



## THE EXECUTIVE UNDER COALITION GOVERNMENT : AN ANALYSIS

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### ABSTRACT:

*During the era of coalition/minority Government, the prime ministerial Cabinets that had operated under Nehru after Patel's death in December 1950, under Indira Gandhi in the 1970s (excepting the Janata Party rule), and Indira Gandhi and Rajiv Gandhi during the 1980s became a thing of the past. Instead, a more collective Cabinet system came into existence. The difference between the 1970s and the 80s only was that the Congress state Government especially in the non-Hindi speaking rim-lands. During the latter half of the 1980s, a more differentiated party systems at the State level dotted by non-Congress Governments also differentiated configuration of party representation in the Lok Sabha and the Rajya Sabha. The Congress Governments could manage. By the 1990s Congress and non-Congress coalition Governments managed to somehow muster majority in the Lok Sabha, but the Rajya Sabha was invariably controlled by the parties or coalitions in opposition.*

**KEYWORDS:** prime ministerial Cabinets , collective Cabinet system.

### INTRODUCTION:

The formation of the first minority-cum-coalition Government formed by the Janata Dal-led National Front (NF) under the leadership of V.P. Singh brought about a sea change in the role of the Prime Minister and the working of the Cabinet system. This was for the reason that although it was a coalition Government presaged by the de facto coalition Government, like that formed by the Janata party in the late 1970s, but unlike the latter it was not a majority coalition Government. A minority Government was also presaged by the Rao Congress Government during 1991-96, but it was not a coalition Government. It faced an oppositional majority in the Lok Sabha. The United Front was a minority as well as coalition Government. To outsiders, V.P. Singh appeared inexperienced and temperamentally unsuitable for this doubly difficult situation. For example, he failed to reconcile his differences with his deputy Prime Minister, Devi Lal. A factional feud between the two turned out to be irreconcilable. The Prime Minister took an apparently impulsive and perceptible action in dismissing his powerful deputy. Soon thereafter, he proceeded to hurriedly implement the Mandal Commission Report in (1978) that was shelved for nearly more than a decade by the Indira Gandhi and Rajiv Gandhi Congress Governments during the 1980s. By available indicators, he consulted neither the full Cabinet nor the National Front (NF) coordination committee and took the plea that the item was included in the National Front election manifesto.

However, an insider's account provided by the leading journalist, Prem Shankar Jha who served as Information Advisor to the Prime Minister, differs from this public perception. Jha<sup>1</sup> opines that V.P Singh was acutely aware of "the smallness of his party and its dependence on two desparate allies" and "evolved a style of political management that minimized these disadvantages."<sup>2</sup> Jha proceeds to write;

At the centre, V.P. Singh sought to build the consensus through an elaborate, multi-tier process of consultation: with all political parties; then with its own 'friendly' parties, the Bhartiya Janata Party (BJP) and the Left, and lastly within the National Front (NF). In all these ways he attempted to build a consensus, as far as that was possible, on key issues facing the country, as a prelude to taking the necessary legislative or executive action.<sup>3</sup>

Jha does, however, give some instances where there exercises at consensus were not "equally successful."<sup>4</sup> The intractable examples related to Punjab where initial hopes for a consensual solution could not bear fruits. However, an all-party meeting "achieved a consensus of sorts on a few peripheral issues", e.g. the repeal of the Fifty-Ninth Amendment which had temporarily suspended enforcement of Fundamental Rights by Courts during an Emergency in Punjab.<sup>5</sup> All party delegation to Kashmir as well as on electoral reform also y the large failed to produce consensus that could facilitate decisive action on the part of the Government.<sup>6</sup>

A few other episodes may be cited here to illustrate what we have called the federal premiership style. Two of these relate to the K.R. Narayana-I.K. Gujral period, and two to the presidency of A.P.J. Abdul Kalam in his relationship with Atal Behari Vajpayee and subsequently Manmohan Singh. The Gujral Government recommended the dismissal of the RJD Government in Bihar for its inability to maintain law and order but President Narayanan requested the Government to reconsider its proposal. As it happened, the proposal was not presented to the President again. On another occasion, the UP Governor Romesh Bhandari dismissed a BJP Government and replaced it by an all-defector Government headed by a Congressman, Jaagdambika Pal. The Janata Dalled United Front Government in New Delhi head by Gujral adopted an ostrich policy and left President Narayanan without any advice in the midst of repeated representation to the union for intervention in the matter. Narayanan on his own faxed an advice of disapproval not any specific directive-to the Governor. Finally, the matter reached the supreme Court which ordered the restoration of the dismissed Government.

