

FEDERAL POLITICS IN THE ERA OF COALITION GOVERNMENTS IN INDIA

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Abstract

Federalism, along with parliamentarism, is another axial principle of Government in India. These two principles are contradictory in the sense that parliamentary Government is premised on legislative supremacy, while federalism is predicated on decentralization of political power. Their combination in the Indian Constitution was considered necessary in view of the vast size and considerable regional diversity in the country, even after the partition in 1947. Yet, drawing lessons from the historical divisiveness and partition at the birth of the Indian nation-state, the framers of the Indian Constitution considered it expedient to draft a Constitution with a strong parliamentary centre. The inherent conflict between parliamentary supremacy and federal decentralization was sought to be reconciled by mechanisms of giving the Union Government some overriding powers over the State Governments in normal, and especially in emergency situations, and by creating a federal Supreme Court with an integrated hierarchy of courts down to the district level. This paper examines the importance of federal politics in the era of coalition governments in India.

Keywords: *Federal, Parliament, Multi-Party System, Legislative, UPA, NDA coalition*

Introduction

Federalism, along with parliamentarism, is another axial principle of Government in India. These two principles are contradictory in the sense that parliamentary Government is premised on legislative supremacy, while federalism is predicated on decentralization of political power. Their combination in the Indian Constitution was considered necessary in view of the vast size and considerable regional diversity in the country, even after the partition in 1947. Yet, drawing lessons from the historical divisiveness and partition at the birth of the Indian nation-state, the framers of the Indian Constitution considered it expedient to draft a Constitution with a strong parliamentary centre. Besides, the Constitution also envisaged an Inter-State Council for coordinating Union-State relations. Indian federalism is not a static entity. It has been evolving over the years from a predominantly parliamentary system during the era of the dominance of the Indian National Congress to a considerably federalized system under a multi-party system with coalition Governments since 1989.

Besides the structure of constitution, the working of the legislative and executive Government in the Indian federation is significantly influenced by the nature of the electoral system, party system and judicial behavior.

Contrary to the Duverger-Riker hypothesis about the plurality electoral system giving rise to two party-systems, the Indian experience suggests that this kind of electoral law in a socially and regionally diverse federal system leads to fragmentation of the party system, ultimately leading to a multi-partisan configuration. The Duverger-Riker hypothesis is valid only for countries that are endowed with a relatively homogeneous political culture, e.g. the United Kingdom and Australia among parliamentary federal systems and the United States as a presidential federal system. Besides India, Canada emerges as another counter example of the Duverger-Riker hypothesis. Canada and India both historically developed phases of one-party dominant systems at the national level but subsequently turned into multi-party systems with increasing politicization and assertion of regional and ethnic identities. Thus, in these two cases, the effects of proportional representation are seen even under plurality electoral system due to the complicating third factor of social and regional diversities. It is widely accepted that proportional representation leads to a multi-party system as in most continental European countries.

Party system is perhaps the most important intervening variable that significantly influences the working of a federal political system. As mentioned earlier, India began with a one-party dominant system and since 1989; it has been a multi-party system. The centralized phase of Indian federation that spanned the Nehru and Indira

Gandhi phases, by and large, was associated with one-party Congress dominance. This feature of the party system was clearly reflected in the working of all organs of the Government. After an initial dispute about the interpretation of the powers of the President raised by Dr. Rajendra Prasad, the first President of India, the question was settled in favour of a nominal head of the State in the British parliamentary tradition. The Cabinet during this phase started with Nehru-Patel duumvirate and after Patel's death in December 1950, the Cabinet system virtually turned into a prime ministerial system under Nehru. One-party control of the legislature facilitated the emergence of a strong prime ministerial Cabinet. Autonomy of the federating States was somewhat overshadowed by the rule of the same party in New Delhi as well as in practically all States, yet State Governments were not as powerless as they were to become later under Indira Gandhi. During the Indira Gandhi regime that followed after a brief interlude under Prime Minister Lal, Bahadur Shastri, the political system became considerably centralized than in the past. The one-party control of the parliament, Prime Ministerial domination of the Cabinet system and Central hegemony over Congress-ruled State Governments in particular, and Opposition-ruled State Governments in general became further accentuated. Central intervention in State Governments under Article 356 was frequently resorted to topple Opposition Governments in States.

This overly centralized Union Government was challenged by an extra-parliamentary mass movement, popularly called the J.P. Movement, on the issues of authoritarianism and corruption in the Government. This confrontation led directly to the imposition of internal Emergency by Indira Gandhi and a wholesale arrest of the Opposition leaders. The 1977 elections routed the Emergency regime and voted the newly formed centrist Janata Party to power in New Delhi and major North-Indian States. The Janata interlude of nearly two and a half years was followed by the restoration of the Congress Party led by Indira Gandhi in 1980. After her assassination in 1984, she was succeeded by her son, Rajiv Gandhi. During this phase, the functioning of institutions came again to be marked by centralization, though somewhat lesser in degree than in the 1970s. For, several State Governments during this phase were controlled by non-Congress parties. Indira Gandhi too was somewhat chastened by the Emergency imbroglio. The Rajiv Gandhi Government in particular, brought a somewhat fresh approach to the problems especially in relation to non-Congress States that were marked by agitational movements. He signed a series of peace accords with major regional parties in Punjab, Assam, Mizoram and Tripura. Rajiv Gandhi also built bridges of understanding with the National Conference leader, and subsequently Chief Minister, Farooq Abdullah of Jammu and Kashmir.

