



GOVERNANCE AND ACCOUNTABILITY IN INDIA

Devynn Birx-Raybuck • Wang Guan
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A COMPARATIVE ANALYSIS AND
RECOMMENDED WAYS FORWARD



JOHNS HOPKINS
SCHOOL of ADVANCED
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EXECUTIVE SUMMARY

Legislatures play a critical role in democracies by developing laws, providing checks and balances of other state powers, and by bridging the gap between the government and the people. The Indian Parliament, in the world's largest democracy, is tasked with representing 1.3 billion people – 1.5 million people per Member of Parliament (MP) – and thus provides a worthy case study of democratic trends. In recent years, several studies have identified challenges within the Indian Parliament that affect its overall efficiency and ability to legislate effectively. These issues include disruptions and disorders within Parliament and its committees; MP qualifications, incentives, and effectiveness; and a lack of accountability and enforcement mechanisms. We interrogate these issues to identify their underlying causes and recommend actionable steps toward understanding and addressing the various causes of inefficiency. We examine three primary categories of potential causes: 1) internal rules, procedures, and institutionalization; 2) the role of political parties; and 3) constituent engagement.

Parliamentary rules and procedures. There are several parliamentary rules and procedures that directly affect the performance of the Lok Sabha (the Indian Parliament's lower house). For instance, the anti-defection law mandates that MPs vote along party lines. Not only does this suppress debate and dialogue within and between parties, but also it might not allow MPs to vote in the best interest of their constituencies. As the process of passing a bill frequently hinges on the approval of the Speaker of the Lok Sabha, significant power and influence is placed in the hands of one individual, which has the potential to create bottlenecks in the system. Additionally, the limited human capital and financial resources provided to MPs greatly affect their ability to perform in Parliament and meet with constituents. In this paper, we discuss case studies from Brazil, Hungary, Romania, South Africa, and the United States, and we recommend that

EXECUTIVE SUMMARY

non-partisan organizations: 1) engage in an internationally-accredited parliamentary benchmarking exercise; 2) advocate for the professionalization of the committee process; and 3) propose reforms to parliamentary rules that permit individual members to have agency outside of their parties.

The role of political parties. Political parties play numerous critical roles within and outside of India's Parliament, yet the proliferation of parties within India's political system has contributed to a fragmentation of ideas and collaboration. The elections of Lok Sabha MPs are concentrated in the hands of influential party leaders who nominate candidates in an opaque process, before these candidates are elected by universal suffrage. Campaign finance laws and regulations in India are not strictly implemented. With virtually no caps on campaign donations, a disproportionately large number of wealthy candidates with criminal records have been elected. We offer examples from the European Union, Germany, and Israel that may provide approaches to curb the "criminalization" of parliamentary politics and increase transparency. Based on the experiences of these countries, we suggest the following for India's Parliament: 1) agree to basic and transparent ground rules with a candidate selection process of at least two steps within each political party; 2) encourage the establishment of political party foundations in India; and 3) support and encourage improvements to campaign finance laws and regulations.

Citizen engagement. Democracy is strengthened by active citizens who are informed, voice their interests, and hold public officials accountable for their actions. For active participation to occur, citizens must be given information about their rights and how they can become engaged. India passed a Right to Information Act in 2005 that mandates timely response to citizen requests for government information, yet the accessibility of this information is limited. The media also plays an important role in disseminating information to the public. Parliamentary committees play a vital role in overseeing parliamentary effectiveness and good governance, but active participation by civil society within the committee process remains a rarity in India. Citizens can provide feedback on legislation by responding to newspaper advertisements or during village general assemblies, for example, but more frequent or formal consultation with the public could enhance good governance. Following these observations, we examined constituent engagement in the United States, European Union, and Ghana to develop five recom-

mendations: 1) strengthen parliamentary committees, including soliciting the support of non-partisan civil society organizations (CSOs); 2) clarify parliamentary activities and allow site visits; 3) hold parliamentary roadshows and exhibitions; 4) conduct regular public opinion surveys; and 5) leverage technology to enhance outreach to citizens.

The challenges faced by the Indian Parliament are not unique to India and other nations have much to learn from its experiences. By analyzing other countries' responses to similar issues, we have acquired a greater understanding of where it might be possible for non-partisan groups to extend their influence through independent advocacy and research work. It is our hope that the implementation of these recommendations might allow for some of the key challenges facing the Indian Parliament to be effectively addressed.

1 RESEARCH OBJECTIVES

Legislatures play a critical role in democracies by developing laws, by providing checks and balances of other state powers, and by bridging the gap between the government and the people. In a parliamentary system such as India's, MPs are called upon to represent their diverse constituencies of approximately 1.5 million people each.¹ Despite this exceptional challenge, it is precisely the work of strong, efficient legislatures that democracy makes stronger.² Parliamentary effectiveness is driven by not only the internal rules and procedures governed by the state, but also the political and socio-cultural environment in which it operates. Thus, studying the Indian Parliament is a useful endeavor due to India's diversity and population size and because trends observed in India's system of government may inform the democratization of other countries. Conversely, lessons learned by other democracies can guide parliamentary reform in India.

In recent years, a number of studies have identified critical issues and challenges within the Indian Parliament. These issues play a critical role in Parliament's overall efficiency as well as its legislative role in the national government. In this research paper, we consider three key challenges within Parliament:

Disruptions and disorders. There has been a downward trend in the legislative activities of Parliament as measured by the time lost to interruptions and adjournments, and by the number and duration of sittings. The increase in the number of political parties has often resulted in short-lived alliances and reduced efficiency within Parliament. Regionalism, casteism, and party interest sometimes hinder substantive debate and deliberation on issues. Overall, these factors together result in a Parliament that is much less efficient than it could be, with fewer productive debates and less legislation passed per session.

1 RESEARCH OBJECTIVES

Table 1. Total time lost due to interruptions & adjournments in the Lok Sabha ³

Lok Sabha	Years	Total time lost (in percentages)
10 th	1991-1996	9.95
11 th	1996-1997	5.28
12 th	1998-1999	10.66
13 th	1999-2004	18.95
14 th	2004-2009	20.00
15 th	2009-2014	40.00

* Source: adapted from Lok Sabha Secretariat, September 24.

Table 2. Number and duration of the sittings of the Lok Sabha ⁴

Year	Number of sittings	Duration of sittings (in hours)
2007	66	283
2008	46	258
2009	64	355
2010	81	281
2011	73	305
2012	74	274
2013	63	172

* Source: adapted from Lok Sabha Secretariat, September 24.

Qualifications, incentives, and effectiveness of MPs. Winners of the most recent Lok Sabha election included the highest-ever number of MPs and leaders with criminal records. One-third of elected officials have declared criminal cases against them. Campaign finance laws with virtually no donation limits also contribute to what has been described as the ongoing “criminalization of politics.” Once in Parliament, many MPs face disaffection and a lack of incentives resulting from certain existing rules and procedures, such as the concentration of power in the office of the Speaker of the Lok Sabha, the heavily managed legislative process, a lack of resources, and an underutilized committee structure.

A lack of accountability mechanisms. Inadequate voting procedures (e.g., votes not being recorded during parliamentary sessions) prevent oversight of MPs by their constituents and opposition parties. Civil society watchdog organizations exist in India that focus on enhancing transparency and accountability, but given the size and complexity of the country, their missions are limited in scope. In addition, there is room to strengthen the quality of civic education for Indians through the media and school system. The apparent lack of accountability mechanisms contribute to a rise in the use of money for influence, patronage politics, and cronyism.

We seek to interrogate these issues and their potential causes to develop actionable steps toward understanding and addressing them. Our research question is formulated in two parts:

1. Why is the Indian parliament not meeting regularly, losing significant time to disruptions, and not holding MPs accountable for their votes? That is, what are the internal and external causes of these issues in Parliament?
2. What other practices, processes, or lessons from other countries can help the Indian Parliament become more effective, engaged, and representative?

To examine the first part of the research question, we focus on three potential causes of the inefficiencies faced by the Indian Parliament. First, we examine the internal procedures, rules, and institutionalization of Parliament. Second, we examine the role that political parties play within Parliament and among the electorate. Third, we examine

1 RESEARCH OBJECTIVES

constituent engagement and the overall political and socio-cultural environment of India and their effects on Parliament.

Table 3 presents a list of questions by area of investigation for the three potential causes of inefficiencies in the Indian Parliament. These questions guided and focused our research agenda during the desk review phase and in interviews with political leaders, activist groups, media, and local constituents during our week in country.

To examine the second part of the research question, we conducted a literature review of other national systems and conducted interviews with parliamentarians and staff at various civil society organizations (CSOs) and think tanks to identify practices that could help improve the efficacy, engagement, and representativeness of Parliament. Our country selection criteria included any country that was affected by the specific issues faced by India's Parliament. Some, but not all, of the countries in this comparative group have a parliamentary system of government. As a result, we analyze varying perspectives and actions taken by multiple countries that have dealt with similar issues to recommend areas for improvement. Each section of the paper features recommendations drawn both from our analysis of the main issues that affect the Indian Parliament and legislative bodies of select countries. At the conclusion of the paper, we propose specific recommendations that may be actionable.

Table 3. Research question matrix

Issue	Areas of investigation	Questions
Procedures, Rules, and Institutionalization of Parliament	<ul style="list-style-type: none"> • Anti-defection law • Role of the speaker • Resources allocated to MPs 	<ul style="list-style-type: none"> • Does the anti-defection law help or hinder voting by MPs? • What role does the Speaker of the Lok Sabha play in passing legislation? • What power is granted to this individual and how does she influence the passing of a bill? • What are the resources provided to MPs at the start of a term? • Are these resources adequate for job performance? • How has the Indian Parliament been institutionalizing, and how does that compare to other legislatures?
Political Parties	<ul style="list-style-type: none"> • Number of parties • Coalitions • Campaign financing 	<ul style="list-style-type: none"> • How many political parties exist in India? • Do a greater number of parties reduce parliamentary functioning? • How responsive are political parties to the needs of constituents? • What are the campaign finance rules in India? • Do campaign finance rules contribute to or mitigate criminal activity in the political arena?
Constituent Engagement	<ul style="list-style-type: none"> • Political and socio-cultural environment • Lack of engagement among the middle class • Civic education • Voting trends 	<ul style="list-style-type: none"> • How responsive are MPs to the needs of constituents? • How are citizens informed of their rights and representatives? • How is civic education propagated in India? • How do citizens tend to engage with MPs? • How does traditional and social media impact citizen engagement in India? • How do CSOs engage with citizens and the Indian Parliament?

2 BACKGROUND AND CONTEXT

2.1 The Role and Evolution of Parliament as an Institution

Before examining the rules and procedures of the Indian Parliament, it is first worth examining the role of Parliament as an institution within government and the tension that a parliamentary legislature creates in its dual role as both a legislature and a government. This tension is not unique to India – it is found in many parliamentary systems around the world – but factors within the Indian state undoubtedly have an impact on the effectiveness of Parliament and the political disaffection of the Indian citizenry.

The notion of a legislature found its roots during the French Enlightenment in Baron de Montesquieu's theory of the separation of powers between the executive, judiciary, and the legislative branches of a government. The three are separated to effectively do their duties, which are to write laws, run a government, and enforce those laws.⁵ Legislatures have evolved from their earliest days as forums for discussion into institutions that make decisions. Of course, theory finds its own interpretation in practice, creating several contradictions. Modern parliaments are both governments and legislatures and, thus, parliamentary elections are about choosing governments rather than just legislatures.⁶ Legislatures themselves also have several paradoxes relating to transparency, hierarchy, majority rule, and their comparability with other legislatures around the world.⁷ These paradoxes are important to note to understand how these institutions are viewed by those who work in them as well as those they govern. They also shed light on the range and eligibility of reforms that can be made in a parliamentary context. For example, most parliamentarians and their staff in several countries identify the most important functions of their parliament as representation and legislation.⁸ These assumptions not only impact an MP's decision about how to prioritize his time while in

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office, but also influence citizens' electoral support and what they should expect from their representative.

