

# Party System and Legal Provision in India

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## Abstract

Party system and the political parties in India have been significantly influenced by cultural diversity, social, ethnic, caste, community and religious pluralism, traditions of the nationalist movement, contrasting style of party leadership, and clashing ideological perspectives. Political parties do not as such find any direct mention in the Constitution of India. By the time the sun set on the twentieth century, the party system in India had developed a plurality of national and regional levels. But this change in the party system in India is also a resonance of the helpless condition of a modern liberal democratic order.

**Keywords:** Government, Political, Constitution, Democratic, Politics

## Introduction

The Indian political system has, since 1947, attracted much external and internal academic interest, for obvious reasons.' Indian Independence heralded the break-up of the British Empire and a new era of decolonisation; India's non-alignment policy attracted both favourable and critical comment from outside; India's democratic experiment with the largest electorate in history drew wide attention; while Indian planning excited general interest not among economists alone. These four factors - apart from the personalities of Gandhi and Nehru - drew foreign academics to the study of Indian political problems. Indian political scientists, on the other hand, started with a deep and spontaneous interest in the freedom struggle itself which extended later to the democratic experiment, mainly from a constitutional point of view. However, in areas such as political parties, interest groups, and elections, Indian political scientists largely followed the initiative and methodologies of foreign academics. All this academic work, both Indian and foreign, concentrated on a few, crucial, problem areas. And it led to some interesting formulations such as the one party dominant system. However, the 1967 election results gave such a jolt to these emerging formulations that, for quite some time now, journalistic and academic writing has been concerned with catching up with the failure of

the old model even while new factors of great significance such as defections and political violence have erupted in the political system. In relation to all these phenomena, then, pained surprise was more in evidence than value-neutral academic dissection. This stage is fortunately giving way to one of calmer observation, and it seems opportune now to look into the gaps and shortcomings in the researches on the Indian political system. As an essential background to this, we need to understand the framework of the system theory which underpins the concept of the political system.

## Constitutional and legal position

Political parties do not as such find any direct mention in the Constitution of India. However, there is one provision in the Constitution which is directly relevant to the functioning of political parties: the Tenth Schedule. The Tenth Schedule of the Constitution was added by the Constitution (Fifty-second Amendment) Act, 1985. It deals with the disqualification of a person for being a member of either House of Parliament [Art. 102(2)] or the Legislative Assembly or Legislative Council of a State [Art.191(2)], on ground of defection. In the absence of a sufficiently detailed constitutional provisions, the major onus of framing and administering the rules and regulations governing political parties in India has fallen on

the Election Commission, a constitutional body responsible for conduct of elections. The Election Commission has the power to decide whether or not to register an association or body of individuals as a political party.

**Since independence the system has passed through various stages of growth:**

- (i) 1952-64 \_the epoch of national consensus—the Nehru Era;
- (ii) 1964-69- the uneasy transition marked by the emergence of a multi-party situation;
- (iii) 1969- 75—the period of new consensus and of increasing inter-party conflict;
- (iv) 1975-77—the Emergency authoritarian period
- (v) 1977-80—the Janata phase of coalitional politics
- (vi) 1980-89—the new phase of tussle between the Congress in the Centre and the regional parties in the states;
- (vii) Since 1989 the situation showed a clear trend of decline of Congress hegemony and emergence of multi- Party system and a coalitionist phase,
- (viii) Era of Coalition government.

