JOURNAL OF INTERNATIONAL RELATIONS AND POLITICAL SCIENCE STUDIES

ULUSLARARASI İLİSKİLER VE SİYASET BİLİMİ CALISMALARI DERGİSİ

e-ISSN: 2792-0984

INDIA: IS IT TIME TO GO PRESIDENTIAL?[1]

Ramachandra BYRAPPA

History Institute, ELTE-Faculty of Humanities, Budapest

Email: byrappa.ramachandra@btk.elte.hu **ORCID**: 0000-0002-6053-0578

Submitted: 22 May 2022 & **Accepted:** 26 July 2022

Citation: Byrappa, Ramachandra. (2022). India: Is it Time to Go Presidential. *Journal of International Relations and Political ScienceStudies,* (5), 2-23.

Uluslararası İlişkiler Çalışmaları Derneği | International Relations Studies AssociationJournal of International Relations and Political Science Studies
E-mail: dergi@tuicakademi.org

[1] This paper was prepared for a conference organized by the National Services University in Budapest (2022-05-12). This paper is the result of my own research.

INDIA: IS IT TIME TO GO PRESIDENTIAL?

Ramachandra BYRAPPA

History Institute, ELTE-Faculty of Humanities, Budapest

Email: byrappa.ramachandra@btk.elte.hu **ORCID**: 0000-0002-6053-0578

Submitted: 22 May 2022 & **Accepted:** 26 July 2022

Abstract

Indian democracy has come of age, and it is probably time to abandon the colonial heritage as far as its parliamentary system is concerned. Transactionality is the name of the game in India's parliamentary system, where the principle of representation is fast fading. The art of coherent electoral manifestos and democratic debate on the policy promises it contains is a distant reality. The democratic debate and electioneering are replaced by vote banks, MPs crossing the floor, personality cult and other deification of political leaders through social media hammering. The end result is the loss of morality among parliamentarians, transforming the legislature into a financial clearing house. The situation is further worsened by two other problems related to the parliamentary process in India. The first among these two problems is political consensus. National development, economic and social needs, demand a broad consensus and popular affirmation on a few central policies and issues to move this gigantic country forward through the next few decades that are going to be very difficult. The only Indian statesperson that could build such a consensus was Indira Gandhi. Today India is divided and confused with no clarity of purpose, dogmatic leadership cannot replace charismatic statesmanship. One can therefore legitimately ask a very simple question: Is it time to make a leap towards a Presidential system, where the President is directly elected through universal suffrage? Could this help to give India one national figure, one clean voice and one articulation of the National Interest? The main argument of this essay is that colonial heritage is causing institutional blockage and dysfunctionality in the Indian political set-up. The methodology used is a structural and historic analysis of the Indian parliamentary system.

Keywords: Liberal democracy, Westminster model, capitalist-candidate, transactional-democracy

Özet

Hint demokrasisinin olgunluğu ve geçirmiş olduğu parlamenter sistem geçmişi dikkate alındığında, muhtemel ki sömürge mirasını terk etmesinin zamanı gelmiştir. İşlemsellik, temsil ilkesinin hızla solmakta olduğu Hindistan'ın parlamenter sistemindeki esas meseleyi oluşturmaktadır. Tutarlı seçim manifestoları ve kapsadığı politika vaatlerine ilişkin demokratik tartışma sanatının gerçekleşmesi uzak bir ihtimal gibi gözükmektedir. Demokratik tartışma alanı ve seçim propagandasının yerini oy bankaları, rakip kanada geçen milletvekilleri, kişilik kültü ve sosyal medya hakimiyeti yoluyla siyasi liderlerin tanrılaştırmaları almaktadır. Bunun sonucu, parlamenterler nezdinde ahlaki ilkelerin geçerliliğini yitirmesi ve yasama meclisinin bir finansal takas merkezine dönüşmesi olmuştur. Bu durum, Hindistan'daki parlamenter süreçle ilgili diğer iki ana sorunla daha da kötüleşmektedir. Bu iki sorundan ilkini siyasi uzlaşma konsepti oluşturmaktadır. Ulusal kalkınma, ekonomik ve sosyal ihtiyaçlar; oldukça zor geçecek gibi duran önümüzdeki birkaç on yıl boyunca, bu devasa ülkeyi ileri taşımak için, birkaç merkezi politika ve konuda geniş bir fikir birliği ve toplumsal onay gerektirmektedir. Geçmişte, böyle bir uzlaşı oluşturabilecek tek Hint devlet insanı Indira Gandhi'ydi. Bugün Hindistan bölünmüş ve hiçbir amaç netliği olmadan karışık bir haldedir; dogmatik liderlik ise karizmatik devlet başkanlığının yerini alamaz. Dolayısıyla, şu çok basit soru haklı nedenlerle sorulabilir: Başkanın doğrudan genel oy yoluyla seçildiği bir Başkanlık sistemine doğru bir hamle yapmanın zamanı geldi mi? Bu, Hindistan'a tek bir ulusal figür, tek ağızdan net bir ses ve ulusal çıkarın tek bir kola eklemlenmesini sağlamaya yardımcı olabilir mi? Bu çalışmanın ana argümanı, kolonyal mirasın Hindistan'ın siyasal düzeneğinde kurumsal engeller ve işlevsizlik yarattığı yönündedir. Metodoloji olarak, Hint parlamenter sisteminin yapısal ve tarihsel analizi kullanılmıştır.

Anahtar Kelimeler: Liberal demokrasi, Westminster modeli, kapitalist-aday, işlemsel-demokrasi

I. Putting the Indian Political System into context

In a conceptual chaos, it is easy to confound the object of a debate, so it is with the debate on democracy these days. Liberal democracy is often described as something finite, well defined and determined. No one really bothered as long as we could oppose liberal democracy against authoritarian systems or political ideologies like Communism. There was enough difference to accept each political system as being well defined. Britain, with a large wealth of colonial institutions, unelected House of Lords and with an uncodified constitution, was considered a liberal democracy in par with that of the United States which bears very little resemblance to the relatively archaic British system. In his now famous article in the *National Interest* journal, Francis Fukuyama wrote in 1989:

> "*The twentieth century saw the developed world descend into a paroxysm of ideological violence, as liberalism contended first with the remnants of absolutism, then bolshevism and fascism, and finally an updated Marxism that threatened to lead to the ultimate apocalypse of nuclear war. But the century that began full of self-confidence in the ultimate triumph of Western liberal democracy seems at its close to be returning full circle to where it started: not to an "end of all ideology" or a convergence between capitalism and socialism, as earlier predicted, but to an unabashed victory of economic and political liberalism"* (Fukuyama, 1989: 3).

