

Decree power in parliamentary systems: Theory and evidence from India *

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Abstract

Decree powers are common to presidential systems; they are rarely found in parliamentary ones. We analyse decree powers in one such rare setting: India. We show that bicameral minority governments in India systematically use ordinances to circumvent parliament and prosecute their legislative agendas. They promulgate more ordinances, enact fewer legislation, and often re-promulgate lapsed ordinances. These patterns suggest that, with bicameral minority governments, the locus of law-making shifts to the executive branch. While both majority and minority governments invoke ordinances, the latter do so systematically to get around their parliamentary deficit. In the hands of minority governments then, the mechanism, effectively, helps to defy the will of the parliamentary majority. This suggests that the ordinance mechanism, originally introduced in the Indian Constitution for limited purposes, has blossomed into a distinct source of – and forum for – parliamentary law-making.

Keywords: decree power; ordinance; Article 123; India; minority governments; parliamentary systems

1 Introduction

Narendra Modi became India's seventeenth prime minister on May 26, 2014. The nation handed his party and its alliance partners a stunning majority. But the government's legislative agenda never quite

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took off. It had a majority only in the lower house of India's bicameral parliament; the opposition still controlled the upper house. Unable to shepherd legislation through the chambers, the Modi government resorted to decree powers to legislate – in particular, the power to promulgate ordinances.

On December 29, 2014, just days after the winter session of parliament concluded, the Modi government promulgated the Right to Fair Compensation and Transparency in Land Acquisition, Resettlement and Rehabilitation (Amendment) Ordinance 2014 (LARRO). The amendment introduced contentious changes to land law in India. Key rights granted to land owners by the original legislation (enacted in 2013) stood curtailed.¹ The opposition decried the move. When the houses reassembled in February 2015, the government did not present the ordinance in the upper house. So, LARRO lapsed.² But it was re-promulgated on April 03, 2015 when the chambers broke for recess, and still again on May 30, 2015. The opposition, in the meanwhile, launched a strident campaign.³ It worked. Before long, public opinion turned sharply against the ordinance, and the government gave in. LARRO lapsed for a third time on August 29, 2015; it was not reissued.⁴ The government and the parliament battled over a law, and this time, parliament won.

This duel for supremacy over law-making powers is grounded in the Indian constitution. Although India has a parliamentary system, the constitution endows the executive with primary legislative powers. Under Article 123 the executive may promulgate ordinances if laws are immediately necessary but parliament is not at hand to enact them. The provision, the founders suggested, would function as a limited exception to parliament's law-making powers. But Article 123 has alchemized into a parallel mechanism; it operates as an alternative (or extra-parliamentary) route to legislation in India. Governments, especially minority governments, systematically rely on ordinances to overcome parliamentary roadblocks and prosecute their legislative agendas.

Ordinarily, decree powers - powers to legislate unilaterally - are found in presidential systems, especially in Latin America.⁵ But even in systems that do not directly confer law-making powers on the executive, presidents are known to usurp a legislative role. The United States is an obvious example. In taking care that “the Laws be faithfully executed”, American presidents have introduced executive orders with far reaching and permanent consequences.⁶

Why do presidents legislate? Do they do so in order to circumvent legislatures and write their policy preferences into law? A large body of literature has coalesced around two competing explanations: the “unilateral action” and “delegation” theories respectively.⁷ The idea of conflict between presidents and legislatures is central to the unilateral action theory. Presidents and legislatures may not share legislative

1. Anon, [Cabinet approves ordinance on amendments to Land Acquisition Act](#), *Economic Times*, December 29, 2014.

2. An ordinance is meant to be temporary – it can only be promulgated when the parliament is not in session and it expires six weeks after the parliament reconvenes unless the parliament legislates it into a law.

3. Anon, [Rahul attacks Modi government on farmers' issue](#), *The Hindu*, April 20, 2015.

4. Nistula Hebbar, [Land ordinance allowed to lapse](#), *The Hindu*, August 29, 2015.

5. For an overview of decree powers and their functioning, see Cheibub and Limongi (2010), Reich (2002), and Negretto (2004).

6. Howell (2003). See also Mayer (2001), Rudalevige (2005), Christenson and Kriner (2017), and Lowande (2018) for additional accounts of executive orders in the US.

7. See for example, Pereira, Power, and Rennó (2008), Pereira, Power, and Rennó (2005), Power (1998), and Negretto (2004).

or policy preferences. This is especially true when divided governments are in action. The theory posits that a president shall turn to decree powers to bypass an unfriendly legislature, and impose his or her preference into law. This theory predicts that the share of decrees increases as support for a president's policies ebbs in the legislature (Neto, Cox, and McCubbins 2003). Conversely, delegation theory interprets the use of decree power as a power sharing mechanism. For example, presidential decrees may help individual legislators avoid controversial issues. By allowing a decree to occupy the field, legislators may avoid addressing a matter in the legislative chambers by delegating the matter to the president (Carey and Shugart 1998). Hence delegation theory predicts the opposite: decrees rise when a president cohabits with a friendly legislature. The empirical record, however, is mixed (Cheibub and Limongi 2010). Notice that both unilateral and delegation theories describe extra-parliamentary law-making processes. But they are extra-parliamentary in different ways. With unilateral action theory, law-making is extra-parliamentary in a real, substantive sense: executive legislation in defiance of parliamentary will. With delegation theory, law-making is extra-parliamentary only in a formal sense: executive legislation implicitly in accordance with parliamentary will.

We locate our analysis of ordinances in India within this literature. But notice a few key institutional differences. India has a parliamentary system of sorts: the executive and legislative branches are fused. The executive comes from and is accountable to the legislature (Cheibub 2007). Yet, bicameral parliamentary systems, too, may experience divided governments. This happens when different parties or coalitions command majorities in the two houses. The Modi government is a neat example. For its entire term (May 26, 2014 to May 23, 2019), it had a majority only in the lower house (Lok Sabha); the opposition controlled the upper house (Rajya Sabha). But there are other examples, too. Vishwanath Pratap Singh, India's seventh prime minister (December 02, 1989 to November 9, 1990), for example, had a minority in both houses of parliament. When faced with a lack of majority in one or both houses of the legislature, the tendency to legislate through executive powers, we argue, is pronounced even in India's parliamentary system. In other words, confronted with (numerically) unfriendly legislatures, executives in parliamentary systems, too, reach for decree powers.

Our analysis also speaks to the literature on coalition governments in parliamentary systems. In particular, there has been an increasing focus on the interaction between coalition governments and parliamentary activity in shaping legislative outcomes.⁸ Martin and Vanberg (2005) argue that parliament's relevance to the legislative process increases when coalition governments are in power. This is because parliament plays a central role in allowing different parties in the coalition to develop a compromise position (Martin and Vanberg 2004). Moreover, parliamentary debates enable coalition parties to communicate with their constituents on policy issues (Martin and Vanberg 2008). Our analysis documents the flip side of the effect of minority governments on parliamentary activity: Such governments invoke ordinances to get around parliamentary constraints. Especially when minority governments hold office, the locus of law-making shifts to the executive, leaving parliament side-lined and weakened.

Why do minority governments bypass legislatures in making laws? In systems where legislative committees have significant agenda-setting powers, minority governments may do so out of fear that their

8. Gallagher, Laver, and Mair (2005) note that about three-fourths of governments in Western Europe since the 1950s have been coalitional.

proposals will be watered down (or perhaps defeated) at the committee stage. Indeed, studying the Argentine house where committee membership is allocated according to seat share in the legislature, Calvo and Sarazazu (2011) show that committees have a larger say in law-making when the largest party or coalition falls short of controlling the legislature. But India, with its Westminster roots, lacks a strong committee system.

So why do minority governments not introduce bills, rather than ordinances, and use agenda-setting devices to push them through? Huber (1996) shows that this is indeed what happens in France. The French constitution allows the government to selectively put to vote a bill with provisions and amendments, excluding those that it opposes. It also allows the government to attach a “guillotine” to a bill. A bill to which the guillotine is attached automatically becomes law, without debate, in 48 hours unless the government is defeated in a confidence vote. Such “restrictive procedures” enable minority governments to enact their agenda in an unsympathetic legislature. But India does not have similar procedures. And absent such restrictive procedures, minority governments in India resort to Article 123 to bypass parliament altogether. A similar impulse - enacting laws in the face of a hostile legislature - finds different expressions in France and India because the underlying constitutional rules are different.

India, though, is not unique among parliamentary systems to endow the executive with decree powers. The Italian constitution allows the government, in times of emergency and necessity, to promulgate decrees. Like in India, these decrees lapse unless they are voted into law by parliament within 60 days (Della Sala 1988). Our results may shed light on the mechanisms that generally drive the use of decree power outside of presidential systems.

We present a typology of majority and minority governments in bicameral parliamentary systems and test six hypotheses about their behaviour: One, minority governments promulgate more ordinances than majority ones, whereas majority governments enact more legislation (bills) than minority ones. Two, for majority governments, there is no correlation between bills passed in a session and ordinances promulgated in the subsequent break, whereas this correlation is negative for minority governments. Three, only minority governments re-promulgate ordinances. Four, minority governments are less successful in converting ordinances into acts of parliament. Five, the likelihood of conversion for minority governments is particularly lower in the year before an election. And finally, minority governments promulgate ordinances earlier in the break relative to majority governments. Read cumulatively, these findings compel us to the conclusion that minority governments systematically rely on decree powers to strategically enact their legislative agenda. Originally intended as a limited exception to parliamentary lawmaking, Article 123 has blossomed into a separate (and parallel) legislative process. In law-making matters, then, minority governments in India mirror presidential executives in divided governments.

This article unfolds in four sections. In Section 2, we introduce in greater detail the law and practice of ordinances, and how Supreme Court interpretations have reconfigured Article 123. Later, in Section 3.1, we present a typology of majority and minority governments, outlining how the reconfigured Article 123 incentivises different types of governments. In rest of Section 3, we present the main findings. Section 4 analyses nuances and exceptions to the main findings, assessing how and why different types of minority governments differ in their use of ordinances. Section 5 concludes.

2 Article 123: Constitutional interpretations

Article 123 of the Indian constitution authorises the president to promulgate ordinances under certain conditions. (Article 213 confers a similar power on governors in the states.) These ordinances are the equivalent of parliamentary, not delegated, legislation. In other words, the president may unilaterally enact laws without resorting to parliament. However, in practice, council of ministers promulgate ordinances. It decides all aspects of ordinances: their necessity, timing, and content. In India's parliamentary system, presidents command limited discretion in such matters. Usually, they only sign ordinances into legal effect.⁹

India's ordinance mechanism is an extraordinary one. It endows a parliamentary executive the power to legislate independently. To prevent it from transforming into a parallel legislature, Article 123 lists several limitations. A council of ministers must satisfy a suite of procedural and substantive conditions before and after promulgating ordinances. First, India has a bicameral system, and ordinances are impermissible if both houses of parliament are in session. They may be promulgated only if *at least* one house of parliament is not in session. In other words, a government cannot resort to ordinances if the usual legislative route is available. Second, a council of ministers must be "satisfied that circumstances exist which render it necessary for [it] to take immediate action". This is a substantive requirement. Ministers cannot invoke Article 123 merely because it is convenient to do so. Or, merely because a government lacks the necessary majority to legislate through the chambers. Once houses reconvene, ordinances must be placed before them. This is the third condition. The requirement gives both houses an opportunity to scrutinise them. The parliamentary Rules of Procedure also treat this requirement seriously. The Rules, for example, mandate that a statement explaining the necessity for an ordinance must be laid before both houses of parliament once they reconvene.¹⁰ Fourth, Article 123 grants the council of ministers six weeks from the day both houses reconvene to convert ordinances into acts through the usual parliamentary procedures. Otherwise, ordinances lapse; they "cease to operate". Ordinances, in other words, are temporary legislation. Once promulgated, they remain in effect for a limited duration. To become permanent, the executive must have them converted into acts of parliament within a specified duration.

These conditions place key restrictions on the ordinance mechanism. The executive may make parliamentary laws in moments of legislative urgency. But they are temporary. The laws become permanent only if parliament properly enacts them in due course. And this need for parliamentary approval means that the executive, ultimately, cannot defy the parliamentary will.

This, however, is not the case in practice. In a series of decisions, the Indian Supreme Court has, effectively, rewritten Article 123. The conditions, both ex-ante and ex-post, no longer matter; they do not constrain the executive in meaningful ways. Consider, for example, the first condition: At least one house of parliament must not be in session. But who decides if a house is, or should be, in session? The council of ministers. It alone decide when houses may be in session. Decisions to prorogue or dissolve houses, in other words, are not subject to judicial review, the Supreme Court decided in 1969. So getting

9. See appendix B for the full text of Article 123.

10. See Dam (2014b) for more institutional details on the process of promulgating ordinances, and a discussion on the constituent assembly debates. Also see Dam (2014a) and Dam (2016) for the deeper legal arguments against viewing ordinances as a substitute for lawmaking in parliament.

