

Stable Government for India

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I deem it an honor to be invited to join the galaxy of eminent men who had delivered Lala Achint Ram Memorial lecture. I had the privilege of being his colleague in Parliament immediately after formation of the Republic Of India. The Parliament in those days was composed of stalwarts of the freedom movement, builders of modern India, experts in parliamentary procedures and in administration. There were also revered Gandhians who had taken up Gandhiji's constructive programme, worked unostentatiously for rural uplift, swadeshi and amelioration of the conditions of the weak and the distressed. To this category Lala Achint Ram belonged. To him service to mankind was service to God. A true selfless worker for good cause is difficult to come by. But Achint Ramji was one of the rarest exceptions. He believed in the Vedic teaching.

Na aham Kamya rajyam

I do not seek a Kingdom

No apunaravam

Nor for freedom from rebirths

Kamaye Dukha Daptanam Pra ninam arthi nasanam

All I seek is that the sufferings of mortal beings be allayed.

Lalaji ministered to those affected by plague unconcerned with his won life and gave his heart and soul for the relief and rehabilitation of the Refugees pouring from Pakistan after tragic events following the partition of India. I recall two people who ardently devoted themselves to that task - one Smt. Sucheta Kriplani and the other Lala Achint Ram. They worked relentlessly to meet their immediate needs and for their rehabilitation permanently. They faced the wrath of the Refugees and still silently continued their work.

The Bhoodan Movement initiated by Pujya Sri Acharya Bhave was an endeavor to reduce disparity between the rich and poor by voluntary sharing of land holdings. Vinobha ji undertook a walking tour of the entire country and collected sizeable area of land. The movement would have been a spectacular success if the lands donated were cultivable ones. They were mostly wastelands and the beneficiaries in many cases could not use them productively. This movement attracted Lalaji and the better part of the time of his membership of Parliament was taken up by this duty.

Lala Achint Ram and I were together in Parliament for seven years from 1950 to 1957. I used to speak on Labor problems and particularly in Agriculture. He was interested in everything connected with the weaker sections. This common cause brought us together on a number of occasions. Quiet soft-spoken and deeply devoted to the cause, he was a political saint. I am thankful to my esteemed friend The Vice President Sri Kishan Kant for giving me this opportunity to pay my tributes to Lala Achint Ram.

One may doubt the appropriateness of the topic for discussion namely a "**Stable Government for India**" when after the tribulations that the country had passed through for over a decade with Hung Parliaments and Minority governments, the National Democratic Alliance Government has coasted into a haven of comparative strength and stability. While I have every confidence that the present government may last its full term and give the country respite from quarterly or half yearly general elections, our electoral and constitutional structure does not

infuse confidence that the problems of hung parliaments and unstable governments have been solved.

Democracy is a government by the citizens themselves. The people should realise that they are responsible for choosing the right and proper persons to represent them in the national affairs. In colonial administration the government was different from the people. Those governments ruled without the consent and concurrence of the people. This old concept still persists in the masses today. They do not realise that the general election is the occasion for them to choose a government for themselves. On the contrary, the masses feel that the franchise is a patronage to be conferred on their kith and kin, or the local candidate, or one of their caste and religious fraternity. In mature democracies a person who changes his party affiliation or crosses the floor seldom get re-elected by the electorate. They do not trust him to stand firm by the policies and programmes proposed by him. In India a person who was in the Congress Government and immediately thereafter in the Janata Government and then in Chandrasekar Government was re-elected and came once again into the Congress Government!

The electorate votes for a criminal, or a corrupt candidate and bemoans that they have a bad government.

Further more the electorate does not realize that even as they contribute to their own household expenditure, they have to contribute to their country's governance. They are easily misled by unscrupulous promises of political parties of free food, free clothes, and free electricity, free everything. Even enlightened people plead for tax concession, subsidies, and incentives oblivious of the fact that they are met by borrowing, which in turn imposes burdens indirectly on themselves.