This broad ideological triumph was seen by Fukuyama as the end of a Hegelian dialectic. With the collapse of its main contender, Soviet communism, liberalism and liberal democracy were the only ones still standing, the two pillars of an unstoppable capitalism. To be fair to him, Fukuyama did not see it in that sense. He saw it as what he calls a "Jena moment", the beginning and end of a specific process. He explains that the ideas and principles of the French Revolution had reached the farthest they could, physically and metaphysically: "*While there was considerable work to be done after 1806—abolishing slavery and the slave trade, extending the franchise to workers, women, blacks, and other racial minorities, etc.—the basic principles of the liberal democratic state could not be improved upon"* (Fukuyama, 1989: 5). Given the compound conditions existent at that time nothing could be improved. He implies that there could these cycles or phases of improvement that can continue in the future. Something new was needed to provoke and sustain a new phase of reform.

Francis Fukuyama's argument could be helpful to explain the ideological chaos and turmoil. If the capitalist-liberalist-democracy was the only model standing at the fall of the Berlin Wall in 1989, then what is the nature of ideological struggles or adjustments that we

are going through? Are they intra-systemic adjustments or are they anti-systemic? With the notion of phasal rectification and development presented by Fukuyama, we can say that the West today has thrown the net of liberal democracy so far and so sparsely that with few exceptions everyone is capitalist. Democracy is implemented in all its variations. This poses several problems for the West, both structural and ideological.

In the *"end of history"* idea of Fukuyama, there is an intrinsic supporting argument that leaves us to believe that hierarchy disappears and is replaced by a kind of horizontality, because it follows the same norms of liberal democracy. George W. Bush declared in 2001: *"Through much of the last century, America's faith in freedom and democracy was a rock in a raging sea. Now it is a seed upon the wind, taking root in many nations"* (Bush, 2021). Every country in the communist bloc and Third World is trying to integrate the World Trade Organization and the international financial system dominated by the West. All the elements were there for the West to feel smug and brim with confidence. But the reaction seems to be the opposite, the more the rest of the world integrates, the more the West gets paranoid. The triumphant West, after winning its battle against Communism, hoped to create a new hierarchy but fell short of finding a crusading concept that would envelope the Christian ethic, the market mechanism and a controllable political system. It could not find a new integrating ideology that would support its desire to restructure a hierarchy that it can dominate. One observer wrote: "*Like religious intolerance, the denial of legitimacy to other forms of government was seen to cause perpetual war, making for an international environment hostile to the spread of free institutions. Underlying this outlook was a profound conviction that force had a logic ultimately inimical to liberty*" (Hendrickson, 2005: 14).

These shortcomings made the West adopt the next best strategy available: Telling others what a democratic system is, and more specifically what liberal democracy should look like. During Reagan-Thatcher years the focal point was the market. But since 2000 the opening of the World Trade Organisation (WTO) to countries like China has changed the hierarchy. China took full advantage of the system and is now dominating it. The West had to change strategy mid-way once again. Now the mantra has become human rights because the West took an advance in addressing the issues like LGBTQ rights earlier than others. This clearly indicates that we have entered a period of ideological civil-war within the "capitalist-democracy" framework. Scrutiny of liberal democracy is intensifying.

In a recent article Samuel Issacharoff, an expert in democratic systems, came to the following conclusion: "*Clearly the era of democratic euphoria has ended*" (Issacharoff, 2018: 487). He points out to the general deception towards democracy because it does not seem to

produce the results that were aspired to. There is a general malaise, which has become a common feature of democracy all over the world. For many, democracy was synonymous with empowerment but today we are witnessing increasing social inequalities. This trend indicates that on the contrary the triumph of capitalist democracy means the reduction and deprivation of empowerment. What is going wrong? Issacharoff explains:

> "*Today's moment is defined by the distrust of two key features of democratic governance: the centrality of institutional order and the commitment to what in game theory would be termed "repeat play," the idea that there is a tomorrow and that the losers of today may unseat the victors in a new round of electoral challenge. The central idea of contestation, of losers and winners engaged in common enterprise, is ceding … a "permanent campaign" aiming to "prepare the people for nothing less than what is conjured up as a kind of apocalyptic confrontation*" (Issacharoff, 2018: 486).

In a way disempowerment is justified in the name of a permanent crisis in capitalist-democracy regime. Does this mean that authoritarianism is absorbed into the capitalist-democracy regime to deny empowerment? It is difficult to answer this question which in itself is a problem. The post-Soviet period marked a new departure where increasingly democracy was reconfigured (Issacharoff, 2018: 486-487). The democratic design was promising but delivered very little. Thirty years after, we witness protests everywhere demanding that institutions become more democratic. Crisis after crisis the true nature of these institutions becomes clear. Riley McCabe from CSIS argues that: *"(…) amid the pandemic, the backsliding of democracies and growth of authoritarianism has accelerated worldwide"* (McCabe, 2021). What one has to recognize is that we are not talking about authoritarian political systems and democracies. Rather, we are talking about authoritarianism inside democracies. The new dialectic is between those democracies that empower citizens and those that do not.

If empowerment takes centrality in the debate on the institutional design, then this would inevitably involve a debate on Parliamentarism versus Presidentialism, a debate on deliberation versus executive action. Within the confines of democracy there is now a structural world dialectic. It is a conceptual civil war within the realm of democracy, the unique ideology dominating the world order discursive. While the West privileges human rights, a poorer, developing, non-western world privileges empowerment. This means in theory, the non-Western countries should go for a Presidential system of government, which is geared to producing action in order to empower citizens. Then why is it that India has not chosen a Presidential system of government? India suffers from many ills and desperately

needs a unifying, timesaving, transparent and emphatic executive action to solve its problems. But India is dysfunctional for many reasons. First among them is the colonial heritage.