The institutionalization of a legislature plays a critical role in its effectiveness, as internal and external factors come together to shape both the behaviors of legislators and their performance. Institutionalization does not happen swiftly, and it often takes many political cycles to develop. Rules and procedures that may have worked in one context may not work in another, or they may require internal political forces that facilitate their adoption by the legislature. One example is the use of hearings in the German Bundestag, a practice that was adopted after a group of German legislators visited the U.S. in 1949 to see the U.S. House of Representatives in action. The use of hearings was adopted by the Bundestag in 1951, but only nine days of committee hearings took place between 1951 and 1968, when the executive-legislative relationship changed in Germany.⁹ After that change, committee hearings happened regularly in the Bundestag. The committee process is a critical aspect of institutionalization, as it allows parliamentarians to develop rules and procedures to facilitate the division of labor and the development of expertise, decisions, deal making, and compromise, and also to define the role of political parties in the process.

2.1.1 The Role of Parliament in India

In India, both the role of Parliament and its ongoing institutionalization have an important impact on the democratic landscape of the country, given how often political parties come together in coalitions to form governments and the willingness of the Indian voter to change parliamentarians from one election to the next.¹⁰ The complexity and size of Indian democracy leads to contradictory views on the process, and Parliament's role within that process. For example, a recent survey conducted by the Centre for the Study of Developing Societies found that the number of Indians who were dissatisfied with democracy more than doubled from 2005 to 2013.¹¹ The same survey also found that trust in Parliament itself went up during the same period, from 19 to 23 percent, while trust in political parties declined, from 13 to 10 percent.¹² This appears contradictory, but it is indicative of the two types of political support found in democracies – specific and diffuse – that often breed political disaffection. Specific support refers to a citizen's awareness that his or her political authorities are working on his or her behalf, and

2.1 The Role and Evolution of Parliament

whether he or she believes that the key actors within the political system are accurately meeting demands. If they are not, then citizens are able to hold them accountable.¹³ Diffuse support refers to the general meaning given to political institutions within a democracy, and whether citizens hold either favorable or unfavorable attitudes about those institutions. In a well-functioning democracy, each institution within government, like parliament, should receive both types of support, so that, for example, favorable ratings of parliament can be examined alongside frequency of turnover of incumbents in an election, as is the case in India. This contradiction might indicate political disaffection, as citizens in India determine an opportune time for them to engage in the system based on how well they feel they are being represented, and the means they have available to them to make their voices heard productively.

Citizens in democracies the world over learn their roles by observing the daily tactics and impact of politics in their countries. They are required to educate themselves on the issues that matter to them, and in many cases have limited opportunities to engage with their political elites for information and to hear arguments.¹⁴ Political elites, because of the characteristics of the modern political arena of frequent competition and constant streams of information, often make opportunistic choices that result in disaffection for the citizenry they govern, as it becomes near impossible to please all of their competing constituencies.¹⁵ This is certainly the case in a democracy as large and complex as India, and it plays out in microcosm through the rules and procedures of Parliament.

2.1.2 The Legislative Process in India

The legislative process in the Indian Parliament has three main steps: introduction, consideration, and passing. While the anti-defection law has rightly attracted a significant amount of attention due to its impact on the voting behavior of Members of Parliament (MPs), the structure governing all three steps of the legislative process is a stressor that drives ineffectiveness in the institution, particularly in the Lok Sabha, given the dominant role of the Speaker of the Lok Sabha and her interaction with the political parties represented in Parliament.

2 BACKGROUND AND CONTEXT

Once elected through a simple floor majority vote, the Speaker of the Lok Sabha has the power to decide all of the business of the Lok Sabha, coordinating business with the Ministry of Parliamentary Affairs. The Speaker can nominate members to a Business Advisory Council to assist in the daily business of managing the legislative process, and to decide what bills move beyond the introductory phase. She can also decide what happens after introduction, including whether the bill goes to committee, and if it does, which committee will consider it. The Speaker also manages the amendment and voting process, serving as the lynchpin that guides a bill into law. While the rules allow for the Speaker to be from any party, the role has typically been occupied by a member of either the ruling coalition or the political party in power.¹⁶ In addition, if the Speaker does not resign her party role while occupying the position, she is subject to her party whips as though she were a regular member of the Lok Sabha.

Thus, political parties, particularly the party or parties in power, play an outsized role in the day-to-day management of the institution. This role extends to the parties that are not in the majority. All parties centralize their access to the agenda internally, and directly negotiate with the Speaker on behalf of members putting any of their members' amendments on the agenda for consideration on a bill, and of course, strictly manage votes on any piece of legislation.¹⁷ As former minister and MP, Arun Shourie said in 2007, "What is to be done that day in the legislature, for instance, is decided by two or three individuals . . . In fact, he, the average legislator, that is every member except those two or three controllers, does not contribute anything substantial to the decision; indeed, most often he learns about what is to happen only after he enters the house."¹⁸

Under the current rules and procedures of the Lok Sabha, power is concentrated with a handful of MPs, particularly the Speaker and party leadership. Thus, individual rank-and-file MPs are not presented with incentives to develop their expertise as parliamentarians or represent their constituents as anything more than party members. Consequently, the institution is not able to develop the capacity of its members as legislators or provide incentives for members to develop their skills and expertise, even if they may one day be voted out of the institution. In addition, by not allowing legislation to automatically move through the committee structures, the rules and procedures prevent the emergence of a professionalization of members and their staff. The rules and procedures also make it very clear to those who wish to lobby (or subvert) the legislative

2.1 The Role and Evolution of Parliament

process where they need to focus their attention, making it easy to concentrate their resources and efforts in Parliament and with the political parties themselves. The concentration of resources among the political parties is magnified by the lack of resources that individual parliamentarians have to hire professional staff and run their offices to effectively serve their constituents. The lack of resources was mentioned repeatedly in interviews with multiple parliamentarians, and it clearly has an impact on how effectively they can do their jobs as both legislators and representatives.

These rules and procedures also impact the culture of Parliament. Because the process is so heavily managed, there are fewer incentives for parliamentarians to temper their behavior to facilitate dialogue, or to attend and participate proactively in floor sessions or committee meetings. The culture also does not invite transparency with respect to votes or daily occurrences within Parliament, as MPs have very limited opportunities to display leadership to their constituencies. This creates a feeling of disaffection among MPs that is communicable to the constituencies they represent.

3 PARLIAMENTARY PROCEDURES, RULES, AND INSTITUTIONALIZATION

3.1 Resources and Laws

There are several parliamentary rules and procedures that directly affect the Lok Sabha's performance. The anti-defection law and lack of voting transparency are chief among them and reduce the likelihood of MPs performing to the highest standard. The process of passing a bill frequently hinges on the approval of the Speaker of the Lok Sabha, which creates the potential for bottlenecks and procedural influence. There is, therefore, little incentive or room for MPs to vote in the best interest of their constituencies or to vote in line with conscience, further reducing the representativeness of Parliament. In addition, the allocation of resources to MPs influences their performance and levels of monetary influence. With few resources allocated to them, MPs lack the capacity to educate themselves on key information to contribute sufficiently to Lok Sabha sessions. Moreover, providing limited resources tends to favor candidates who can self-fund, potentially increasing levels of corruption within the legislature.

3.1.1 Resources of the Indian Parliament

Although MPs in India represent the highest number of citizens per capita of any other parliament in the world, the resources allocated to them remain insufficient. There is just one national MP for 1.5 million Indian citizens. The global average is one MP for 146,000 citizens.¹⁹ Government employees in India are on average paid significantly less than public employees in their peer lower-middle-income countries, and even less than in Organisation for Co-operation and Development (OECD) countries, as a percentage of total government expenditure.²⁰ Moreover, the average global cost of a national

3 PARLIAMENTARY PROCEDURES

parliament is \$5.77 Purchasing Power Parity (PPP) per inhabitant, while India ranks as the lowest cost per capita, spending just \$0.25 PPP per inhabitant. Table 4 outlines budget per capita of several countries.²¹ MPs have raised concerns that their tight budgets prevent them from doing their jobs well by limiting their ability to travel and hire qualified staff. Baijayant Panda, a Biju Janata Dal MP, remarked that “apart from phone and travel reimbursement, the only expense paid for is Rs 30,000 per month,²² which is barely enough for a receptionist,” let alone enough to hire competent research staff.²³

Table 4. Budget per capita (five lowest and five highest)

Country	Budget per capita (in PPP Dollars)
India	0.25
Bangladesh	0.26
Ethiopia	0.28
Pakistan	0.44
Lao People’s Democratic Republic	0.97
Iceland	49.47
Maldives	52.82
Luxembourg	64.28
Liechtenstein	83.80
Andorra	219.12

Research and investigative work done by the non-profit and non-partisan Parliamentary Research Service (PRS) has attempted to bridge this gap in resourcing by developing policy research and advocacy papers. PRS also tracks the overall functioning of the Indian Parliament by monitoring and tracking MP activities and decisions. In addition, PRS manages the Legislative Assistants to Members of Parliament (LAMP) Fellowship, which provides an opportunity for young Indians to be mentored by an MP for a period of 11

3.1 Resources and Laws

months. The primary role of a LAMP Fellow is to provide research to help MPs fulfill their parliamentary duties, such as asking questions, raising matters of public importance, participating in debates, writing speeches, and drafting private member bills. These initiatives are not enough, however, and the allocation of resources for individual MPs could be increased.

3.1.2 Comparison of Parliamentary Resources

Globally, a lack of adequate resources for individual MPs is identified by parliamentarians as a major barrier to effectiveness.²⁴ India invests significantly less in Parliament than its neighbors and peers. As a percentage of total government spending, India spends just 0.039 percent of its state budget, while its Asian-Pacific neighbors spend 0.53 percent and the average spent in countries with more than 50 million inhabitants is 0.233 percent.²⁵ In terms of spending per capita, OECD countries spend significantly more, an average of \$13.96 PPP, yet India spends even less than the Least Developed Countries’ (LDC) average of \$2.07 PPP.²⁶ Likewise, although LDCs generally have fewer staff per MP than OECD countries (an average of 1.63 compared to 4.78), India also falls short of both the OECD average number of staff as well as the number of staff per country with more than 50 million inhabitants (5.93 staff per MP), with just 4.67 staff per MP.²⁷ Given the tight budget of the Indian Parliament, one might ask who is paying for these additional staff. Certainly, there is not enough room in the mandated national government-provided funds to pay for this number of staff, meaning that MPs are supplementing their budgets with personal or perhaps state resources. Lastly, and perhaps the most difficult to change, would be the number of inhabitants per MP. One could consider bringing India closer to the global average of 146,000 people per MP, or at least towards the Asia-Pacific average of 313,000 per parliamentarian.²⁸ Increasing the resources for individual MPs could also improve their representativeness.

3.1.3 Anti-Defection Laws

In addition to the sheer number of constituents an MP is called to represent, a critical question relates to how an MP votes on the issues presented to him or her. Party laws differ significantly between democracies on this question. One of the most influential differences is the existence of laws that prohibit an MP from switching his or her par-

3 PARLIAMENTARY PROCEDURES

ty, defecting, or crossing the floor in Parliament. The prominence and controversy surrounding the impact of the anti-defection law in India makes it a critical factor worth examining in detail, both from a theoretical standpoint and for its impact on both the behavior of political parties and MPs within Parliament.

Anti-defection laws appear to be rare in established Western democracies, but common in developing, non-Western democracies. In the European context, relatively few politicians change parties, strengthening the bonds between politicians and parties, as the fate of politicians depends significantly on the success of their parties.²⁹ Established democracies value the freedom of individual parliamentary members to switch parties. They regard switching parties as compatible with democratic values and see anti-defection laws as infringements on political freedoms. In general, democratic nations tend to pass laws that permit or promote competitive party politics.³⁰

Although anti-defection laws are often defended as temporary measures to consolidate a chaotic party system,³¹ nations such as India have embedded anti-defection provisions in their constitutions, making this a more permanent fixture. Although reasonable cases have been made both for and against the anti-defection law in India, we do not believe that the this law fosters what could be described as “legitimate dissent” in the Lok Sabha; rather, it affords parties and their leaders undue influence and control.

