



## Development Of Parliamentary Democracy In India

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"Democracy is good. I say this because other systems are worse." - Jawaharlal Nehru

### Introduction :

India gained freedom from British colonial rule on 15 August, 1947. At the time of the independence of India, the world was recovering from a reign of terror by the Nazi regime and the horrors of World War 2. The situation at that time was the West endorsing liberal democracy while the East endorsing communist dictatorship. While India was left with leaders such as Nehru, Gandhi, and Sardar Patel, India was to decide a form of government. India already was gifted a form of council i.e. representative-based government by the British. Government of India Act, 1935 provided the basis of the legislature. Ambedkar argued that democracy is a form of government where changes are thus achieved without any bloodshed. If we look into the world history of philosophies we will find more and more arguments in favor of democracy. Aristotle describes democracy as the least evil form of government.<sup>1</sup> A strong argument presented in favor of representative democracy is by John Stuart Mill. He described it as an efficient forum for conducting the collective affairs of the community.<sup>2</sup> Mill not only talked about a basic and direct form of democracy but where people actually participate indirectly via their elected representative.

Government of India Act, 1858 brought India into one singular and its first modern form of government. Indian Councils Act, 1861 laid down the foundation for India's first legislative council.

When the constitution of India came into force after independence the preamble read "we the people of India having solemnly resolved..... To give ourselves the constitution"<sup>3</sup> it directly implied that the form of government, the state, and the constitution is by the people and for the people of India.

### *Did India develop into a representative democracy or a populist democracy?*

In a survey conducted by India Today, as of August 2019, the approval rate of Prime Minister Modi was more than 70%.<sup>4</sup> In the 2019 elections, the ruling party BJP garnered over 37% vote share of the country. Even if we look at the history of historical mandates in Indian democracy, the Rajiv Gandhi led Congress government won 404 seats in Lok Sabha. Either it is Indira Gandhi or PM Modi it seems like voters of India do not vote for their constituency representative but they vote for any strong charismatic leader they seem fit. This mentality of voters in India turns the leader into an absolute power holder. Even Nehru was concerned with himself having more power. The founders of our nation laid the same in such a way that limiting and separation of power were done efficiently. We have a system with separation of power between the judiciary, legislature, and executive. Though there have been tussles between all three, the constitution has always prevailed.

Concerning the prime question that is India developed into a populist democracy, we knew by the cases that charismatic leaders in India rise so easily and the obligation in the state is more of a charismatic and not rational. People are driven through a force of emotional appeal and not a rational mindset. Rajiv Gandhi won a historical mandate because of people's emotional attachment to Indira Gandhi's death.

So, is India a populist democracy?

### Populism in India

Populism is a political approach that appeals to people who think their needs are ignored by elites. India, during its freedom struggle, leaders used to mobilize people in the sense of nationalism. Factors like caste and class used to play an important role. If we look closely at Gandhi's appeal of Swadeshi Abhiyan, the non-cooperation movement, Bharat Choro Abhiyan, etc. were more like a populist appeal.<sup>5</sup> Here the British officials were elites who ignored

<sup>1</sup> Aristotle. *Politics*, Book IV.

<sup>2</sup> Mill, J. S. (1861). *Considerations on Representative Government*.

<sup>3</sup> Constituent Assembly Debates, Government of India. (1949).

<sup>4</sup> India Today. (2019). "Prime Minister Modi's approval rating at 70%".

<sup>5</sup> Raghavan, V. (2014). *Gandhi's Political Philosophy*.

the consensus of common masses and Gandhi appealed to a majority of peasants, farmers, local business, villagers, etc. caste-based movements with high populist characteristics were laid down by reformers like Ambedkar and Periyar who were more concerned about snatching power by upper-caste elites in the post-independence scenario. The multi-ethnic, multi-religious, and hardcore nationalistic appeal was put forward by Subhas Chandra Bose who advocated for radical reforms and by fighting with counter-violence for independence.

But the founders of our constitution had a far vision and laid the foundation of constitutionalism which limits the authority under the guardianship of the constitution. The fear was that any leader may for his own benefit exploit the emotional obligation of the majority and can drive the majority for his own use.

In the post-independence period unfortunately, the government again ignited the populist appeal. The nationalization of resources and the Nehruvian idea of industrialization and modernization appealed to the masses. With low political participation Nehru emerged as a charismatic figure in Indian democracy.<sup>6</sup> In the late '60s and early '70s with the rise of socialist parties with most of them focused on middle castes and lower castes, India saw a rise in the anti-establishment based populist struggle in the face of opposition. To counter that Indira Gandhi adopted the same approaches that were demanded. For example, adding 'socialist' in the preamble and nationalization of banks. New political parties such as Samajwadi Party and the Bahujan Samaj Party were based on class and caste struggle against the ruling congress mostly consisting of upper-caste elites. The founder of BSP Kanshi Ram had a slogan, "jiski jitni Sankhya uska utna bal".

During the '90s the nation saw a surge in right-wing nationalism based on Hindutva struggle by bjp and its ally.<sup>7</sup> This was a new type of politics which was different from congress style liberal ideas or caste-based socialist policies. It advocated for Hindu unity and made its ground during ram mandir Andolan.

The rise of Hindu nationalism sided all other movements in the next decade. It dissolved every caste struggle. In the 2014 elections, according to an ECI data by young India fellowship election data unit, BJP won 83% of the urban votes, 70 % of the semi-urban, and 63% of rural votes which implies that Hindutva style populism greatly influenced the minds of the middle-class voters which other parties failed to do. Four in every ten votes of bjp were from OBC's, three were from general caste and three were from sc/st's. This proves how socialist parties failed to capture the middle caste votes. While BJP won a 31% vote share in 2014 it expanded to 37.36% vote share in 2019, and this surge is what many argue is a rise of populism in India.