II. Essential differences between Presidential and Parliamentary Systems

Democracy in itself has no real sense if we do not consider the way it is articulated in practice. Structure matters because from the free choices of the citizens to practical results on the ground, democracy is a lengthy process. The efficiency of the system will depend upon the structure of this process, the hierarchy of priorities that are built into it (Riggs, 1997: 256). An American political scientist, F. W. Riggs sees it the following way:

> "*Most of the available research on democracy focuses on its consequences, what values are served by democratic processes, and how can or should these processes be sustained. The emphasis is often on public policies more than on constitutional foundations. Yet the structure of governance as prescribed in constitutional documents, basic laws and charters, greatly affects the ability of a regime to support democratic processes and achieve democratic results, especially as reflected in the problems of representativeness and legitimacy. The former involves a kind of top-down question and the latter a bottom-up perspective*" (Riggs, 1997: 258).

A clear and transparent structure indicates that citizen participation, legitimation and oversight can be much more readily achievable. What counts is a responsible government and a method of strong oversight. The object of any form of government is to assume responsibility for the wellbeing of a community and its aspirations (Mueller, 1987: 118). And similarly, the object of any political system should provide a community with a governmental system that can function well, be able to execute the wishes of its citizens. In a democratic system of government, those choices which get a majority of approval will get legitimated and executed. The purpose of the political system and the government is to see that this process is elaborated and gets done in a fair manner. Where there is a written constitution, the process of government and the political system as a whole is governed by rules. Where there are no such rules, traditions are established to guide the process. The whole purpose of the process is to see how loyally or fully the sovereign wishes of citizens are put into practice. There is no one way to do this.

For his part, Fred W. Riggs, argues that all organizations fall into two categories: "… *any modern association (whether it be a state or a non-governmental organization) contains: (1) a polyarchical system anchored in an elected assembly which I call a constitutive system*

and, (2) a hierarchical (managerial or bureaucratic) subsystem responsible for implementing the policies authorized by the constitutive system" (Riggs, 1997: 255). He is right, since one can witness the emergence of two distinct models: parliamentary and presidential. The modern parliamentary system and its evolution is strongly tied to the political history of England and later the United Kingdom. It symbolises the struggle between the nobles and their king. Through parliament nobles restrained the executive power of the king, a power at that time consisting in waging wars. This evolved into the Westminster model of government, where the parliament constituted both the legislature and the executive, while retaining a monarch as head of the state. A historical compromise where the ordinary citizen is a junior partner. In the process compromises were made to protect the established privileges of some at the expense of the many.

The presidential system on the other hand was born with the emergence of the United States of America (Riggs, 1997: 257). This political system, contrary to the British one, was designed and elaborated carefully before being put into practice (Cheibub, Elkins & Ginsburg, 2014: 529). Here the system was designed to make the citizen, the individual, the supreme being. Unlike the British system of traditions, the American constitution was unwilling to make a compromise on the need to empower its citizens. The key to this was a transparent system of constitutional regulation. But of course, no system can be perfect if the people executing it are not wholeheartedly loyal to the constitutional rule-based system. In this perspective Presidentialism and Parliamentarism are not contradictory, they put the emphasis on the different elements of the same process. One is about elaboration and execution of policy while the other is about approval and scrutiny of that policy. It is a question of which of these elements should take the lead.

Beyond these differences in backgrounds, there are distinct systemic differences between the Presidential and the Westminster model of government. Steffen Ganghof, a German political scientist, argues that the chain of legitimation is much more coherent in the parliamentary system, because in it the parliamentary majority gives way to the constitution of a government. And if it is dissatisfied with the performance of the government, it can always dissolve it and reconstitute a new one: *"(…) the fairly constituted majority must be the principal of the government and thus at any time be able to remove it. This requirement rules out executives that govern for fixed terms and without the possibility of a vote of no confidence. In other words, any further delegations of power should be within the authority of the fairly constituted majority"* (Ganghof, 2016: 213). Of course, in a presidential system of government, a president can be impeached if there is wrongdoing, although the procedure is

longer and more cumbersome. Riggs would partly agree with Ganghof on this point but says that it is not the real issue: *"The fact that the head of government also serves as head of state is a dysfunctional complication but not, I think, a basic problem for presidentialist regime"* (Riggs, 1997: 257). For him, a president can be removed as easily as a prime minister in a parliamentary system of government. It is also true that when it comes to changing a conservative prime minister in the United Kingdom the party's 1922 Committee is more effective than a no-confidence vote in the House of Commons (Donaldson, 2022).

The real issue at stake, according to Riggs is accountability and scrutiny. He believes that the Westminster model produces a fused authority producing two fundamental effects:

> "(…) *first, because the constitutive system in such regimes is fused-that is, the cabinet is accountable to the elected assembly and can be discharged by a vote of no-confidence-deadlock between the two branches can be avoided and its ability to make public policy can be enhanced. Second, control over the bureaucracy is strengthened by the fusion of powers; officials are responsible to an integrated centre of authority. (…) that they can also be better controlled because the power of the regime is fused*" (Riggs, 1997: 257).

This might theoretically be true. Still, in practice, fusion of authority rarely happens. The Westminster model is made for strong personalities or characters like Margaret Thatcher, but even then, there might be a lot of infighting and inefficiency (Richards, 2008: 33-34). In most instances efficiency, talked by Riggs, is illusory (Theakston, 2016: 213-214). There is parliament, fractions, political parties, representatives… All might not go in the same direction thus leading to a situation where bureaucracy as a corporation can take advantage of a political chaos to consolidate itself. According to Dennis C. Mueller: "*Government may grow not only because increasing expenditures are demanded by citizens, interest groups, or legislators, but also because they demanded by the bureaucracy supplying government programs. The government bureaucracies are an independent force, which possibly lead to increasing government size*" (Mueller, 1987: 133). What is needed to counter this is the existence of an executive power, similar to the presidential system. In the presidential system, it is true that a president can be impeached but at the same time the president can veto the legislation enacted by congress or legislature, giving a sure advantage to the presidential system (Cheibub, Elkins & Ginsburg, 2014, 521-522). The president can also use emergency powers (Cheibub, Elkins & Ginsburg, 2014, 521).