Democratic Society is based on the principle of equality of all its citizens. Unfortunately ours has been and still continues to be despite all the laws we have enacted, a hierarchical society and the endeavor of those in lower strata, socially and economically, to gain equality accentuates ethnic, caste, and religious conflicts. The result is that sectional interests lend to over ride national good. Dr. Ambedkar the architect of our Constitution was skeptical of the ability of a society based on unequal structures to establish a healthy democracy. In his reply to the debate on The Constitution Bill he said "on the social plane we have in India a society based on the principle of graded inequality which means elevation for some and degradation for others. On the economic plane, we have society in which there are some who have immense wealth as against many who live in abject poverty. On 26th of January 1950 we are going to enter into a life of contradictions."

While Britain has always had a homogenous population, America consisted of immigrants from many countries; the British, Greeks, Poles, Germans and several others. At the time of framing their constitution they were not a nation but people from different countries. And yet they welded themselves into a nation and they all became Americans. During my visit to America in early fifties, I found stickers and posters everywhere displaying "I am an American citizen". They celebrated a day to inculcate in every citizen that he belongs to the American Nation.

Therefore, the chief malady that afflicts our democracy is the absence of a mature electorate. We have an electorate consisting mostly of illiterate, uninformed, poor and starving masses. The struggle for existence obliterates all the finer qualities of man.

Rome was not built in a day or a democracy in a century. Britain became a mature democracy after 800 years from the days of Magna Charta. Britain went through a prolonged persistent struggle for devolution of authority from the crown to the people. She had also

patches of nepotism and corruption during the period of a struggle. Students of British Constitutional History will recall the notorious statement of Prime Minister Walpole that every man had a price.

Unfortunately India did not try to educate its masses on its duties in a democracy. Our leaders assumed that the masses were all Nehrus, Patels and Azads. Had we introduced in all schools subjects like citizenship duties and moral instructions the present generation of voters would at least be conscious of the duties of a citizen in a democracy.

During the discussions on the People's Representation Bill in the Provisional Parliament in 1951, I had pleaded for compulsory voting by the electorate so that the citizen may realise that voting is a duty to the state and not a patronage to be conferred on their favorites. Even now it is not too late to introduce compulsory voting for the central and state assemblies.

The immediate reaction to the suggestion is that it is a stupendous task to organise, supervise, and conduct a pole for over 500 million voters. But if one analyses the problem one will find that most of the Panchayats have 800 to 1000 population, the biggest few panchayats reaching 10,000. It is not impossible to organise compulsory voting for most of the panchayats. In towns and cities, there are sub divisions into wards, which can handle the smaller areas. If there is a will there will always be a way. Australia has had compulsory voting for a long time.

As a result of all these shortcomings, the people of the country and even intellectuals want the failures to be cured by legislation.

They vote for the criminal or the corrupt but want a law to prevent criminals and the corrupt from standing for elections. The lawmakers search for a definition of a criminal and the jurists come to the conclusion that only a man convicted for a crime can be called criminal. Since it takes years to get a conviction and get it confirmed in the highest court, the criminal (in common parlance) will have a merry time for two or three terms in the legislature.

People vote for a person who defects from party to party like a merry go round but want a law to prevent defection. The feeling that law is cure all for our ills is the antithesis to democracy where people discharge their duties to the state and the nation voluntarily.

I am striving to bring out that we are flattering ourselves that we are the largest democracy in the world. We are no doubt the second most populous country in the world, may be the first within the next decade. But we have yet to become a mature democracy in the true sense of the term. Merely holding periodical elections and adopting Parliamentary procedure does not make a country a true democracy. We have to educate our people on the duties of a citizen to the country and its peoples.

It is an axiom of political science that the state comes into being for life i.e. the protection of life and liberty of the citizen but it exists for good life i.e. for welfare of its people. The primary aim of any constitution is to ensure stability in administration. The founding fathers of the constitution envisaged a strong center run by national parties guided by national interest without parochial bias, dealing fairly and equitably with all states. Through planning the union government pledged itself to correct regional imbalances created by the commercial interests of an alien rule. Today the situation has turned upside down. Regional parties decide who should be the Prime Minister; name the members of the Cabinet and their portfolios regardless of the competence of those nominees.