Multi-Party System

A qualitatively new phase in Indian politics was ushered in with the advent of the multi-party system in 1989 elections which has continued ever since. With no clear majority for any one party during this phase, the coalition and minority Governments have been the rule, with decisive role played by some major regional parties. This complex set of changes has brought about a sea change in the political system. The prime ministerial system has dissolved into a kind of Cabinet system that has gone beyond recognition in comparison to the classical Westminster system based on the collective responsibility of the Cabinet to the popular Chamber of the Parliament. The Indian Cabinet system today is in reality fragmented into segments nominated and controlled by participating parties, some of which led by powerful Chief Ministers. Legally, the Prime Minister is still the king-pin of the system in the sense that the ultimate power rests in his/her hands. But the Ministers are imposed upon him by coalition partners and withdrawn from his Cabinet sometimes against his will. Thus, the principle of collective responsibility is considerably strained which goes beyond the Parliament to the party bosses and the Chief Ministers. This is perhaps inevitable in a federal coalition Cabinet, but it is something alien to the Westminster system.

With the decline of prime ministerial power, the Presidential role has acquired some more elbow room, though this does not really amount to an independent role for the President. However, the recent Presidents have shown greater initiative and drive under coalition situations, particularly in formation of Governments and dissolution of the Lok Sabha in cases of uncertain majorities, than in the past. The phases of coalition and minority

Governments have also increased the autonomy of the Parliament as well as that of State Governments than was ever the case under one-party majority Governments.

The role of the Rajya Sabha as a federal Second Chamber was not found to be particularly notable by Morris-Jones in his classic study of the Indian Parliament in the 1950s. In his assessment, it was no more likely to be a forum for articulation of State's rights any more than the Lok Sabha. Both the Houses were more or less similar in terms of party affiliation and socio-economic background of members as well as in terms of style and standard of debate. However, with the transformation of the party system by the 1990s, The Rajya Sabha, has emerged as a federal Second Chamber as it reflects a different party configuration that that of the Lok Sabha. The differential oppositional majority in the Rajya Sabha is attributable to a different party system configuration in the States whose legislatures form the Electoral College for the federal Second Chamber. Thus, the governmental majority in the Lok Sabha now must make inter-house legislative understandings with the Rajya Sabha to facilitate passage of legislations and constitutional amendments.

A deadlock between the two Houses of Parliament is resolved only at a joint session. In a joint session, the Lok Sabha with its larger number is more likely than not to emerge successful. But no Government would like to make the joint session a regular feature of the parliamentary process. A constitutional amendment in any case can be effectively blocked by the Rajya Sabha.

In addition to the electoral and party systems, judicial behavior is another important factor that affects the working of the legislative and executive governance in the Indian federation. Despite its common integrated structure, courts have generally been protective of the federal structure of the Constitution, especially in more recent decades. The courts have done this at least in three ways. First, as early as in *Hargovind Pant vs Raghukul Tilak & others*(1979), the Supreme Court gave an essentially federal, as distinguished from central, interpretation of the role of the Governor. It observed, the Governor's "is an independent constitutional office which is not subject to the control of the Government of India". Second, in *S.R. Bommai & others v. Union of India & others*(1994), the Supreme Court reversed its earlier decisions in a number of cases previously decided wherein it had consistently maintained that the determination under Article 356 of the Constitution whether a constitutional machinery in a State had broken down or not was a "political thicket" best left in the hands of the Union executive. The Court now maintained that the satisfaction of the President in the matter was "subjective" but "not entirely absolute" and must be exercised on some palpable material or evidence in the public domain. The court thus made this power of the Union executive subject to judicial review for the first time. This considerably reduced the greatest threat to the autonomy of State Governments from the arbitrary exercise of the executive power of the Union. Third, in the foregoing judgments as well as in *Keshavananda Bharti vs Union of India*(1973) and *Minerva Mills vs Union of India*(1980), the Supreme Court established the doctrine of the unamendability of the 'basic structure' of the Constitution, of which federalism is illustratively declared to be a part.

Conclusion

By available indicators, the current trend of greater federalization of the political system is likely to continue. The 2004 Lok Sabha elections have again produced a hung Parliament. However, the National Democratic Alliance (NDA) has lost power to the United Progressive Alliance (UPA). Left-of centre coalition has thus replaced erstwhile right-of-centre coalition. More recent experience suggests that coalition politics is stand on. Now UPA coalition defeat in the 16th Loksabha elections held on 2014. And Bharatiya Janatha Party getting the clearcut majority in the house and form the government headed by Sri Narendra Rao Damodara Rao Modi was became a prime minister of India. Present BJP government not single party government. This government also including Telugu Desam and Shiva Sena parties.

Neo-liberal economic reforms stepped up in 1991 have brought about a somewhat new feature in autonomous and semi-judicial regulatory agencies set up under parliamentary Acts. This is not an entirely new phenomenon; in

fact, such agencies have existed in limited numbers even in the past. What is new is that their number has multiplied. This may be called the accentuated phenomenon of 'sectorial federalism'. The examples of such agencies are Central Telecom Regulatory Authority, Central Electricity Regulatory Authority, Central Insurance Regulatory Authority, Competition Commission, SEBI etc. Despite being set up under parliamentary Acts, their activities vitally affect the working of the federal as well as State Governments.

In addition supra-national regional economic integration in South Asia has gathered new momentum. Although political integration at this stage appears to be far-fetched, if the progress at the economic level is substantial, in due course, political federalization in South Asia beyond the nation-States could also become a reality.

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