Finally, coalition governments are another area presidential format seems to have a clear advantage over the Westminster model. C.P. Barthwal describes coalition governments

as follows:

> "*A coalition government is a cabinet of a parliamentary government in which several political parties cooperate. The usual reason given for this arrangement is that no party on its own can achieve a majority in parliament. A coalition government might also be created in a time of national difficulty or crisis, for example during wartime, to give a government the high degree of perceived political legitimacy it desires whilst also playing a role in diminishing internal political strife*" (Barthwal, 2012: 9).

One can imagine that in times of exceptional crisis there can be coalition governments; but they cannot be the norm in a healthy democracy. There are many structural weaknesses to parliamentary system of government and one of the biggest dangers to it is that the executive and legislation are produced by coalitions. To be precise, it is the post-election coalitions that are of concern. These kinds of coalitions are fundamentally anti-democratic and have the capacity to disenfranchise even a majority of citizens since small coalition partners can dictate the political agenda. A reason why the Westminster model can become an instant disaster for democracy if there is no readily available majority (Nand, 2010: 414). Coalitions are political "subprimes" that are packaged as democracy, and in a comparable manner to the financial system, they could lead to a total distrust in democracy.

And as a process it is a very time-consuming process. In the latest election it took nine months for Mark Rutte, the Dutch PM, to form a coalition government (Baazil, 2021). In 2020 a coalition government was formed in Belgium after a record of 592 days. The Brussels Times reported: "*Strained negotiations after last year's elections in May have routinely collapsed as party leaders and several top government officials resign from their mission to steer the coalition negotiations*" (Galindo, 2020). The Dutch and Belgian examples only show that how much compromise each party had to make to reach an agreement. This ultimately means a sacrifice of voter choice and sovereignty. In a poll published just after the recent German coalition government was announced 58% of the people polled said that they were unhappy with the election results (Luckhurst, 2021). For a mature democracy like Germany this is not good news. Beyond this negation of voter choices, coalitions do not always produce stable governments. According to some: "*Coalition governments in parliamentary democracies lead a precarious existence. Typically, they can fall on any given day, sometimes with little or no warning. The circumstances surrounding coalition termination vary greatly, occasionally producing great drama*" (Lupia & Strøm, 1995: 648). Coalitions might work in developed countries like Germany. But for them to produce similar stability in less developed

countries the price normally is high in terms of political bargaining, often translating into corruption.

III. India's Parliamentarism and Colonial Heritage

India's independence in 1947 was born of too many compromises. One such compromise was the adoption of the Westminster model of government. Disempowerment in India has its origins from many different sources. In regard to political institutions and governance, the structure mainly comes from the colonial heritage. In a colonial context the primary function of the political system is to disempower people since government derives its legitimacy not from the people but from conquest and the capacity to dominate by force. Seen from this perspective colonialism is authoritarianism under a foreign master, a form of dictatorship. Political analyst sometimes ignores this factor when analysing or comparing democracies in less developed countries and the developed countries.

Discussing this situation, a group of researchers came to the following conclusion: "*The failure of democracy in many post-colonial environments was also one of the reasons that "authoritarianism" became the most important term in the study of regimes in the 1960s and 1970s. The continued fragility of some post- colonial democracies in the 1990s suggests that the omission of this factor from the larger literature on regime change should be rethought*" (Bernhard, Reenock & Nordstrom, 2004: 225). This group of researchers believes that there are number of factors that explain why democracies fail (Bernhard, Reenock & Nordstrom, 2004: 226). When the British colonials left, historians and the general public believe that they left behind a democratic model of government. But in reality, I think, what they left behind was an authoritarian structure. These structural aspects can be visible in features like the composition and mentality of the local elites, in the kinds of bureaucratic apparatuses and the outlay of institutions that were created for controlling people and not for their protection.

Furthermore, democracy is associated with development, otherwise there would be no compelling reason to adopt the democratic model of government. But as it happens the link between democracy and development is not always evident: "*The end of European overseas colonialism brought hopes that areas been subject to it would be able to assimilate the positive aspects of modernity, democracy and development. This hope did not bear out*" (Bernhard, Reenock & Nordstrom, 2004: 227). Democracy has the capacity to be universal, if it works for the West then it should also work for countries like India, but it is not. if we suppose that democracy in itself is not the obstacle to development, then where is the blockage coming from? The obvious answer is, at least in India's case, the dysfunctional

structure.

The British left a certain form and tradition of governance –the Westminster model of parliamentarianism. While in reality, the country needed a republican presidential system of government. The Westminster model is characteristic of two things that are particular to the British history and not Indian needs. First it is deeply immersed in the monarchic tradition of parliamentarianism, which also implies a strong attachment to a system of feudal and aristocratic privileges. This led to a tradition of the State as minimal enterprise or as an accessory to an aristocratic system. From this emerges a second characteristic that the people's chamber – the House Commons was a junior partner in the system of government before the 20th century and this chamber in turn produced the executive branch of government. This meant that the most important element of the state and its action was subject to the whims of a weak or aristocratically biased parliament. The total effect of the Westminster model of government and of democracy is that the power of the people is restricted. One reason why the instrument of referendum is rarely used in the Westminster model (Smith, 1986: 795).