Evolution of party System in India The contemporary party system in India developed originally in the context of the struggle for freedom and after independence within the framework of parliamentary government. Both these environments have exerted their influence on the present character and structure of the political parties. The context of the struggle for freedom tells that the evolution of parties in India has been on different footings than those of Western democracies. In India, unlike the West, social and economic change did not precede political development. Since the growth of Science and Technology was slow and the development of the country's economy was poor and uneven, society as a whole remained un-monetized. The Elite commitment to modernity, involving a radical change in the traditional value system and social relationships was weak and ambivalent. The Indian situation, thus, provided hardly a ground for the

development of the party system from within. Like capitalism, therefore, the development of party system was also preceded from an application of external stimuli. The British provided it as a part of an historical process. The party system in India originated in the late nineteenth century as a response to the British colonial challenge. The beginning of the Indian party system can be traced to the formation of the Indian National Congress in 1885 as a political platform. The growth and role of the Indian party system as such was conditioned by the divide and rule policy of the British, The secular party system, as in the western countries, could not be achieved in India as there was communalization of polities, fragmentation of national unity and weakening of solidarity on the basis of caste, religion and community. According to Rashiduddin Khan, there were three factors which played a vital role in determining the pattern of the Indian party system. A major factor of the national movement was the building of a national consensus on certain essential issues of three significant dimensions of national interest, namely, national unity, political integration, national defence and security. The other factor of the national movement was its broad ideological base, coalescing the many stands from the radical left to the conservative, traditional right. The co-existence of the left, the centre and the right in the national movement during the freedom struggle not only gave it a wider support base and provided it with all-India legitimacy but also laid down a tradition of toleration and accommodation of different points of view. The continental size of the country, comprising of well-defined and distinct socio-cultural regions, with their own languages and dialects, specific patterns of caste community and tribal formations, provided the objective conditions for the rise of regional parties and groups. The framers of the constitution did not give importance to the development of party system in the country. It was thought that India would follow the British political ideas and political system. Being heterogeneous in character, India adopted a

unique system. As A.S. Narang points out that the Indian party system has undergone various phases like one-party Dominance Phase and Multiparty System and Coalition Era. One-party dominance phase as viewed by Morris Jones or the Congress system as viewed by Rajni Kothari, dominated the Indian party system in its initial years.<sup>4</sup> The Congress party was able to remain dominant amidst several other political parties. Stanley Kochanek says that the dominance was due to factors like its past political image; integrative political style; strong and successful leadership; long history marked by a high level of institutionalization; organizational strength and capacity for renewal; ability to manage internal conflicts; strategy of co-option and absorption of the opposition; and also the continuing fragmentation of the opposition parties. However, the general elections of 1967 marked an end to the system of one-party dominance. This phase, as Rajini Kothari puts it, was a period of national consensus and parties of pressure. There were many factions within the party, and outside the party, there was constant threat from the several opposition parties, dissident groups from the ruling party, and other interest groups and important individuals. This phase gave way to a system of competitive dominance.

### **Characteristics of the party system in India**

The history of origin and growth of political parties in India can be traced to the days of India's struggle for freedom. The Indian National Congress was perhaps our first political party; it came into existence in the year 1885. The evolution of the party system after Independence presents a study of transformation from one-party dominant system to a complex of multi-party configuration, in which presently strong trends of fragmentation, factionalism, and regionalism, coupled with the desire to form alliances for seeking a share in the pie of power are being increasingly witnessed. The Party

System in India may be characterized by the following features:

#### **1. A Multi-Party System:**

Since the disintegration of the consensus based Congress system in 1967, the Indian Parties have fit the category of a multi-party system. India has as many as Six National Parties and 52 State parties.

**2. Lack of Strong Opposition:** India lacks a strong well-organized opposition party. A strong opposition is essential for the success of parliamentary democracy. The main function of the opposition is to highlight the shortcomings of the government and to compel it to become responsive to the public opinion. But in 16th Lok Sabha Elections there is no official opposition, so the place of opposition leader is vacant. It will led bad impact on Indian democracy.

**3. Personality Cult:** Indian Party system values the role of the leader. When a party ceases to have a charismatic leader, it starts declining. After the death of Jawaharlal Nehru and Mrs. Indira Gandhi Congress suffered adversely. Dr. Shyama Prasad Mookherjee's death caused irreparable loss to the Jan Sangh. Similarly the Dr. Ram Manohar Lohia and C. Rajagopalachari witnessed very fast decline of the socialist forces and Swatantra Party respectively.

