

Parliamentary Paralysis and Governance Crisis

- *Dr Jayaprakash Narayan**

The mayhem and paralysis in every session of Parliament and state legislatures drive most citizens, commentators and observers to despair and cynicism. Almost every session is marked by noisy scenes, chaos, cacophony, disruption, repeated adjournments, obstruction and paralysis. This pattern repeats itself in almost all state legislatures and Parliament year after year.

It goes without saying that if legislatures are paralyzed, both governance and democracy are undermined. This is particularly true in our parliamentary executive system of government where the executive is drawn from legislature and commands a majority support. The singular benefit of our system is that there will not be any legislative paralysis, and the government drawn from legislature and enjoying majority support will get budgets approved and laws enacted. Compare this with the United States where there is clear separation of powers and the President is directly elected independent of Congress and cannot be voted out by the legislature. We often see legislative paralysis and sometimes government is shut down as budget is not approved by Congress. While budgets are habitually approved in our system, if legislature cannot function and civilized debates are not conducted and laws cannot be made, governance suffers and democracy is undermined. The very rationale of Parliamentary executive system collapses if legislatures continue to fail.

Irrespective of the system of government – parliamentary executive or presidential with separation of powers – we elect legislatures are deliberative bodies to reconcile conflicting interests. Calm deliberation and peaceful reconciliation are the very essence of democracy. Democratic system works only when two conditions are fulfilled. First, while individuals, groups and parties disagree and articulate their points of view, they must not question the motives of their opponents and vilify them. Accepting the genuineness of your opponents and trying to persuade them or willing to be persuaded by facts and logic is the essential condition for democratic governance. Second, only in very rare fundamental issues of liberty, human dignity and constitutional rights there can be only one truth. In most other situations there must be willingness to compromise and find the middle ground. ‘My way’ or ‘no way’ cannot be the operating principle in democratic societies. Each group always reserves its right to persuade the people to its point of view and get a definitive mandate on any issue in the next election; but meanwhile adversaries must have the capacity to resolve disputes and reconcile conflicting interests. Only when both these conditions – respect for the genuineness of the opponents, and willingness to compromise – are fulfilled can elections, democracy and debate serve the purpose. If these conditions are not met, elections become a means of grabbing power without purpose, power becomes a means of personal

aggrandizement and parliament becomes a forum for grandstanding, obstructionism and paralysis.

Clearly, our legislatures are increasingly dysfunctional because neither of the two conditions for harmonious, purposive democratic discourse and governance is fulfilled. If we wish to address this central challenge of our polity, we have to understand the causes underlying it. The cynical way is to assume that elected legislators are useless, bad or worse; somehow the system has thrown up people incapable of rational public discourse or reconciliation of conflicting interests. But such cynical view is both wrong and unproductive. We have many talented and public-spirited legislators in all parties, though they are in a minority and their numbers are on the decline. The pragmatic, sensible approach is to recognize that there are objective reasons why elected legislators behave they do, and remove those causes so that we can get the best out of our representatives. There are two fundamental causes of legislative disruption and failure of democratic discourse. We need to address each of these.

First, the nature of parties, their internal functioning, and the oppressive power party bosses enjoy is at the heart of the problem. Parties should be platforms for political engagement of citizens – allowing participation, organization, crafting of a political agenda, identification and promotion of competent, public-spirited leadership, offering a vision to the electorate, obtaining a mandate, and translating the agenda into action. Sadly, in India most parties have become private fiefdoms and family estates, with no rights for members and no internal democracy. Candidates are chosen arbitrarily or for wrong reasons, and often for a price. Massive vote buying, polarization on caste, religion or region, or short-term freebies have become the staple of electoral politics. There is a huge entry barrier against those citizens who refuse to compromise on these unholy practices. The party bosses decide the fate of any aspirant or leader, and not the members or the people. In effect, all leaders are captive slaves of the incumbent party bosses. On top of this, the Tenth Schedule of Constitution (anti-defection provisions – 91st amendment) made legislators completely voiceless and helpless. A law meant to prevent cynical *ayaram-gayaram* culture has ended up enslaving legislators. Members cannot voice dissent or vote according to their judgment even on ordinary law or policy not involving the budget or no confidence motion. In effect parliament has become something like Afganistan's tribal council – the 'Loya Jirga' – where the chiefs call the shots, and numbers at their disposal dictate everything, not the judgment and views of legislators. Given this reality, and the desperate need of legislators to curry favour with party bosses to retain their seats in the next election, disruption, paralysis and unruly behavior at the behest of autocratic bosses has become endemic. As all parties resort to similar tactics and condone ugly behavior, disciplining members in the House is simply not possible whatever the rules say and however much the presiding officers lament.

The second major cause of failure of legislatures is over centralization. Almost all power is concentrated in the hands of the Prime Minister and Chief Ministers. Even Ministers in most cases are ornamental. Local governments are enfeebled and are largely inconsequential. Even the simplest matters – local road, water supply, drainage,

sanitation, and electricity – are outside the reach of local governments. The legislator whose loyalty is needed for sustaining the government is rewarded with the unwritten executive powers at local level – transfers, postings and informal control over local bureaucracy and executive decisions. Opposition members or dissenters find no place in this patronage system, and will use the legislature to give vent to their frustration. In any case, legislators have become de-facto local executives, and there is neither interest nor energy to focus on real legislative work. Everything is reduced to patronage, power and ineffectual delivery at the constituency level.

A democracy works only when the citizens are enabled to understand the link between their voting choices and consequences in terms of public good. In a centralized system such a link is missing, and taxes are divorced from public services. Vote in the next election is often a visceral response to the resulting frustration from failure or glacial pace of improvement in living conditions, or endorsement of populist short term freebies. While such a vote is a blunt instrument that brings about change of governments, it does not allow refined judgment on the performance of the legislator. Only when parties are democratized do people have a say in the choice of candidates nominated by a party. Only then legislators are liberated from the clutches of party leaders and people can utilize vote as a refined tool to assess individual legislators. Only when local issues are addressed locally with people's participation in an accountable manner will voters understand the opportunities and limits of power and learn to distinguish between the panchayat and parliament. Once people learn to utilize the vote as a refined tool like a surgeon's knife, and once parties and legislators realize that they will be held to account for their behavior and outcomes, the legislative process will undergo a dramatic transformation.

Legislative failure is an outcome of a larger political failure – unaccountable, autocratic parties and a corrupt electoral system; and over centralization of powers making legislators de-facto, ineffective local executives. Both these are also the root causes of our governance failure. If we are serious about India fulfilling her potential, we must end the current shadow boxing and address these fundamental challenges. Palliatives will not do.

* * *

**The author is the founder of Lok Satta movement and Foundation for Democratic Reforms. Email: drjploksatta@gmail.com*