3.1.4 The Anti-Defection Law in India

India enacted variants of anti-defection laws between 1973 and 2003. The 2003 law provides that a person can be disqualified from serving in Parliament for “voluntarily giving up the membership of his original party.”³² Furthermore, the Indian law permits parliamentary expulsion simply for voting (or abstaining from voting) “in the House contrary to any direction issued by the political party to which he belongs.”³³ That is, MPs may not vote on any issue in violation of the party’s whip. Similarly, independent members would be disqualified if they joined a political party more than six months after election.³⁴

Shri G.C. Malhotra, the former Secretary General of the 12th and 13th Lok Sabha, believes the Indian anti-defection law “seeks to provide safety measures to protect both

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the government and the opposition from instability arising out of shifts of allegiance.”³⁵ This echoes the concern that mobile politicians undermine already weak party organizations, impede the institutionalization of the party system, and complicate processes of policy making and representation.³⁶

The intended goal of the anti-defection law was therefore to curb the defection or floor crossing of the leaders and indirectly curb corruption in political parties often caused by opportunistic politicians. However, the practical result is that parliamentarians may value anti-defection laws to bolster the control of their members, making MPs beholden to their party’s elites and punishing those who hold alternative views. For example, the Aam Aadmi Party expelled two Members of the Legislative Assembly (MLAs) in Punjab because they held a rally on the same day as the party. Moreover, the anti-defection law has been blamed for killing intra-party democracy and diluting the levels of debate within Parliament while increasing the fragmentation of political parties as more and more parties are created to accommodate dissenting viewpoints. This fragmentation perpetuates a more unstable and ineffective political system—the exact opposite of what the law was intended to achieve.

3.1.5 Switching by Politicians and the Party System in Parliament

Scott Desposato noted that while switching is rare in some countries, it is common in many others, including Bolivia, Brazil, Ecuador, Japan, Nepal, the Philippines, Russia, and South Africa. According to him such behavior is usually dismissed as “parties don’t matter”; however, he argued that switching warrants study for at least three reasons:

1. Frequent switching makes it clear that parties *do* matter – otherwise politicians would not bother to switch.
2. Switching provides a unique window on politicians’ underlying preferences, including their incentives for belonging to political parties.
3. Switching poses a normative problem for representation in modern mass democracies, where parties are the primary mechanism linking voters and politicians.³⁷

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3.1.6 Arguments in Favor of the Anti-Defection Law

Scholars and practitioners who believe that defecting from parliamentary parties contributes to party system instability and ineffectiveness typically favor anti-defection laws that require defectors to surrender their parliamentary seats,³⁸ as is the case in India. Others assert that party defections in Parliament are themselves inherently undemocratic:

“Political defections attack the very roots of democracy in India. Whenever a legislator elected on a party ticket or as an independent changes his party affiliation or joins a party, he commits a breach of faith. In most elections, party identity has more influence on the minds of the electorate than the personal prestige of the candidate. In fairness to the electorate, a defector should be made to seek a fresh mandate from the people.”³⁹

According to Kenneth Janda, by keeping legislators in their original parties, laws against crossing the aisle prevent larger parties from gaining control of government by seducing members of smaller parties with promises of governmental positions or financial gifts, reducing party fragmentation from members leaving to create new parties, and securing the eighteenth century definition of a party⁴⁰ by Edmund Burke as “a body of men united, for promoting by their joint endeavors the national interest, upon some particular principles in which they are all agreed.”⁴¹

These laws may have merit for the political system by centralizing power in existing parties that are weak and decentralized, as banning party defections would increase the power of party leaders, which might provide for a more centralized (and thus more coherent) party policy and greater cohesion among party members in parliamentary voting.⁴² Notwithstanding the merit of this argument, calls to increase the power of party leaders rarely fare well among citizens or rank-and-file party members. This aspect is not mentioned to the general public when the issue of prohibiting party defections is raised. On the other hand, some scholars argue that such laws may create more problems than they solve, for politicians may want to ban defections for non-democratic reasons. Prohibiting party defections increases the power of party leaders because

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members of parliament cannot protest their leaders’ decisions by threatening to leave the party.⁴³

India should consider why it needs parliamentary laws that are seen as unnecessary and undemocratic in established democracies.

3.1.7 Considerations Against Anti-Defection Laws

South Africa abandoned its anti-defection law in 2001, and it is believed that the resulting defections and alliances accelerated the process of dissolution of the New National Party (NNP) and that between-election outcomes helped to prompt voters to accept and further advance the new directions in party politics.⁴⁴ The dual-mechanism of alliances and defections appears to be a necessary and intermediate step in stabilizing South Africa’s evolving party system.⁴⁵ South Africa’s loosening of its strict anti-defection law in 2001 provides a useful case study on the impact of moving away from such legislation, and it offers lessons that could be applied in the Indian context.

3.1.8 South Africa and the Abandonment of Anti-Defection Laws

Prior to 2001, the South African constitution stated that floor-crossers would lose their seats in parliament if they left the political parties on whose lists they initially gained their seats. In 2001, problems within the opposition alliance led to discussions about a change in this law. The Democratic Alliance (DA) raised the discussion about the regulation of floor-crossing, leading to the creation of a new bill that still sanctioned floor-crossing practices, but allowed for MPs to cross the floor without losing their seats within a two-week period following their election. The new legislation was passed and now provides the opportunity for MPs to cross the floor on two occasions in a five-year-term without losing their seats if a minimum of ten percent of the representatives of one party were willing to defect.

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Strong opponents of this amendment opposed the practice of floor crossing arguing that it was undemocratic and would lead to voter apathy and declining respect for parliament and its institutions. The Democracy Development Programme stated in 2006:

“There is probably no other piece of legislation passed by parliament which has done more harm to our emerging brand of democracy than this floor crossing legislation. The overwhelming majority of the participants shared the same sentiment that floor crossing weakened South Africa’s emerging democracy, and did not lead to competitive democracy, but rather encouraged corruption and should be scrapped with immediate effect. Most participants representing various opposition parties and NGOs felt that the floor crossing legislation was introduced too soon in the development of the country’s democracy and thus far has not yielded any plausible results.”⁴⁶

Despite this opposition, analysis of the impact has been largely positive: *“seen from a historical perspective, floor-crossing has had more positive than negative results and in its present form it has a tempering effect on the stronghold political parties have over their members.”⁴⁷*

Studies by Malhotra (2005) and Subramarian (2008) have found no evidence that anti-defection laws “consistently increase or decrease legislative party fragmentation.”⁴⁸ Altering India’s anti-defection law would require an amendment to the Indian Constitution, which may not be achieved in the short to medium term. There are however a number of interim actions that could be taken to maintain party stability without suppressing all debate and dissent within Parliament. These include 1) defining exactly what is meant by the “voluntarily giving up membership” and revising the language around the anti-defection provisions for greater clarity; 2) reviewing the decision-making power of the Speaker; and 3) limiting a political party’s ability to only issue whips to situations where a vote of no-confidence may be taken against the ruling government. (This provision takes into account the direct impact this law has on the accountability of MPs to their constituents).

3.2 Accountability Mechanisms in the Indian Parliament

In the context of government, accountability refers to the norms, processes, and legal structures that hold public officials responsible for their actions. The Indian Parliament is the agency through which government is held accountable, while elections are the mechanism through which candidates are screened and held accountable. Parliament’s ability to promote and enforce accountability depends on the formal mechanisms available to it. Some of the existing mechanisms include:

No-confidence motions. A vote of no confidence conveys that a person or entity in a position of responsibility is no longer deemed fit to hold that position. As a parliamentary motion, it suggests that the elected parliament no longer has confidence in one or more members of the government. No-confidence motions can be successful only in a very limited scenario where governments have a small majority, and a small part of that constituent majority has some reason to defect to another coalition or seek a general election that would result from the dissolution of government.⁴⁹

Opposition political parties. Opposing political parties stand to generate accountability of government by posing as a credible alternative to voters in the next election should incumbent officials fail to deliver. Additionally, if the majority holds fewer seats in Parliament, policy making can be shaped by the opposition.⁵⁰ However, in the practice of parliamentary opposition in India, the opposition uses Parliament more to impugn the credibility of government than to exercise accountability for the sake of good governance.⁵¹

Parliamentary committees. Parliamentary committees are designed to serve the critical function of considering legislation introduced in Parliament. Policy matters come before Parliament, but there is limited time to review and scrutinize issues since Parliament meets for a limited number of days in a year. To address these challenges, parliamentary standing committees were established to consist of smaller groups of MPs that would meet regularly to consider policy issues outside sessions of the Lok Sabha. Standing and ad hoc committees can be found in the Indian Parliament. Standing committees typically focus on functional matters, with the most important of these dealing with financial matters. Ad hoc committees are typically formed for a specific purpose,

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such as inquiries into specific matters, and can be either select (comprised of members of one house) or joint (comprised of members from both houses). Committee proceedings are held privately, which is meant to allow members of the committee to speak openly, rather than take the stand of their party or side with a department minister.

Aside from reviewing draft legislation, committees aim to supervise and oversee the internal workings of Parliament. India's constitution provides for an independent body known as the Comptroller and Auditor General (CAG), who is the auditor for the country. At the close of each accounting year, the CAG develops a report for every government department's spending, noting any excessive expenditures or irregularities.⁵² Any deviation from planned spending is included in the report, which is then reviewed by the Public Accounts Committee (PAC). The 16-member PAC, which is intended to promote transparency and examine spending, is chaired by a member of the opposition party and is not open to public participation. If the PAC desires, it has the power to call for records or conduct visits to see what work has been completed. While the CAG report is annual, the PAC may meet twice a month for two to three days each time, determine which government department to review, and alert the selected department so that officers can come prepared to make a presentation.⁵³

Although parliamentary committees perform a variety of important functions, there appears to be a point at which more is not necessarily better. As of March 2016, there were 24 department-related standing committees, each with 31 members – 21 from the Lok Sabha and ten from the Rajya Sabha; in addition, 16 other standing committees and nine ad hoc committees were in operation.⁵⁴ As such, a large number of committees may cause fragmentation, misdirection, and lack of interest among MPs. The task of holding Parliament accountable for its actions can get buried in the long list of "to dos."

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A comparison of legislatures in other countries as well as within the Indian state system can offer insights on effective internal and external pressures that lead parliamentarians to effectively bridge the gap of acting as both legislators and representatives, highlighting areas for further exploration when examining institutional accountability. Key areas include the importance of committees in the institutionalization of legislatures; the ability for individual members to continue to grow and professionalize their legislative careers by having the opportunity to act in concert with and in opposition to their parties; the ability for parliamentarians to access professional staff and represent their constituents effectively; and external forces that can motivate a legislature to continue to improve its practice through supra-national bodies or international benchmarking.

3.3.1 Brazilian Congressional Rules and Procedures

Legislative rules and procedures in Brazil offer a contrast to those of the Lok Sabha, highlighting the difference between an institution with rules that are party-focused and one that is individual-focused. In Brazil, lawmaking goes through seven steps, the first five taking place in the executive and legislative branches, with the final two within the executive. Unlike India, Brazil has a federal system of government, with a president that is directly elected, but like India, it has two legislative chambers, known together as the National Congress.⁵⁵

The legislative process in Brazil begins with introduction and then moves to debate, followed by voting, passing, sanction or veto, enactment and publication.⁵⁶ After introduction, bills go to committee, where they are subject to review and approval. If approved, the bill then goes to the floor for a vote, where discharge petitions can be filed by a third of the members of the lower house, the Chamber of Deputies, or a fourth of the upper house, the Senate, and approved by a simple majority. After the bill is voted on, it goes to the reviewing house for approval, and is then either voted on again by the originating house if it is amended, or it goes to the President if it has not received any amendments. The President then has the option to sanction or veto the bill, and if the bill is vetoed, simple majorities in both houses can override it.

