because British constituencies are the masters and they will assuredly insist on the spirit of their own political system being applied to India". On the other hand, when talking to his own constituency in the Midlothian campaign at home, he emphasized that he was far from imposing parliamentarism on India just as he would not advise people to wear fur coats under the tropical sun. In fact, the Morley-Minto reforms of 1909 impeded the progress of parliamentarism. These reforms reflected the views of the conservative Viceroy rather than those of the liberal Secretary of State. Lord Minto wanted to blend the autocratic heritage of the Great Mughals with a representation of Indian interests. The Great Mughal used to hold a "Darbar" in which his ministers were present and in which his subjects could air grievances. The Imperial Legislative Council should be a more formalized modern version of this "Darbar" according to Lord Minto's wishes. Various interests should be associated with the conduct of government, but they should not be able to change it or to influence its final decisions. The fact that these interests were incompatible with each other would help to preserve the role of government as an umpire holding the balance between such interests. The introduction of separate electorates for Muslims on which Minto insisted and which Morley deplored was in keeping with this viceregal policy. It queered the pitch for India's further constitutional progress and finally led to the partition of the country at the time of the "transfer of power".

Indian nationalists who had at first set great store by the reforms ushered in by the British Liberals were greatly disappointed by the final result. From now on they rather than the British constituencies insisted on the introduction of the spirit of the British parliamentary system in India. Anything that fell short of this system was considered to be another subterfuge of the colonial rulers. Therefore even constructive proposals of alternatives to the British system had no chance in India. In a book on "India in Transition" published in 1916 the Agha Khan suggested either an American presidential system or a Swiss type of federalism for India, but his ideas were not even discussed among Indian nationalists. At every stage of the subsequent constitutional reforms they were demanding a genuine progress towards parliamentarism and decried British constitutional nostrums such as "dyarchy" and "provincial autonomy" which were obviously aimed at deflecting India from the path of parliamentary democracy. It is in this context that federalism became a dirty word in India, because it was introduced as a British stratagem in the game of the devolution of power so as to keep control at the centre while granting only limited powers to the "autonomous" provinces.

## Parliamentarism versus Federalism

British parliamentarism is centralist and as the British had no experience with federalism at home they were bound to be distrusted whenever they recommended it as an export article. The course of British history explains this centralist quality of British parliamentarism. In the centuries after the Norman conquest royal power step by step encroached upon feudal rights. Royal courts penetrated the countryside and emerged as the final arbiters of the people's fate. When Parliament began to curtail royal power it took over one royal prerogative after another and did not yield any of this power to rival authorities. Parliamentary reform meant making Parliament more representative by extending the franchise and eliminating "rotten boroughs" but not any kind of "devolution of power".

In British-India federalism was deliberately introduced so as to stymie the nationalist quest for true parliamentarism. Nationalist political activity was supposed to be tied down in the "autonomous" provinces under the strict supervision of British governors appointed by the central government and the federal legislature at the centre was to be packed with representatives nominated by the notoriously undemocratic Indian princes. It was not a federalism which grew from below but one imposed from above. In keeping with this the standard provincial constitution applicable to all provinces was part and parcel of the central constitution. Moreover, the viceroy was armed with sweeping emergency powers which permitted him to reverse the "devolution of power" at any time. Another stratagem in this context was the extension of the franchise to the substantial peasantry. Indian nationalists were mostly urban people and the British could hope that the peasants would vote for regional pro-British parties. If it had not been for the impact of the Great Depression the newly enfranchised peasants might have done just this, but the nationalists were quick to take up their grievances and then got their votes to the great dismay of the British rulers.

"Office acceptance" under the federal constitution was a controversial issue among Indian nationalists. Jawaharlal Nehru who had been the moving spirit in a very successful election campaign was dead set against it. To him the success in the elections was only a demonstration of nationalist strength which should force the British to proceed on the path of parliamentarism, scrap the "slave constitution" and permit the Indian people to elect a constituent assembly of their own. But the more conservative elements insisted on office acceptance, because the rural voters expected tangible benefits from the new provincial legislatures. Finally a compromise was achieved which had important consequences for the future course of Indian politics. The senior provincial leaders of the National Congress who formed ministries had to resign their party offices, they were considered to be "on deputation" and the participation in the constitutional experiment was treated as a special form of agitation under the supervision of a "High Command" not contaminated by office acceptance. The national leadership aimed at attaining power in the centre and did not wish to waste its energies in the provincial arena.