During the presidency of Kalam, the Vajpayee Government sent a bill to him annulling the Election Commission (EC) directive requiring candidates to file an affidavit along with nomination paper regarding their financial assets, educational qualifications and involvement, if any, in criminal activities. The EC directive was in pursuit of a Supreme Court Judgement. Kalam returned the bill for reconsideration. The Cabinet reiterated its proposal whereupon the President granted his assent to the bill. The 2005 elections in Bihar returned a hung assembly, resulting in an impeder in Government for months together. Governor Bata Singh recommended to the Centre that the Assembly be dismissed just when a NDA-led coalition Government appeared to be on the cards, alleging horse trading in legislators. The Congress-led United Progressive Alliance (UPA) Government at the Centre headed by Manmohan Singh sent a proposal to the President endorsing the Governor's report. President Kalam signed on the dotted lines but later the Supreme Court declared the dismissal of the assembly unconstitutional.

During the federal premiership phase, the supreme political power of the Prime Minister in practice has become subject to multi-party coalitional power-sharing. Besides, collective responsibility of the Cabinet to the Parliament (Lok Sabha, to be more specific) must take into account powerful regional parties often prefer to stay back as Chief Ministers and nominate their junior partners to the Union Cabinet and remote-control them. This results in the fragmentation of the collegial nature of the Cabinet system and debilitation of prime ministerial control and coordination as well as initiation of significant policies of reform.

To be sure, the Indian Cabinet system cannot be a duplication of the British model. This is for the obvious reasons that (a) India is not only a parliamentary system but also a federal system, (b) we also have had for long to deal with the imperatives of coalition/minority Government in New Delhi (and in some States), and (c) our Constitution not only incorporates rights of federating States but also fundamental rights of citizens that make the judiciary the ultimate arbiter in the political system. Parliamentary supremacy in the United Kingdom does not have to contend with any of these limitations. If anything, a comparison between India and Canada in this connection would be more apt. For, the two political systems are congenital twins due to coincidence of common British colonial history.

The British Parliament enacted the Government of India Act, 1935, largely patterned after the British North America Act, 1867, also a product of the Parliament in London, and now the Canada Constitution Act, 1867.

Yet, the fact remains that the weakening of the prime ministerial authority and the cabalization of the Cabinet system that we have witnessed since the 1990s can hardly qualify as a wholesome exercise in good governance. We have witnessed the tendency of empire-building among coalition partners in the ministries parceled out to them, endless roll-backs of Cabinet decisions under external pressures from the constituents of the ruling coalition, patronage to the special interests, undemocratic pressures from corrupt and criminal parties and individuals, and massacres of Dalits and upper castes in Bihar, and of Muslims and Christians in Gujarat at the connivance of the State Governments or the Union Government or both. To compound all these problems, or perhaps mercifully, most Government in New Delhi have also been unstable.

The advent of coalition Government on the Indian political scene has altered the pattern of executive functioning in a significant way. Multiparty coalition Government have meant a departure from on at least modifications in the pattern of executive functioning influenced by the Westminster parliamentary tradition. In fact, it is a second step away from the British parliamentary principle and practice. The first step away was the combination in the Indian constitution between parliamentarism and federalism, as in Canada. The second step away has become evident under the imperative of federal coalition Government since 1989.

The working of federal coalition Cabinets has resulted in larger Cabinets and, in turn, greater federalization (in the sense of regionalization) of the Cabinet system in India. Coalition Government in New Delhi have made possible a greater degree of State or regional autonomy. There has also been a wider power sharing between the national unity and integration. However, coalition Cabinets are also characterized by instability of Union Governments though States have become more autonomous and stronger. Coalition Government are also bedeviled by policy incoherence and at times even policy paralysis or atrophy.