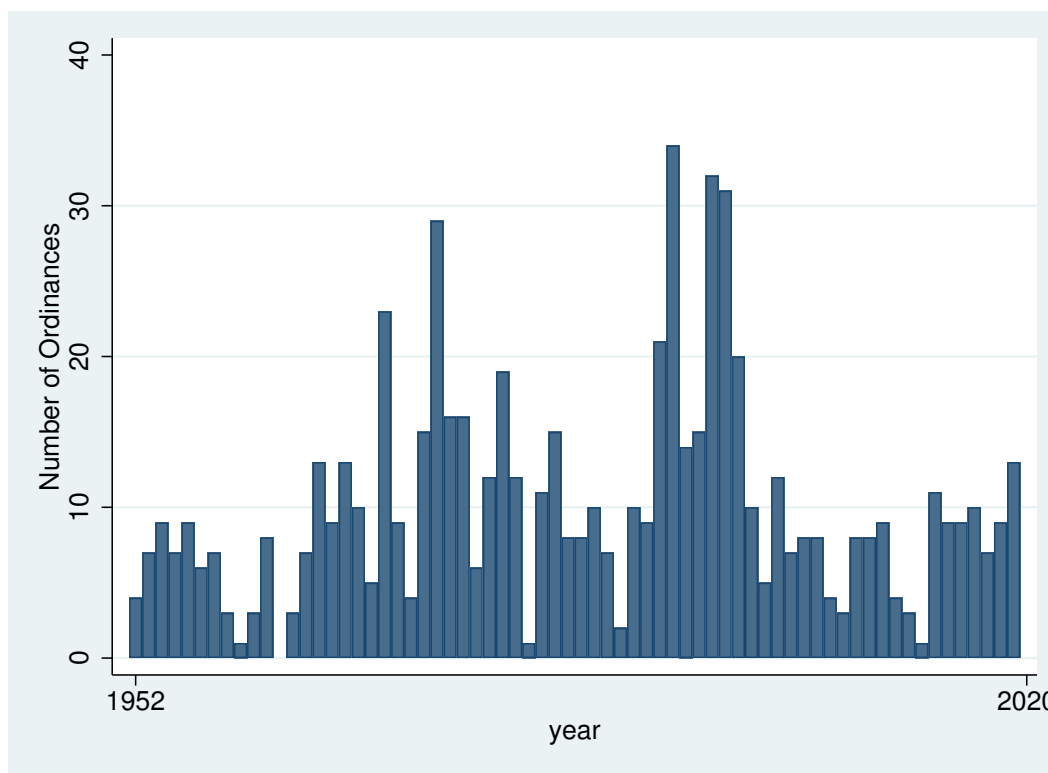


Fig. 1: Number of ordinances by year from May 1952 to May 2019

around the first control is easy. Similarly, the Supreme Court in *R. C. Cooper v Union of India* 1970 held that the council of ministers is the sole judge of necessity; the court will not second guess ministerial assessments.¹¹ This has important implications for the ordinance mechanism. A government unsure of support in parliament may resort to an ordinance and, thereby, circumvent the legislative process. Or, a government wishing to avoid public debate on a bill at least initially may promulgate an ordinance when the chambers are not in session.

What of the ex-post conditions? Once the houses resume, governments must place the ordinances before them. The houses may then convert them into acts of parliament. They may reject the ordinances too. Or, aware of impending legislative defeats, a government may avoid trying to get the ordinances converted into acts. In these latter instances, the ordinances lapse; they “cease to operate”. What happens to all actions taken when the ordinances were in effect? The court has consistently held that ordinances only lapse prospectively. So all actions taken or initiated during the time ordinances were in effect shall remain valid. This confers ordinances, even lapsed ones, a degree of permanence.

These decisions have coloured an innocuous constitutional provision with a troubling hue. The re-interpreted Article 123 is an invitation to indulge in ordinances. It incentivises governments to circumvent parliamentary constraints and legislate through decrees. But not all governments are equally incentivized to resort to this extra-parliamentary method. A government with a majority in both houses of parliament has fewer reasons to strategically resort to ordinances. Conversely, a government with a minority in one

11. This view, which operates throughout our sample period, was recently reversed in *Krishna Kumar v State of Bihar* 2017.

or both houses has obvious incentives to invoke Article 123. The next section explains how we classify governments given these incentives, and present our results.

3 Data and findings

3.1 Data description and classifying governments

Our data comes from three sources. First, we extracted data on acts from the Parliamentary Handbook which records the number of acts per session of the Lok Sabha. Second, we use updated data from Dam (2014b) which records the date of promulgation of each ordinance.¹² These two sources give us data on the number of acts passed in each session and ordinances promulgated in each break, from 1952 to 2019. Finally, we collected data from the website of the Indian parliament on the composition of the two houses of parliament for our sample period. The summary statistics are presented in Table 3.

We examine if majority and minority governments systematically differ in their use of ordinance powers. But that requires defining majority and minority governments. India has a bicameral legislature, and bills (or ordinances) become acts only if they are approved by both houses. A government with a majority in both houses has complete control over the legislative process. It, therefore, has little reason to systematically resort to an extra-parliamentary method to enact laws. Conversely, a government with a minority in one or both houses does not command complete control over the legislative process. It has an obvious incentive to use ordinances as an alternative path to legislation. Borne out of this institutional logic, we classify governments into two main groups: Bicameral Majority and Bicameral Minorities.¹³

A bicameral majority government is one where a party or parties (in case of coalitions) command at least 50% seats in *both houses* of parliament. But in calculating majority status, we exclude parties that offer “outside support” to governments. This entails supporting a government without accepting ministerial posts. Parties supplying such support do not obey norms of collective responsibility. It is a weaker form of support. So, we do not attribute their seats to those of the ruling parties. A bicameral majority government, therefore, is one that *commands the active support of parties who make up at least 50% seats in both houses of parliament*. Consider the block of Communist-affiliated parties that offered outside support to the Manmohan Singh government between 2004–2009. In identifying the status of the Manmohan Singh government we exclude seats these parties held. Doing so leaves the government with less than 50% active supporters in both houses. Accordingly, we classify it as a bicameral minority government. Indeed, as Table 1 below shows, all other types of governments except ones that command a majority in both houses are classified as bicameral minorities: governments that are minority in both houses (Group 1); governments that are minority only in the upper house (Group 2); and governments that are minority only in the lower house (Group 3).

Two aspects of this classification should be underlined: one theoretical, the other empirical. First, notice that the literature on parliamentary systems, conventionally, treats Group 2 governments as majority ones (Strøm 1990). Ordinarily, a council of ministers is responsible only to the lower house. A majority

12. We use the term “acts” to mean laws that are passed through parliament and distinguish these from “ordinances” which are laws promulgated by the executive.

13. We are grateful to a referee for suggesting these terms.

Tab. 1: Typology and tenures of bicameral governments

	Upper House (RS) Majority	Upper House (RS) Minority
Lower House (LS) Majority	<i>Bicameral Majority Majority in Both</i> Jawaharlal Nehru 1952 – 64 Lalbahadur Shastri 1964 – 66 Indira Gandhi 1966 – 69; 1971 – 77; 1980 – 82; 1984 Rajiv Gandhi 1984 – 89	<i>Bicameral Minority Only RS Minority (Group 2)</i> Morarji Desai 1977 – 79 Indira Gandhi 1982 – 84 Narendra Modi 2014 – 19
Lower House (LS) Minority	<i>Bicameral Minority Only LS Minority (Group 3)</i>	<i>Bicameral Minority Minority in Both (Group 1)</i> Indira Gandhi 1969 – 71 Charan Singh 1979 – 80 VP Singh 1989 – 90 Chandra Shekhar 1990 – 91 PV Narasimha Rao 1991 – 96 AB Vajpayee 1996 HD Deve Gowda 1996 – 97 Inder Gujral 1997 – 98 AB Vajpayee 1998 – 2004 Manmohan Singh 2004 – 14

See Table 2 for the full dates and breakdown of acts and ordinances by governments.

government is one that can command the confidence of that house. So, the Narendra Modi government (2014 – 2019), ordinarily, is classified as a majority one. But we avoid the conventional classification. We do so because our analysis probes the conditions under which governments make laws, in parliament or through extra-parliamentary means - not conditions under which governments enjoy the confidence of the lower house.¹⁴

Also, our classification means that, as an empirical matter, India has never had bicameral majority *coalition* governments. All coalition governments between 1952 and 2019 only qualify as bicameral minority. Most of them relied on parties that offered outside support. For a detailed description and analysis of politics and governance under coalition governments in India see Ruparelia (2015) and Sridharan (2014).

So India, thus far, has only had the following types of governments: Single-party bicameral majority, single-party bicameral minority, and coalition bicameral minority. Table 2 describes the statuses of all governments in our sample.¹⁵

14. Nonetheless, in Appendix D we rerun our analysis while classifying governments based only on their status in the lower house. The results are qualitatively unchanged. This is unsurprising since most bicameral minority governments in India are in Group 1 and they remain minority governments even when we characterise them based on their lower house status.

15. One potential objection to this definition is that a government with a large Lok Sabha (lower house) majority may get around a Rajya Sabha (upper house) minority if it calls for a joint sitting of the parliament. Summoning a joint sitting of the parliament is difficult in India. Unless a bill is voted down by the Rajya Sabha, Article 108 of the Constitution requires that the government wait for six months (not including breaks of four days or more), before a joint sitting can be held. Consequently, the government may need to wait for a significant length of time

Tab. 2: Government majorities (excluding outside support) 1952-2019

Prime Minister	Start date	End date	Lower House majority	Upper House majority	Acts	Ordinances
Jawaharlal Nehru	13.05.52	10.05.57	yes	yes	348	40
Jawaharlal Nehru	11.05.57	31.03.62	yes	yes	317	18
Jawaharlal Nehru	01.04.62	26.05.64	yes	yes	129	7
Lalbahadur Shastri	09.06.64	11.01.66	yes	yes	81	9
Indira Gandhi	24.01.66	03.03.67	yes	yes	57	15
Indira Gandhi	04.03.67	16.11.69	yes	yes	143	29
Indira Gandhi	17.11.69	14.03.71	no	no	73	9
Indira Gandhi	15.03.71	23.03.77	yes	yes	482	99
Morarji Desai	24.03.77	27.07.79	yes	no	130	21
Charan Singh	28.07.79	13.01.80	no	no	0	7
Indira Gandhi	14.01.80	01.04.82	yes	yes	159	31
Indira Gandhi	02.04.82	31.03.84	yes	no	140	17
Indira Gandhi	01.04.84	30.10.84	yes	yes	30	8
Rajiv Gandhi	31.10.84	30.12.84	yes	yes	0	2
Rajiv Gandhi	31.12.84	01.12.89	yes	yes	334	35
VP Singh	02.12.89	09.11.90	no	no	33	10
Chandra Shekhar	10.11.90	20.06.91	no	no	30	6
PV Narasimha Rao	21.06.91	15.05.96	no	no	277	108
AB Vajpayee	16.05.96	31.05.96	no	no	0	0
HD Deve Gowda	01.06.96	20.04.97	no	no	56	23
Inder Gujral	21.04.97	18.03.98	no	no	5	23
AB Vajpayee	19.03.98	12.10.99	no	no	56	25
AB Vajpayee	13.10.99	21.05.04	no	no	297	33
Manmohan Singh	22.05.04	21.05.09	no	no	248	36
Manmohan Singh	22.05.09	25.05.14	no	no	179	25
Narendra Modi	26.05.14	15.05.19	yes	no	180	55

Each entry either represents the formation of a new government (either due to Lok Sabha elections or because a new prime minister is sworn in) or when the majority status of the same government changes in one of the two houses of parliament

Tab. 3: Summary statistics

Variable	Obs	Mean	Std. Dev.	Min	Max
<i>By day in break</i>					
Number of ordinances	24,474	.028	.22	0	8
At least 1 ordinance (Binary)	24,474	.022	.146	0	1
<i>By break in at least 1 house</i>					
Ordinances by break	247	2.798	3.365	0	24
Session length in days	247	38.304	19.957	3	123
Break length in days	247	60.781	28.91	3	177
Bicameral majority (Binary)	247	.506	.5	0	1
<i>By Lok Sabha session</i>					
Number of acts	209	18.105	9.4	0	47
Majority in Lok Sabha (Binary)	209	.608	.489	0	1
Congress govt (Binary)	209	.727	.446	0	1
Effective num parties	209	5.41	1.427	3.4	7.98
<i>By ordinance</i>					
Ordinance becomes act (Binary)	691	.757	.429	0	1

Effective num parties is $\sum_i \frac{1}{p_i^2}$ where p_i is the share of votes received by party i in Lok Sabha elections. The data for this variable comes from Sridharan (2012). Congress govt is an indicator for whether the Congress party was in government.

Our analysis proceeds in two stages. The rest of this section explores how bicameral majority and minority governments employ ordinances differently. While bicameral majority governments mostly legislate through parliamentary methods, bicameral minority governments often do so through extra-parliamentary methods. But not all minority governments are the same. A government with a minority in both houses is significantly weaker (unstable) than a government with a majority in the lower house. Aggressively governing with ordinances poses greater risk to the former. Opposition factions may coalesce and defeat such a government in the lower house through a no-confidence vote. But this threat does not affect the latter kind: by definition, it has a majority in the lower house. On the other hand, governments with minority in both houses may have a greater need to resort to ordinances since they have to forge support for a bill in two unsympathetic houses rather than one. So, do bicameral minority governments, among themselves, also differ in their use of ordinances? This is a question we briefly explore in section 4.

3.2 Number of acts and ordinances

Minority governments are not always successful in enacting their agenda in parliament and resort to using ordinances as an alternative. Consequently, during the tenure of a minority government, we expect to see fewer acts during parliamentary sessions and more ordinances during breaks.

To test this we regress

$$X_t^* = \alpha + \beta \text{Majority}_t + \mathbf{Z}_t' \Gamma + \epsilon_t, \quad (1)$$

where X_t^* is the total number of acts passed in session t . Our main coefficient of interest is β , which measures the average difference between majority and minority governments in the number of acts passed

before this condition is met. In practice, there have only been three joint sittings of the parliament as of 2019.