Federalism thus got off to a bad start in India. It was certainly the only adequate political form for a country as large and diversified as India, but having been introduced with ulterior motives it was suspect from the very beginning. All this would now be of academic interest only, if at a later stage India had been able to sweep away this colonial constitution and draft its own constitution on a



clean slate as Jawaharlal Nehru had hoped. But it was an irony of fate that Nehru was to become India's first Prime Minister under the very constitution which he hated and which he then had to uphold.

### **An Alternative Structure: The Constitution of the Indian National Congress**

When Mahatma Gandhi took over the leadership of the National Congress in 1920 he redesigned the constitution of that body in order to make it more representative and also more efficient as an agitational organisation. He did not conceive of it as a party among other parties but as a national parliament which could be a genuine rival to the institutions imposed by the British. But this national parliament of Gandhi's design did not have a parliamentary constitution, it was a federal body encompassing linguistic provinces. Gandhi emphasized rural participation and a system of indirect elections, the lower level bodies electing delegates to the higher ones. At the apex there was a President who nominated his cabinet, the Working Committee. For the time being this structure was designed to support the freedom struggle, but when Gandhi was asked about his idea of a future constitution for India he always pointed to this constitution of the National Congress as a perfect model. Nothing ever came of it and finally the Congress emerged as a political party contesting elections in a parliamentary system. But a decisive heritage remained: The Congress could never get used to the idea of being an ordinary party like any other party in the arena of parliamentary politics. It always aimed at representing the mainstream of Indian politics and encompassing all interests. It could not conceive of losing majority support and having to enter into coalitions. And when in later years rebels left the Congress and established parties of their own, they basically thought along the same lines. They wanted to replace the Congress and act in the same way as the Congress had done before. In keeping with these views all Congress or ex-Congress politicians always had to adopt a vaguely populist approach rather than projecting a clear party profile which would attract some and repel others.

### **Independence and a Complex Heritage**

When India attained independence it was left with a complex constitutional heritage which provided different options as far as the future course of political life was concerned. The Independence of India Act of 1947 which conferred Dominion status on India and Pakistan was nothing but a revised Government of India Act of 1935. It contained the full viceregal powers and the centralist federalism imposed by the British, but also a vestige of parliamentary democracy which mainly consisted of the reference to a prime minister and a council of ministers. Only parliamentary convention could prevent an interpretation of this constitution along Gaullist lines. In fact, Mohammed Ali Jinnah who opted for becoming the Governor General rather than the Prime Minister of Pakistan adopted a Gaullist interpretation of this constitution and this had serious consequences for the future political development of Pakistan. In India Nehru was already interim Prime Minister when independence was granted and he saw to it that India



followed the path of parliamentary conventions. He embodied the Indian nationalist tradition of striving for full-fledged parliamentarism which had been denied to India for so long and he tried his best to make it work. His lively presence in the Lok Sabha (Lower House of the Indian Parliament) was a major contribution to the setting of a parliamentary political style. He also managed to live with the imposed federal structure which he had hated when it was imposed by the British. One reason why he could adjust to it was that the princes had never really participated in it and that their states had been eliminated in independent India. Furthermore, the chief ministers were almost all Congressmen and stalwarts of the freedom movement whom he had known for many years. His periodical letters to these chief ministers are a testimony to the respectful attention which he devoted to them. They were certainly not treated as minions who could be easily replaced, a treatment often meted out to later chief ministers by later prime ministers.