In retrospect, looking at the executive Government at Union as well as in States, we can delineate at least three phases of coalition Governments in India. First, there were post 1967 catch all coalition Governments in north Indian States spanning from Punjab to Bengal. These coalition Governments were formed under the spell of "non-Congressism", the arch priest of which ideology was Dr. Ram Manohar Lohia. Dr. Lohia forged the strategy of non congress catch all coalitions inclusive of all non congress parties ranging from the right to the left: Bhartiya Jana Sangh swatantra Party, Ganatantra Parishad, a number of Jana-Congress parties that had split from the Congress on the right, and Samyukt Socialist of their ideological diversity, these coalition Governments turned out to be very unstable, except for a Ganatantra Parishad-led right wing coalition Government in Orissa. This coalitional phase in north-Indian State politics Government in Orissa. This coalitional phase in north Indian State politics was superseded by the restoration of Congress dominance under the leadership of India Gandhi after the 1969 Congress split.

Second, the post 1977 coalition Governments of like-minded parties in West Bengal (the CPI(M)-led Front), Kerala (CPI (M)-led Left Democratic Front and Congress-led United Democratic Front), and in Tripura (CPI(M)-led Left Front)./ These ideologically compatible coalition Government have been effectively more stable.

Third, there have been post-1989 coalition Governments at the Union level of three muted heraldic hues: (a) the Janata Dal-led National/United Fronts, (b) the BJP-led National Democratic Alliance, and (c) the Congress-led United Progressive Alliance.

From the point of view of executive Government, the moral of the working of these coalition Governments in New Delhi can be summed up in terms of the following 'dos' and 'don'ts'. For stable executive Government, power sharing and mechanisms for reconciliation of differences, e.g. coordination committee, etc. The things to be avoided in the interest of Government stability are hidden agendas, 'outside' support (from the legislative floor without joining the Cabinet), overstraining the

collective responsibility of the Cabinet to centres of power of outside the Parliament and thus reducing the prime ministerial power to a vanishing point.

By present reckoning, coalition Governments are likely to continue in the foreseeable future. This is for two reasons: (a) the trend of continuing fragmentation of the party system to an extent that one seasoned observer goes to the extent of saying that due to this factor, the Indian political system has transited from "quasi-federation" to "quasi-confederacy"<sup>7</sup> and (b) the lack of class polarization in India typical of industrial societies.

As for reforms in the prevailing patterns of coalitional governance, the problem can be addressed at three levels: (a) electoral system, (b) the party system, and (c) rule of business of Parliament. The stability of coalition Governments is closely linked with the system of representation and the party system. The expectation that plurality or first-past-the-post electoral system generally leads to a two-party system has not been fulfilled in India largely because of the exceptional social and regional diversities in the country. However, proportional representation is likely to lead to even greater fragmentation of the party system. Hence, the alternative that remains is to introduce the majority electoral system which requires a party or a candidate to win at least 50 per cent plus votes in an election. This system may necessitate more than one balloting if no party secures more than 50 per cent vote in the first instance. The second voting with only two candidates with largest number of votes remaining in the field will produce the desired result. If more than one balloting is considered expensive and cumbersome then the system of preferential voting in terms of first, second and third preference with votes of the least successful candidate being transferred to most successful ones may be tried.

At the level of the party system, a comprehensive legislation on parties with incentives for formation of federal parties combining the regional ones would reduce the number of parties. This would be conducive for a stable Cabinet Government. Moreover, the system of national convention of federal parties for electing their leaders as in Canada would also set in Motion a federal aggregation of political forces in the country into fewer numbers of parties.

At the level of rules of legislative business, the National Commission for Review of the Working of the Constitution (NCRWC) recommendation in favour of electing the Prime Minister or Chief Ministers on the floor of the House and "constructive vote of confidence" (allowance of a non-confidence motion only when it is accompanied by a proposal for an alternative Government) is worth considering.