Tab. 4: Acts by majority and minority governments

	(1)	(2)	(3)	(4)	(5)
Bicameral majority	6.587*** (1.211)	6.539*** (1.145)	5.422*** (1.138)	2.677 (1.782)	2.622 (1.869)
Yr before election				-3.658** (1.684)	-3.674** (1.717)
Effective num parties				-0.979** (0.456)	-0.955 (0.641)
Congress govt				1.059 (1.643)	1.045 (1.694)
Linear time trend					-0.0354 (0.578)
Constant	15.08*** (0.881)	10.56*** (3.846)	-0.721 (4.808)	4.562 (5.589)	4.486 (5.648)
Month dummies	No	Yes	Yes	Yes	Yes
Session controls	No	No	Yes	Yes	Yes
Observations	209	209	209	209	209
R^2	0.123	0.289	0.455	0.475	0.475

Dependent variable is the number of acts passed in parliament during a session. Session controls include dummies for session within Lok Sabha, the length of the session in days and the length of the break in days. Robust standard errors reported in the parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

per session.

The results are presented in Table 4. We observe that majority governments pass more acts per session. To ensure that the observed difference between majority and minority governments is not driven by unobservable factors, we include twelve month dummies that is a dummy for the month in which the session started. This attempts to absorb any seasonality in law making. We include the length of the session and the break in the session controls as it is possible that these may affect the number of acts passed. We also include session within Lok Sabha dummies (typically there are 15 sessions if a Lok Sabha lasts the full 5 years) in the set of session controls. This is an attempt to capture any common trends in the legislative arcs of governments over their tenure, such as governments being more legislatively active at the start of their term.

Next, we control for political characteristics by including three variables. First, we control for whether the session was within one year before the next election. This is an attempt to control for any election cycle effects that may be driving our results. Second, we control for the effective number of parties in the Lok Sabha. This proxies for the degree of political fragmentation in voting. Third, we control for whether the Congress party was in government. This is to address the concern that the results may be driven primarily by differences in the behaviour between Congress and non-Congress governments. Finally, we also include a linear time trend to absorb any long run political trends that affect law making but are also correlated with the type of governments that get elected.

Tab. 5: Ordinances by majority and minority governments

	(1)	(2)	(3)	(4)	(5)
Bicameral majority	-0.918** (0.426)	-1.098** (0.469)	-0.891* (0.494)	-1.642* (0.863)	-1.438* (0.810)
Yr before election				-0.551 (1.005)	-0.492 (1.012)
Effective num parties				-0.256 (0.224)	-0.355 (0.279)
Congress govt				0.567 (0.671)	0.625 (0.697)
Linear time trend					0.140 (0.165)
Constant	3.262*** (0.318)	4.882*** (1.191)	3.288*** (1.126)	4.448*** (1.544)	4.751*** (1.676)
Month dummies	No	Yes	Yes	Yes	Yes
Session controls	No	No	Yes	Yes	Yes
Observations	247	247	247	247	247
R^2	0.019	0.139	0.305	0.314	0.316

Dependent variable is the number of ordinances promulgated in a break. Session controls include dummies for session within Lok Sabha, the length of the session in days and the length of the break in days. Robust standard errors reported in the parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Next, we regress

$$Y_t^* = \alpha + \beta \text{Majority}_t + \mathbf{Z}_t' \Gamma + \epsilon_t, \quad (2)$$

where Y_t^* is the total ordinances passed in the break of session t . The right hand side of the equation remains the same.

We see that the estimates for β , our coefficient of interest, are similar across the columns. Quantitatively, our results indicate that minority governments pass one more ordinance per break relative to majority governments. Furthermore, majority governments pass two to six more acts per session relative to minority governments. Note that although in theory the number of sessions and breaks should be the same, in our data there are more breaks (247) than sessions (209). This is because the acts data comes from Lok Sabha sessions whereas we have disaggregated data for ordinances. As ordinances are promulgated when at least one of the two houses of parliament is not in session, the number of breaks is larger than the number of Lok Sabha sessions.

An alternative way of testing for differences in the number of bills and ordinances is to use maximum likelihood estimation (MLE). To do so, we could use the prediction of the model in Appendix A that Y_t^* and X_t^* are binomially distributed, and compare the means of the observed distributions of Y_t^* and X_t^* for majority and minority governments. We use ordinary least squares (OLS) for the sake of simplicity. Moreover, the binomial distribution is the discrete approximation of the normal distribution, and the MLE estimator for β for a normally distributed error term is the same as the OLS estimator.

3.2.1 The Indian context: Omitted variables and mediating factors

One concern with the results in Tables 4 and 5 is that they do not convincingly control for time varying trends. The Indian party system has fragmented over time (see Table 2): Bicameral majority governments used to be the norm before the late 1980s but over time they have become the exception. The Indian polity evolved from a single-party system to a multi-party one (Sridharan 2003) in a way that shows considerable variation across states and over time (Chhibber, Jensenius, and Suryanarayan 2014).¹⁶

Jensenius and Suryanarayan (2015) show that political fragmentation has, overtime, produced poorer institutional performance. Similarly, Chhibber and Nooruddin (2004) show that public good provision is greater in Indian states with two-party relative to multi-party systems. Bussell (2019) shows that elected officials in patronage democracies such as India spend a large part of their time providing access to basic public services to the people in their constituency. Together, this suggests that there are variety of reasons why parliamentary activity may have declined over time in India.

Political fragmentation and the increase in the number of minority governments on one hand and the decline in parliamentary activity on the other may have happened simultaneously. The omission of these factors would then bias our estimates. The political controls we include may not fully capture these changes. Similarly, the linear time trend in the regressions may not be adequate to absorb changes that were non-linear in nature. Since most of the variation in the type of government is caused by Lok Sabha elections, it is difficult to estimate the Bicameral majority variable with precision with Lok Sabha or year dummies.

The challenge here is that we are testing a claim about differences in the means of acts and ordinances between bicameral majority and bicameral minority governments. We now turn to a claim that can be tested separately *within* the tenures of government, and this allows us to control for year dummies that absorb unobservable, potentially non-linear, time varying factors.

3.3 Substitution of acts by ordinances

Minority governments are expected to promulgate more ordinances in precisely those breaks where the preceding session sees a large number of failures of negotiation, and consequently a fewer number of acts being passed. On the other hand, when most negotiations succeed and the government is able to pass acts in parliament, there is on average less of a need for ordinances in the subsequent break. Consequently, we expect a negative relationship between the number of acts passed in a session and the number of ordinances in the subsequent break. This pattern ought not to exist for majority governments as ordinances are not used as a substitute for law-making in parliament. This prediction captures the substitution of parliament by the executive in case of minority governments.

We use subscript A for bicameral minority governments as an abbreviation for the Hindi *alpa sankhyak* or “minority” and B for *bahumat* or “majority”. Formally¹⁷, we expect that acts passed in a session and ordinances promulgated in the subsequent break are negatively related during tenures of minority govern-

16. For an insightful analysis of these changes, and the role of social cleavages in this fragmentation, see Chhibber (1999).

17. See Appendix A for the formal presentation of a model based on which this and some of the other claims tested here are derived.

Tab. 6: Substitution of acts with ordinances

	(1)	(2)	(3)	(4)	(5)	(6)
Bicameral majority	-0.563 (0.459)	-0.696 (0.542)	-0.553 (0.590)	-2.234** (1.034)	-0.181 (1.015)	-1.441 (1.142)
Number of Acts β_A	-0.0592* (0.0358)	-0.0668* (0.0394)	-0.0803* (0.0408)	-0.108** (0.0433)	-0.125*** (0.0399)	-0.143*** (0.0460)
Number of Acts \times Bicameral majority λ	0.114** (0.0532)	0.123** (0.0573)	0.101* (0.0576)	0.123** (0.0583)	0.0785 (0.0537)	0.0506 (0.0609)
Yr before election				-1.437 (1.117)	-1.429 (1.101)	-0.556 (1.429)
Effective num parties				-0.637** (0.259)		
Congress govt				0.818 (0.742)		
Constant	3.378*** (0.291)	4.341*** (1.108)	0.541 (1.243)	3.756** (1.837)	-1.016 (1.888)	-2.192 (2.628)
Month dummies	No	Yes	Yes	Yes	Yes	Yes
Session controls	No	No	Yes	Yes	Yes	Yes
Lok Sabha dummies	No	No	No	No	Yes	No
Year dummies	No	No	No	No	No	Yes
Observations	209	209	209	209	209	209
R^2	0.027	0.068	0.236	0.278	0.473	0.666
p -value $H_0 : \beta_A + \lambda = 0$	0.166	0.190	0.636	0.740	0.311	0.100

Dependent variable is total ordinances in a break. Session controls include dummies for session within Lok Sabha, the length of the session in days and the length of the break in days. Robust standard errors reported in the parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

ments, that is $\frac{\text{Cov}(X_{At}^*, Y_{At}^*)}{\text{Var}(X_{At}^*)} < 0$, whereas they are unrelated during the tenures of majority governments, that is $\frac{\text{Cov}(X_{Bt}^*, Y_{Bt}^*)}{\text{Var}(X_{Bt}^*)} = 0$.

Note that the sample analogue of $\frac{\text{Cov}(X_{At}^*, Y_{At}^*)}{\text{Var}(X_{At}^*)}$ is also the OLS estimator for β_A in the regression

$$Y_t^* = \alpha_0 + \alpha_1 \text{Bicameral majority}_t + \beta_A X_t^* + \lambda X_t^* \times \text{Bicameral majority}_t + \epsilon_t. \quad (3)$$

Similarly, the sample analogue of $\frac{\text{Cov}(X_{Bt}^*, Y_{Bt}^*)}{\text{Var}(X_{Bt}^*)}$ is also the OLS estimator for $\beta_A + \lambda$. To see this clearly, note that the sample analogue for the two expressions are the OLS estimators for the slope coefficient if we regress ordinances on acts separately for the bicameral majority and bicameral minority government subsamples. This allows us to conveniently test this claim with standard regression tools by testing whether $\beta_A < 0$ and $\beta_A + \lambda = 0$.

The results are reported in Table 6. The estimates for β_A are consistently negative and significant and this confirms that during the tenures of bicameral minority governments, more bills are followed by

fewer ordinances and vice versa. On the other hand, the estimates for λ are consistently positive. The last row of the table presents the p -value for the null hypothesis that $\beta_A + \lambda = 0$. Our failure to reject this null hypothesis confirms that the number of bills and ordinances across contiguous session-break periods is unrelated in the tenure of bicameral majority governments.

As mentioned earlier, these results are a stronger confirmation of the differences in the patterns of acts and ordinances for bicameral majority and bicameral minority governments than the ones presented in section 3.2. This is because, while comparing the number of acts passed in a session to the number of ordinances in the subsequent break, we can control for more omitted variable concerns. In particular, in addition to the controls already described in section 3.2, we also control for Lok Sabha dummies. This absorbs any variation across governments in how prolific they are in using ordinances. Alternatively, we also control for year dummies which controls for temporal variation in ordinances at a finer year-on-year level. These control for any non-linear temporal changes that simultaneously affect the number of acts and ordinances such as the fragmentation of the Indian polity over time. Note that year dummies and Lok Sabha dummies cannot be simultaneously included since the variation in Lok Sabha is purely temporal. Also note that the effective number of parties in Lok Sabha and Congress government variables do not vary within the tenure of a Lok Sabha and therefore cannot be estimated simultaneously with the Lok Sabha or year dummies.

Although it is constitutionally permissible to promulgate an ordinance when at least one of the two houses in parliament is not in session, we never observe ordinances being promulgated when the Lok Sabha is in session and the Rajya Sabha is not. Therefore, to map Y_t^* to X_t^* , we sum the ordinances passed between two Lok Sabha sessions and this leaves us with 209 sessions and corresponding breaks.¹⁸

3.4 Re-promulgation of ordinances

If an ordinance is not converted into an act through parliament, it lapses and becomes inactive. A government can choose to then re-promulgate it in the subsequent break. A bicameral majority government should convert all ordinances that need to be extended into acts in parliament. Consequently, it does not need to re-promulgate ordinances. This is not the case for a bicameral minority government. It is striking that all 76 instances of re-promulgation of ordinances, as of May 2019, have occurred during the tenures of bicameral minority governments.

3.5 Converting ordinances into acts

The mechanism to ensure that an ordinance becomes permanent is to convert an ordinance into an act of parliament by presenting it before parliament and calling for a vote. If bicameral minority governments use ordinances to systematically bypass the parliament, we expect that fewer ordinances will be successfully converted to acts by the parliament during their tenure.

18. There is one break at the start of the first parliament between the time the constitution of India came into force but before the first Lok Sabha session commenced, which cannot be mapped to a prior session and is therefore dropped from the analysis.