Nehru could put Indian politics on an even keel in this way, because he enjoyed the support of a large parliamentary majority for a very long period. He owed this support to his personal popularity but also to the undiminished strength of the National Congress which he had preserved in its old structure although Mahatma Gandhi had suggested that the Congress should be dissolved after the attainment of independence. In 1948 Nehru's rival, the conservative Home Minister, Vallabhbhai Patel, had purged the Congress of the Congress Socialists who had to set up their own party. If Nehru had opted for them a genuine two party system could have emerged with Patel leading a conservative party and Nehru a leftist one. But with all his socialist sympathies Nehru had been a Congress "mainstreamer" throughout his political life and had never wanted to leave his party. And he was lucky: Patel died in 1950 and left him in unrivalled control of the party. He could give a leftist slant to it which kept the leftist opposition at bay. Later on he veered to the right so as not to be overtaken by the Swatantra Party which appealed to the rich peasants and the prosperous urban classes. Under his astute management the Congress always had a comfortable position at the centre of Indian politics. The flaws of an ill-designed federalism and the lack of an adequate two party system which is required for the functioning of parliamentary democracy did not show up in those days.

There was another important feature which contributed to political stability in Nehru's period of office: The simultaneous elections to the state assemblies and the central Lok Sabha. This was merely a convention and there was nothing which forced the government to continue this practice which Nehru had started at the time when the first Indian general elections based on adult franchise were held in 1952. Four such elections were held in his lifetime and he did very well in all of them. In such elections the assembly candidates who were close to the people because of their much smaller constituencies could so to speak carry the respective Lok Sabha candidate on their back. The election system inherited from the British always produced magnificent results for the Congress party which normally obtained only about 45 per cent of the national vote but captured about two thirds of the Lok Sabha seats. A proportional election system would have forced the Congress to enter coalitions even in Nehru's days, but the combination of simultaneous elections at both levels with the British election system produced stability with a vengeance. Nehru never had to face the challenge of coping with the kind of situation with which India's political leadership is confronted today.



### **The First Crisis of Parliamentary Democracy: Indira Gandhi's Emergency**

Nehru died in May 1964 and his successor, Lal Bahadur Sastri, in January 1966. When Indira Gandhi became Prime Minister she suffered from many handicaps. She was considered to be a compromise candidate, and a very weak one at that. As if to prove this point she succumbed to the pressure of the World Bank and devalued the Rupee by 50 per cent soon after taking office. The hope of the World Bank that this would give a boost to Indian exports was a false one, instead this measure precipitated an imported inflation at a time when prices were rising anyhow due to two very bad harvests. Facing the electorate under such conditions in 1967 was bound to be risky. The Congress party just managed to retain a majority in the Lok Sabha but lost control of several North Indian states. It was only then that the brittle structure of Indian federalism was exposed for the first time. This forced Indira Gandhi to have recourse to the viceregal heritage. She made full use of the instrument called "President's Rule" which enables the central government to topple state governments run by parties which are in the opposition at the centre. But even this did not suffice to bring the states in line and therefore she delinked the national elections from the state elections in 1971 and turned these national elections into a kind of plebiscite which she won with a large margin. Unfortunately she interpreted this as a mandate for toppling state governments in a big way, claiming that these governments obviously did not represent the will of the people any longer. This meant doing a disservice to parliamentary democracy and federalism. After getting away with it she damaged the political system even further by proclaiming an emergency in 1975. The President was subservient to her and signed the decrees which she needed and the Lok Sabha was equally subservient and ratified everything which she promulgated in terms of presidential ordinances. This indicated to what extent a reckless government could make use of the viceregal heritage enshrined in the Indian constitution, it also showed that for many Indian politicians parliamentarism was only skin-deep. For those who knew better but did not dare to resist it was a humiliating experience.