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On agenda-setting, amendments and voting, individual legislators in the Brazilian Congress have much more agency than their counterparts in the Lok Sabha. In addition to the executive, the legislative agenda is set in each house by a Governing Board, the members of which, including the Chamber President, are elected by legislators for terms that last two years. The candidates are elected by an open floor vote, not by their parties, and each Governing Board oversees the procedures for the management of legislation. The president of each chamber is also required to consult with a group of elected floor leaders from each party, majority and minority leaders, and a leader from government once a month, known as the College of Leaders.⁵⁷ Elections for Chamber President are often very contested, whereas those for the College of Leaders are not.

Both the process and the competitiveness of elections within both houses of the Brazilian Congress for the Chamber President and Governing Board and the College of Leaders illustrate the degree of independence between party leadership and individual legislators when deciding on the legislative agenda of each house.

Individual legislators in Brazil have a great deal of independence to introduce and amend bills, without interference from their party leadership. Until 2008, parties were not able to expel legislators who voted against their party from their respective chambers. This allowed legislators to vote in their own personal interest, trade votes and form their own coalitions. This created a significant amount of party fragility, which no doubt had an influence in the change in rules about the expulsion of legislators.⁵⁸

The Brazilian Congress offers a contrast to the Indian Parliament in how institutional rules facilitate behavior within legislatures, among legislators, and by the parties to which they belong. Like India, Brazil has experienced challenges with party unity in the legislature, particularly when it comes to voting along party lines. However, the difference in rules between the two legislatures highlights potential changes that could be recommended within the processes of the Lok Sabha, particularly allowing legislators some leniency in how they cast their votes, and providing them with opportunities to contribute to debates as individual legislators as opposed to members of political party groups.

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3.3.2 The U.S. House of Representatives and Institutionalization

The U.S. House of Representatives offers a case study in the process of institutionalization. This process was explored in a seminal work of political science by Nelson Polsby in the 1960s, which analyzed how behaviors by Members of Congress in the House evolved from its inception as a legislative body through the 1960s in part due to a change in rules and procedures, and institutionalization. Polsby defined an institutionalized organization as having three distinct characteristics. The first is that it is well defined and differentiated from the environment in which it operates, implying a level of difficulty in becoming a member and the internal recruitment of leaders. The second characteristic is a degree of complexity and functions that are separated in some explicit way, rather than being interchangeable and interdependent. In addition, roles and responsibilities are specified through a division of labor and regularized patterns of recruitment to and movement between roles. The third and final characteristic is the use of common criteria and automatic processes to conduct business.⁵⁹

The institutionalization of the U.S. House of Representatives occurred as a result of all three factors, from the length of time that individual members served; the increasing importance of the role of Speaker of the House, both inside the institution and for members who occupied that role; the formalization of the committee process, including the influence of seniority on the assignment of various roles; and the creation of new and interesting roles within the committee system that would motivate members to stay in the House, working up through the ranks and developing their careers as legislators. As these factors solidified over time, the U.S. House of Representatives became far more institutionalized, which had an impact on the behaviors of individual legislators. Reading the Congressional Record of the nineteenth century highlights an institution whose members disagreed frequently and often violently. As Thomas B. Reed stated in describing House proceedings in the late 1830s, "These were not pleasant days. Men were not nice in their treatment of each other."⁶⁰ This of course changed by the time Polsby was writing his analysis of the U.S. House of Representatives, when members continued to disagree, but did so in a way that was far more respectful and did not resort to violence.

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As the U.S. House of Representatives has become institutionalized, it has evolved into a legislature with a large complement of professional staff assigned both to individual members and committees and to activities related to the functioning of the institution itself. This includes the Clerk of the House, who assists in the day-to-day management and functioning of Congress; the House Sergeant at Arms, who serves as the chief law enforcement and protocol officer; and the Congressional Research Service, which provides unbiased research and reports to Members of Congress on a wide range of issues. Members of the U.S. House of Representatives have far more resources available to them than Members of the Lok Sabha, with members of the U.S. House of Representatives receiving between \$1.17 to \$1.8 million to support the conduct of their official duties for legislative year 2016.⁶¹ On the daily legislative process, the House Rules Committee, which is one of the oldest standing committees in the House and composed since the 1970s of nine members of the majority party and four members of the minority party, maintains jurisdiction over original jurisdiction matters and special rules for the consideration of legislation. Special rules provide the terms and conditions of debate on specific measures, and the committee often modifies them at the start of a new Congress. Members draw them up in a process involving the committee of jurisdiction and majority leadership: after reporting and filing proposed measures from the floor while the House is in session, they face consideration, debate, and voting on the chamber floor.⁶² Because the Rules Committee is so heavily dominated by the majority party and works in concert with majority leadership, special rules often reflect the priorities of the majority, and as in any other legislature, they can have an impact on the behavior of individual members of Congress. In comparison, the Lok Sabha also has a Rules Committee as one of its standing committees, but the group does not have a fixed tenure and all fifteen of its members are nominated by the Speaker.⁶³

At the start of the 110th U.S. Congress in 2007, a rule change which required the disclosure of congressional earmarks and their sponsors in a budget resolution marked a significant change in practice. While this change intended to prevent corruption and introduce more accountability in the legislative process, it prevented members from trading favors to gain support on legislation.⁶⁴ This has made compromise between members of the U.S. House of Representatives a less attractive option, further deepening a growing partisan divide that had been in the making for the past several decades.

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This divide has been further exacerbated by the ease with which members can now go back to and communicate with their home districts, and by the lower rate at which they now socialize with each other while they are in Washington.⁶⁵ This also relates to issues of accountability, as Members of the House are held to their roles as party members, representatives, and legislators, in that order. Further on in our analysis, we will analyze the impact of accountability and make further recommendations to address it among parliamentarians.

The definition of institutionalization as well as the drivers behind it in the U.S. House of Representatives illustrate several important lessons as to how legislatures continue to both evolve and function. The process of institutionalization can take decades, and while it can be managed through rules and procedures, it is often subject to external pressures that frequently have a significant and outsized impact on internal processes as well as the behavior of legislators. This also happens in a parliamentary context, as the experiences of both the Hungarian and Romanian Parliaments illustrate.

3.3.3 The Institutionalization of the Hungarian and Romanian Parliament

Institutionalization does not have to take centuries. The cases of the Hungarian and Romanian parliaments' institutionalization provide more recent examples of this process and highlight the impact of both internal and external factors on a legislature's evolution.

After the fall of communism in Eastern Europe, both countries opted for a stable constitutional environment, which allowed the actors within these systems to internalize the rules that are important to a functioning democracy. This, combined with a consolidated party system where political competition was organized around a series of ideological positions, were two external factors that contributed to the institutionalization of the parliaments in both countries.⁶⁶ While both were important in this process, arguably the most important external factor was the role of European Union policies and institutions, which both countries had to adopt in order to join the bloc. This set of prerequisites provided incentives and disincentives to the legislatures of each country in the form of regulations and capacity building.

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Within the legislatures, the factors that led to institutionalization were three-fold. They included a significant amount of party discipline and cohesion which enabled political parties and their leadership to formulate and implement their political agendas, a functioning committee system, and a core group of Members of Parliament who had the experience of serving in two or more legislatures.⁶⁷ In the case of Romania, which still has a lower level of incumbency than Hungary, two-thirds of MPs had extensive experience within their party infrastructure, and thus a degree of professionalization.

Each country has formalized and specialized its committee system, which is institutionalized through a committee structure, membership, party composition, party relationships and committee autonomy.⁶⁸ Standing committees, well defined and few in number, play a significant role in the drafting of legislation because of their growing expertise, and they can exercise a degree of legislative oversight by calling on relevant ministers to appear in front of them to discuss relevant matters.⁶⁹

While Hungary and Romania are without doubt extremely different from India, an analysis of the fast pace at which their parliaments institutionalized provides an interesting contrast to the slow process that occurred in the United States. A comparative study showcases how EU accession sped up institutionalization, but it also highlights that in both Hungary and Romania, the professionalization of the legislatures' memberships and the professionalization and specialization of the committee processes can have a positive influence on institutionalization. The Indian Parliament is not subject to a supranational body that can spur its institutionalization, but it can take additional internal steps, like continuing to reform its committee structures and functions and to engage members with a high degree of professionalization because of their legislative service. It can also engage in international benchmarking exercises to compare its progress against other legislatures and identify areas for improvement.

3.3.4 The Indian State Legislatures and Institutionalization

In addition to international comparisons, India can look to its own state legislatures for useful comparisons with respect to institutionalization within its own borders. This can provide further guidance on internal factors that could positively affect the institu-

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tionalization of the Indian Parliament. Several noteworthy factors together point to the importance of resources, adequate constituency representation, and professionalization of staff and infrastructure.

The first of these factors is that overall activity in India's State Assemblies has decreased as politics in India has grown more fragmented. Legislative assemblies that are dominated by a single party tend to have more debate than those that are more fragmented, most likely because the debate can happen within the institution rather than outside of it between parties vying for election.⁷⁰ States that have smaller constituencies have more active assemblies, because legislators can spend more time legislating rather than representing their respective constituencies.

Both the quality of staff and archives in each state institution seem to positively correlate with the activities in each legislature.⁷¹ Those that have higher quality staff and well-maintained archives, like Andhra Pradesh, have longer meetings, more meeting hours and additional debate about legislation. The opposite is true for states like Haryana. The process of institutionalization among state legislatures in India varies, and like the examples from outside of the country, it is subject to both internal and external factors.

3.4 Overcoming Potential Barriers

At the time of partition in 1947, India faced the daunting challenge of transforming a deeply fragmented country into a democratic and cohesive state. Though the country lacked the so-called preconditions of democracy, it still made a successful transition to an electoral democracy. India's transition to democracy is remarkable given its size and diversity. What is more remarkable are the institutional changes that have transformed India's political system into what it is today, despite the expectation that institutions, once in place, tend to remain in place or yield to historical practices and preferences – a condition known as path dependence. The notion of path dependence has been used in comparative studies to describe the persistence of institutions, whether they be social, political, or cultural. The "critical juncture framework" is one way of looking at path dependence, which suggests that prior conditions lead to dependent choices that set an institution on a path of development and consolidation that is difficult to change.⁷² Despite this being a fairly intuitive hypothesis, it may help explain why in-

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stitutions behave the way they do and the difficulties associated with large-scale institutional reform. As such, enacting institutional change can be difficult. First, there is likely path dependence associated with an institution like Parliament, which may resist major changes to rules and procedures. Second, parliamentarians themselves who benefit from the status quo, such as the Speaker or career politicians, may hinder progress. Lastly, resource constraints stand in the way of implementing recommendations for improvement.

Only the Indian Parliament can directly affect change in parliamentary rules and procedures. However, non-partisan organizations can advocate for improved parliamentary effectiveness and advise the Indian Parliament on good practices from around the world.

3.5 Recommendations

An examination of rules, procedures, and institutionalization in both an Indian and international context offers several key recommendations that the Lok Sabha and organizations that work with it could implement, including:

1. Engage in an internationally accredited parliamentary benchmarking exercise, building on the Commonwealth Parliamentary Association (CPA) benchmarks agreed in 2010. The CPA benchmarking exercise in 2010 was an important step forward in agreeing on parliamentary benchmarks that could work in an Indian context.⁷³ We recommend that the Lok Sabha evaluate its progress on what was agreed in 2010, and engage in a follow-on benchmarking exercise utilizing for comparative purposes another international benchmarking tool, such as those produced by the Inter-Parliamentary Union or the National Democratic Institute. We recommend that a non-partisan organization lead this process, and that a parliamentary study group be convened to look at legislative effectiveness.
2. Continue to formalize and professionalize the committee process. In the United States, Hungary and Romania, the formalization and professionalization of the committee process played an important role in the institutionalization of legislatures. Brazil also has a formal committee process. The Lok Sabha should formalize the manner

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in which legislation moves through standing committees, and enable its members to continue specializing in their areas of expertise through their committee roles. It should also provide the resources to hire a cadre of professional staff with knowledge in the subject matter of each committee's jurisdiction to serve each committee. Party leadership should agree to a formal process of promotion to leadership through the ranks via the committee system to keep rank-and-file parliamentarians engaged and interested in the development of their skills as legislators.