Tab. 7: Conversion of ordinances into acts

	OLS (1)	OLS (2)	OLS (3)	OLS (4)	OLS (5)	Logit (6)	Probit (7)
Bicameral majority	0.274*** (0.0291)	0.257*** (0.0305)	0.259*** (0.0324)	0.214*** (0.0460)	0.109* (0.0556)	0.890* (0.471)	0.519** (0.241)
Yr before election				-0.158*** (0.0498)	-0.190*** (0.0494)	-1.271*** (0.325)	-0.713*** (0.181)
Effective num parties				-0.0284* (0.0162)	0.00298 (0.0193)	0.0751 (0.161)	0.0123 (0.0796)
Congress govt				-0.0604 (0.0515)	-0.0724 (0.0513)	-0.407 (0.299)	-0.235 (0.167)
Linear time trend					-0.0561*** (0.0184)	-0.481** (0.208)	-0.226** (0.0977)
Constant	0.641*** (0.0241)	0.653*** (0.0394)	0.702*** (0.0695)	0.906*** (0.131)	0.728*** (0.144)	0.881 (1.133)	0.628 (0.580)
Month dummies	No	Yes	Yes	Yes	Yes	Yes	Yes
Session controls	No	No	Yes	Yes	Yes	Yes	Yes
Observations	691	691	691	691	691	691	691
R^2	0.100	0.144	0.235	0.251	0.261		

Dependent variable is an indicator for whether the ordinance became an act in parliament. Session controls include dummies for session within Lok Sabha, the length of the session in days and the length of the break in days. Robust standard errors reported in the parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

We regress

$$\text{Ordinance becomes act}_i = \alpha + \beta \text{Bicameral majority}_t + \mathbf{Z}'_t \Pi + \epsilon_t, \quad (4)$$

where “Ordinance becomes act_{*i*}” is an indicator for whether ordinance *i* becomes an act in the subsequent session of parliament.

Results are reported in Table 7. We observe that the probability of conversion to an act is higher under bicameral majority governments. This is true after including month dummies, session level controls including session within Lok Sabha dummies, the length of session, the length of the break, political controls, and a linear time trend.¹⁹ We also estimate Equation (4) using logit and probit. The estimates of β remain positive and significant. These are reported in the last two columns.

3.6 Conversion in election years

A subset of the literature on electoral business cycles examines the presence of a legislative cycle. Herrick, Moore, and Hibbing (1994) show how the legislative behaviour of US representatives changes when they have no reelection motives. Brechler and Geršl (2014) show how in the Czech Republic legislative activity

19. Note that in this regression, like the one discussed in section 3.2, we cannot control for year or Lok Sabha dummies as these are almost perfectly collinear with the Bicameral majority variable.

Tab. 8: Conversion of ordinances into acts in an election year

	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Bicameral majority	0.186*** (0.0326)	0.172*** (0.0335)	0.134*** (0.0359)	0.106** (0.0471)	0.0108 (0.0558)	-0.146** (0.0716)	-0.256* (0.147)
Yr before election	-0.281*** (0.0521)	-0.264*** (0.0530)	-0.268*** (0.0547)	-0.291*** (0.0544)	-0.318*** (0.0538)	-0.345*** (0.0585)	-0.355*** (0.0979)
Bicameral majority × Yr before election	0.280*** (0.0665)	0.271*** (0.0651)	0.539*** (0.0647)	0.542*** (0.0652)	0.534*** (0.0653)	0.562*** (0.0628)	0.589*** (0.116)
Effective num parties				-0.0309** (0.0157)	-0.00196 (0.0188)		
Congress govt				-0.0572 (0.0491)	-0.0683 (0.0490)		
Linear time trend					-0.0516*** (0.0176)		
Constant	0.729*** (0.0270)	0.731*** (0.0418)	0.737*** (0.0679)	0.953*** (0.127)	0.787*** (0.139)	0.985*** (0.120)	0.826*** (0.186)
Month dummies	No	Yes	Yes	Yes	Yes	Yes	Yes
Session controls	No	No	Yes	Yes	Yes	Yes	Yes
Lok Sabha dummies	No	No	No	No	No	Yes	No
Year dummies	No	No	No	No	No	No	Yes
Observations	691	691	691	691	691	691	691
R^2	0.153	0.188	0.294	0.300	0.309	0.356	0.477

Dependent variable is an indicator for whether the ordinance became an act in parliament. Session controls include dummies for session within Lok Sabha, the length of the session in days and the length of the break in days. Robust standard errors reported in the parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

increases towards the end of the tenure of a government as the elections approach. In this section we examine whether the presence of electoral cycle effects vary across bicameral majority and bicameral minority governments.

Conversion of ordinances into acts in case of a bicameral minority government relies on the ability of the government to compromise and create a working coalition in parliament that supports the ordinance. The value of creating such a coalition is likely to be greater at the start of the government's term when there is a longer time horizon and a large fraction of the legislative agenda remains to be enacted. As an election approaches, the government may promulgate ordinances on matters that it considers important without trying too hard to compromise in parliament, with a view to signal its policy preferences to the voters. Moreover, with little time left in its term, the government is left with limited compromises it can offer in case legislators support the conversion. Consequently, legislators from other parties may not see the value in compromising.

This implies that in case of bicameral minority governments, conversion of ordinances into acts should

be less successful in sessions that immediately precede an election. On the other hand, bicameral majority governments have no need to compromise with other parties to convert their ordinances into acts. Consequently, this type of an electoral cycle in conversion is unlikely to appear for majority governments. To test this we regress

$$\begin{aligned} \text{Ordinance becomes act}_t = & \alpha_0 + \alpha_1 \text{Bicameral majority}_t + \beta_A \text{Year before election}_t \\ & + \lambda \text{Year before election}_t \times \text{Bicameral majority}_t + \mathbf{Z}'_t \Pi + \epsilon_t, \end{aligned} \quad (5)$$

where $\text{Year before election}_t$ is an indicator for whether the ordinance was promulgated in a one-year window prior to the next election. Since this is a prediction about the difference in behaviour *within* the tenures of the two types of government, we can include Lok Sabha or year dummies in the regression.

The results are reported in Table 8. We observe that the coefficient estimate of β_A is negative and significant across all specifications. The estimates of β_A in columns (1) – (4) suggest that looking within the tenure of a bicameral minority government, an ordinance promulgated in the year before an election is less likely to be converted into an act compared to one promulgated with more than a year left. This effect disappears in the tenure of a bicameral majority government as the estimates of λ are positive and the magnitude is always large enough to offset the negative estimate of β_A . These results suggest that minority governments are less successful in converting ordinances into acts, particularly in the year before an election. This points to the presence of a differential electoral cycle for bicameral majority and bicameral minority governments in converting ordinances to acts.

3.7 Timing of ordinances within a break

Bicameral minority governments use ordinances as a fall back when they are unable to pass acts in parliament. Consequently, they would have a stock of unsuccessful acts that need to be promulgated as ordinances at the start of each break. Bicameral majority governments, on the other hand, do not face this constraint and are unlikely to be holding on to a stock of unsuccessful acts at the start of a break. Although bicameral majority governments may promulgate ordinances for a variety of reasons, such reasons do not include absence of adequate support in parliament. By definition, such governments command adequate support in both houses. We therefore expect to see ordinances being randomly placed within a break for majority governments, whereas for minority governments we expect to see more ordinances at the start of the break.

Figure 2 shows the empirical cumulative distribution of ordinances over the proportion of time elapsed from the start of the break for bicameral majority and bicameral minority governments.²⁰ The cumulative distribution for bicameral majority governments corresponds closely to the 45 degree line indicating that ordinance promulgation is uniformly distributed over the days in the break. Moreover, the distribution for bicameral majority governments first order stochastically dominates that of bicameral minority governments indicating that at any point of time in a break, bicameral minority governments have promulgated

20. To compute the cumulative distribution, we have aggregated the number of ordinances across all breaks separately for bicameral majority and bicameral minority governments.

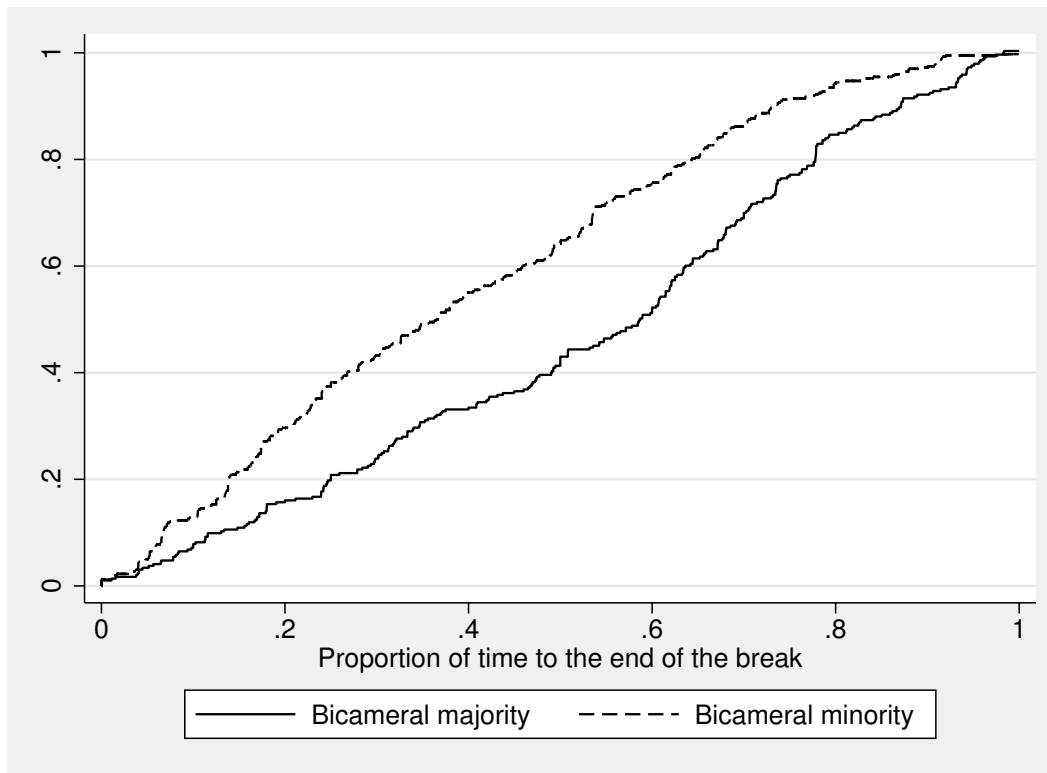


Fig. 2: Ordinance cdf within a break

a greater share of their ordinances earlier relative to bicameral majority governments.

To examine this more closely we run the following regression:

$$\begin{aligned}
 Y_{st} = & \alpha_t + \lambda \text{Days since start of the break}_s \times \text{Bicameral majority}_t \\
 & + \beta_A \text{Days since start of the break}_s + \mathbf{Z}'_{st} \boldsymbol{\Pi} + \epsilon_{st}
 \end{aligned} \tag{6}$$

where Y_s is number of ordinances passed on day s in break t . We regress this on the number of days that have elapsed since the start of the break on day s and the interaction of this variable with the indicator for bicameral majority government. Note that the variable $\text{Bicameral majority}_t$ is subsumed whenever Lok Sabha dummies, or year dummies, or overall session dummies are included since there is almost no variation in the majority status of the government within the tenure of a Lok Sabha. We expect $\beta_A < 0$ since the likelihood of an ordinance in the tenure of a bicameral minority government should be higher at the start of a break. We also expect $\beta_A + \lambda = 0$, since no such relationship ought to exist for bicameral majority governments.

In this section we test a claim about differences in behaviour between the two types of government *within* each break. Since the unit of observation is a day in a break, this specification allows us to control for overall session dummies α_t , that is, one dummy for each break in our sample. These account for things such as differences in the total number of ordinances passed in each break, the differences in particular trajectory of a government that could induces greater or fewer ordinances in a particular break, or any other unobservable time-varying trends. The results in column (7) therefore present evidence of difference

between bicameral majority and bicameral minority governments that is least likely to be contaminated by omitted variables.

The results presented in Table 9 strongly support the hypothesis that bicameral minority governments pass ordinances early in the break. We observe that the estimates for β_A remain negative and significant. The last row in Table 9 reports the p -value for the null hypothesis that $\beta_A + \lambda = 0$. We find that in all cases the estimates of $\beta_A + \lambda$ are positive which suggests that unlike bicameral minority governments who promulgate ordinances early in a break, bicameral majority governments do so later in a break. However, in our most robust specification with overall session dummies we fail to reject the null hypothesis which suggests that the timing of ordinances within a break is random for bicameral majority governments.

A potential problem with the results in Table 9 is that the dependent variable has a large number of zeroes as most days in an average break see no ordinances. To handle this concern we re-estimate (6) using negative binomial regression. The results are reported in Appendix C. We observe that the inferences on β_A and $\beta_A + \lambda$ remain unchanged. Finally, we change the dependent variable to a dummy that indicates whether at least one ordinance was promulgated on the day and re-estimate (6). The results reported in Appendix C are very similar to the ones in Table 9.

3.8 Impact of Supreme Court decisions in the mid 1980s

In the early and mid-eighties, the Supreme Court delivered a series of important verdicts on ordinances. These decisions interpreted Article 123, and clarified its scope and extent. The clarifications had a clear bias: They made it easier for the executive to resort to ordinances. In *A. K. Roy and others v Union of India*, (AIR 1982 SC 710) the court declined to probe the executive's claim that the National Security Ordinance, 1980, was "immediately necessary". Consequently, the decision to promulgate the ordinance became final. In *T. Ventaka Reddy v State of Andhra Pradesh* (AIR 1985 SC 724), the court granted lapsed (or failed) ordinances a measure of permanence. So, a government's inability to convert ordinances into acts did not matter as much. Most importantly, in *D. C. Wadhwa v State of Bihar* (AIR 1987 SC 579), the Supreme Court indirectly upheld the practice of re-promulgating lapsed ordinances. This was a radical decision. Bicameral minority governments, effectively, could promulgate ordinances and repeatedly re-promulgate them. A temporary mechanism had been rendered permanent. Apart from these decisions, in 1985, parliament amended the Constitution to introduce new provisions - the Tenth Schedule - restricting the ability of MPs to defect from their parties.