To his own question: "*How is it possible to find room within the Commonwealth for a State with a republican Constitution*?" (Rau, 1949: 295). B.N. Rau replies in an article written in 1949 on the question of India's appurtenance to the British Commonwealth: "*The declaration thus preserves the dignity of the King without impairing India's sovereign status*" (Rau, 1949: 295). When India got its independence, the role of the British monarch was replaced by the position of a President to fulfil the ceremonial position of head of state. Unlike the British monarchy, the head of the Indian Union was not nominated but elected through a system of electoral college composed of State and Central legislatures in a weighted system. The term of office was five years with a possibility to be re-elected. The President could only be removed from office or impeached for violating the constitution (Rau, 1949: 299). Rau reminds us that a "substantial body of opinion" (Rau, 1949: 299) was in favour of a full American style presidential system, but to no avail, the British tradition was preferred by leaders like Nehru. Rau laments: "*The choice of the ministry is governed by the same considerations as in England and the relations between the President and his ministers are much the same as between the King and his ministers*" (Rau, 1949: 299). In 1947 everything seemed to have been changed but nothing really changed as far as the political system was concerned.

Of course, many would see this as a great and laudable achievement. India is a country of 1.5 billion soon, with a multitude of languages and cultures. Bringing all the rich diversity

together to form a unified nation is no easy task. The Indian democracy has created some sense of unity but unfortunately also amplifying the differences and divisions. It is becoming increasingly difficult to maintain the semblance of a functioning democracy. In 1996, the American-Dutch political scientist wrote: "*The most serious obstacle to power sharing in divided societies is the presence of a solid majority that, understandably, prefers pure majority rule to consociationalism; … As indicated earlier, India's numerical Hindu majority is internally divided to such an extent that the country consists of minorities only*" (Lijphart, 1996: 262). Twenty years since, this later assertion no longer holds as Hindu nationalism is growing by the day. Consociationalism (power-sharing) and coalition arrangements (compromises) will be increasingly unwelcome, making the Westminster model difficult to sustain without moving towards authoritarianism. Presidentialism could be a timely solution before the post-1947 parliamentarism comes under serious strain.

IV. The Reasons Why India Should Go Full Presidential

A. It Is Time to Throw Away the Colonial Heritage

The 1990s saw a wave of changes in Central and Eastern Europe as citizens of these countries went through a period of reconquering their cultural and historic heritage. The process was visible not only by the pulling down statues of Marx, Lenin and Stalin but also by the renaming of cities and streets to their former names or giving names more in concordance with the local culture and heritage. Lenin City or Stalin City were no longer considered appropriate with the new democratic aspirations of the newly empowered citizens. In the same logic, these countries went through the process of rewriting their constitutions, signalling a new political departure. This breeze of change went further, reaching the Indian subcontinent in the mid-1990s, which also coincided with the decline of Nehru-Gandhi family. The cities of Bangalore, Bombay, Calcutta, and Madras no longer exist, at least in name. Beginning in 1995 most of the names of the major cities were changed back to their original Indian names, waving goodbye to their British phonemicizations (The Economic Times, 2014). A certain pride and dignity were restored. Interestingly it is difficult for institutions to adopt and comply with the name change (Badam, 2004). The high court of Chennai is still called "Madras High Court" (Madras High Court). This is a clear demonstration of institutional bigotry in favour of colonial tradition that goes against the democratic wishes of the Indian people and an affront to the Indian sovereignty and civilization. The problem is deep-rooted, colonial laws are still used in Indian courts while their use is discontinued by the colonials in their own country (Gulati, 2018).

The process of decolonization of Indian culture and institutions was not engaged under the Nehru regime because he apparently had no problem with it. As for Indira Gandhi, her main objective was to give economic empowerment to her people. Other political leaders since have been more interested in battles of communitarist nature than weed out colonialist anachronisms that are causing so much systemic damage to Indian society and economy. More importantly the above examples of name changings and institutional lags and drags in accepting these changes means that the Westminster model is alien and against the deepest interests of the Indian people. As one political scientist puts it: "*For a number of reasons, exhaustively explained in the Report of the Commission on Centre-State Relations and its Supplementary Note, the Westminster type of government of 'non-fixed tenure' cabinet system has proved very counter- productive in recent years at both Union and state levels*" (Sen, 1993: 29). Another expert literally accuses the colonial system of wanting to permanently handicap and violate the Indian civilization: "*In fact, the implied design of the British was to "Balkanise" India and to keep this country struck into the quagmire of disunity and internal disturbances*" (Nand, 2010: 413). The need to get rid of the colonial burden and stains could not be more urgent or necessary.

B. Elections, Representation and Carnival of Criminality

There is an urgent need to make-clean at least one branch of the Indian state. In the Westminster model of democracy all branches of government are interconnected without a clear separation of powers. This means that corruption and nepotism can spread like bushfire. Criminal tendencies have taken over the democratic apparatus, mainly the electioneering process. Although the Election Commission of India organizes elections in a very professional manner, it cannot control things that are beyond its reach. The system of representative democracy is slowly coming to an end, simply because there is no real representation. Representative democracy has become a well-organized formality without object or substance. As for the exercise of democratic franchise, it is becoming a personality contest. If nothing is done to reverse the situation, violent structural adjustments are difficult to avoid in the future.

Similar to the market system, the selection of representatives through an election is a real-time consultation on what the people want and what they do not want. And it is also a moment where the priorities and hierarchies are adjusted. Electioneering and representation is also a two-way process, it is not only a moment for gathering the choices of the electorate but also informing it of national priorities and seeking its approval. This means engaging in an

intelligent and mature debate with the electorate. This will be difficult since voter education is a big problem in India, the Brahminic charlatanism and system of blind belief cohabits badly with a modern democratic system which is based on rationality and clear judgement. What is happening now is that layers of irrationality are added to this base irrationality. The weight of this sediments of irrationality is suffocating not only the political system but also the entire society because the system is attracting thugs, criminals and fanatics from the fringes of society (Firstpost, 2018).

Until recently we saw the Indian democracy (Westminster model) as being dysfunctional. Today some commentators see it as a diseased system ready for decomposition. The British Broadcasting Corporation made the following comment in its recent news bulletin: "…*while the face of Indian democracy, in the form of elections, looks healthy, the rest of the body is not. From courts and police to politicians and parties to campaign finance and the mechanics of legislation, the bones, sinews and organs of Indian democracy look alarmingly unwell*" (The Economist, 2022). If we are to believe this statement, we are witnessing an end process before something dramatic happens. This opinion concords with the conclusion of a report published a year earlier by a widely respected Swedish institute. In effect the Varieties of Democracy (V-Dem) institute produces the largest global dataset on democracy with some 28 million data points for 202 countries from 1789 onwards. In its 2020 report it wrote the following on India: "*India is on the verge of losing its status as a democracy due to the severely shrinking of space for the media, civil society, and the opposition*…" (Lührmann et al., 2020: 6). If the space for representative democracy is retracting, what is expanding in its place?