3. Reform parliamentary rules to allow individual members additional agency outside of their parties. Much has already been written about the consequences of the anti-defection law. We agree that law should indeed be repealed, or at least pared back to only cover specific areas of legislation rather than any bill. We also believe that the Speaker should not have as many opportunities to bottleneck the legislative process. The rules of the Lok Sabha should be reformed in such a way as to enable individual members to engage outside of their parties in the introduction of legislation, the amendment process and voting. This could include set hours for debate on bills, when members can speak freely without fear of party retribution, regardless of whether they are in the majority or the minority. It could also include the formation of a committee of equal numbers of majority and minority MPs, elected by simple majority of the Lok Sabha, that the Speaker must consult with during the legislative process.
4. Increase the resources available to parliamentarians. The members of the Lok Sabha have an enormous number of constituents when compared with their counterparts in other countries, and fewer resources available to effectively represent them. Current members continue to note this gap, and a few are employing stopgap methods to access a degree of professional staff, working with PRS to host Legislative Assistance for Members of Parliament (LAMP) fellows to serve in their offices for 11 months, or working with Swaniti Initiative for assistance with constituent services. Further resources are needed to provide a professional cadre of staff that will free MPs to do their jobs more effectively and develop as legislators, not just in a committee context, but through their individual offices as well. An increase in resources would also help to dilute the influence of political parties, as individual MPs would not be as dependent on party leadership for financial assistance.

4 POLITICAL PARTIES

Political parties play numerous critical roles within and outside of Parliament. Their actions outside of Parliament influence the effectiveness of the institution and are worth a more detailed analysis. In this section, we examine how political parties are constructed, form alliances, select candidates for election, engage with MPs, and are impacted by campaign financing laws. We also consider how the proliferation of parties has led to a fragmentation of ideas and collaboration.

4.1 Role of Political Parties in Parliamentary Effectiveness

4.1.1 Political Parties and Alliances in Parliament

Coalitions have dominated Indian politics since 1969, when the Congress Party split into two factions. This date marks the emergence of coalitions that are centered around the two largest national political parties currently sitting in Parliament: the Bharatiya Janata Party (BJP) and the Indian National Congress (INC). Each party anchors a coalition that includes national as well as regional parties, forming the National Democratic Alliance (NDA) and the United Progressive Alliance (UPA), respectively. As part of these alliances, party members receive a certain number of seats in the Lok Sabha. The NDA currently holds the majority led by BJP, and thus gains ministerial and other leadership positions in the government. Coalitions are typically formed before or right after parliamentary elections, as was the case for both the NDA and the UPA. By their very nature, coalitions can be fleeting, particularly if the coalition in the majority is implementing or considering implementing policies that do not align with the goals of most members. Such a scenario famously occurred in 2008 for then-Prime Minister Manmohan Singh,

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when the Left Front withdrew its support over a U.S.-India nuclear power deal.⁷⁴ Temporary alliances also form among parties within parliament when considering different pieces of legislation, with the party leadership serving as the main point of negotiation between the parties and the government, as well as with interest groups that have a stake in the legislation. As we have seen because of the impact of the Anti-Defection law, rank-and-file members do not feature prominently, if at all, in these negotiations, and they very rarely go against their party line.⁷⁵

4.1.2 Party Formation and Fragmentation

Political parties in India have changed since the country's independence in 1947. At first, there was one dominant party, the Indian National Congress (INC), before multiple parties emerged at the national level and one party at the state level. Finally, the Bharatiya Janata Party (BJP) emerged as the dominant national party.⁷⁶

In 1977, to form a strong opposition to the dominant INC, the Janata Party (a union of four parties) was formed and subsequently won against the INC. Since 1989, broad coalitions of national, state, and regional parties have been required to form India's government.⁷⁷ The two current main coalitions are the United Progressive Alliance (UPA), which is center-left, and the National Democratic Alliance (NDA), which is center-right. The UPA is led by the INC, while the NDA is led by the currently-ruling BJP. The NDA formed in 1998, and the UPA in 2004. In addition to these alliances, India has a total of 1,761 political parties, with seven national, 48 state, and 1,706 unrecognized parties vying for control of local and national government.⁷⁸

The Election Commission is charged with setting requirements for party formation and designation. For a party to be designated as either a national or a state party, it must meet certain requirements that include vote share, number of seats in the Lok Sabha, or number of seats in the state legislative assembly.⁷⁹ During the first election in 1952, there were just 100 parties; now, there are thousands of parties. The increase in number and influence of state parties, which form to advance state interest, lead to the necessary coalition building of alliances between parties, including parties with divergent platforms.⁸⁰ This also leads to both parties and alliances being formed and dissolved relatively quickly – often within one election cycle. On the positive side, the proliferation

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of parties, particularly regional parties, has increased voter turnout.⁸¹ States controlled by regional parties are also linked to modest human development improvements, such as reduced poverty and increased education spending, possibly due to their increased incentive to meet local demands.⁸² However, at the national level, the fragmentation of political parties may be more problematic. The first-past-the-post system, combined with number of political parties, reduces the number of parties who can gain entry to the Lok Sabha.⁸³ This difference between seat share and vote share is essentially a difference between actual government representation and desired government representation. Some scholars argue that a system of proportional representation may make the Indian Parliament more representative.⁸⁴

Although the Election Commission sets rules for who may contest elections, it is political parties that hold the most sway in Lok Sabha elections, as each political party nominates its own candidates to contest seats. Every political party sets its own rules within its party constitution regarding membership and competition for elections. For both the INC and BJP, candidates must be party members who are approved by the party's Central Election Committee.^{85,86} Although the process of confirming candidates lies clearly within the mandate of these committees, it is unclear how candidates are nominated and contest seats in the first place. The constitutions of these majority parties do not detail these processes.

4.1.3 The Selection and Promotion of Party Candidates

The selection and promotion of party candidates for office varies significantly around the world, with rank-and-file party members and voters often competing with party elites for the nomination of their leaders. This was the case in the recent re-election of Jeremy Corbyn as the Leader of the UK Labour Party and, even more famously, in the nomination of Donald Trump, a political novice, to be the Republican Party's 2016 presidential nominee.

In India, the selection of party candidates for office traditionally has taken a variety of forms. Before 1969, this included promotion of party members along defined rules within the Congress Party. In 1957 and 1962, the party recommended that all incum-

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bents who were in office for ten years should resign voluntarily to develop new leadership. The party eased these restrictions in 1967, but it decided that incumbents would be reelected for their candidacies only if they won their respective districts by more than one thousand votes and their districts themselves had not changed.⁸⁷

India has also been subject to candidate selection of those with mass appeal to voters, like what Indira Gandhi and her supporters in the Congress Party practiced, particularly after the 1969 split. Arguably, this phenomenon goes back to independence, when Jawaharlal Nehru was the face of both the Congress Party and the nation as Prime Minister following the first round of elections in 1952. The pull of electability still features prominently in India today. The reaction of the All India Anna Dravida Munnetra Kazhagam party to the sudden death of their leader, Jayalalithaa Jayaram, the Chief Minister of Tamil Nadu, is one example. Ms. Jayaram had achieved a larger-than-life status among members of her constituency, and the party had no succession plan for when the inevitable change in leadership might occur, creating a political vacuum in a state of 78 million people.⁸⁸ A series of interviews with several individuals and organizations who work in and around government in New Delhi for our research also reinforced this perspective, with a number confirming the attraction of electability for political parties in India when deciding whom to nominate for office.

How political parties choose their candidate matters both for their own members and for the electorate. A degree of standardization that allows for both democratization as well as the input of party elites is most effective, ideally along three steps, as suggested by political scientists Reuven Hazan and Gideon Rahat following their extensive international analysis of democracy within parties.⁸⁹ The first step should allow for filtering of candidates by an exclusive cohort of party members that are strongly affiliated with the party but do not have a stake in any upcoming elections. Once the list of candidates is filtered, party delegates have the opportunity to amend the list in a limited way, and they decide on the rules of incumbency for those standing for election. Ideally, these delegates should represent the various groups and ideologies within the party. Finally, upon determination of a list of viable candidates, the candidates should be put to a vote only by party members who have paid their dues for a meaningful period of time and voted in a non-majoritarian way.⁹⁰

4.1 Role of Political Parties

Party politics can often be messy. The important message is that better, more representative candidates emerge from parties that have implemented a thoughtful system of at least two steps for selecting their candidates for office. Examples from Europe and Israel provide a means for how this process works in practice.

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4.2.1 Party Candidate Selection in Europe and Israel

By adopting different methods within political parties for candidate selection, a more representative democracy and engaged electorate may take root. Throughout the 1980s and 1990s, political parties in Israel and Germany adopted more inclusive and participatory methods, such as party primaries and member participation in leadership selection.⁹¹ These procedures opened a new realm for political participation in which average citizens could directly influence party leadership and determine their party candidates. To ensure that party candidates are representative of party values and representative of minority members, some parties have applied multi-stage systems of candidate selection. Parties in Norway, Germany, and Belgium have incorporated systems of "model lists," whereby nominating committees may consider certain variables such as gender, age, and race in designing a recommended list of candidates that they feel represents the party constituency.⁹² Broader selectorates, such as party members, can then vote from lists that compensate for the under-representation of specific groups, such as women or minorities. The multi-stage system is conducive both for increasing participation of party members as well as ensuring representation of vulnerable groups.

4.2.2 Another Means of Party Candidate Selection and Engagement

An analysis of party selection practices in other nations illustrates the challenges that political parties face with respect to participation, representation, and competition within an electoral system. Parties must strike the right balance between participation and representation among their members and the broader electorate.⁹³ One example of how this is achieved is through political party foundations in the German and the

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broader European contexts. In Germany, all major political parties have their own foundations.⁹⁴ Political party foundations receive funding directly from the German federal budget, per a matrix that weights the political movements with which each party is affiliated. Larger parties receive a larger percentage of the funding available to support their project base and institutional activities.⁹⁵ However, the foundations are required to act separately from political parties. Political foundations “aim to motivate citizens to concern themselves with political matters and provide a platform for the discussion of political issues that is accessible to all citizens.”⁹⁶ To give an example of the types of activities the party foundations engage in, the Konrad Adenauer Foundation, associated with the Christian Democratic party, serves as a think tank and consulting agency, holds over 2,500 events annually, provides scholarships to youth both in Germany and in Eastern Europe, puts on exhibitions and readings, awards an annual prize for local journalism, and researches the history of Christian Democracy in Europe.⁹⁷

The German political foundation tradition is a long one, having started during the Weimar Republic. After the Cold War, the tradition spread to other countries.⁹⁸ The political foundation model was replicated by the EU, which provided for the legal framework via the Commission and the European Parliament to adopt European political foundations in 2007.⁹⁹ These foundations were a way for political parties to engage with the wider public in the EU. At the time of their inception, the Commissioner for Inter-Institutional Relations and Communication Strategy, Margot Wallström, stated as much: “The activities of European political parties, together with the creation of European political foundations, is part and parcel of building this real European public sphere, where different opinions can challenge each other and the citizens can better understand the challenges at stake and make informed choices.”¹⁰⁰ Importantly, European Party foundations must be affiliated with a party at the European level and access funding only through that political party. They engage in activities similar to those of their German counterparts, with one important distinction being that European political foundations serve as frameworks for their national counterparts and their stakeholders to work together on a European level.¹⁰¹ They also emphasize the fact that they work long term.