Did these developments affect the governments' record on ordinances? We test if the Supreme Court's decisions changed the behaviour of bicameral majority and minority governments. We split our sample into before and after 20 December 1986, the day the *D. C. Wadhwa* decision was delivered. The results are reported in Appendix E.

We observe that the differences in the behaviour of majority and minority governments magnify after 1986. This suggests that the cluster of Supreme Court decisions, potentially, affected governments' approach to ordinances. Post-1986, bicameral minority governments summoned ordinances more aggressively to circumvent parliament and deliver their legislative agendas. Indeed, re-promulgation of lapsed ordinances at the central level began only in 1991. But these results should be read with caution. In the first half of the sample, India had bicameral minority governments only on two brief occasions: 1969-71

Tab. 9: Timing of ordinances within a break

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Bicameral majority	-0.0421*** (0.00787)	-0.0429*** (0.00782)	-0.0426*** (0.00779)	-0.0451*** (0.00792)	-0.0516*** (0.0110)	-0.0213* (0.0129)	-0.0190 (0.0200)	
Days from start of break / 100 β_A	-0.0574*** (0.0104)	-0.0503*** (0.0105)	-0.0500*** (0.0105)	-0.0590*** (0.0132)	-0.0584*** (0.0131)	-0.0566*** (0.0132)	-0.0556*** (0.0131)	-0.0551*** (0.0118)
Days from start of break / 100 \times Bicameral majority λ	0.0909*** (0.0159)	0.0945*** (0.0164)	0.0939*** (0.0164)	0.0924*** (0.0163)	0.0900*** (0.0163)	0.0871*** (0.0165)	0.0848*** (0.0167)	0.0643*** (0.0166)
Yr before election					-0.00418 (0.00754)	-0.0140 (0.00957)	-0.00696 (0.0125)	
Effective num parties					-0.00303 (0.00259)			
Congress govt					0.00282 (0.00746)			
Constant	0.0724*** (0.00671)	0.0952*** (0.0112)	0.0921*** (0.0119)	0.112*** (0.0186)	0.127*** (0.0219)	0.0874*** (0.0233)	0.101*** (0.0374)	0.0347 (0.0260)
Month dummies	No	Yes	Yes	Yes	Yes	Yes	Yes	No
Day of week dummies	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Session controls	No	No	No	Yes	Yes	Yes	Yes	No
Lok Sabha dummies	No	No	No	No	No	Yes	No	No
Year dummies	No	No	No	No	No	No	Yes	No
Overall session dummies	No	No	No	No	No	No	No	Yes
Observations	15013	15013	15013	15013	15013	15013	15013	15013
R^2	0.003	0.006	0.009	0.012	0.012	0.019	0.024	0.035
p -value $H_0 : \beta_A + \lambda = 0$	0.006	0.001	0.002	0.026	0.038	0.044	0.064	0.470

Dependent variable is the number of ordinances promulgated on a day in the break. The number of days that have elapsed since the start of the break on day s is divided by 100 to reduce the number of decimal places in the coefficient estimates. Session controls include dummies for session within Lok Sabha, the length of the session in days and the length of the break in days. Overall session dummies are dummies for each time at least one of the houses of parliament was not in session. Robust standard errors reported in the parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

and 1977-79. The rest were bicameral majority governments. In the latter half of the sample, India has only had bicameral minority governments except during 1987-89.

4 Bicameral minorities: A closer look

Bicameral majority and minority governments invoke ordinances differently. The previous section outlined six variations between the two types of governments on ordinance-related matters. What about bicameral minority governments, though? Do some minority governments rely on ordinances differently than others? We address this with two levels of comparison.

As Table 1 earlier explained, bicameral minority governments are of three types: minority in both houses (Group 1); minority only in the upper house (Group 2); and minority only in the lower house (Group 3). These governments are similar in one respect and different in others. Consider first their similarity: They do not command a majority in both houses, and, therefore, cannot legislate easily in parliament. The ordinance mechanism lends them a way around this parliamentary constraint. As such, we expect each type of minority government to invoke ordinances more significantly than bicameral majority governments (India however has never had a Group 3 as of 2019). To observe the disaggregated results between Group 1 and Group 2 governments we run

$$\text{Outcome}_t = \alpha + \gamma_1 \text{Minority in Both} + \gamma_2 \text{Only RS Minority} + \mathbf{Z}'_t \Pi + \epsilon_t, \quad (7)$$

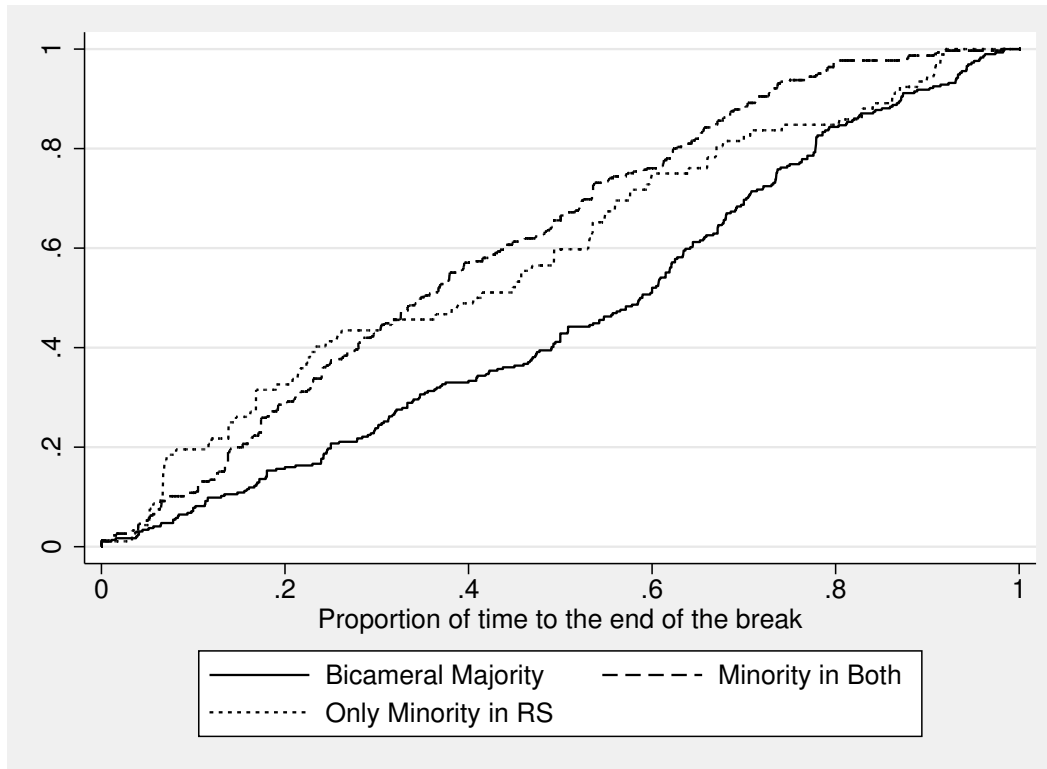
using bicameral majority as the omitted category.

Now consider crucial differences among the three types of minority governments. A Group 1 government, lacking majority in both houses, is the weakest one. It can neither survive nor legislate on its own. A vigorous use of ordinances carries an institutional risk: Opposition parties (in the lower house) may coalesce on a vote of no-confidence and remove it from office. A Group 3 government is similar in this regard: Promulgating ordinances that deviate too far from the parliamentary will (especially, the will of the lower house) may cause its downfall. Conversely, a Group 2 government is the strongest of the three. Its majority in the lower house assures its survival. Still, it faces a legislative roadblock: It must find additional votes in the upper house to legislate in parliament. Ordinances offer a workaround. But their vigorous use carries only a political (electoral) risk – not an institutional one. While unpopular ordinances may invite a political backlash, opposition parties cannot defeat such governments through no-confidence motions.

As Table 2 reports, Group 1 governments include: Charan Singh (1979), VP Singh (1989-90), Chandra Shekhar (1990-91), PV Narasimha Rao (1991-96), HD Deve Gowda (1996-97), Inder Gujral (1997-98), AB Vajpayee (1998-04), and Manmohan Singh (2004-14). Of these, Rao ran a *single-party* bicameral minority government for a full term. The rest were *coalition* bicameral minority governments, and only Vajpayee (1999-04) and Singh completed their respective terms. Group 2 governments include Morarji Desai (1977-79) and Narendra Modi (2014-19). They were both coalition bicameral minority governments.

Do Group 1 and Group 2 governments differ in their use of ordinances? The results reported in Appendix F suggest that they do. Across the board, the estimate for γ_1 , the effect for Group 1 governments appears larger in magnitude relative to estimates for γ_2 (Group 2). Group 1 governments promulgate more

Fig. 3: Ordinance cdf within a break by types of bicameral minority



ordinances (Table 29), substitute acts with ordinances (Table 30) and are less successful in converting ordinances into acts (Table 31). These results are consistent with a monotonicity in the reliance on ordinances in the number of houses in which the government has minority. However, notice that, except with some findings, we are unable to reject the null hypotheses that $\gamma_1 = \gamma_2$. A potential explanation for this is the lack of statistical power since there are only two Group 2 governments spanning approximately seven years in office. (As mentioned earlier, there are no estimates for Group 3 governments because India has not had such governments thus far.)

In Figure 3 we observe differences in the timing of ordinances across the three kinds of governments. The clearest difference, once again, is between bicameral majority and Group 1 minority governments. This underscores the point that the differences between bicameral majority and minority governments explored in Section 3 may be, in the Indian context, primarily a difference between bicameral majority and Group 1 bicameral minority governments.

Of the eight Group 1 prime ministers, three – Rao, Vajpayee, and Singh – completed one or more full terms in office. How did they achieve this? How did these prime ministers govern with ordinances and manage – or neutralise – the institutional risk the mechanism posed? We briefly review the parliamentary strategies of India’s first successful (full-term) bicameral minority government - one that Prime Minister Rao led and managed.

On June 21, 1991, PV Narasimha Rao became India’s ninth prime minister. Immediately, he was besieged on many fronts. Years of anaemic growth had India tottering on the edge of bankruptcy. Secessionist violence was flaring in different parts. Ethno-religious violence was spreading quickly, buoyed

by the electoral success of the Hindu-nationalist Bharatiya Janata Party. A decades-old foreign policy also needed realignment, given the impending collapse of the Soviet Union. Over the next five years, Rao's hamstrung government would resolve – or address – many of these issues, transforming India in the process (Sitapati 2016).

How did the government achieve this? Decrees featured prominently in Rao's game plan. He promulgated ordinances to expunge government red-tape, privatise large swathes of the economy, and introduce new market regulators. Key examples include the Monopolies and Restrictive Trade Practices (Amendment) Ordinance, 1991; Securities and Exchange Board of India Ordinance, 1992; the Foreign Exchange Conservation (Travel) Tax Abolition Ordinance, 1992; and the Capital Issues (Control) Repeal Ordinance, 1992. As Manmohan Singh, Rao's finance minister, and later a two-term prime minister, put it: "We did that for which we didn't have to go to Parliament for approval. That was how we were able to go through reform" (Sitapati 2016, p161). Similarly, Rao responded with an ordinance after a Hindu mob destroyed a sixteenth-century mosque in the north Indian city of Ayodhya. As religious riots engulfed the nation, the Acquisition of Certain Area at Ayodhya Ordinance, 1993 expropriated the disputed land to buy peace and time for a negotiated solution. In 1994, Rao signed up India to the General Agreement on Trade and Tariff and the body it established: The World Trade Organization. Indian laws needed to become WTO compliant, and with little support forthcoming in parliament, Rao rolled out an ordinance: The Patents (Amendment) Ordinance, 1994, introducing far-reaching changes in the Indian law of patents. In all, Prime Minister Rao promulgated 108 ordinances – the most by any government, bicameral majority or minority. These included, among others, ordinances on the administration, economy, employment, criminal law and procedure, and taxation. Some of these included re-promulgated ordinances, another practice Rao inaugurated at the national level in India.

How, then, did Rao, a minority in both houses, neutralise his parliamentary opposition? The opposition flung three no-confidence motions at his government: June 1992, December 1992, and July 1993. Rao overcame each one of them. Effective floor management was central to his success. One: He prevented opposition factions, the socialists and the Hindu nationalists, from coalescing on a single agenda. Rao implemented a divide-and-rule strategy, playing one faction against another. The factions' distaste for one another trumped their distaste of the government. Two, Rao summoned his deep reservoir of political capital across party lines, one he had nurtured over decades. He feted opposition leaders, occasionally, inducing them with national and international limelight. Three: floor management also involved splitting opposition parties and building new pockets of support. Occasionally, it meant directly paying off opposition MPs to vote against no-confidence motions. These strategies meant the institutional risk – a successful no-confidence motion – never materialised against Rao. (In 2000, Rao was convicted on charges of bribing three opposition MPs. On appeal, the high court acquitted him.)

Aggressive use of ordinances poses a threat to Group 1 bicameral minority governments. The risk is an obvious one. Still, governments can overcome it. As Rao's successful term showed, with careful floor management, governments can legislate policies that do not command parliamentary support and not lose office. Two of Rao's successors, Vajpayee and Singh, lacking majority support in both houses, deployed (parts of) Rao's playbook to run successful terms in office. They often legislated through extra-parliamentary means, and implemented policies that did not necessarily command majority support in

parliament. This is decree power in its unilateral action form: Legislating in the face of parliamentary opposition. More specifically, the large share of unconverted and re-promulgated ordinances is evidence of unilateralism in practice. As our analysis in the previous section shows, compared to bicameral majority governments, minority ones convert far fewer ordinances into acts and frequently re-promulgate them. This unilateral use explains how Article 123 has blossomed into a distinct form of legislative power. Originally introduced as a limited mechanism, Article 123 has transformed into a parallel law-making instrument through which governments may bring about permanent changes. And this explains why ordinances – especially their use by bicameral minority governments – is both strategic and problematic.