Like everything else in India, the answer to the above question is not simple. There are a wide variety of reasons. A researcher from the Carnegie Endowment for International Peace identified the following as the main evils corroding the democratic process in India: *"…support for regional parties, dynastic politicians, and candidates associated with criminal activity..."* (Vaishnav, 2015: 1). And continues: "*Voters have more choice than ever before, yet there is little qualitative change in the nature of the candidates themselves*" (Vaishnav, 2015: 2). The author of the study points out to a very interesting point when he talks of dynastic politics. The existence of dynastic politicians in the Indian political system points to two things. Firstly, democracy does not produce real alternatives, rather it becomes a zealously guarded feudal domain. Secondly, it does not promote democracy as a process where anyone can become a leader. In this manner dynastic politics reduces the efficiency of democracy by half, since for the average citizen it is only about voting and not leading.

Similar to the situation in the 19th century Britain, Nehru in the post-independence period used powerful landowners and rural strongmen to maintain his democratic hold on the country, thus legitimizing dynastic tendencies.

The Nehru-Gandhi family itself was sitting at the pinnacle of a system that promoted dynastic politicians:

> "*For thirty-seven of the nearly sixty-eight years that India has been independent, the prime minister has come from this family: Jawaharlal Nehru, from 1947 to 1964; daughter Indira Gandhi, from 1966 to 1977 and 1980 to 1984; and her son, Rajiv Gandhi, from 1984 to 1989. A Nehru-Gandhi has not been prime minister in subsequent years, but Rajiv's widow, Sonia, has been Congress Party president since 1998 and was an influential power center during Congress rule from 2004 to 2014. Her son, party vice president Rahul Gandhi, is the heir apparent to the family business*" (Vaishnav, 2015: 26).

Data collected by another researcher show that the phenomenon is not decreasing fast enough: *"(…) 20 percent of Lok Sabha members of parliament elected in 2004 came from political families. This number rose even further, to 29 percent, in the 2009 national election. In 2014, the supposed anti-dynasty election, the share of parliamentarians hailing from political families stood around 21 percent—a decline, but by no means a wipe-out*" (Vaishnav, 2015: 27). And it could even be making a comeback according to others: "*In 2014, for instance, 81 percent of members of parliament aged thirty or below and half of lawmakers between thirty and thirty-nine were dynasts*" (Vaishnav, 2015: 29). This reiterates my earlier point that dynastic politics acts as hinderance to those who would like to enter politics and introduce genuine.

Dynastic politics is having another devastating consequence on representative democracy, namely that of injecting a massive dose of criminality into the democratic process. Of course, there cannot be an automatic relation between political dynasties and the electoral process, but the very logic of dynastic politics makes criminality inevitable. It breeds the idea that a political family is entitled to a political domain. Anyone competing is considered a mortal enemy. It is reported that in: *"(…) 2004, the first year for which candidates were required to submit disclosures, 24 percent of members of parliament declared that they faced pending criminal cases at the time of their election*" (Vaishnav, 2015: 31). As we go down the federal hierarchy things get even worse, probably because public scrutiny and media attention is lower. The report continues: "*As of 2014, about one-third of state assembly representatives (31 percent) faced at least one criminal case. Again, about half of those, or roughly 15 percent, reported cases in which they stood accused of committing*

serious crimes" (Vaishnav, 2015: 32). At the municipal level things are more serious but very little is reported. But data provided by the Association for Democratic Reforms show that: "*17 percent and 21 percent of municipal corporators in Mumbai and Delhi, respectively, declared involvement in criminal cases*" (Vaishnav, 2015: 32).

Criminality is equally spread across government parties and opposition parties. A recent study showed that 40% of government party candidates and 39% of opposition candidates face criminal charges. But of course, this is minor compared to the Communist Party of India (Marxist) where 58% of the candidates were "embroiled" in criminal cases according to Reuters news agency (Vengattil & Siddiqui, 2019: May 18). According to the Association for Democratic Reforms, in a survey of 250 000 people (2018), 98% were of the opinion that: *"(…) candidates with criminal backgrounds should not be in parliament…"* (Vengattil & Siddiqui, 2019: May 18). If increasing number of citizens start to believe that their representatives are criminal, that their government is composed of criminals, as it is done in the Westminster model, the system will lose credibility and legitimacy.

In parallel to the criminalisation of the electoral process another disturbing evolution is the marketization and capitalization of representation and the voting process. Marketization might have some advantages but also has real costs. It takes the system into a vicious cycle. The more the market value of a vote goes up, the more an increase in investment is needed to go into politics. This also means that in uncertain political conditions a 5-year term is a brief period to amortise the investment costs and make a benefit worthy of the investment. There were thirty-one national and regional political parties competing elections in India with a total of 8251 candidates standing for election to the Lower House in 2014. Mitra and Hauck: *"(…) estimated that the funds that the parties and candidates spent in the 2009 general election were around $2 billion and the sums involved in 2014 were to the tune of $5 billion*" (Mitra & Hauck, 2019: April 26). They also explain that a candidate is allowed to spend one million Euros but in reality, spends way beyond that amount (Mitra & Hauck, 2019: April 26).