Since the 1990s, a greater degree of federalization produced by coalition/ minority Governments also brought to the fore at least three basic problems that seriously weakened the effectiveness of federal executive governance. First, increased federalization reduced parliamentary supremacy and gave federal features of the constitution a freer play. The combination of parliamentary and federal principles of Government in the constitution and the resultant contradictions between the two was supposed to be primarily reconciled by giving the parliament or the Union executive supremacy at the cost of State autonomy. Parliamentary and federal principles of Government are inherently contradictory as the former is premised on supremacy of the Parliament and the latter is predicated on decentralization by giving the parliament and Union executive certain overriding powers over State legislatures and Government. Since the 1990s, parliamentary supremacy came to be seriously compromised by federal coalition cabinets with regional/State parties. Such regional parties them. When parliamentary supremacy came to be undermined by such federal coalition Governments, it produced judiciary driven governance in place of executive driven governance of the past. Moreover, with the growing social mobilization and political participation, federalization and the fragmentation of the party system of the national level, the ways and means of reconciliation must also be found at the levels of multi-party system and intergovernmental forums of Inter-State Council and National Development Council.<sup>8</sup> All these developments require a different style of prime ministerial leadership and Cabinet system that, as mentioned above, we have called a federal prime ministership and a federalized collective Cabinet system.

The second problem that has stared the Indian political system in its face with its growing federalization in even more fundamental and complex. The kind of Union executive intervention for protection of minority rights that could be possible in the past has become difficult now. For example the situation in Jammu & Kashmir in the 1990s, Punjab, Assam, and Bihar in the 1980s, and Gujarat in more recent years have raised a complex question: How can the rights of minorities weaker sections be adequately protected in a federal system and divided authorities and responsibilities? This problem became more acute in States demographically dominated by communities that are national majorities but regional minorities. The Plight of Kashmiri pundits in Jammu and Kashmir, Hindus in Punjab, Delits and upper castes in Bihar, and linguistic minorities in any state are cases in point. In the era of one party congress dominance, the Union Government was looked upon as a more trusted protector of minority rights everywhere.

During those days, the Union Government could effectively intervene by the use of its executive power under Article 356 which allows President's rule in States under constitutional emergencies. With greater federalization of the system and increase in State autonomy, such interventions have become difficult due to the regionalization of the party system and judicial interpretation of the Constitution ensuring federal autonomy of State Governments since the Bommai judgement (1994)<sup>9</sup> of the Supreme Court, which made President's rule open to judicial scrutiny with attendant uncertainties. The majority of the opposition in the Rajya Sabha, which has generally been the case since the 1990s also creates political uncertainties. For example, after the massacre of dalits in the Narayanpur Village in Bihar, the Rashtriya Janata Dal (RJD) Government in the State was dismissed by the National Democratic Alliance (NDA) Government at the Centre. The Presidential order as passed by the Lok Sabha but rejected by the Rajya Sabha, resulting in the restoration of the dismissed State Government. In the Gujarat riots in 2002, the NDA Government at the Centre did not even go through the motions of seeking to invoke the constitutional emergency in the State against the BJP Government led by Narendra Modi despite evident complicity of the Gujarat police and complacency of the State Government in the communal conflict.

The third problem that besets federal executive governance especially since 1989 is governmental instability due to social and political fragmentation and politics of defection and corruption. In 14 years, since the 1989 Lok Sabha elections, we have witnessed as many as nine Governments with varying terms and uncertainties at the Centre. Six elections had to be held where a maximum of three would have normally sufficed.

Our political system is in a melting pot. New things are coming up. Let us hope that in time to come, Indian would be able to have a model of its won parliamentary government that may be different from the English or the Continental models on account of the peculiar conditions of our country. No model of government can be suitable to another country unless it is carefully chiseled according to the urges and aspirations of its people.

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- 2) *Ibid.*, p. 92
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- 4) *Ibid.*, p. 93
- 5) *Ibid.*
- 6) *Ibid.*, pp. 93-94
- 7) Douglas V. Verney, 'From Quasi-Federation' to Quasi-Confederacy'? *The Transformation of India's Party System*; *publius*, Vol.33, No.4, Fall 2003, p. 171.
- 8) For a detailed study of intergovernmental mechanism, see Rekha Saxena, "Strengthening Federal Dialogue: Role of NDC and ISC", *Contemporary India*, Vol.1, No. 3, July-September-2002.
- 9) S.R. Bommai & others V. Union of India, AIR 1994, SC 1918