During the last ten years there had been seven governments at the centre. These minority governments have been unable to provide a stable government and stable policies. Barring Narasimha Rao government, which had a precarious existence for a full term of five years other, were in office for few months each. I had the dubious distinction of appointing three and

working with four Prime Ministers during the term of five years. Governments depending on the whims and fancies of small parties, supporting from inside or outside were all the time striving to survive in office and had no time to serve the people or the nation. Recently the situation had deteriorated so much that the smaller parties had begun to blackmail the leadership with threats of disruption of the government. Truly the tail has started wagging the head.

No progress economic, social, cultural, or other can be achieved unless there is internal stability and continuity of policies. Nor can incentives for production and exports and tax concessions for industry and trade enthrone investment unless there is a stable government pursuing sound economic policies. For instance India made striking progress in industrial development during the first fifteen years of our Republic when we had a stable government under the enlightened leadership of Jawaharlal Nehru. In contrast France had 22 governments in 12 years between 1946-1958 until de Gaulle ushered the new constitution, which was approved by the people by a referendum in 1958. Since then, France has been making striking all-round progress.

India on becoming independent deliberately chose the Westminster type of parliamentary democracy. Most of the leaders of the struggle for freedom were from the legal profession with skills to match the foreign government in knowledge and debate. Many among them have had their education, general and legal, in England and had imbibed the liberal traditions of Bentham, Mill and Laski. Besides, Britain in their days was a super power spread over the entire globe and it used to be said that the sun never set in the British Empire. Authors and pundits extolled the British Parliamentary system so profusely that it appealed to many intellectuals in the world as an unerring model for others to follow. Ivor Jennings described the British constitution as one of the strongest if not the strongest in the world. Dr. K.M. Munshi one of the architects of our Constitution summed up the prevalent thinking at the time in his speech in the Constituent Assembly. He said: "Most of us and during the last several generations before us, public men in India have looked up to the British model as the best. For the last thirty or forty years some kind of responsibility has been introduced in the governance of this country. After this experience, why should we go back on the tradition that has been built for over 100 years?" No wonder, we adopted the Westminster type of parliamentary democracy with the addition of a few chapters such as Fundamental Rights and Directive Principles of State Policy etc.

During the first decade, when the stalwarts of the freedom movement brewed in selfless dedication, service and sacrifice held sway of the country, India functioned as a mature democracy and elicited the admiration of the entire world including that of the skeptics who doubted the chances of adult franchise working satisfactorily among unlettered people. In International fora like the United Nations and others we were heard with respect and attention. Our felicity of expression in the international language namely English gave us an added advantage over the others. That decade provided stability and growth to the central and state government.

Our experience during the last decade has proved that minority government based on the support of small parties, either from inside or outside the government, has been an exercise in self-deception. The minority governments had not been able to act freely and have had to look over their shoulders all the time nervous, anxious, and uncertain as to how the supporting parties will behave. The minority governments had to spend all the time placating their supporters and making unconscionable concessions and compromises. Very often the supporting partners had brought down the government on trivial and inconsequential issues.

We may recall that though the constituent Assembly was not elected by adult franchise but was elected indirectly by the elected state assemblies, it was fully representative of all sections of the people. The members were eminent patriots with deep knowledge, wide experience, and wisdom and were drawn from different political persuasions. The Constitution itself is a comprehensive document. Any attempt to write a new constitution in the place of the existing one would open Pandora's' Box and may lead to confusion and chaos. Nor is it necessary to do so as most of the salient features of the Constitution like the chapters on Fundamental Rights and Directive Principles of State Policy, the judiciary, election machinery etc., have well stood the test of time. Our aim should, therefore, be to identify the areas where the Constitution has proved inadequate or faulty and to rectify or supplement the provisions with appropriate changes.