Nithya Subramanian writing in Scroll news portal calculated that on average a single vote in 2014 cost seven hundred Indian Rupees (Subramanian, 2019: June 8). This might look like a modest sum for giving-up one's democratic right but in fact this does not always go to individual voters. There is a whole "democracy economy" of handlers and go-betweens. The system is called a "vote bank" system, a term coined by the famous South Indian sociologist M. N. Srinivas in 1955 (Jha, 2019: April 8). It was to describing vote collection by community leaders on lines of caste, language, ethnicity and religion (Jha, 2019: April 8). In their majority these vote banks work in rural areas where an entire village can become a vote

bank (Jena & Baral, 1979: 408). According to Jena and Baral: "*They significantly influence the electoral choice of the ordinary by exploiting their illiteracy, ignorance, poverty and political backwardness*" (Jena & Baral, 1979: 416). This can look like an illegal activity but also signals the abandonment of the majority of voters by the system. Local communities try to organize themselves to squeeze something beneficial out of the system by collectively selling or bargaining their vote to give it a meaning (Singh, 2018: March 23). Shivam Shankar Singh writes: "*The poor and marginalised population of this country from across caste groups barely has a voice in governance. People are often subject to the whims of the local administration and are left feeling like victims of the system. In a country as complicated as India, social groups like caste are a support system to navigate the mess that is our governance, where the individual is insignificant and has no voice*" (Singh, 2018: March 23). The individual has become a number in a transactional democracy. An arena for handlers and democracy venture capitalist candidates who mobilise millions of rupees to purchase their political positions.

After such investments it is almost normal that the entrepreneur-candidate wants to recuperate more than what he or she invested. Mitra and Hauck calculated that a candidate in office has an income that is 27 times more than that of an average Indian. They argue that the median wealth of candidates increased 100% between 2004 and 2014 (Mitra & Hauck, 2019: April 26). And there were even instances where wealth growth rate was more than 200% (Mitra & Hauck, 2019: April 26). This was corroborated by a group of researchers from American and English universities, who came to the conclusion that the winner MPs have an estimated annual premium of around one million rupees in 2014. When it came to minister the sum was markedly higher- 3.7 million rupees (Fisman, Schulz & Vig, 2014: 848).

All the above evidence substantiates a simple fact: the market has taken over the dynamics of democratic representation in India and that the Westminster model does not work in the Indian context. The main currency of the "democracy market" was supposed to be debate on ideas that would further the country but instead it has a market where votes are traded for cash, drugs and alcohol (Miglani, 2014: April 15). According to N. Sircar: "*It all adds up to a compromised democratic system in which the candidates for whom we vote need not represent our interests*" (Sircar, 2018: July 26).

The candidate-capitalist system not only makes the representative system dysfunctional it also breeds instability at the executive level. The Constitution (Fifty-second Amendment) Act, 1985 (National portal of India. The Constitution) made floor-crossing illegal. It was able to reduce instability in a period where national parties dominated but now this has changed,

there are now increasing number of regional and local parties (Nand, 2010: 416). This means that coalitions can become victims of micro parties whose only interest could be economic gains. Researchers have repeatedly pointed to the same problem (Ruparelia, 2015: 2). R. Nand asks: "*Those who had witnessed the untimely fall of governments of Chandrashekhar, DeveGowda, Gujral and even Atal Bihari Vajpayee in 1998 and recently the apprehension of collapse of UPA government after the withdrawal of support by Left parties on 8th July, 2008 may pose the question – Has time come to think beyond the British model that India has followed since independence?"* (Nand, 2010, 416).

V. Conclusion

The British Westminster model of parliamentarianism is the result of a particular historic evolution, a particular tradition of governance and a unique context of elite socializing. The British parliament, in part of its recent past, was making laws for the people of the British Empire, who did not legitimize it through popular suffrage. Although it was part of the British Empire, India is not Britain. India is composed of many languages, religions and ethnicities, and elite consensus is difficult to forge. In the initial three decades strong personalities imposed unity but that has come to an end. Coalition governments have become the norm, where small parties dictate the direction of policies. Making the whole process instable and undemocratic, with permanent tensions between coalition partners. The result is that the Indian state is unable to provide its people with sufficient empowerment, both material and immaterial. All this leads to the obvious question of whether the Westminster model of parliamentarism is good for the Republic of India. For the last sixty years India tried it and it does not seem to produce the awaited results, in terms of providing basic empowerment to its citizens.

In conclusion, the answer to Nand's (2010) question above: *"Has time come to think beyond the British model that India has followed since independence?"* The answer could be straightforward. Yes, it is time to abandon it in favour of another model that reflects India's federal structure and the aspirations of each and every Indian; a system which can forge their democratic choices into one National Interest defended by one credible national leader. Of course, this change of model might throw up new challenges, but it is still worth the effort because the current model is not working to the advantage of India, or its people.

Bibliography

Baazil, Diederik (2021, December 15). „Dutch Leader Mark Rutte Seals Coalition Deal After Longest Ever Talks", *Bloomberg*. https://www.bloomberg.com/news/articles/2021-12-15/dutch-leader-rutte-seals-coalition-deal-after-longest-ever-talks (Accessed 09.04.2022).

Badam, T. Ramola (2004). „India's Cities Flex Muscle by Changing Names", https://www.latimes.com/archives/la-xpm-2004-dec-26-adfg-name26-story.html (Accessed 10.04.2022).

Barthwal, C. P. (2012). „Coalition Governments in India". *The Indian Journal of Political Science*, 73 (1), 9–20.

Bernhard, Michael; Reenock, Cristopher; & Nordstrom, Timothy (2004). „The Legacy of Western Overseas Colonialism on Democratic Survival". *International Studies Quarterly*, 48 (1), 225–250.

Bush, W. George (2021, January 20). „President George W. Bush's Inaugural Address", https://georgewbush-whitehouse.archives.gov/news/inaugural-address.html (Accessed 04.04.2022).

Cheibub, José; Elkins, Zachary; Ginsburg, Tom (2014). „Beyond Presidentialism and Parliamentarism". *British Journal of Political Science*, 44 (3), 515-544.

Donaldson, Kitty (2022, January 18). „Johnson Under Threat: How U.K. Tories Get Rid of Their Leaders", https://www.bloomberg.com/news/articles/2022-01-18/johnson-under-threat-how-u-k-tories-get-rid-of-their-leaders (Accessed 09.04.2022).

Firstpost (2018, June 17). "Thugs of Hindustan: How the lines between the organs of the State and organised crime blurred in India", https://www.firstpost.com/india/thugs-of-hindustan-how-the-lines-between-the-organs-of-the-state-and-organised-crime-blurred-in-india-4526731.html (Accessed 24-07-2022).