5 Conclusion

In *R.K. Garg v Union of India* (1981), the Supreme Court reflected on the Indian executive's atypical power to promulgate ordinances: "The legislative power conferred on the President under [Article 123] is not a parallel power of legislation... [The] President is invested with this legislative power *only* in order to enable the executive to tide over an emergent situation which may arise whilst the Houses of Parliament are not in session" (emphasis added). If the executive misuses or abuses the power, the court explained, "the legislature can not only pass a resolution disapproving [an] Ordinance but [it] can also pass a vote of no confidence in the executive. There is in the theory of constitutional law complete control of the legislature over the executive, because if the executive misbehaves or forfeits the confidence of the legislature, it can be thrown out by the legislature".

Our analysis suggests that this conventional view of ordinances is invalid. Governments do not promulgate decrees only to tide over times of legislative urgency. Instead, they promulgate them to side-line the legislative branch itself. Political imperatives, not urgency, guides the use of decree power. But these considerations vary depending on the type of government in office.

Both bicameral majority and minority governments promulgate ordinances, but their motives vary. With a bicameral minority government, the executive and legislative branches stand separated. The government controls the former but not the latter. The separation implies the government does not command sufficient law-making support. How do they enact laws? Our analysis suggests that they turn to ordinances as an alternative path to legislation. In other words, minority governments promulgate ordinances to bypass the law-making branch. Specifically, they desire to circumvent their lack of *parliamentary support*. This is classic unilateral action theory: Executive legislation against the parliamentary will.

A bicameral majority government, however, functions within a different framework. It commands sufficient support in both houses to enact legislation. Still, it promulgates ordinances. Why? Our analysis does not directly address this matter. One possibility is that ordinances help to circumvent the *parliamentary process*. The legislative process is an elaborate affair: Initial draft; public consultations; committee hearings; floor debates; multiple readings; voting; and presidential assent. In contrast, ordinances offer a quick fix: They involve a draft and require assent. Majority governments keen to avoid a public stand or parliamentary debates initially find these differences in procedures attractive. This attraction may be pronounced regarding laws that elites share a consensus about, but citizens do not. In such cases, ordi-

nances function as a hasty, sly alternative to the elaborate parliamentary process. If true, this is classic delegation theory: Executive legislation that implicitly enjoy parliamentary support. Decree power in India, therefore, may offer evidence of *both* unilateral action and delegation theories. Depending on the type of government in office, a distinct set of political considerations motivate the use of ordinances.

The Indian Constitution authorises both central and state governments to promulgate decrees. We analysed the performance of central governments in this article. But the framework – bicameral minority governments circumvent parliamentary support (unilateral action theory) versus bicameral majority governments circumvent parliamentary process (delegation theory) – offers an approach through which to analyse another much-neglected field: The states’ use of ordinances in India.

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A Statistical model: Five hypotheses

In this section we present a statistical model of legislative activity to derive hypotheses that we take to the data in section 3. In particular we derive four hypotheses and discuss how they support the claim that bicameral minority governments use ordinances to overcome their lack of numbers in parliament rather than in a way that is consistent with the constitutional mandate described in section 2.

Consider a setting with $t \in \{1, 2, \dots, T\}$ time periods. In practice T is 15 for each government that serves its full term since there are usually three sessions every year. Each time period is further divided into a parliamentary session followed by a break. On each day in a session or break there is a probability p with which a legislative necessity arises. A legislative necessity is the convergence of some circumstances that make it attractive for the government to pass a particular law. For example, these circumstances could be political in nature such that some issue becomes salient and the political payoff from legislating on it increases.

Let X_t and Y_t be the number of legislative necessities that arise in a session and the subsequent break, respectively, in period t . Furthermore let the length of the session and the break be S_t and I_t . As a result, the number of legislative necessities that arise in the session and the break are random variables that are binomially distributed and we have

$$X_t \sim \mathbb{B}(p, S_t) \quad \text{and} \quad Y_t \sim \mathbb{B}(p, I_t). \quad (8)$$

The number of actual acts and ordinances, denoted by X_t^* and Y_t^* , will be legislated from within the set of legislative necessities that have already arisen till that point. Figure 4 illustrates a 2 period slice of the timeline we have just described.

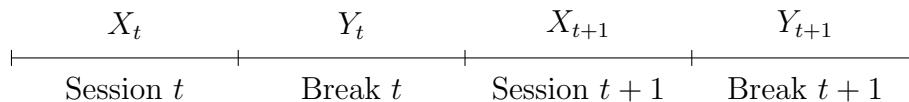


Fig. 4: Legislative necessities in sessions and breaks

As discussed earlier, the constitution requires that for an ordinance to become a permanent law, it must be legislated in parliament once a session begins. Failure to do so will lead to the ordinance expiring six weeks after a session commences. To model the government’s inclination to convert an ordinance into an act, we assume that at the end of the first time period, with probability ϕ the government desires to convert an ordinance into an act in the next period. $\phi = 1$ implies that the government would like to convert all ordinances it passed in a break, into acts in the following session. Conversely, with probability $1 - \phi$, the need for the ordinance ceases and the government makes no attempt to convert it into an act in the subsequent session. Let \hat{Y}_t^* be the number of ordinances from the break in period t for which the necessity of an act in period $t + 1$ continues to exist.

Note that this set up is agnostic about whether a legislative necessity is such that there is need for “immediate action” as required by the constitution for the promulgation of an ordinance. This is because whether such a threshold is met for a particular ordinance is not something we can directly observe in

our data. We instead focus on the differences in the pattern of law making between bicameral majority and bicameral minority governments to document a substitution of parliament's role in case of the latter.

Having modelled the arrival of legislative necessities we now turn to modelling the actual number of acts and ordinances that bicameral majority and bicameral minority governments pass.

Bicameral Majority Government (B) Consider a government that has a majority in both houses of parliament. If the necessity arises in a session the government passes an act; if it arises in a break it promulgates an ordinance. Let X_{Bt}^* and Y_{Bt}^* be the number of acts and ordinances passed in the session and break in period t by a bicameral majority government. Hence, in period 1 we have

$$X_{B1}^* = X_{B1}, \quad Y_{B1}^* = Y_{B1}. \quad (9)$$

At the end of period 1 the need for \hat{Y}_{B1}^* ordinances survives where

$$\hat{Y}_{B1}^* \sim \mathbb{B}(\phi, Y_{B1}). \quad (10)$$

As a result, in period $t > 1$ we have

$$X_{Bt}^* = X_{Bt} + \hat{Y}_{Bt-1}^* \quad \text{and} \quad Y_{Bt}^* = Y_{Bt}. \quad (11)$$

Simply put, a bicameral majority government faces no constraint on lawmaking in parliament. It passes an act in parliament when the necessity arises during a session, promulgates an ordinance when the necessity arises during a break, and if necessary, converts the ordinances into an act in the subsequent session.

Bicameral Minority Government (A) Consider a bicameral minority government, that is a government that does not have a simple majority in at least one of the houses of parliament that is required to pass acts. If the necessity arises in the session, the government attempts to create a coalition in parliament that will support the act. For each necessity negotiation fails with probability $q \in (0, 1)$. In case negotiation succeeds, the law is passed with support from other parties.

In case negotiation fails, the government passes an ordinance in the subsequent break.²¹ X_{At} and Y_{At} , as described in (8), are the number of legislative necessities that arise in session and break in period t , respectively. Let X_{At}^* and Y_{At}^* be the number of acts and ordinances passed in the session and break in period t by a bicameral minority government. Following this discussion in period 1 we have

$$X_{A1}^* \sim \mathbb{B}(1 - q, X_{A1}), \quad Y_{A1}^* = Y_{A1} + X_{A1} - X_{A1}^*, \quad \text{and} \quad \hat{Y}_{A1}^* \sim \mathbb{B}(\phi, Y_{A1}^*). \quad (12)$$

21. If negotiations fail, the government usually prefers to withdraw the bill rather than see it fail in parliament. Thereafter it may use the break to promulgate an ordinance instead. For our theoretical results, it does not matter whether the bill fails in parliament or whether it is withdrawn before a vote since in both cases it will be counted in X_{At} and not counted in X_{At}^* . Empirically, we only observe X_{At}^* , that is successful bills (acts), and therefore for our purposes unsuccessful bills are the same as bills that are never brought to the parliament out of an anticipation of legislative failure.

X_{A1}^* is the number of legislation that the government manages to successfully pass in parliament of the X_{A1} legislative necessities. At the end of the session the government promulgates ordinances Y_{A1}^* which are composed of the remaining necessities along with the new necessities that arise in the break. At the end of the break, the necessity for \hat{Y}_{A1}^* of Y_{A1}^* ordinances survives, and the government attempts to convert these into acts in period 2, and we have

$$X_{A2}^* \sim \mathbb{B}(1 - q, X_{A2} + \hat{Y}_{A1}^*), \quad Y_{A2}^* = Y_{A2} + X_{A2} + \hat{Y}_{A1}^* - X_{A2}^* \quad (13)$$

Similarly, the number of acts and ordinances in legislative session $t \geq 2$ is

$$X_{At}^* \sim \mathbb{B}(1 - q, X_{At} + \hat{Y}_{At-1}^*), \quad Y_{At}^* = Y_{At} + X_{At} + \hat{Y}_{At-1}^* - X_{At}^* \quad (14)$$

A.1 Number of acts and ordinances

Hypothesis 1. *Bicameral Minority governments are expected to pass fewer acts in each session and more ordinances in each break, relative to bicameral majority governments.*

We compare the expected number of acts and ordinances for the two types of governments. The expected number of acts in session t for bicameral majority and bicameral minority governments are $\mathbb{E}(X_{Bt}^*)$ and $\mathbb{E}(X_{At}^*)$. Assuming the same length of sessions, we see that

$$\begin{aligned} \mathbb{E}(X_{A1}^*) &< \mathbb{E}(X_{B1}^*) \\ \Leftrightarrow (1 - q)X_1 &< X_1 \end{aligned} \quad (15)$$

which is always true. For time period t when $T \geq 2$, using (11) and (14), we compare the acts in session t passed by the two types of government and find

$$\begin{aligned} \mathbb{E}(X_{At}^*) &< \mathbb{E}(X_{Bt}^*) \\ (1 - q)\mathbb{E}(X_{At} + \hat{Y}_{At-1}^*) &< \mathbb{E}(X_{Bt} + \hat{Y}_{Bt-1}^*) \end{aligned} \quad (16)$$

Since the underlying distribution of X and Y is assumed to be identical regardless of government type, the expression above simplifies to

$$(1 - q) \left(\mathbb{E}(X) + \frac{1 - (\phi q)^{t-1}}{1 - \phi q} \phi (\mathbb{E}(Y) + q\mathbb{E}(X)) \right) < \mathbb{E}(X) + \phi \mathbb{E}(Y). \quad (17)$$

Since the left hand side is increasing in t , taking the limit when $t \rightarrow \infty$ the inequality simplifies to the sufficient condition

$$0 < q(1 - \phi)(\mathbb{E}(X) + \phi \mathbb{E}(Y)). \quad (18)$$

The inequality in this sufficient condition always holds since ϕ and q are between 0 and 1.

Similarly, for ordinances, we observe that for $t \geq 1$

$$\begin{aligned} & \mathbb{E}(Y_{At}^*) > \mathbb{E}(Y_{Bt}^*) \\ \Leftrightarrow & \frac{1 - (\phi q)^t}{1 - \phi q} (\mathbb{E}(Y) + q\mathbb{E}(X)) > \mathbb{E}(Y) \end{aligned} \quad (19)$$

Since the left hand side is increasing in t , setting $t = 1$ the inequality simplifies to the sufficient condition

$$\mathbb{E}(Y) + q\mathbb{E}(X) > \mathbb{E}(Y), \quad (20)$$

which is always satisfied.

Since X_t and Y_t are random variables, Hypothesis 1 is about the expected number of acts and ordinances and not the actual number. In other words, empirically, we expect that on average bicameral minority governments pass fewer acts per session and more ordinances per break relative to bicameral majority governments.