I shall in the course of these talk offer two Alternative suggestions which ensure stability at the centre and true representation of the electorate in Parliament and the government. The first one is based on the parliamentary executive provided for in the Constitution. The other is a national alternative to party government based on minimum change constitution

SCHEME-I

TWO PARTY SYSTEM

The Westminster type of Parliamentary Democracy on which our Constitution has been modeled has many attractive features. The Prime Minister being the leader of the majority party in Parliament is able, unlike the American President, to carry out his policies and programmes without any hindrance. Besides the chances of conflict between the legislature and the executive are minimal. Furthermore, executive's accountability to Parliament is total and the continuance of the government itself depends on the support of the majority in Parliament. However, if the major parties, Conservatives and Labor, split into two each, all tangles which plague Indian Parliament will be re-enacted in Britain also. Ivor Jennings dealing with prerogative of the crown to decline the Prime Minister's advice for dissolution of the House in limited cases in his book "Cabinet Government" (3rd edition pp.427 and 428) has said that while the queen's personal prerogative to dissolve the house is maintained in theory there are hardly any circumstances in which it could be exercised in practice. He added that this assumed a continuance of the two party system. "If major parties break up, the whole balance of the constitution alters and then possibly the Queen's prerogative become important." (vide Hood Philips Constitutional and Administrative Law - 7th Edition page 154 & 155).

Ivor Jennings himself concedes that the British model is based on a two-party system and the whole balance of the British Constitution will change if the major parties in Britain break up like ours.

Therefore, if the present Constitution of India should function satisfactorily two reforms (1) change in the electoral system and (2) de-recognition of more than two political parties are indispensable.

Most of the current discussions on electoral reforms address themselves to issues like regulation of parties, regarding their constitution, registration, audit and disclosures or regulation of election expenses, party spending on candidates, state funding etc. The relative merits of the direct election of members by territorial constituencies and by proportional representation by

parties or an admixture of both also comes up for discussion. But the basic principle of representative democracy hardly receives necessary in-depth study.

In ancient history Greece and Rome had city-states where people directly approved or disapproved the proposals of the government. With the advent of larger states, governments constituted by the peoples' representatives came into vogue in democratic countries. A parliamentary democracy requires representative government, which will truly reflect the public opinion or as Mill called "General Will" of the people. An ideal democracy is one which functions in consonance with the public opinion in the country. A House constituted by electoral malpractices such as booth capturing, rigging, bribery or coercion of the electorate can hardly be called "representative" of the people. Likewise an electoral system, which does not reflect the majority view of the electorate, cannot be called democratic notwithstanding the holding of periodical elections and maintaining the trappings of democracy.

CHANGE IN ELECTORAL SYSTEM:

In a multi-party system no candidate to the legislature normally secures more than 50% of the votes cast in his constituency. Each candidate usually secures say 35%, 30%, 25% of the vote's cast and the candidate who gets the largest number of votes is declared elected. Similarly if in all the other constituencies the candidate with the largest number of votes (but not a majority) is elected, the House so constituted reflects the minority and not the majority of the voters. In a two party system such an aberration does not occur, as one or other party has to secure a majority of the votes in every constituency. In none of the general elections held in India since 1952 did the ruling party ever get a majority of the votes cast. For instance the Congress Party, which secured a massive 415 seat in Lok Sabha in 1984, polled only 48.1% of the votes cast. Likewise the Janata Government in 1977, which secured 296 seats in Lok Sabha, polled only 43% of the votes cast. For the last 50 years India had been governed by a minority of votes. This defect has been remedied in France where if no candidate to the National Assembly (Parliament) secures more than 50% of the votes cast, there is a "Run Off" a repoll between the top two candidates and the successful candidate is declared elected. By this process the National Assembly always represents the majority of votes cast. This may be effected by amendment to the Peoples' Representation Act and will not call for the amendment of the Constitution.

Objections have been raised to the proposal for a second vote on the grounds:

- a) That the second vote will delay the constitution of the national Parliament;
- b) That it will be almost like a second general election as none of the candidates will be elected on the first count; and
- c) That it will involve enormous expenditure.

I am of the view that as the second vote is like a repoll in certain constituencies in the same polling booths with the same original set up with no revision of electoral roles, and no fresh nominations it should not cause a delay of more than a week. Secondly though initially i.e. till the candidates understand the system there may be large number of the constituencies where there may be a second vote, this will correct itself as the candidates will soon learn that they can no longer get elected with a minority votes. And if as I had suggested elsewhere-severe penalties like debarring those who forfeit deposits from contesting for any statutory office for six years are adopted frivolous candidates will gradually disappear from the scene.

Thirdly I agree that the second vote will cause extra expenditure but it is worth spending in order to ensure that the Parliament and the government represent the majority of the votes cast

in the election. After all there can be no bargain between democracy and cheaper form of government.