Contrary to these all beliefs, is India really a populist regime?

In a survey by Pew Research, 76% of Indians have favorable views about direct democracy and 76% of Indians have a favorable view about representative democracy.<sup>8</sup> If we look into the history of Indian culture and its ancient civilization, we have always upheld the spirit of democracy and that too representative democracy.<sup>9</sup> Ancient India used to have janpads which worked as small republics. Discussions of tribes were through deliberation and common consensus it actually worked as a social contract and the role of the king was to serve the tribe not to rule over it. Even Kautilya in his masterpiece Artha sastra defined this system of the republic.

In ancient India, the republics were called gadrajya and the king was bound by a concept called raj dharma which is very alike to the modern-day principle of constitutionalism. The spirit of this democratic republic somehow passed on through generations. In 1885 the Indian national congress was formed which worked by the very spirit of councils, the idea of discussion, deliberation, and legislation was already adapted by the leaders fighting for India's freedom. It was now that Indians realized that freedom can be achieved by political participation.

After Indian independence, India adopted a British-style parliamentary system.

Though many times India went through populist struggles but the fact cannot be denied that India is a parliamentary democracy and this has, again and again, protected the spirit of democracy in India. The parliament, again and again, has upheld the voice of people, for example, the 44th amendment of the constitution done by the parliament made the right to life protected even under emergency. The legislature while upholds the voice of the people and the power of parliament is counter checked by the judiciary.

India is a parliamentary democracy and through the ages, it has developed into a mature democracy. The separation of power and superiority of the constitution is the main spirit of the constitution.<sup>10</sup> The question that arises now is whether Indian parliamentary democracy has faced any challenge or not?

### ***Is India really developed into a mature parliamentary democracy?***

According to a Pew Research survey, 53% of Indians have favorable opinions on military dictatorship. This survey is shocking for the world's largest democracy. Nearly 50% of MPs in Lok Sabha are having a criminal case on themselves. According to India today the chances for winning a candidate with a criminal record are 15.5% while chances for winning a candidate with a clear record are 4.7%. This comes in a nation where a single parliamentarian represents 2.5 million constituents. The fundamental problem is that people unfit for representing people are representing them in parliament. A criminal

<sup>6</sup> Guha, R. (2007). *India After Gandhi: The History of the World's Largest Democracy*.

<sup>7</sup> Varshney, A. (2014). "Hindutva and Populism in Indian Politics". *Journal of Democracy*, Vol 25(2).

<sup>8</sup> Pew Research Center. (2017). "Globally, Broad Support for Representative and Direct Democracy".

<sup>9</sup> Thapar, R. (2000). *Early India: From the Origins to AD 1300*.

<sup>10</sup> Austin, G. (1966). *The Indian Constitution: Cornerstone of a Nation*.

is considered an enemy of the society but in India, that enemy of society represents the same society in the temple of democracy. According to Neelanjan Sircar, a senior fellow at the center for policy research, the median wealth of competitive MP candidates has risen sevenfold between 2004 and 2014. The financial role is crucial in the elections for an MP candidate. Member of parliament Maneka Gandhi claimed that BSP takes 15 crores for providing tickets for candidates in elections. This may be true for not only BSP but all the political parties. It is true that Indian democracy is dominated by finance.

The problem does not stop here. The political worship of leaders is also a threat to democracy. When Indira Gandhi grew too powerful which also led to a tussle between the judiciary and government that concluded in the emergency period. After the verdict of *raj Narayan vs Indira Gandhi's* case, Indira Gandhi in order to protect herself imposed an emergency on the country. Events like these bring shame to democracy.

There are many problems faced by Indian democracy for example the political rivalries between political parties make the parliamentary proceeding a battleground. The use of finance in winning elections, the use of caste in elections, the use of religion in elections, and worship of leaders are a threat to Indian democracy.

One thing that has protected Indian democracy from decay is the superiority of the Indian constitution and check and balance by the judiciary. Judiciary, again and again, reminds the parliament that the spirit of constitutionalism is to be maintained.<sup>11</sup> Various committees and reports and suggestions force parliament to do certain works.

So, what is India after all? Is it a populist regime or a parliamentary democracy?

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### India as a constitutional republic

No matter what the scenario is, the constitution of India has always prevailed over all three pillars of democracy. The basic structure laid down in *Kesavananda Bharati vs state of Kerala* and the idea that the constitution though can be amended but in the scope and limits of the basic structure have guarded Indian constitutionalism spirit.<sup>12</sup> The head of the state of India i.e. the president of India which is always a non-hereditary head is proof of republicanism in India. A nation where constitution always prevails and the head of state is a non-monarchical elected representative of the people it is fine to say that India is a constitutional republic.

In a democracy, the will of the majority can even harm the interest of the minority but that is prevented by the spirit of constitutionalism. Politicians may argue that while they are elected by the people so the judiciary does not have the right to dictate or guide them. But the separation of power and check and balance is maintained by the supreme law of the land. If we look analytically then India has evolved into a parliamentary democracy which is thus a constitutional republic.

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### Findings

- India though has populist elements but rational democracy prevails over it
- Indian democracy faces many challenges but the constitution preserves the spirit of democracy
- The spirit of the republic guides our democracy
- India is a constitutional republic

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<sup>11</sup> Nariman, F. S. (2013). *Before Memory Fades: An Autobiography*.

<sup>12</sup> *Kesavananda Bharati v. State of Kerala* (1973). Supreme Court of India.