A.2 Substitution of acts by ordinances

Hypothesis 2. *Acts passed in a session and ordinances promulgated in the subsequent break are negatively related during tenures of bicameral minority governments, that is $\frac{\text{Cov}(X_{At}^*, Y_{At}^*)}{\text{Var}(X_{At}^*)} < 0$, whereas they are unrelated during the tenures of bicameral majority governments, that is $\frac{\text{Cov}(X_{Bt}^*, Y_{Bt}^*)}{\text{Var}(X_{Bt}^*)} = 0$.*

Proof. Consider a bicameral minority government in period 1 that passes X_{A1}^* acts and Y_{A1}^* ordinances.

$$\begin{aligned} \frac{\text{Cov}(X_{A1}^*, Y_{A1}^*)}{\text{Var}(X_{A1}^*)} &= \frac{\mathbb{E}_{X_{A1}, Y_{A1}}(\text{Cov}(X_{A1}^*, Y_{A1}^* | X_{A1}, Y_{A1}))}{\text{Var}(X_{A1}^*)} + \frac{\text{Cov}(\mathbb{E}(X_{A1}^* | X_{A1}, Y_{A1}), \mathbb{E}(Y_{A1}^* | X_{A1}, Y_{A1}))}{\text{Var}(X_{A1}^*)} \\ &= -\frac{\mathbb{E}_{X_{A1}, Y_{A1}}(\text{Var}(X_{A1}^* | X_{A1}, Y_{A1}))}{\text{Var}(X_{A1}^*)} + \frac{\text{Cov}((1-q)X_{A1}, Y_{A1} + qX_{A1})}{\text{Var}(X_{A1}^*)} \\ &= -q(1-q) \left(\frac{\mathbb{E}(X_{A1}) - \text{Var}(X_{A1})}{\text{Var}(X_{A1}^*)} \right) < 0. \end{aligned} \quad (21)$$

To see this is true, note that X_{A1} has a binomial distribution $\mathbb{B}(p, S_1)$. Hence $\mathbb{E}(X_{A1}) = pS_1 > p(1-p)S_1 = \text{Var}(X_{A1})$. Similarly we observe that in period $t \geq 2$

$$\begin{aligned} \frac{\text{Cov}(X_{At}^*, Y_{At}^*)}{\text{Var}(X_{At}^*)} &= \frac{\mathbb{E}_{X_{At}, Y_{At}, \hat{Y}_{At-1}^*}(\text{Cov}(X_{At}^*, Y_{At}^* | X_{At}, Y_{At}, \hat{Y}_{At-1}^*))}{\text{Var}(X_{At}^*)} \\ &+ \frac{\text{Cov}(\mathbb{E}(X_{At}^* | X_{At}, Y_{At}, \hat{Y}_{At-1}^*), \mathbb{E}(Y_{At}^* | X_{At}, Y_{At}, \hat{Y}_{At-1}^*))}{\text{Var}(X_{At}^*)} \\ &= -\frac{\mathbb{E}_{X_{At}, Y_{At}, \hat{Y}_{At-1}^*}(\text{Var}(X_{At}^* | X_{At}, Y_{At}, \hat{Y}_{At-1}^*))}{\text{Var}(X_{At}^*)} + \frac{q(1-q)\text{Cov}(X_{At}, \hat{Y}_{At-1}^*)}{\text{Var}(X_{At}^*)} \\ &= -q(1-q) \left(\frac{\mathbb{E}(X_{At}) - \text{Var}(X_{At}) + \mathbb{E}(\hat{Y}_{At}^*) - \text{Var}(\hat{Y}_{At}^*)}{\text{Var}(X_{At}^*)} \right) < 0. \end{aligned} \quad (22)$$

This is true since both X_{At} and \hat{Y}_{At-1}^* are independent random variables with binomial distributions and

consequently the mean is greater than the variance. Finally, the denominator $\text{Var}(X_{At}^*)$ is strictly positive.

For bicameral majority governments in period 1, we observe that $\text{Cov}(X_{B1}^*, Y_{B1}^*) = \text{Cov}(X_{B1}, Y_{B1}) = 0$. Similarly in period $t \geq 2$, we observe $\text{Cov}(X_{Bt}^*, Y_{Bt}^*) = \text{Cov}(X_{Bt} + \hat{Y}_{Bt-1}^*, Y_{Bt}) = 0$, and the denominator is strictly positive. \square

A.3 Re-promulgation of ordinances

Hypothesis 3. *Only bicameral minority governments re-promulgate ordinances.*

Proof. To see this is true, note that Y_{At}^* depends on \hat{Y}_{At-1}^* , since a bicameral minority government is not always successful in converting an ordinance into an act. On the other hand, for a majority government, Y_{Bt}^* does not depend on \hat{Y}_{Bt-1}^* . \square

A.4 Converting ordinances into acts

Hypothesis 4. *The probability that an ordinance becomes an act in the subsequent session of parliament is greater under bicameral majority governments.*

Proof. The number of ordinances for a minority government is Y_{At}^* . Of these $(1 - q)\mathbb{E}(\hat{Y}_{At}^*)$ get converted into acts in the next period in expectation. Hence the expected number of unconverted ordinances is given by

$$\begin{aligned} & \mathbb{E}(Y_{At}^*) - (1 - q)\mathbb{E}(\hat{Y}_{At}^*) \\ &= (1 - \phi(1 - q))\mathbb{E}(Y_{At}^*) \\ &= (1 - \phi(1 - q))\frac{1 - (\phi q)^{t-1}}{1 - \phi q}(\mathbb{E}(Y) + q\mathbb{E}(X)) \end{aligned} \quad (23)$$

and the proportion of ordinances that remain unconverted is $1 - \phi(1 - q)$. For a bicameral majority government the number of unconverted ordinances is

$$\mathbb{E}(Y_{Bt}^*) - \phi\mathbb{E}(Y_{Bt}^*) = \mathbb{E}(Y_{Bt}^*)(1 - \phi) = \mathbb{E}(Y)(1 - \phi), \quad (24)$$

and the proportion is $1 - \phi$.

The proportion of unconverted ordinances is greater under bicameral minority governments since $1 - \phi(1 - q) > 1 - \phi$. At the level of an individual ordinance, this implies that the probability that an ordinance becomes an act in a subsequent session of parliament is greater under bicameral majority governments. \square

B Text of Article 123

123. Power of President to promulgate Ordinances during recess of Parliament

1. If at any time, except when both Houses of Parliament are in session, the President is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinance as the circumstances appear to him to require
2. An Ordinance promulgated under this article shall have the same force and effect as an Act of Parliament, but every such Ordinance
 - (a) shall be laid before both Houses of Parliament and shall cease to operate at the expiration of six weeks from the reassemble of Parliament, or, if before the expiration of that period resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions; and
 - (b) may be withdrawn at any time by the President.

Explanation: Where the Houses of Parliament are summoned to reassemble on different dates, the period of six weeks shall be reckoned from the later of those dates for the purposes of this clause.
3. If and so far as an Ordinance under this article makes any provision which Parliament would not under this Constitution be competent to enact, it shall be void.

C Additional results

Tab. 10: Timing of ordinances within a break (Negative binomial)

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Bicameral majority	-0.968*** (0.163)	-0.969*** (0.164)	-0.973*** (0.163)	-0.973*** (0.160)	-1.092*** (0.194)	-0.398 (0.322)	-0.419 (0.479)	
Days from start of break / 100 β_A	-1.442*** (0.268)	-1.281*** (0.279)	-1.268*** (0.277)	-1.467*** (0.294)	-1.466*** (0.293)	-1.349*** (0.292)	-1.381*** (0.291)	-1.210*** (0.261)
Days from start of break / 100 \times Bicameral majority λ	2.265*** (0.380)	2.338*** (0.386)	2.373*** (0.392)	2.196*** (0.380)	2.150*** (0.382)	1.865*** (0.367)	1.830*** (0.369)	1.371*** (0.353)
Yr before election					-0.123 (0.139)	-0.262 (0.164)	-0.137 (0.237)	
Effective num parties					-0.0652 (0.0438)			
Congress govt					0.0151 (0.133)			
Month dummies	No	Yes	Yes	Yes	Yes	Yes	Yes	No
Day of week dummies	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Session controls	No	No	No	Yes	Yes	Yes	Yes	No
Lok Sabha dummies	No	No	No	No	No	Yes	No	No
Year dummies	No	No	No	No	No	No	Yes	No
Overall session dummies	No	No	No	No	No	No	No	Yes
Observations	15013	15013	15013	15013	15013	15013	15013	15013
R^2								
p -value $H_0 : \beta_A + \lambda = 0$	0.002	0.000	0.000	0.018	0.027	0.077	0.138	0.520

Dependent variable is the number of ordinances promulgated on a day in the break. Session controls include dummies for session within Lok Sabha, the length of the session in days and the length of the break in days. Overall session dummies are dummies for each time at least one of the houses of parliament was not in session. Robust standard errors reported in the parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Tab. 11: Timing of ordinances within a break

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Bicameral majority	-0.0200*** (0.00482)	-0.0208*** (0.00485)	-0.0206*** (0.00484)	-0.0224*** (0.00494)	-0.0243*** (0.00629)	-0.00472 (0.00921)	-0.0149 (0.0152)	
Days from start of break / 100 β_A	-0.0325*** (0.00604)	-0.0280*** (0.00609)	-0.0278*** (0.00609)	-0.0333*** (0.00745)	-0.0331*** (0.00746)	-0.0322*** (0.00755)	-0.0318*** (0.00750)	-0.0335*** (0.00709)
Days from start of break / 100 \times Bicameral majority λ	0.0503*** (0.00991)	0.0538*** (0.0103)	0.0535*** (0.0103)	0.0542*** (0.0105)	0.0539*** (0.0106)	0.0525*** (0.0107)	0.0507*** (0.0110)	0.0355*** (0.0112)
Yr before election					0.000853 (0.00507)	-0.00347 (0.00605)	-0.00249 (0.00842)	
Effective num parties					-0.00103 (0.00160)			
Congress govt					0.000474 (0.00443)			
Constant	0.0490*** (0.00360)	0.0630*** (0.00607)	0.0618*** (0.00711)	0.0682*** (0.0104)	0.0738*** (0.0131)	0.0511*** (0.0151)	0.0693*** (0.0266)	0.0295 (0.0187)
Month dummies	No	Yes	Yes	Yes	Yes	Yes	Yes	No
Day of week dummies	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Session controls	No	No	No	Yes	Yes	Yes	Yes	No
Lok Sabha dummies	No	No	No	No	No	Yes	No	No
Year dummies	No	No	No	No	No	No	Yes	No
Overall session dummies	No	No	No	No	No	No	No	Yes
Observations	15013	15013	15013	15013	15013	15013	15013	15013
R^2	0.002	0.005	0.009	0.012	0.012	0.018	0.022	0.031
p -value $H_0 : \beta_A + \lambda = 0$	0.023	0.003	0.003	0.030	0.031	0.036	0.060	0.829

Dependent variable is an indicator for whether at least one ordinance was promulgated on the day. Session controls include dummies for session within Lok Sabha, the length of the session in days and the length of the break in days. Overall session dummies are dummies for each time at least one of the houses of parliament was not in session. Robust standard errors reported in the parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

D Alternative definition of majority

In this section we present the results where the definition of majority is changed to majority in the Lok Sabha (LS). This changes the status of Group 2 governments in Table 1 from bicameral minority to a LS majority government, keeping the status of the others unchanged.

Tab. 12: Acts by majority and minority governments

	(1)	(2)	(3)	(4)	(5)
LS Majority	4.629*** (1.314)	4.914*** (1.229)	3.731*** (1.168)	-0.0560 (1.694)	-0.303 (1.702)
Yr before election				-4.210** (2.025)	-4.378** (2.051)
Effective num parties				-1.491*** (0.486)	-1.131 (0.686)
Congress govt				2.145 (1.460)	1.676 (1.662)
Linear time trend					-0.433 (0.566)
Constant	15.29*** (1.049)	8.919* (4.527)	-1.652 (5.646)	7.959 (6.355)	6.689 (6.399)
Month dummies	No	Yes	Yes	Yes	Yes
Session controls	No	No	Yes	Yes	Yes
Observations	209	209	209	209	209
R^2	0.058	0.241	0.420	0.468	0.470

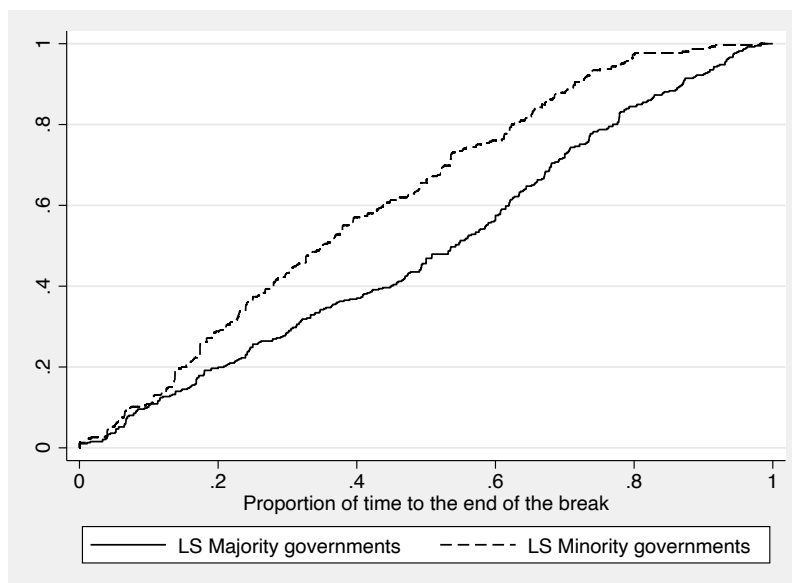
This table is the analogue of Table 4 with LS majority. LS Majority is an indicator for whether the government has more than 50% seats in the Lok Sabha. Dependent variable is the number of acts passed in parliament during a session. Session controls include dummies for session within Lok Sabha, the length of the session in days and the length of the break in days. Robust standard errors reported in the parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Tab. 13: Ordinances by majority and minority governments

	(1)	(2)	(3)	(4)	(5)
LS Majority	-1.241** (0.479)	-1.555*** (0.487)	-1.370** (0.540)	-2.373*** (0.784)	-2.247*** (0.737)
Yr before election				-1.266 (1.054)	-1.185 (1.063)
Effective num parties				-0.484** (0.232)	-0.647** (0.314)
Congress govt				-0.349 (0.456)	-0.129 (0.539)
Linear time trend					0.197 (0.184)
Constant	3.612*** (0.417)	5.889*** (1.427)	4.313*** (1.367)	7.374*** (1.986)	7.884*** (2.195)
Month dummies	No	Yes	Yes	Yes	Yes
Session controls	No	No	Yes	Yes	Yes
Observations	247	247	247	247	247
R^2	0.031	0.160	0.321	0.341	0.344

This table is the analogue of Table 5 with LS majority. LS Majority is an indicator for whether the government has more than 50% seats in the Lok Sabha. Dependent variable is the number of ordinances promulgated in a break. Session controls include dummies for session within Lok Sabha, the length of the session in days and the length of the break in days. Robust standard errors reported in the parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Fig. 5: Ordinance cdf within a break



This figure is the analogue of Figure 2 with Lok Sabha majority.