Fisman, Raymond; Schulz, Florian; & Vig, Vikrant (2014). „The Private Returns to Public Office". *Journal of Political Economy*, 122 (4), 806–862. https://doi.org/10.1086/676334 (Accessed 13.04.2022).

Fukuyama, Francis. (1989). „The End of History?", *The National Interest*, 16, 3–18.

Galindo, Gabriela (2020, August 3). „Belgium breaks own record for longest period without government", https://www.brusselstimes.com/124777/belgium-breaks-own-record-for-longest-period-without-government (Accessed 09.04.2022).

Ganghof, Steffen (2016). „Reconciling Representation and Accountability: Three Visions of

Democracy Compared". *Government and Opposition*, 51 (2), 209–233.

Gulati, Aastha (2018, July 18). „Five Colonial Laws Which Live On In India But Have Long Died in UK", https://bit.ly/3LSGu3Y (Accessed 10.04.2022).

Hendrickson, C. David& Tucker, W. Robert (2005). „The Freedom Crusade". *The National Interest*, 81, 12–21.

Issacharoff, Samuel (2018). „Democracy's Deficits". *The University of Chicago Law Review*, 85 (2), 485–520.

Jena, B. B., & Baral, J. K. (1979). „A Fresh Look at Vote Banks: Some Case Studies from Orissa". *The Indian Journal of Political Science*, 40 (3), 395–417.

Jha, Martand (2019, April 8). „Opinion | Vote-bank politics is not always bad for democracy", https://bit.ly/3xjCJAC (Accessed 11.04.2022).

Lijphart, Arend (1996). „The Puzzle of Indian Democracy: A Consociational Interpretation". *The American Political Science Review*, 90 (2), 258–268. https://doi.org/10.2307/2082883

Luckhurst, Toby (2021, September 29). „German coalition talks: Where Brits see a crisis, Germans find unity", https://www.bbc.com/news/world-europe-58718307 (Accessed 09.04.2022).

Lupia, Arthur & Strøm, Kaare. (1995). „Coalition Termination and the Strategic Timing of Parliamentary Elections". *The American Political Science Review*, 89 (3), 648–665. https://doi.org/10.2307/2082980

Lührmann, Anna; Maerz, F. Seraphine; Grahn, Sandra; Alizada, Nazifa; Gastaldi, Lisa; Hellmeier, Sebastian; Hindle Garry; Lindberg, I, Staffan (2020). „*Autocratization Surges – Resistance Grows. Democracy Report 2020"*, https://www.v-dem.net/static/website/files/dr/dr_2020.pdf (Accessed 10.04.2022).

Madras High Court (n.d.). Home Page. http://www.hcmadras.tn.nic.in/ (Accessed 09.04.2022).

McCabe, Riley (2021, March 5). „Global Political Protests and the Future of Democracy", https://www.csis.org/analysis/global-political-protests-and-future-democracy (Accessed 06.04.2022).

Miglani, Sanjeev. (2014, April 15). „Indian voters lured by cash handouts, drugs, bootleg liquor", https://reut.rs/3JIYvjA (Accessed 13.04.2022).

Mitra, Subrata & Hauck, S. Laura (2019, April 26). „Campaign Financing in India: Black Money and the Sale of Offices", https://heigos.hypotheses.org/10977 (Accessed 12.04.2022).

Mueller, C. Dennis (1987). „The Growth of Government: A Public Choice Perspective. Staff Papers". *International Monetary Fund*, 34 (1), 115–149. https://doi.org/10.2307/3867026

Nand, Reena (2010). „The Dynamics of Indian Political System". *The Indian Journal of Political Science*, 71 (2), 413–424.

National portal of India. (n.d.). *The Constitution (Fifty-second Amendment) Act, 1985*, https://bit.ly/3rrVP3t (Accessed 14.04.2022).

Rau, B. N. (1949). „The Indian Constitution". *India Quarterly*, 5 (4), 293–303.

Richards, David (2008). *New Labour and the Civil Service - Reconstituting the Westminster Model*. London: Palgrave MacMillan.

Riggs, W. Fred (1997). „Presidentialism versus Parliamentarism: Implications for Representativeness and Legitimacy". *International Political Science Review / Revue Internationale de Science Politique*, 18 (3), 253–278.

Ruparelia, Sanjay (2015). *Divided We Govern - Coalition Politics in Modern India*. Oxford: OUP.

Sen, S. R. (1993). „India's Political System: What Is to Be Done?". *Economic and Political Weekly*, 28 (1/2), 27–34.

Singh, S. Shivam (2018, March 23). „An individual voter is insignificant in our democracy, but a caste vote bank is invaluable", https://bit.ly/3rcw731 (Accessed 11.04.2022).

Sircar, Neelanjan (2018, July 26). „Money matters in Indian elections: Why parties depend on wealthy candidates", https://bit.ly/3jBbKbC (Accessed 13.04.2022).

Smith, B. Thomas (1986). „Referendum Politics in Asia". *Asian Survey*, 26 (7), 793–814. https://doi.org/10.2307/2644212

Subramanian, Nithya (2019, June 8). „What's the price of a vote in India? A new report comes up with a startling number", https://bit.ly/38HqX8F (Accessed 13.04.2022).

The Economic Times (2014, November 1). „Bangalore becomes 'Bengaluru'; 11 other cities renamed", https://bit.ly/3JnmsN7 (Accessed 10.04.2022).

The Economist (2022, February 12). „The ailing body politic - The organs of India's democracy are decaying". https://www.economist.com/asia/2022/02/12/the-organs-of-indias-democracy-are-decaying (Accessed 10.04.2022).

Theakston, Kevin (2016). *Leadership in Whitehall*. London: Palgrave MacMillan.

Vaishnav, Milan (2015). *Understanding the Indian Voter*, https://bit.ly/3uv5rg1 (Accessed 11.04.2022).

Vengattil, Munsif & Siddiqui, Zeba (2019, May 18.). „Lawbreakers to lawmakers? The

'criminal candidates' standing in India's election", https://reut.rs/3vf6iAr (Accessed 13.04.2022).