Indira Gandhi was nevertheless aware of the fact that she would lack legitimacy if she postponed elections indefinitely, moreover, she hoped to repeat the performance of 1971 and get the mandate of the people in a lightning election campaign. Having jailed all opposition leaders and releasing them only shortly before the election she was confident that they would not get their act together and remain divided as usual. But having shared the experience of being in jail those leaders had obviously attained a much higher degree of parliamentary consciousness and they agreed on putting up only one candidate against the Congress candidate in each constituency. In this way they won the elections of 1977 and Indira Gandhi's political fate seemed to be sealed once and for all, the more so as she practically obliterated her party and did not seem to pose any serious challenge any longer. This was due to her temperament and not to low cunning, but if she had intended to deceive her opponents and lure them into a trap she could not have done better. With the disappearance of any viable opposition the uneasy coalition of disparate elements which supported the government of Morarji Desai fell apart and in the elections of 1980 the pendulum swung back again and Indira Gandhi won a landslide victory.



At face value this looked like a triumph of parliamentary democracy, elections had been fair both in 1977 and in 1980, there were no incidents of large scale violence or widespread rigging. The changing of guards had taken place in an orderly fashion. But a deeper analysis would reveal disturbing features: The leaders who had won the elections of 1977 had completely forgotten the lesson which they had learned and applied at that time and Indira Gandhi had won not because she had built up her party while she was in opposition but rather because she had destroyed it and had then run a whirlwind campaign which owed more to her indomitable energy and personal courage than to any political virtues which are required for the stability of parliamentary democracy. Just like after her victory in 1971 she started the toppling game once more and tried to impose Congress chief ministers of her choice on various states. This finally led to a backlash in some states and she had to witness the victory of regional parties which she could not topple with the excuse that they did not represent the will of the people, an argument which would sound convincing only immediately after her success in a national election. The old instrument of "President's Rule" was used by her so often that it brought everybody concerned into disrepute, including the supine governors who had to certify that constitutional government had broken down in their states so as to justify the imposition of "President's Rule".

### **The Role of the Governors**

Centrally appointed governors, another British legacy, did not fit into a federal structure based on the principles of parliamentary democracy. If they interfered with the elected government of the state their role was sinister and harmful, if they did nothing they were superfluous. In actual practice they performed a function which was even more insidious than direct interference. They were often obliged to issue ordinances and repromulgate them year after year, in this way they absolved the state legislatures of doing their job of passing laws. If the subjects of such ordinances had been only petty ones which an overworked legislature could not cope with for lack of time, this activity could have been condoned. But, in fact, these ordinances dealt mostly with major controversial issues which the legislatures did not want to touch thus shirking their parliamentary duty. Even the High Courts of such states did not interfere with this fraudulent practice, because they felt that they had no mandate to take the legislature to task if it voluntarily abdicated its responsibility. In this way many Indian governors became both supine henchmen of the central government and willing accomplices in the perpetration of a fraud on the constitution. Any self-respecting man conscious of what he was doing should have resigned or not accepted an appointment as governor in the first place. But unfortunately the awareness of political principles had receded to such an extent that even governors hardly felt ill at ease when doing whatever they were asked to do. Actually the only useful and legitimate purpose of such a centrally appointed governor would be the function of a constitutional monitor who would see to it that state governments did not unintentionally violate certain norms. Instead the governors indulged in practices which served to undermine constitutional principles and the spirit of parliamentary democracy.



Governors are not ordinary people, most of them had a record of distinguished service in one field of public life or another. If they lent themselves to such obvious abuses it can only mean that they played a game according to rules which they accepted as conventions - and conventions are after all the backbone of parliamentarism. The British constitution has never been reduced to writing, it is entirely based on conventions. It is backed by a civil society which has a sense of what is "not cricket". This is absent in India where rules have to be made explicit, because a civil society of the kind which exists in small homogenous societies like the British one is not to be found in India. Therefore even a man who occupies the exalted position of a governor cannot be expected to function properly unless the norms which should guide him are clearly set down. Otherwise he will play the game according to rules derived from current precedent - or conventional abuse.