**4. Lack of Ideological Commitment:** There has been very sharp erosion in the ideological orientation of political parties. Party dynamics in India has led to the emergence of valueless politics. The general trend amongst both the national and regional parties to move away from the strict ideological framework of the party of the left and the right. Although in general, they do profess to stick to their party ideology. But in their actual programmatic support they seem to be more pragmatic in as much as they are not reluctant to give up their ideological because that helps gain them a share of political power. Such trend has been witnessed both at the national as well as at the State level and parties are less inhibited

to share power or coalesce in government formation with the groups, who till the other day were their bitter political opponents.

5. **Emergence of Regional Parties:** In India, several all-India parties have suffered in strength and regional parties have grown in number and influence. Thus, Tamil Nadu has become a stronghold of the DMK followed by the ADMK; the Punjab is dominated by the Akali Dal; Assam has been ruled by the AGP; Jammu & Kashmir is governed by the National Conference and Shiv Sena has emerged a powerful force in Maharashtra politics. These parties articulate and seek to defend a regionally-based ethnic or religious-cultural identity.
6. **Casteism:** A unique feature of several political parties in India is that they mobilize caste support. Many studies relating to the role of caste in politics (Rajni Kothari, 1970; Andre Beteille, 1966; S. Verba, B. Ahmad and Anil Bhatt, 1971) showed that political parties mobilize castes for functioning and seek their support in winning elections. Caste exercises its impact in the political field by specific caste groups coming together to vote en bloc for a candidate of their own caste, without considering the merits and demerits of the candidate. A caste, wishing to exercise political power must have a considerable number of its members elected. The electoral field witnesses both competition as well as alliances between various caste groups in order to get a substantial number of their caste men elected.
7. **The Use of Extra-Constitutional Means to Power:** Although electioneering and campaigning is an effort to capture a maximum number of seats in public offices are said to be the main functions of the parties, very few parties are able to make a respectable showing using only these legitimate methods. As a result political parties of all ideological persuasions frequently try to exploit political or social discontent to their advantage. They do not hesitate to use such non-parliamentary means as civil disobedience, mass demonstrations, strikes and protest rallies to embarrass the party in power and some of these tactics may become violent.
8. **Politics of Defection and Anti-Defection Act:** Defection is the term used for opportunistic transfer of loyalties from one political party to another. When a legislator is elected on the ticket of one party, but later joins another party, for selfish reasons, without his voters' consent, it is called defection. The Anti-Defection Act, 1985 sought to stop defections, so that representatives elected on certain principles and an certain party tickets would not be allowed to betray the trust which was reposed in them by the electorate at the time of their elections. But, this disease is present both at the centre and also in states.
9. **Representation of Women:** Political parties cannot remain indifferent towards women who constitute nearly 50% of the electorate. Although almost all parties have attempted to build women organizations to secure their support and make their organization more broad-based, but in practice they have fielded much less proportion of women candidates in the elections of legislative bodies than their actual population strength.
10. **Training of Members:** Training and orientation of new members is one of the important functions of political parties. The parties which are organized on the model of cadre party systematically develop appropriate agencies of training for members. But most Indian parties, except for the Communist parties and the BJP have not followed this model. Parties in India do not have a permanent system of training of their members, and whatever arrangements for training are done is done on ad-hoc basis by national or state level organization.
11. **Coalitions:** A spate of minority and coalition governments at the Center due to the fragmentation of the party system has laid bare the vulnerability of the process of governance due to political uncertainty and instability of governments. Coalition

alliances are neither 'ideological' nor have any common objective to cement them together, they are merely short term tactical arrangements established by ambitious politicians that are rooted in the exchange of mutual benefits and compulsions of power. Coalitional characteristic of parties is not unique to the national level political parties. Even in the state level parties, one comes across multiple voices under a single banner.