The Law Commission has fully taken note of the weakness in direct election through territorial constituencies in a multi-party system.

To remedy the hiatus between votes polled and seats secured the Law Commission has suggested adoption/adaptation of the German electoral system, which provides for 50 percent seats to be filled by territorial constituencies and the other half by proportional representation, from the list filed by parties, in proportion to the votes polled in the general election. The Commission has suggested that the Lok Sabha be enlarged by 25% of its present strength and that 25% be filled by proportional representation according to votes polled by the parties. Apart from the scheme being too complicated for our electorate I am not sure that 25% of seats filled by proportional representation will correct the distortion caused by 75% of seats elected on the principle of First Past the Post. Secondly, a person chosen from the list by proportional representation may be undesirable, criminal or corrupt. The citizen has no right or opportunity to vote him down. The Lok Sabha is the custodian of the national finance and it is the House that has power to appoint or dismiss a government. Lok Sabha Members are answerable to the electorate. To induct into the Lower House a member who has no constituency to face and no direct obligations to the people is to dilute the primacy of Lower House recognised in all democracies in the world. I am not sure whether this rule in Germany is part of the Constitution drafted by the occupying powers or a later amendment. I wonder if there is any other democracy, which has indirectly elected members in the Lower House.

DE-RECOGNITION OF MORE THAN TWO POLITICAL PARTIES.

Under our electoral system the Election Commission is empowered to recognise and de-recognise political parties. The de-recognised parties lost certain privileges, the most important of which is the right to a common symbol for their candidates. In order to reduce the number of recognised parties to two, it may be statutorily provided that all parties which secure less than 10% of the votes cast in the next Union General Election shall be first de-recognised and that thereafter the party that secures the lowest number of votes in each general election shall be de-recognised until the number of recognised parties is reduced to two.

The present parliamentary form envisaged in the Constitution may be expected to work satisfactorily if the electoral reform and recognition of only two parties are incorporated in the present Constitution.

This scheme, I am advised will not be violative of the Fundamental Right to form associations or unions, since the scheme does not interfere with formation of political parties but will only restrict their right to recognition for electoral purposes. Even a constitution amendment, if necessary, will be in the best interest of the nation.

I am not sure whether even a two party system will ensure stability in government in our country. It is still possible for a chunk of the ruling party to cross the floor and defeat the government. It happened first in Kerala and thereafter in other states also. Perhaps a more stringent Anti defection law debarring every defecting member, whether one or one-third of a party, from any election to any statutory body from Panchayat to the President for six years may put a sense of responsibility in the minds of the legislators.

CONSTRUCTIVE VOTE:

One immediate measure to reduce Kaleidoscopic changes in government, which does not require any constitutional amendment or other elaborate changes is to provide in the Rules of Procedure of the Lok Sabha that a motion of no confidence against the ministry should in the same motion name the Prime Minister to succeed the present incumbent if the motion was carried. This system, the constructive vote, prevails in Germany where there is a multi party system. The motion for the removal of the Chancellor should name the successor in the motion itself so that if the motion were carried there would be another Chancellor already!

SCHEME II

NATIONAL GOVERNMENT

The second alternative I propose for a stable Government, is a national government consisting of the parties in the House. This is a separate package totally unconnected with the early scheme 1. I had suggested it in 1991 at the time of the acute exchange crisis, developed it in Anantasayanam Iyengar Memorial Lecture at Tirupati in 1995 under the title "A Stable National Alternative to Party Government" and refined it again in a seminar in Delhi presided over by Justice Tarkunde under the title "Government by Consensus: or Consensual Government".

In my address to the nation on the Republic Day 1991, I stated that Parliamentary Democracy in India has been going through a process of change. The phenomenon of one party enjoying a comfortable majority at the Centre has been replaced by a different configuration. I further added in a multi party political system we may not be able to avoid coalition governments in the interest of the nation. Yet there is a great deal of mental resistance to this concept, springing from the past familiarity with two party system. It is time serious thought is directed towards the evolving patterns of our polity".