While working in an expressly European context, examples from Germany and the EU illustrate how intermediary organizations between the political parties, their members and the broader public can engage on matters that are policy priorities to the parties

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but require longer-term focus and engagement. The political party foundations also nurture the development of their next generation of members and provide a home for former parliamentarians or other party leaders to engage once their time in government ends. Political party foundations also provide an additional means for engagement within the parties by normalizing policy ideas with think tanks and supporting young talent through scholarships. India might benefit from a less expensive and modified version of this type of approach, given a subset of candidates that political parties are currently putting forward for election.

4.2.3 Campaign Finance and Changing Political Criteria

The significant amount of money involved in Indian parliamentary elections and the poorly implemented campaign finance laws have enabled the “criminalization” of Parliament. Per the Center for Media Studies in Delhi, the cost of the 2014 parliamentary election campaigns was \$4.9 billion, making it the third most expensive in the world, only behind the 2016 and 2012 U.S. presidential elections. A 2013 law allowed major Indian corporations to set up electoral trusts to donate unlimited amounts to political parties.¹⁰² The current campaign finance rules and regulations are riddled with loopholes and inconsistent implementation that most donors can circumvent. The Election Commission of India (ECI) sets limits on both fundraising and expenditures, but they are considered unrealistically low and political parties and candidates must break the rules to have a shot at winning. India’s former prime minister, Atal Vajpayee, once said, “every legislator starts his career with the lie of the false election return he files.”¹⁰³ The donation cap set by the ECI has been revised upward, but remains low compared to the reality of what it costs to run a competitive campaign. In 2014, the limit is seven million rupees (\$115,000) per campaign for a parliamentary seat. A candidate usually spends 50 to 100 times more to win. This increases the impact of outside “dark” money, including money assembled and donated from criminal sources. According to a report by *The Economist*, 93.8 percent of the income reported by the Congress Party and 91.3 percent of the income reported by BJP came from unlisted sources.¹⁰⁴

Paradoxically, in India’s highly contested electoral environment, candidates under indictment are twice as likely to win an election when compared to their unindicted col-

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leagues. A candidate picked at random has a one in ten chance of winning an election, yet nearly one in five indicted candidates is electorally successful. Studies also found that the electoral advantage of indicted candidates increases with the severity of the charges they face. Whereas 18 percent of indicted candidates win elections, almost 24 percent of candidates charged with crimes subject to a five-year jail sentence get elected. Although India's elected politicians are subject to a well-known incumbency disadvantage, indicted incumbents win re-election more frequently than their peers. Unindicted incumbents are as likely to win re-election as they are to suffer defeat, while 60 percent of indicted legislators earn re-election.¹⁰⁵

The advantage of indictment for MPs in the Indian Parliament has deep social, political, and financial roots. There are two direct causes for this phenomenon: 1) the relationship between parties and voter preferences and 2) the design of campaign finance laws. It is hypothesized that candidates linked to illegal behavior are looked upon favorably by political party leaders because they have access to independent sources of wealth or the capacity to access large financial sums that will aid in self-financing schemes. With this funding, they are likely to provide additional revenue streams for the party instead of being a drain on it. A quantitative analysis based on multilevel statistical modeling and a wide dataset on state legislative candidates seeking office between 2003 and 2009 supports this claim. The analysis found that "money and muscle" go hand in hand to the extent that a candidate's personal financial assets are positively correlated with his criminal status.¹⁰⁶ In a context of costly elections and limited resources, parties place a premium on such candidates. These candidates then garner their support from voters through social divisions, such as ethnic, religious, and class differences represented by the hundreds-strong political parties. Voters often desire a representative whom they perceive can most credibly protect the interests of their social groups, and criminality can serve as a useful indicator of a candidate's credibility in this regard.¹⁰⁷ First, a candidate's criminality can serve as an indication of his willingness and ability to bend the rules set by the establishment to advance his group's own interests. Second, a candidate's criminality can help counteract political opposition from rival groups through coercion. Third, criminality can signal an enhanced capacity to act as a social safety net. Criminal candidates, and those voters who sympathize with them, interpreted the criminality as a useful deterrent to protect their positions and interests.

4.3 Overcoming Potential Barriers

4.2.4 Demonetization and Party Power

On November 8, 2016, Prime Minister Narendra Modi took an unprecedented step in declaring 86 percent of the country's cash currency, in the form of 500 and 1000 rupee notes, void. According to Prime Minister Modi, this decision was made to address the "black" money in India's economy to fight corruption. The consequences of this decision were swift across the country, as India's economy is primarily cash-based, representing 98 percent of all transactions by volume, and 68 percent by value. The Reserve Bank of India has been struggling to keep up with the significant demand, both in printing new notes and supplying them to banks across the country. In rural areas, the Reserve Bank of India has not been effective in supplying the new notes to rural cooperative banks or agricultural credit unions.¹⁰⁸

This policy decision dominated the winter session of Parliament, with both the Lok Sabha and Rajya Sabha experiencing frequent disruptions and adjournments over the issue. BJP, the Congress Party, and their allies found themselves on opposite sides of the issue, with BJP maintaining discipline among its members, shifting the conversation about demonetization from confronting black money to the benefits of digital payment, as evidenced by Prime Minister Modi's and his party's Twitter feeds since the decision was made. Given the significant amount of disruption this decision has caused, BJP is taking a large risk with the electorate, but with positive local election results in Maharashtra and Gujrat for BJP at the end of November 2016 and two significant elections coming up in Uttar Pradesh and Punjab, it appears that the party is placing its rivals at a disadvantage by linking this move to their campaign promises back in 2014 and using the power of the PM's office to do so. In addition, with the large amount of dark money in party politics in India, it is also limiting the amount of cash its rivals have at their disposal for upcoming elections.¹⁰⁹

4.3 Overcoming Potential Barriers

Changing the institutions of political parties in India will require significant time, effort, and resources, as many parties and alliances have been entrenched since independence in 1947. The oldest and most established political parties also generally hold the most power and resources, and stand to lose the most from changes that challenge

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the status quo. Establishing political party foundations is likely expensive and would require investment from the Government of India that may not be feasible. In terms of political party reform, non-partisan groups should mainly focus on advocacy. Although these groups cannot directly effect change in political parties in India, they can encourage the incorporation of good practices through advocacy work with key actors, including the Election Commission of India and the parties themselves.

4.4 Recommendations

An examination of the evolution, fragmentation, candidate selection practices, financing and member activities of political parties offers four key recommendations that India could implement:

1. **Agree to basic and transparent ground rules with a selection process of at least two steps within each political party and ensure that rules and changes to them are reported to the Election Commission.** Political parties around the globe employ a variety of methods when they select their candidates, which is also true of India. As the Election Commission is apolitical, widely respected, and sets basic parameters for the registration of political parties, we suggest that the Commission add new guidelines regarding the selection process for party candidates for national office. Each party is free to determine its own selection method, but it should involve at least two steps, with a role for party elites as well as rank-and-file members. Political parties should have to file an update on their selection process with the Election Commission before every parliamentary election.
2. **Encourage the establishment of political party foundations in India.** While the German and European models may not be directly transferable to the Indian context in their present format, they do provide an example of how to establish what could become an intermediary between the parties, the government, and the people. In European contexts, political party foundations fill a much-needed gap between advocacy organizations, NGOs, and government, because of their access to decision-makers and the resources they have available to them. The unique nature of the German model, where political party foundations are a well-defined and respected part of the political system, is not possible in India, given the lack of transparency of and number

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of political parties in the country. Thus, foundations should be organized in a framework like the European political foundations and receive a portion of their funding directly from the Indian government for longer-term activities that align with political party agendas. To ensure they are not using their status to enrich their party leaders, they should undergo external evaluation and be subject to Right to Information Act requests and audits of their activities. Their funding should be proportional to representation in the government, based on the German model, with clear demarcations set for how that funding is determined. Budgets for the foundations should be set every five years to correspond with any changes in government.

3. **Improve campaign finance laws and regulations.** Several steps can be taken to limit the undue influence of money in Indian parliamentary elections. First, impose disclosure and reporting requirements to curb “dark money.” In the U.S., all fifty states mandate some form of disclosure and reporting of these contributions. A candidate typically must register with the state election administration agency, maintain receipts from contributions and expenditures, and report them on dates established by the legislature, though the reporting requirements and schedules vary. Most states require disclosure of contributions right before and soon after the election. Fourteen states require a candidate to disclose receipts of large contributions (more than \$500 from a single donor) within twenty-four hours. Major national laws in this area include The Federal Election Campaign Act Amendments of 1974 (FECA) and the Bipartisan Campaign Reform Act of 2002 (BCRA). Second, contribution limits should be set to candidate’s campaigns. There are clear-cut limits as to how much individuals and organizations can contribute to candidates and parties. A 2010 U.S. Supreme Court ruling on the Citizens United case allowed unlimited amounts to be indirectly given to candidates through political action committees. Since then, the corporate influence on U.S. policies and politics has been steadily rising. The consequences of this ruling could serve as an important lesson for India.
4. **Clarify and formalize the role of political parties in India.** The role of political parties in India has changed substantially since independence, and this change should be formally acknowledged by the government. Political parties do not consider themselves to be public institutions, and thus, they behave as very powerful NGOs.¹¹⁰ The behavior of the political parties and the government in response to

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the Right to Information Act decisions from the Central Information Commission, combined with the influence that the parties wield, indicates that the designation of political parties in India as public institutions needs to be clarified and formalized by law. We recommend an advocacy campaign by organizations such as the Association of Democratic Reforms (ADR) and Common Cause to push Parliament to move to pass such a bill. Reform-minded parliamentarians, like those from the Aam Aadmi Party, could also be co-opted to advocate on behalf of this law.

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Constituent engagement is essential to closing the feedback loop between parliamentarians and the citizenry. Citizens who are engaged in the political process, whether through voting, advocacy, or participation in political groups, are better placed to demand accountability of their representatives. Voting is the most common way for Indians to express their political views, with 89 percent of people having reported voting in the past, compared to 19 percent who have protested, 14 percent who are members of political organizations, and less than 10 percent who share their views on radio, television, or social media.¹¹¹ Other issues, such as limited civic education and limited constituent services can decrease engagement of the electorate. Below, we present an analysis of constituent engagement in India and make recommendations to improve voter education, public information and media coverage, and other programs that we hope will increase knowledge and participation, and ultimately, help ensure the accountability of parliamentarians to their constituencies.

5.1 Communication and Modes of Engagement

5.1.1 Engagement with Constituents – The Indian Parliament

In any democracy, representation of the people is the basic tenet of government. The electorate in India should expect that its MP represents its interests. If these interests are not addressed, an MP is not guaranteed re-election. Given the importance of citizen

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engagement, how well do MPs engage with their constituents and what modes of communication are available to them?

In India, there are limited formal mechanisms for the public to participate in oversight of public service delivery through parliamentary committees.¹¹² An often-cited reason for this is that India's population is too large for MPs to adequately represent their constituents. In addition, several MPs and CSO representatives who work with MPs, have noted that when constituents do engage, they do so on issues that are not meant to be dealt with by their MPs, but instead by their local government officials in either the Urban Local Bodies or the Panchaya Raj Institutions (e.g., public works). Within the OECD framework, engagement with the public may take place through three major forms: information, consultation, and active participation.¹¹³ Findings from our research in India show that all three platforms exist, but they do not necessarily function in the appropriate way.¹¹⁴

For example, local government in India has several obligatory and discretionary functions in both rural and urban areas relating to services, such as education, public works, electricity and water supply, and health and sanitation. While on paper the structure is straightforward with three broad levels representing constituencies at the community to the district level, the actual functioning and lines of authority are much less clear. For example, in urban areas, local wards are created that elect representatives called councilors who then elect one of themselves as mayor to serve one-year terms. Despite being indirectly elected by the people, the Mayor does not hold executive power in the ward. This is held by the state-appointed Municipal Commissioner, who serves as the chief executive officer of the Municipal Corporation, a governance entity that has direct oversight of the local ward.¹¹⁵ This example serves to illustrate that in most local government settings, the people do not have a direct line of accountability at the local level and instead overwhelm their MPs with service requests.