### Conclusion

A spate of minority and coalition governments at the Center due to the fragmentation of the party system has laid bare the vulnerability of the process of governance due to political uncertainty and instability of governments. Coalition alliances are neither 'ideological' nor have any common objective to cement them together, they are merely short term tactical arrangements established by ambitious politicians that are rooted in the exchange of mutual benefits and compulsions of power. Coalitional characteristic of parties is not unique to the national level political parties. Even in the state level parties, one comes across multiple voices under a single banner.

What has emerged is a party system characterized by a high degree of fragmentation and vigorous competition between parties, as also indicated by a high rate of turnover in office at both parliamentary and state levels. The multiplicity of parties means that a broader range of regional and social group interests find representation and a share of power. This raises the question as to whether such large multi-party coalitions are functional from the point of view of political stability, governance, and economic growth, particularly in a time of economic downturn in which the need for hard decisions might be unpopular in the short-term. Political stability should not be reduced to duration; governments can last by crisis management, but this might be at the cost of governance and effective policy-making. If such governments are only sub-optimally functional, then why couldn't reforms be made

to encourage mergers of small parties into larger, unified parties? An even better idea would be to introduce incentives for state parties to voluntarily merge to form national parties spanning several states instead of multi-party coalitions, while preserving representation of the diversity of interests.

### References:

- [1] Evaluation of political party system in India, Essay by NegiMohita
- [2] Top ten salient features of party system in India, Essay by NegiMohita [www.wikipedia.org/wiki/party\\_system](http://www.wikipedia.org/wiki/party_system)
- [3] Review of the working of political parties especially in relation to election and reforms options, constitutional paper by advisory panel on Electoral Reforms
- [4] "Party system in India: Emerging Trajectories", Ajay K. Mehra Teaching South Asia, an Internet Journal of Pedagogy, volume I, No.1, winter 2001, The Party System in India, by Prakash Sarangi
- [5] Narang, A.S., Indian Government and Politics, Gitanjali Publishers, New Delhi, 1987, p.263.
- [6] Misra, B.B., Political Parties in India, Oxford University Press, New Delhi, 1978, P-1- 3. Narang A.S., Op. Cit., p.264.
- [7] Rajani Kothari, State Against Democracy: In Search of Humane Governance. Ajanta Publications, New Delhi, 1988, p.45.
- [8] Johari, J.C., Indian Constitution: A Politico-Legal Study, S. Chand & Chand Company, New Delhi, p.65. Rajani Kothari, Op. Cit., p.86.
- [9] Gopal Krishna, 'One Party Dominance Developments and Trends in Party Systems

and Election Studies', Centre for Developing Societies, Allied Publishers, Bombay, 1967, pp.122-124. Ibid., p-127.

- [10] Hari Jai Singh, "A National Alternative, Indian Express April, 3, 1985,p.20 10. Richard. L. Park and Bruce Buene de Mesquita, Indians Political System, Prentice Hall, New Delhi, 1979, p.24.
- [11] Gopal Krishna, op. cit., p. 74. 12. Bhambari. C.P., "Ideology and Political Parties", Economic and Political Weekly, 20th April, 1968, p. 644.
- [12] Ghai. K.K., Indian Government and Politics, Kalyani Publishers, Ludhiana, 2002, p.485. 14. Ibid., p.486. 15. Ibid., p.487.
- [13] Myron Weiner, Party Building in a New Nation: The Indian National Congress, The University of Chicago Press, Chicago, 1967, pp.30-31.
- [14] Suri, K.C., Parties under Pressure: Political Parties in India Since Independence, Paper prepared for the Project on State of Democracy in South Asia as part of the Qualitative Assessment of Democracy Lokniti (Programme of Comparative Democracy), Centre for the Study of Developing Societies, Delhi, p.ll Ibid.,p.ll.