Again during the financial crisis in 1991, I appealed to the political parties to form a national government in order to face the grave challenge. The suggestions evoked a negative and scornful response, as each political party was then sanguine of winning a majority and forming its government after the elections.

In this historical background a new system capable of giving a stable government has to be devised. To lethargically continue with a system admittedly leading to Kaleidoscopic changes in Governments is a crime against the nation. No progress economic, educational or cultural can be achieved unless there is internal stability and continuity of policies.

I am not examining the American, French or any other constitutions as each one of them falls short of the ideal solution I have in mind. It is a solution not only good for India but for all nascent democracies of the world. The acute problems of poverty, illiteracy, disease and age old social and economic inequalities faced by the developing countries call for a national effort by all parties putting their shoulders together and working in unison and not for a system based on confrontation between the Government and the opposition. More so in India; since it has a gigantic population and meager resources.

Modern democracy is based on the rule by the majority which means that 50.1% rules the country excluding 49.9% from participation in administration. It rests on confrontation between the government and opposition. It excludes large section of the people from participation in Executive decisions. It breeds jealousy among the deprived and arrogance among the rulers. It

leads to abuse of the government machinery for strengthening the party in power. In mature democracies the opposition is reconciled to bide its time till the next general election though it tries to defeat the government on popular issues. Nascent democracies attempt to destabilize the government from the very next day after the formation of the government. Engineering defections and purchase of political loyalties are resorted to without any care or concern for the national and the people. The tendency to adjourn debates in favour of duels is growing in legislatures. Parliamentary dignity and decorum are found only in text books on Political Science. We have all been witnesses to these unseemly activities in our legislatures.

Indian tradition has been different. Panchayats were not run by majority to the exclusion of minority but by consensus of the elders. There were no political parties, no confrontation between administration and opposition. Decisions were reached by a consensus and not by counting of heads. Similarly justice was rendered by the Panchayat seeking the truth and not by adversary proceedings where each contending party tries to establish the truth. Likewise class conflicts in trade unions had replaced the paternal relationship that prevailed in agriculture, which was the main source of employment in our earlier economy. In retrospect, I realise the British innovation of confrontation through party government adversary proceedings in rendering justice and class conflict in industrial relations had deflected the country from its age-old system of reaching solutions by consent, consensus, cooperation and compromise.

We must, therefore, devise a system of government with adequate participation of sections of opinion represented by political parties in the place of a majority party rule. This will involve some changes in our constitution but not a wholesale redrafting of it. Any attempt to rewrite the Constitution will lead to utter chaos and confusion, which it is not necessary to create.

The scheme may be called National Government for India or Government by Consensus or a Stable Government for India.

There shall be a President of India elected in the same manner as at present or otherwise but not directly by the people of India. The election of a President by popular vote will create a second centre of authority in the state and will breed conflicts between the President and the Prime Minister. The President shall continue to be symbol of the state.

Clauses 1,2 and 3 of Art.75 namely 75(1) The Prime Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Prime Minister. Articles 75(2) (that the Ministers shall hold office during the pleasure of the President.) and 75(3) (that the council of Ministers shall be collectively responsible to the House of people) shall be deleted. Instead, it shall be provided:

that the Prime Minister shall, as soon as may be after the general election or on the occurrence of a vacancy in that office by death resignation or otherwise, be elected by the Lok Sabha by a single transferable vote. If no one gets more than 50% of the votes polled, there shall be a "run off (repoll) between the two candidates who had secured the largest number of votes and the winner shall be declared the Prime Minister. It may be recalled that the President of France is elected in this manner if one does not secure a majority of the votes cast in the first count.

The number of members of the Council of Ministers shall not exceed one-tenth of the strength of the Lok Sabha.

The Prime Minister shall determine the number of members of the Council of Minister to be chosen from Rajya Sabha and the Lok Sabha.

On such determination each House shall proceed to elect the requisite number by single transferable vote as in the case of election to Parliamentary Committees.

The Prime Minister and the Members of the Council of Ministers shall hold office for a term of five years co-terminus with the life of the Lok Sabha but shall continue in office till a new Prime Minister is elected in the manner provided. The Council of Ministers shall not be liable to be removed from office on the ground that any measures brought by it in either house of parliament had been defeated, nor by a vote of no confidence in the Lok Sabha. Vacancies in the Council of Ministers shall be filled in the same manner as those in Parliamentary Committees.