In India, information is accessible to the public through the Right to Information Act.¹¹⁶ However, a lack of public knowledge about the laws, confusion about the Act's provisions, and the limited capacity of government staff to respond to requests for information often hinder citizens from filing requests and receiving timely responses.

5.1 Communication and Modes of Engagement

Changes driven by mobile phone technology and greater access to the internet, even among rural and remote populations, have helped usher in tools and solutions for greater MP and constituent engagement. Parliaments around the world are recognizing the importance of providing more information about parliamentary activity and engaging citizens more directly in parliamentary processes. For example, PRS allows Indian citizens to track MP activity in the Lok Sabha online.

An emphasis on public engagement has traditionally arisen in response to political crises, low levels of public trust, or a shift in political power within parliament.¹¹⁷ The nature and diversity of parliamentary institutions make it impossible to devise and implement a one-size-fits-all strategy for engaging citizens, but finding ways to capture public opinion is fast becoming a democratic best practice. A 2008 global poll emphasized the importance of democracy, finding that 85 percent of people believed that the "will of the people should be the basis of the authority of government."¹¹⁸

In addition to the will of the people, impartial application of the law is an important element in a functional democracy. In India, the judiciary is tasked with reviewing any act of the legislature or the executive that may overstep constitutional bounds.¹¹⁹

After the government's attempts to overturn the "basic structure" doctrine¹²⁰ in 1973 by initiating the transfer of high court judges, more attention was given to fundamental constitutional issues such as the independence of the judiciary and the caliber and appointment of judges by all pillars of government. However, since that era of renewed focus, there have been mixed reports on the strength and institutional integrity of the judiciary. On the one hand, the Indian judicial system is crippled by more than 22 million cases pending in district courts, 4.5 million waiting to be heard in the high courts, and more than 60,000 cases in the Supreme Court as of April 2016.¹²¹ The system is riddled by corruption, inefficiencies, and a lack of manpower that continue to cast a shadow over the institution's ability or willingness to be held accountable to citizens, root out corruption, and initiate and implement internal reforms. On the other hand, the passing of landmark bills, such as the National Food Security Act (NFSA) in 2013, highlights the phenomenon of judicial activism in India that, together with civil society and media, pushed legislatures at both the national and state levels to address chronic food and nutritional insecurity to improve the lives of over 800 million Indians.

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When the food security bill was first tabled in Parliament in late 2011, many state governments immediately went on to attack the provisions in the bill relating to coverage and costs. For example, Tamil Nadu claimed that the bill was “replete with confusion and inaccuracy.” The struggle between national and state governments over this bill was like those that had previously taken place over other pieces of legislation. However, in the passing of this bill, the judiciary was praised for managing the conflicting tensions between the state and national legislatures, fulfilling the role of a guardian in protecting the fundamental rights of the people as enshrined in the Constitution.¹²²

Parliaments that allow citizens to have a political voice witness higher levels of public trust in government and MPs. The example of the food security bill highlights the growing perception among citizens that MPs are not acting on their behalf. Thus, citizens are turning to other mechanisms and bodies like the judiciary to engage in activism for laws enacted by Parliament that address basic human rights. To increase public trust in government and MPs, Parliament needs to ensure that citizens are given a political voice.

5.1.2 Media and Civil Society Organizations

The Indian media industry is one of the oldest and largest in the world. There are more than 70,000 newspapers, with over 100 million copies sold each day, and over 500 satellite channels in the country in several languages.¹²³ In India, the media is considered a strong oversight mechanism due to the freedom and openness it maintains. Since the advent of liberalization reforms, the independence of media has increased, giving it more power to scrutinize the government. However, the Indian media is currently under criticism for being inaccurate, providing positive coverage of politicians in exchange for money, and having low representation of minority groups among journalists.¹²⁴ However, free media is not synonymous with a watchdog media that safeguards the public interest. A key challenge with the Indian press is the corporate and political influence over editorial agendas. Some media avoid losing public-sector ad purchases. India’s state TV Doordarshan has been accused of manipulating the news to favor the government, while private satellite channels reflect the political affiliations of their owners. According to a 2012 report by Business Standard, local politicians own 60 percent of India’s cable distribution systems. Another source of oversight comes from

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foreign journalists who have reported difficulty obtaining visas, particularly if they have been critical of India in their reporting. Civil society organizations aimed at promoting transparency, communicating information, and education about the Indian Parliament are on the rise, but they are still inadequate to serve the needs of India’s electorate.

In the United States, the Library of Congress is a government-established cultural institution that connects Congress to the public. It is the largest open source for knowledge and information where citizens can go both in person and online to track legislation passed through history, voting records of Members of Congress, the functions of committees, and issues at debate. C-SPAN is a public service non-profit media channel that broadcasts unedited congressional sessions. It is streamed both online and carried by major cable and satellite providers in the United States. Many CSOs also serve aggressively as guardians of public interest through their monitoring of Congress. Their activities range from tracking the funding of campaigns, recording interactions between special interest groups and Members of Congress, and logging individual cases of “revolving doors,” where Members and their staff leave public service in return for lucrative jobs lobbying their former colleagues. Notable examples include the Center for Responsive Politics, which tracks and publishes sources as well as the amounts and recipients of all political campaign donations. The Center for Public Integrity specializes in monitoring the “money-power swap.” Its website assembles and publishes complete biographies of public office holders of all levels to expose potential conflicts of interest.

Parliamentary monitoring organizations (PMOs) in the EU also offer valuable experiences, especially in the realm of social media engagement. Information about the European Parliament promoted by PMOs increased from 13 percent in 2010 to nearly 60 percent in 2016.¹²⁵ Seventy-four percent of the content is about informing policy and legislation. Sixty-eight percent of the information is exchanged on Twitter and 59 percent on various video-sharing sites. Moreover, 41 percent of EU MPs use social media to connect with young people and include them in decision-making to improve the quality of legislation and explain the workings of the Parliament. The European MPs’ social media engagement rate has surpassed their engagement through TV and newspapers.¹²⁶

Active participation of citizens is driven both by the media and CSOs, generally speaking. Both tend to build government relationships and connections through their re-

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ports and activism, to the extent that they are often called upon for suggestions and assistance with writing legislation or informing implementation.¹²⁷ The more formal mechanisms of consultation with the public at large occur primarily through planned, institutionalized social audits, village assemblies, and study tours by MPs. Citizen engagement is also driven by CSOs and in their efforts to oversee and provide public services. CSOs collect and document petitions submitted by citizens who propose certain changes to laws. Perhaps the largest potential lies in the Lokpal bill proposed by India Against Corruption, which aims to introduce openness into civil service.¹²⁸ The public would be able to report corruption to an independent, empowered investigative body, and whistleblowers would be protected from retaliation.

5.1.3 Civic Education

Civic education is at the core of the school-state relationship. India, with its still-evolving democratic institutions, notions of equality, and equal participation in public decision making, has yet to formalize how civic education is taught in schools. Various CSOs in India recognize the importance of a robust civic education curriculum as a condition of good governance and are focused on instituting systemic reforms by changing the educational frameworks of the nation. Vision India Foundation is one organization that has published a civics manual for citizens on its website and enrolls youth in programs, such as Policy Boot Camp and Good Governance Yatra, in addition to various fellowships to expose students to good governance models, allow them to interact with politicians, and teach them about the intricacies of policy in action.

5.2 Case Analysis

5.2.1 Engagement with Constituents – The European Parliament

The constituent engagement activities of the European Parliament (EP), provide a comparison to constituent engagement in India, and what might be possible either through the Indian Parliament itself or through non-partisan organizations that engage with it. The European Parliament is an institution that had to build its legitimacy with its constituents, as it was once a new institution that sat both above and alongside national

parliaments of EU members, and it had to do this quickly following the first election of its members in 1979. It is multilingual and has members representing more than 200 political parties that organize themselves into European party groupings.¹²⁹ Because of its unique status, public engagement is a priority.¹³⁰ The process of how the public engages with any parliament generally breaks down into several steps, which the European Parliament had to address: information, understanding, identification, participation, and intervention.¹³¹ The first hurdle is information, as the public generally does not have a good idea of what is happening in parliament, nor an interest in it.

Because the European Parliament was addressing the issue of legitimacy with its constituents, the decision was made to make public engagement a key priority. This has manifested itself in many ways. First, the European Parliament was one of the first to stream all its sessions online and make information about the institution available in a variety of languages online. The European Parliament takes language very seriously. Every member of the European Parliament (MEP) can speak in his or her own language, and all EU citizens are entitled to engage with Parliament in their own language. The EP is also extremely innovative in its use of its website and social media (e.g., Facebook), making it the core of the public engagement strategy it adopted in 2010. A web communications unit was created in 2008 that employed twenty-two editors who write for web-based pages and tools, each representing both a specific area of responsibility as well as an official language.¹³² The EP's Facebook page alone has five editors, and it has a community of 2.1 million "likes" as of October 23, 2016. By comparison, the Indian Parliament had 2,527 likes, while the U.S. House of Representatives does not even have a dedicated Facebook page.

The European Parliament has also adopted a "Legislative Train Schedule," which illustrates through the metaphor of a train, the legislative priorities during the five-year term of Jean-Claude Juncker, the head of the European Commission, the EU's executive body responsible for proposing legislation. The schedule is divided into ten priorities, and each one has further information on which part of the priorities have departed, are on hold, expected to arrive, arrived, or have derailed.¹³³ The schedule is accessible online in a variety of ways, including the European Parliament's main website as well as its Facebook page. The European Parliament doesn't just engage with the public online. It has recently opened a visitor's center in Brussels, the Parliamentarium, which includes

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interactive exhibits on European integration, presented in all the official languages of the European Union. The Parliamentarium is open seven days a week, and admission is free.¹³⁴ Since it opened in 2011, it has received 1.5 million visitors. Brussels is also the home of the role-play game for secondary school students, which allows them to step into the shoes of an MEP to debate issues. Another means of engagement, “The House of European History,” which will examine Europe’s history, is opening in Brussels in the near future, with free admission and exhibitions in all the official languages of the EU.¹³⁵

As we outlined earlier in our analysis, the state that a legislature is in matters to its institutionalization. The European Parliament has demonstrated how to build a means of public engagement to institutionalize itself with its constituents. As the EU and its institutions continue to evolve, only time will be able to tell whether this strategy works, and given both the Eurozone crisis and the results of the British referendum to leave the EU, its time may be limited. Regardless, it does provide some innovative examples of public engagement by a legislative body that could be adapted in an Indian context.

5.2.2 Engagement with Constituents—Ghana

In Ghana, there are limited opportunities for the public to engage directly with Parliament and MPs. The Ghanaian parliament’s Committee System is considered crucial to the performance of its Parliament, but it is hindered by a severe lack of funding and resource constraints that can impair committee decision making and policy recommendations. In response to these challenges, CSOs in Ghana have taken the lead in building capacity within parliamentary committees and in providing funding and research when and where civil society requires improvements in transparency, accountability, and public service delivery.¹³⁶ This support may occur in three distinct ways: 1) CSOs provide on-demand administrative and research support to parliamentarians to help inform and guide their work; 2) CSOs provide legal support to parliament, offering advice on ethics, contracts, and campaign financing to help MPs deliver on their mandates; and 3) CSOs may provide the financial backing for the conduct of parliamentary committee trainings and workshops.¹³⁷ Over time, the confidence and trust between Parliament and CSOs has increased to such an extent that CSOs may influence parliamentary decisions and vice versa.

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This support is not unlike the work of Swaniti Initiative with which our team met during our research in India. Upon recognizing that many MPs in India wanted to pursue constituency development programs, Swaniti Initiative was formed to provide a full range of solutions to MPs and MLAs on development issues by 1) conducting research on priority issues, 2) overseeing the implementation of initiatives at the local level, and 3) developing knowledge projects that aid MPs with their development agendas.