Past experience shows that a reform of Indian federalism is overdue and that it should perhaps start by abolishing the posts of centrally appointed governors altogether. Elected governors would have no constructive role to play as long as there are elected chief ministers, unless their functions are clearly defined and restricted by the constitution. Since the second chambers of the assemblies of Indian states hardly perform any useful functions, an elected governor could much better play the role of such a chamber, i.e. refuse assent to a bill and send it back to the assembly or refer it to the High Court for legal advice on its constitutionality etc. A trusted elder statesman backed by the vote of the people could very well play a salutary role in such a post. There should be a provision for his impeachment if he oversteps the limits imposed on him by the constitution. At present the centrally appointed governor cannot even be impeached and one would have to impeach the President presuming that he is responsible for the actions of governors appointed by him. This has never happened so far, but there is at least the legal precedent of successful litigation against the President for tolerating the fraud perpetrated on the constitution by governors who re-promulgated ordinances. This verdict of the Supreme Court is a major victory for the spirit of parliamentary democracy in India. It clearly precludes the executive from usurping the functions of elected legislatures and gives a warning to those legislatures which connived at this practice in order to avoid difficult issues. This litigation owed its origin to one Indian citizen (Prof. D.C. Wadhwa) who had both the knowledge and the courage to highlight this fraud which had become a routine with many governors.

### **The Second Crisis of Parliamentary Democracy: Rajiv Gandhi and his Successors**

In October 1984 Indira Gandhi was assassinated by her Sikh body guards who took revenge on her for what she had done to the Panjab. According to proper parliamentary procedure the majority party should have elected a new leader to be appointed as Prime Minister by the President. But the President short-circuited this procedure and appointed Indira Gandhi's son Rajiv who was new to politics and would not have become Prime Minister under any other circumstances. It was only this choice which gave credence to those who were talking of a



"dynasty" which had now produced a ruler of the third generation. Dynastic succession is a principle directly opposed to the spirit of parliamentary democracy and to this extent a new crisis of parliamentarism in India began with Rajiv Gandhi's unconventional rise to power. He healed this flaw by calling for fresh elections in which he had an overwhelming success. His first year in office seemed to augur well for the future of parliamentary democracy in India. He did not indulge in the toppling game as his mother had done, and the Assam and Panjab accords which he concluded showed a bold problem-solving approach to centre-state relations in India. But when he failed to keep the promises made in the Panjab accord, because he had an eye on the state elections in Haryana - which the Congress party then lost anyhow - his star began to sink. In his first year he acted and the others reacted to what he did, from now on he appeared to be reacting only to a stream of unfortunate events. Former associates left the sinking ship and started political campaigns of their own. They followed the pattern established by earlier Congress rebels who wanted to replace the Congress rather than fight for a clear-cut programme different from that of the Congress party. In the 1989 elections a new version of the strategy adopted by the opposition leaders in 1977 was adopted. There was no explicit electoral alliance, but an understanding that those candidates who had the best chances in winning against the respective Congress candidate should not be opposed by others. What emerged from this election was not a two party system but a most unfortunate medley of parties which for various reasons were not able or willing to form a coalition government. The Congress party had lost its majority but was still the largest party and should therefore have emerged as the natural leader of a coalition. But since the common denominator of all the other parties had been their will to dislodge the Congress party, none of them could become coalition partners of that party. On the other hand the Congress leadership was also not eager to tie its political fortunes to a smaller partner which could turn out to be the proverbial tail which wags the dog. Finally a minority government led by V.P. Singh emerged which was "tolerated" by the Communists on the one side and the right wing Bharatiya Janata Party (BJP) on the other. The Communists and the BJP hated each other and would never have entered a coalition to which the other would also be a party, but it was exactly such a broad coalition which would have had a majority in the house. A "tolerated" minority government is an anomaly in a parliamentary democracy, it should actually be ruled out by a constitutional provision such as that in the German constitution which stipulates that one government can only be replaced by another which can prove that it has a majority in the house not by "toleration" but in terms of a viable coalition. The essence of parliamentary democracy is that the government can control the legislature for the time being, a minority government cannot do that and is subject to changing influences and opportunistic manoeuvres, because "toleration" must be bought day by day in the political market place. The only common interest which animates all parties concerned is their fear of facing the voters otherwise they would not participate in this sordid game.