The Prime Minister and each of the Council of Ministers may be impeached for gross violation of the constitution, proven misbehaviour or incapacity in accordance with provisions in the behalf. Art.74(1) dealing with President's duty to accept the recommendations of the Council of Minister and the power to return the advice for reconsideration of the Council of Minister and, Art.111 relating to assent of Bills shall be deleted.

Decisions of the Council of Ministers shall normally be taken by consensus. If, however, a majority of the ministers present so desire a vote shall be taken on an issue. The decision of the Council of Ministers is binding on all members including the Prime Minister. The Prime Minister may, with the consent of the majority of Ministers present, however send a matter for the reconsideration of Parliament and the decision of Parliament on such reconsideration shall be final and conclusive.

PARLIAMENT

In order to truly reflect public opinion the Lok Sabha members shall be elected in the same manner as members of the French National Assembly described earlier.

The Lok Sabha shall not be subject to dissolution before the expiry of its term on any account. Subject to rules of procedure there shall be complete freedom of speech and vote in both Houses of Parliament.

Defections take place in Parliament largely from selfish ends like defeating the present government in order to get into the new one. Since neither the Ministry can be thrown out of office nor the Parliament dissolved before the expiry of their respective terms, there is no reason why the members should not have the right to speak or vote against Government's proposals. Members of the American Congress and Senate speak and vote across party lines. Nobody looks upon it as blasphemy. It is the fixation in our minds with the British model of Parliamentary democracy that inhibits objective thinking on such matters. In these circumstances the Anti Defection Law become irrelevant and needs to be repealed.

It may be recalled that during the time (1950-52) when the Provisional Parliament was functioning in our country, the Cabinet of Jawaharlal Nehru, included members other parties like Shyam Prasad Mukherji, Dr. Ambedkar, KC Neogy, etc. I was a witness to the smooth working of that team in a majority of issues though they had some sharp differences on a few. I do not see why a Cabinet of talent drawn from all parties cannot arrive at a consensus and why the country should reconcile itself to a government of inconsequential members from a single party. For instance the Public Accounts Committee, which deals with lapses of the Government, though consisting of representatives of all parties, almost always arrives at unanimous conclusions. Why should not a Council of Ministers do likewise in national interest?

It is sometimes argued that the accountability of the government to Parliament is reduced in a system which has fixed executives as in the Presidential form of America. In the scheme I propose all the present Parliamentary checks like the Question Hour, Adjournment Motion, Calling Attention, Short Duration Discussion, etc. will be retained and accountability to

Parliament will be fully maintained. As the decisions of the Parliament are binding on the executive without the power for the Prime Minister to escape from the decision through dissolution of the House, there will be a greater accountability to Parliament than at present.

A new menace has appeared in our electoral process in recent times. It is the plethora of non-party candidates filing nominations in general election. In recent times, the ballot paper has run to two or three pages. Increasing security deposits will hurt genuine candidates. It may, therefore, be provided statutorily that a candidate will forfeit deposit if he polls less than 20% of the votes cast and one who forfeits deposit in the National and State elections shall be debarred from contesting for any elective post in a statutory body from Panchayat, cooperatives to the President for a period of six years. This will enable smoother election for offices of national importance.

The scheme for a stable or national or consensus government adumbrated by me is an amalgam of the Parliamentary and Presidential form. The fixed executive and indissoluble legislature resemble the Presidential form and all the checks embodied in the constitution and Rules of Procedure resemble the Parliamentary executive.

The scheme involves minimum changes in the constitution except in chapters relating to executive and the legislature. All other parts of the constitution particularly Fundamental Rights, Directive Principles of State Policy, Election Machinery and the Judiciary etc. will remain as they are.

The same pattern may be adopted *mutates mutandis* for the states also. I admit that the scheme is not fool-proof. No constitution is. The situation facing the country compels serious consideration of alternatives.

I commend the scheme for a Stable Government for India to the consideration of the nation. If we get over our mental fixation on party government, we may be able to get out of the rut and think freely, boldly and wisely.