5.3 Voting Trends and Disengagement of Certain Constituencies

Voter turnout is an important consideration in all democracies. Declines in voter turnout can mean that citizens are disengaged or uninterested in the democratic process. The fewer constituencies that vote, the less an election may be perceived as legitimate. Over time, this can indicate a democratic government that does not truly represent its people. However, the “rational voter theory” explains that there are no material benefits to voting, since a single vote has very little effect on the overall outcome, and thus voters undertake the process of voting for other reasons, such as civic duty or wishing to express their opinions.¹³⁸ Thus, governments must endeavor to understand the motives behind voter turnout trends to assess whether elections are legitimate and government institutions are representative.

5.3.1 Voting Trends in India

India hosts the world’s largest elections, with an electorate of more than 800 million people. Elections are conducted by the Election Commission of India, which is based in New Delhi. In 2014, there were 464 political parties, 8,000 candidates, and 553 million votes cast (66.4 percent voter turnout).¹³⁹ Elections of this size are a massive undertaking, conducted over more than 4 weeks with 930,000 polling stations and more than 5 million election officials.^{140,141} Although India faces numerous challenges, including poverty, illiteracy, and limited infrastructure in rural areas, voter turnout has actually increased since the mid-1960s, while it has declined in many other democracies, including the United States, the United Kingdom and Canada.¹⁴² However, the majority (54 percent) of Indians believe that government officials do not care what citizens think.¹⁴³

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This reflects a potential reason for Indians to be less engaged in the political process and indicates room for improvement in terms of constituent engagement.

In recent years, India has been in a transition phase between patronage-based democracy and programmatic politics – moving toward retrospective voting and away from dynastic politics.¹⁴⁴ The transition is mainly due to economic reforms which have led voters to demand more medium-term deliverables such as roads, water, and electricity.¹⁴⁵ Party identification among the general electorate is relatively weak, in line with other newer democracies where these institutions are more fluid.¹⁴⁶ Voters in India tend to care as much about macroeconomic indicators as personal outcomes, following a “reward-punishment logic” where incumbent parties are frequently punished for poor economic outcomes and rewarded for positive outcomes.^{147,148,149}

Voter turnout in India varies widely by state, constituency, and individual-level variables. States with high turnout include Kerala, Andhra Pradesh, Haryana and West Bengal, while states with lower turnout are Bihar, Gujarat, Orissa and Uttar Pradesh.¹⁵⁰ Generally, poorer states (mainly in the Northeast) record more variation in voter turnout than the consistently high rates of participation in richer West and South India.¹⁵¹ Constituency-level variables, particularly access to polling stations, simultaneous state/national elections, and political competition tend to increase voter turnout.^{152,153,154} Individual variables also correlate with voter turnout. Men are more likely to vote than women, and rural residents are more likely than urban residents to vote.¹⁵⁵ In general, the educated middle class is most apathetic toward the political process and least likely to vote.¹⁵⁶ Reaching out to the middle class as a key and growing constituency will be increasingly important for MPs in the near future.

5.4 Overcoming Potential Barriers

The major barrier to implementing constituent engagement recommendations is resourcing required to carry out the suggestions. On the government side, in addition to funding to carry out the activities, MPs need to be willing to take on additional tasks and engage with the media in a manner that is different from the norm. Per our discussions with parliamentarians and journalists in India, it is still quite common for journalists to accept bribes for favorable stories. This discredits both work of journalists and of Parlia-

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ment, and it creates a cycle of mistrust with the citizenry. Likewise, it is worth considering the pervasiveness of social media and the effects of placing the power of journalism in the hands of average citizens who can easily become political watchdogs, which can have both positive and negative consequences. Other barriers associated with the suggestions below are linked to citizens – their education about government and the role of an MP, access to information, and voting behaviors. Many of these issues and the development of an effective engagement strategy can be addressed by thorough and non-partisan stakeholder analysis.

5.5 Recommendations

There is a significant amount of innovation happening in the space of citizen engagement as a result of changing technology, and the changing perceptions that citizens have not only of the role of their MP, but of Parliament itself. This leads to several recommendations that India could adopt:

1. **Strengthen parliamentary committees.** The development of a more robust and well-integrated committee system would ease the pressures on the floor time of parliament. Further, committees could routinely perform some of the functions that floor debates typically provide, such as eliciting information before and after the introduction of legislation. Institutionalizing the committees, by providing professional and specialized staff and an independent research capacity made available to MPs through programs like those that PRS and Swaniti Initiative offer, would enhance MP and parliamentary effectiveness.
2. **Clarify parliamentary activities and make it easy for constituents to visit.** The Indian Parliament should examine the activities of the European Parliament with respect to its public engagement strategy and determine which activities might be modified for its use. This will require Parliament agreeing to and adopting a strategy for public engagement that is apolitical, and seeks to continue to capitalize on the trust that Indians have with Parliament as an institution. For instance, Parliament could adopt the legislative train schedule and adjust it to give constituents a sense of what the body is focusing on, and it could make documents available in several languages. It could build a visitor’s gallery that is free and accessible to the public and

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that also hosts youth parliamentary debates. It could reorganize the website in a way that makes information, including how to visit the institution, very clear to constituents through a “Parliament and you” button that is available in several languages. Finally, the use of social media to regularly engage with the public may improve information sharing and outreach.

3. **Hold parliamentary roadshows and exhibitions.** Given the geographic size of India, and the fact that many citizens are unable to visit the Parliament in New Delhi, the Parliament should go on the road, visiting at least one state annually. This could be scheduled when Parliament is not in session, and led by parliamentary staff, who could visit with citizens through a traveling exhibition that explains what Parliament does, legislative priorities for the upcoming session and how to interact with the institution and your MP. Parliament could also sponsor festivals in the style of the Scottish Parliament’s Festival of Politics, an annual apolitical event that features debate, music, film, and conversations with current and former parliamentarians and photography as a means for the institution to engage with the public in a different way. This approach could be replicated in an Indian context.
4. **Conduct regular public opinion surveys.** These surveys could adopt a style similar to the Eurobarometer survey, which has been conducted twice a year since 1974. The survey consists of 1,000 face-to-face interviews during which participants are asked about policy objectives of the EU, their perception of life in the EU and EU citizenship. An annual survey could be adapted for an Indian context to provide lawmakers with a snapshot of what concerns their citizens, including the middle class, whether the public is aware of key policy priorities, and their perceptions of daily life in India. Just as the Eurobarometer is divided by country in the EU, the survey should be divided and conducted by each state in India and then collated and analyzed together. Parliament should designate one day a year in both houses to have an open floor debate involving all represented parties on the issues raised in the survey that is broadcast on television and available on social media to citizens.
5. **Implement innovative Information and Communication Technology (ICT) measures to further engage citizens.** Parliaments should adapt their outreach measures to accommodate changes in technology and citizens’ desire for increased

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transparency. Many parliaments have established ICT mechanisms for greater citizen engagement, and to appeal to the younger generation and middle class. Yet, the ultimate test of any new measure introduced by Parliament to enhance communication with citizens is the extent to which MPs are receptive to public opinion and take concrete actions to address expressed needs.

6 SUMMARY AND CONCLUSION

As the world's largest democracy, India has much to be proud of, but like any democracy around the world, it is in a state of constant evolution. The challenges that the Indian Parliament is facing regarding disruptions and disorders, the qualification, incentives and effectiveness of MPs, and a lack of accountability mechanisms are not unique to the Indian context, as our analysis has shown. Legislatures and governments around the world face these challenges on a daily basis, and have developed ways of addressing their own versions of these issues, some of which are more effective than others. Our comparative analysis has cast a wide net of examples ranging from more established democracies like the United States and European Union countries, to younger democracies like Ghana and Romania, as well as domestic examples within India. This has enabled a more developed understanding of such factors as rules and procedures, which underpin the institutionalization of Parliament; the formation, fragmentation and financing of political parties; and means of effective citizen engagement to hypothesize why the Indian Parliament is facing the issues we have outlined and their internal and external drivers.

All three factors must be considered to effectively address the challenges confronting the Indian Parliament. Rules and procedures lead to institutionalization of the legislature, and because they are often at the mercy of the ruling party, can evolve into practices that disincentivize individual MPs from fully engaging in the legislative process, as is frequently the case with regard to the anti-defection law. Rules and procedures are also not set in stone, and they are often at the mercy of external forces, which also contributes to institutionalization. We saw this in the case of the U.S. House of Representatives, which made great progress in its institutionalization through the 1960s, and now may be moving in the opposite direction.

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Political parties also play a role through their actions both in and outside of Parliament in how they select and vet candidates, finance campaigns, and serve as an intermediary between the government and the public. If individual MPs are selected by their parties because they are able to self-finance their campaigns, or if individual party members do not know how their party representatives for office are selected, then parties are not putting their best foot forward with respect to their platforms and their leaders. Examples of party candidate selection systems that employ a minimum of two steps and involve members at different levels within the party offer one way to address this challenge. Another way is by examining how parties can better serve as intermediaries and advocate on behalf of the long-term goals of their platforms, through the example of political party foundations that is being replicated in Europe.

Arguably, in addition to serving as a legislator, one of the most important areas and issues for parliamentarians is citizen engagement, as the role of an MP continues to evolve. India has high levels of turnout during its elections, particularly when compared with other democracies, but it faces challenges because its citizens are not engaging with parliamentarians outside of the electoral cycle, it faces a complex media environment, and it suffers from a lack of resources from Parliament specifically focused on public outreach. Thanks to technological advances, particularly in the use of mobile phone technology and the prevalence of social media, great strides are happening in this space globally. There are several examples that, with some adaptation, would work well in an Indian context.

Finally, our analysis has also given us a greater understanding of what might be possible for organizations interested in engaging with the Indian parliament. We recognize that several of our recommendations are better suited to be adopted by the Indian parliament itself, or other government entities like the Election Commission. However, we do believe that there are select areas in which non-partisan entities could act to inform the Indian parliament to become more effective, engaged, and representative. They are:

- Engage in a needs assessment with Parliamentarians and government stakeholders on an annual basis to understand the issues that the institution is facing, and where

Parliament may be receptive to suggestions. This could also inform whether examples of international best practices may be relevant, and where they might come from.

- Strengthen the links between non-partisan CSOs and parliamentary committees to better inform the development of policy, and provide a means for accessing extra capacity, if the resourcing of parliamentary staff and committees continues to remain an issue.
- Advocate on behalf of a robust public engagement strategy for the Indian Parliament as an institution by adopting some of the mechanisms currently being used in other countries around the world. This could include a lighter-touch legislative train schedule (or other metaphor that would work in an Indian context), revamping parliamentary websites to make information more accessible and using videos, podcasts, and infographics as well as widely-spoken languages other than English, both on pending and recent legislation, as well as on parliamentary processes, functions and how to contact MPs.
- Integrate PRS' LAMP fellows to provide support for parliamentary committees and general parliamentary work, not just individual MPs, and link the fellows up with other youth-oriented CSOs that also advocate on behalf of public engagement.
- Form a parliamentary study group or caucus on legislative effectiveness involving members from all parties represented in Parliament, and use it as a means for introducing examples of good practice from around the world with respect to improving procedures and rules in Parliament.
- Work with universities and CSOs to conduct a public engagement survey modeled after the Eurobarometer that could inform Parliament on the key issues for their constituents.
- Form a consortium of like-minded institutions working on democratic reform and parliamentary engagement, particularly among those who are working to create the next generation of leaders across government, like the Vision India Foundation and

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Swaniti Initiative. This could create a pipeline of opportunities for youth who become engaged and interested in Parliament and a career in government or politics.

- When Parliament is out of session, go on the road in other states in India and host public-facing events with local partners and parliamentarians as a means of public engagement.
- When legislative exchanges happen in New Delhi, host sessions on specific issues related to parliamentary effectiveness, such as constituent engagement, or party discipline and building legislative talent, to facilitate the exchange of best practice on a legislator-to-legislator level.

It is our hope that the implementation of a few of these recommendations might enable non-partisan organizations to effectively address some of the key challenges facing the Indian Parliament.

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