A minority government is not only weak with regard to its dependence on those who tolerate it, it is also beset by internal strains as various leaders within it jockey for political positions with a view to their political future. Such a minority government is like a sinking lifeboat in which all members of the crew are on the lookout for better options for their survival. V.P. Singh experienced this in every



respect and finally he had to throw out his Deputy Prime Minister, Devi Lal, who was viciously rocking the boat. Devi Lal prided himself on the popularity which he enjoyed among the peasants. In order to counteract this, V.P. Singh adopted a dangerous course. He dug out an old report which was gathering dust on the shelves of the central secretariat and used it as a political weapon. This report of the Mandal Commission contained a recommendation that in addition to the 22 per cent of government posts reserved for scheduled castes and tribes another 27 per cent should be reserved to other backward castes. Among these other backward castes were the major peasant communities and V.P. Singh could hope that they would now support him rather than Devi Lal. The public sector employs almost half of India's manpower in non-agricultural occupations. The peasants would not gain from this as such, but they are interested in "jobs for the boys" and would certainly get V.P. Singh's message. What he did not bargain for was the desperate reaction of the "non-backward" castes whose educated young men went on a rampage, some of them even immolating themselves as a sign of protest. V.P. Singh had reduced the job prospects of these people very severely and he had stooped to the low level of promising to dole out nearly half of all public sector jobs as election presents.

The BJP which "tolerated" V.P. Singh's government could not really tolerate this stratagem, because most of its voters belonged to the "non-backward" castes. On the other hand it could not openly adopt a stance against the interests of the "other backward castes", as it did not wish to alienate potential voters. Consequently it had to opt for another line which would appeal to all Hindus regardless of caste. The so-called "Ramjanmabhumi"-agitation offered a perfect platform for this purpose. Hinduism has a plethora of sacred scriptures and religious traditions, but no revealed "Bible" and it is therefore not suited for any kind of "fundamentalism". But the legendary King Rama is dear to all Hindus and the name of his birthplace in Ayodhya ("Ramjanmabhumi") is a word to conjure with. Baber, the Great Mughal, had supposedly built a mosque at the very place where an ancient temple devoted to Rama had stood before. In order to avoid clashes between Hindus and Muslims the British-Indian government and later on the Government of India had seen to it that the site was off limits to both communities. In recent years the government had prevaricated in dealing with this issue and now the BJP launched a national campaign headed by the party's president, L.K. Advani. V.P. Singh had to order the arrest of Advani and that ended the "toleration" of his minority government. The natural consequence should have been an immediate election, but all parties were still afraid to face the voters and conspired to avoid this day of reckoning. Another minority government was ushered in, this time "tolerated" by the Congress party. It was led by Chandra Shekar as Prime Minister and the irrepressible Devi Lal as Deputy Prime Minister. A minority government tolerated by two smaller parties and opposed by the largest party is bad enough, but a minority government tolerated by the largest party can only be called a puppet government. It is an even more despicable anomaly in a parliamentary democracy than the first one. Anyone who does not know about the historical development which has been outlined here would fail to understand why people could put up with such a situation and why a Prime Minister would be willing to serve under such perverse conditions. It so happens that the Indian political scene throws up leaders who would be prepared to do anything for becoming Prime Minister once in a lifetime, not because they



want to taste the fruits of corruption, but because they are deeply convinced that it is their manifest destiny to serve the nation in this capacity. Corrupt people one would be able to bribe so that they would forget about their ambition, but people who sincerely believe in their mission will finally achieve their aim even if they have to do a great deal of damage to the political system in this way. Chandra Shekhar, the latest example of this political species, may have regretted his striving for high office when he was deprived of it in the most humiliating manner: All members of the house except his party walked out on him. He did not even wait for a decent vote of no confidence, but voted with their feet. For him toleration ended with a bang, though to some more distant observers it may have sounded like a whimper.

### **The Prospects of Parliamentary Democracy in India**

The present account has highlighted the deviations from the principles of parliamentary democracy in India, this is not meant to be carping criticism but a contribution to a discussion aimed at improving the future chances of this democracy. India has a vibrant political life, elections have been free and fair, the voters, particularly the rural ones, have often walked long distances and spent hours in order to cast their votes. Candidates who failed to show up in their constituencies have often lost their seats to their more active rivals. Most voters are well informed about what is at stake in the elections and at least ten per cent of them know a great deal about the candidates of various parties, the constituencies and the government at the state and at the national level. Illiteracy which is still rather widespread in the countryside is no obstacle to the flow of information and the acquisition of a shrewd political judgement. As far as the voters are concerned parliamentary democracy has a bright future in India. Moreover, the vast regional differences prevalent in India can only be reconciled by democratic mediation, any dictator would find it impossible to rule modern India effectively. The human resources of parliamentary democracy in India are of very good quality, what it less assured is the political will to uphold and develop political institutions which guarantee the survival of this democracy. Politicians are often short-sighted and bend institutions to their momentary needs not taking into consideration that they may depend on the stability of those institutions at some future time. Rabindranath Tagore once told the story of a boatsman and a bridge which blocked his way. The boatsman wished the bridge would bend so as to let him pass and did not think that he would have to rely on the stability of that bridge the next time when he walked over it. The reliability of constitutions can be compared to that of Tagore's bridge.

India's constitution has in many ways served India well although it preserved many elements of its colonial heritage. It has provided a framework for the growth of parliamentary conventions and with the exception of some lapses its inherent authoritarian features - the viceregal heritage - have not been conjured up. But for the future of parliamentary democracy in India it would be better to eliminate or curtail some of these features so as not to tempt short-sighted politicians to make use of them. "President's Rule" should be abolished or at least circumscribed in such a way that it could be imposed on one federal state only



with the concurrence of the others. The federal character of the central parliament should be emphasized by restructuring the functions and the composition of its second chamber, the Rajya Sabha. In its present shape this august body is somewhat of a copy of the House of Lords, there being no lords in India some distinguished citizens are nominated to this house while others are elected. It would be far better if the Rajya Sabha were composed of representatives of the states, then it could also be entrusted with approving or disapproving of the imposition of "President's Rule".

In conclusion a word has to be said about the recurrent debate whether a presidential system would not be more suitable for India than the parliamentary democracy of the British type. The American style of presidential government has much to recommend itself. It guarantees a stable executive and the powerful Senate highlights the federal features of the system. The fact that small and large states alike are represented by two senators each soothes the feelings of smaller states which are otherwise outnumbered by giant states (such as California in the USA and Uttar Pradesh in India). But whenever Indian politicians have toyed with the idea of a presidential system in recent years they did not really mean the American but the French one introduced by De Gaulle. Indira Gandhi, for instance, would have loved to play the role of De Gaulle and have a kind of "Dewan" or "Wazir" as a prime minister who would look after the daily routine of politics and could be changed if he did not toe the line.

Looking at the present experiments with tolerated minority governments in India one could get the idea that presidential systems would be preferable as they would not permit this kind of travesty of parliamentary democracy. But there is no need for such a radical cure as a few minor constitutional changes would preclude such experiments. After all, India has been able to cope with the phenomenon of individual defectors who would carry their seat along claiming that they were free to follow their conscience (or the better paymaster). If "toleration" was ruled out by a clause stipulating that the Prime Minister has to represent a majority party or a viable coalition and not just be able to survive a vote of non-confidence in a house composed of people who do not want to face the voters this would be enough. Actually those who drafted the legislation against defectors should have included such a clause in their bill, because the present problem is largely due to the fact that defectors cannot float back and forth as easily as they used to do. The flexible conscience of some Indian politicians always guaranteed that a majority would gravitate towards the centre of power. The rigidity introduced by the anti-defection measures is at the root of the present dilemma. But, of course, this should not encourage a move to restore defectionism, on the contrary it should force the legislators to go one step further and preclude "toleration".

To paraphrase Mahatma Gandhi, parliamentary democracy is an "experiment with truth", if the means are pure the end will take care of itself. But it is not always easy to find out which means are pure and which are not. The experiments have to go on, they will tell the truth.