Tab. 14: Substitution of acts with ordinances

	(1)	(2)	(3)	(4)	(5)	(6)
LS Majority	-0.556 (0.465)	-0.717 (0.491)	-0.656 (0.547)	-2.325*** (0.840)	0.248 (1.156)	0.373 (1.800)
Number of Acts β_A	-0.0799* (0.0445)	-0.0893* (0.0466)	-0.107** (0.0534)	-0.138** (0.0538)	-0.143*** (0.0488)	-0.164*** (0.0570)
Number of Acts \times LS Majority λ	0.113** (0.0545)	0.126** (0.0555)	0.114** (0.0563)	0.121** (0.0588)	0.0904 (0.0555)	0.0832 (0.0623)
Yr before election				-2.450** (1.189)	-1.471 (1.160)	-0.683 (1.448)
Effective num parties				-0.783*** (0.269)		
Congress govt				-0.508 (0.547)		
Constant	3.519*** (0.369)	5.205*** (1.511)	1.089 (1.251)	5.987*** (2.039)	-1.426 (1.880)	-3.791 (3.026)
Month dummies	No	Yes	Yes	Yes	Yes	Yes
Session controls	No	No	Yes	Yes	Yes	Yes
Lok Sabha dummies	No	No	No	No	Yes	No
Year dummies	No	No	No	No	No	Yes
Observations	209	209	209	209	209	209
R^2	0.033	0.077	0.248	0.304	0.475	0.669
p -value $H_0 : \beta_A + \lambda = 0$	0.297	0.275	0.801	0.607	0.166	0.079

This table is the analogue of Table 6 with LS majority. LS Majority is an indicator for whether the government has more than 50% seats in the Lok Sabha. Dependent variable is total ordinances in a break. Session controls include dummies for session within Lok Sabha, the length of the session in days and the length of the break in days. Robust standard errors reported in the parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Tab. 15: Conversion of ordinances into acts

	OLS (1)	OLS (2)	OLS (3)	OLS (4)	OLS (5)	Logit (6)	Probit (7)
LS Majority	0.234*** (0.0329)	0.220*** (0.0335)	0.252*** (0.0340)	0.176*** (0.0480)	0.107** (0.0510)	0.746** (0.307)	0.425** (0.173)
Yr before election				-0.111** (0.0529)	-0.160*** (0.0529)	-1.062*** (0.346)	-0.601*** (0.194)
Effective num parties				-0.0253 (0.0179)	0.0162 (0.0203)	0.193 (0.162)	0.0758 (0.0821)
Congress govt				0.0459 (0.0479)	-0.0236 (0.0502)	-0.0655 (0.326)	-0.0288 (0.180)
Linear time trend					-0.0649*** (0.0162)	-0.606*** (0.173)	-0.290*** (0.0823)
Constant	0.626*** (0.0277)	0.636*** (0.0409)	0.704*** (0.0714)	0.838*** (0.147)	0.621*** (0.153)	0.101 (1.176)	0.178 (0.614)
Month dummies	No	Yes	Yes	Yes	Yes	Yes	Yes
Session controls	No	No	Yes	Yes	Yes	Yes	Yes
Observations	691	691	691	691	691	691	691
R^2	0.073	0.122	0.231	0.244	0.263		

This table is the analogue of Table 7 with LS majority. LS Majority is an indicator for whether the government has more than 50% seats in the Lok Sabha. Dependent variable is an indicator for whether the ordinance became an act in parliament. Session controls include dummies for session within Lok Sabha, the length of the session in days and the length of the break in days. Robust standard errors reported in the parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Tab. 16: Conversion of ordinances into acts in an election year

	(1)	(2)	(3)	(4)	(5)	(6)	(7)
LS Majority	0.101*** (0.0373)	0.0886** (0.0394)	0.106*** (0.0405)	0.0635 (0.0511)	0.000508 (0.0534)	-0.170 (0.132)	-0.286 (0.219)
Yr before election	-0.329*** (0.0558)	-0.312*** (0.0583)	-0.283*** (0.0611)	-0.294*** (0.0631)	-0.336*** (0.0628)	-0.387*** (0.0659)	-0.344*** (0.0998)
LS Majority \times Yr before election	0.372*** (0.0701)	0.358*** (0.0732)	0.513*** (0.0718)	0.503*** (0.0723)	0.492*** (0.0704)	0.500*** (0.0666)	0.486*** (0.121)
Effective num parties				-0.0253 (0.0173)	0.0140 (0.0197)		
Congress govt				0.0131 (0.0468)	-0.0518 (0.0493)		
Linear time trend					-0.0613*** (0.0155)		
Constant	0.751*** (0.0315)	0.734*** (0.0432)	0.709*** (0.0683)	0.856*** (0.142)	0.651*** (0.148)	0.989*** (0.166)	0.823*** (0.262)
Month dummies	No	Yes	Yes	Yes	Yes	Yes	Yes
Session controls	No	No	Yes	Yes	Yes	Yes	Yes
Lok Sabha dummies	No	No	No	No	No	Yes	No
Year dummies	No	No	No	No	No	No	Yes
Observations	691	691	691	691	691	691	691
R^2	0.135	0.174	0.288	0.292	0.309	0.350	0.472

This table is the analogue of Table 8 with LS majority. LS Majority is an indicator for whether the government has more than 50% seats in the Lok Sabha. Dependent variable is an indicator for whether the ordinance became an act in parliament. Session controls include dummies for session within Lok Sabha, the length of the session in days and the length of the break in days. Robust standard errors reported in the parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Tab. 17: Timing of ordinances within a break

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
LS Majority	-0.0443*** (0.00920)	-0.0421*** (0.00918)	-0.0418*** (0.00916)	-0.0457*** (0.00942)	-0.0576*** (0.0121)	-0.0176 (0.0162)	-0.00539 (0.0205)	
Days from start of break / 100 β_A	-0.0688*** (0.0122)	-0.0583*** (0.0119)	-0.0579*** (0.0119)	-0.0655*** (0.0137)	-0.0636*** (0.0136)	-0.0614*** (0.0136)	-0.0607*** (0.0135)	-0.0644*** (0.0131)
Days from start of break / 100 \times LS Majority λ	0.0861*** (0.0159)	0.0829*** (0.0160)	0.0824*** (0.0160)	0.0802*** (0.0160)	0.0762*** (0.0164)	0.0705*** (0.0167)	0.0697*** (0.0167)	0.0629*** (0.0169)
Yr before election					-0.0136 (0.00877)	-0.0121 (0.0106)	-0.00678 (0.0126)	
Effective num parties					-0.00625** (0.00253)			
Congress govt					-0.00674 (0.00541)			
Constant	0.0801*** (0.00826)	0.101*** (0.0124)	0.0982*** (0.0131)	0.120*** (0.0201)	0.160*** (0.0274)	0.0912*** (0.0266)	0.0958** (0.0376)	0.0398 (0.0261)
Month dummies	No	Yes	Yes	Yes	Yes	Yes	Yes	No
Day of week dummies	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Session controls	No	No	No	Yes	Yes	Yes	Yes	No
Lok Sabha dummies	No	No	No	No	No	Yes	No	No
Year dummies	No	No	No	No	No	No	Yes	No
Overall session dummies	No	No	No	No	No	No	No	Yes
Observations	15013	15013	15013	15013	15013	15013	15013	15013
R^2	0.003	0.006	0.009	0.012	0.013	0.019	0.024	0.035
p -value $H_0 : \beta_A + \lambda = 0$	0.089	0.035	0.035	0.295	0.384	0.533	0.548	0.895

This table is the analogue of Table 9 with LS majority. LS Majority is an indicator for whether the government has more than 50% seats in the Lok Sabha. Dependent variable is the number of ordinances promulgated on a day in the break. Session controls include dummies for session within Lok Sabha, the length of the session in days and the length of the break in days. Overall session dummies are dummies for each time at least one of the houses of parliament was not in session. Robust standard errors reported in the parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Tab. 18: Timing of ordinances within a break (Negative binomial)

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
LS Majority	-0.971*** (0.171)	-0.902*** (0.171)	-0.914*** (0.170)	-0.959*** (0.162)	-1.172*** (0.193)	-0.246 (0.415)	0.0435 (0.504)	
Days from start of break / 100 β_A	-1.753*** (0.318)	-1.503*** (0.317)	-1.500*** (0.317)	-1.668*** (0.328)	-1.611*** (0.322)	-1.494*** (0.320)	-1.569*** (0.322)	-1.499*** (0.294)
Days from start of break / 100 \times LS Majority λ	2.180*** (0.399)	2.086*** (0.396)	2.125*** (0.397)	1.991*** (0.381)	1.877*** (0.383)	1.555*** (0.378)	1.623*** (0.375)	1.483*** (0.357)
Yr before election					-0.302* (0.156)	-0.216 (0.176)	-0.112 (0.231)	
Effective num parties					-0.121*** (0.0462)			
Congress govt					-0.157 (0.113)			
Month dummies	No	Yes	Yes	Yes	Yes	Yes	Yes	No
Day of week dummies	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Session controls	No	No	No	Yes	Yes	Yes	Yes	No
Lok Sabha dummies	No	No	No	No	No	Yes	No	No
Year dummies	No	No	No	No	No	No	Yes	No
Overall session dummies	No	No	No	No	No	No	No	Yes
Observations	15013	15013	15013	15013	15013	15013	15013	15013
R^2								
p -value $H_0 : \beta_A + \lambda = 0$	0.076	0.033	0.022	0.260	0.361	0.828	0.853	0.942

This table is the analogue of Table 10 with LS majority. LS Majority is an indicator for whether the government has more than 50% seats in the Lok Sabha. Dependent variable is the number of ordinances promulgated on a day in the break. Session controls include dummies for session within Lok Sabha, the length of the session in days and the length of the break in days. Overall session dummies are dummies for each time at least one of the houses of parliament was not in session. Robust standard errors reported in the parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Tab. 19: Timing of ordinances within a break

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
LS Majority	-0.0236*** (0.00522)	-0.0221*** (0.00525)	-0.0219*** (0.00524)	-0.0242*** (0.00539)	-0.0303*** (0.00682)	-0.00346 (0.0122)	-0.00968 (0.0155)	
Days from start of break / 100 β_A	-0.0399*** (0.00689)	-0.0332*** (0.00685)	-0.0329*** (0.00685)	-0.0375*** (0.00803)	-0.0370*** (0.00804)	-0.0360*** (0.00820)	-0.0365*** (0.00837)	-0.0424*** (0.00814)
Days from start of break / 100 \times LS Majority λ	0.0492*** (0.00957)	0.0474*** (0.00977)	0.0471*** (0.00976)	0.0474*** (0.00994)	0.0467*** (0.0101)	0.0441*** (0.0103)	0.0449*** (0.0106)	0.0414*** (0.0110)
Yr before election					-0.00363 (0.00579)	-0.00141 (0.00638)	-0.00227 (0.00835)	
Effective num parties					-0.00320* (0.00168)			
Congress govt					-0.00210 (0.00364)			
Constant	0.0543*** (0.00437)	0.0672*** (0.00657)	0.0660*** (0.00755)	0.0735*** (0.0109)	0.0936*** (0.0155)	0.0542*** (0.0173)	0.0686** (0.0272)	0.0310* (0.0187)
Month dummies	No	Yes	Yes	Yes	Yes	Yes	Yes	No
Day of week dummies	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Session controls	No	No	No	Yes	Yes	Yes	Yes	No
Lok Sabha dummies	No	No	No	No	No	Yes	No	No
Year dummies	No	No	No	No	No	No	Yes	No
Overall session dummies	No	No	No	No	No	No	No	Yes
Observations	15013	15013	15013	15013	15013	15013	15013	15013
R^2	0.002	0.005	0.009	0.012	0.012	0.017	0.022	0.031
p -value $H_0 : \beta_A + \lambda = 0$	0.161	0.049	0.049	0.242	0.253	0.344	0.330	0.900

This table is the analogue of Table 11 with LS majority. LS Majority is an indicator for whether the government has more than 50% seats in the Lok Sabha. Dependent variable is an indicator for whether an ordinance was promulgated on the day. Session controls include dummies for session within Lok Sabha, the length of the session in days and the length of the break in days. Overall session dummies are dummies for each time at least one of the houses of parliament was not in session. Robust standard errors reported in the parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

E Impact of structural change in 1985

Tab. 20: Acts pre 1985

	(1)	(2)	(3)	(4)	(5)
Bicameral majority	3.408 (2.353)	3.872* (2.259)	2.414 (2.080)	-0.254 (3.361)	1.597 (3.319)
Yr before election				-0.678 (3.361)	-0.0764 (3.467)
Effective num parties				-1.889 (2.027)	-1.326 (2.028)
Congress govt				6.128 (5.133)	5.021 (5.040)
Linear time trend					1.338 (0.837)
Constant	18.05*** (2.190)	15.13** (6.990)	7.598 (5.173)	12.18 (8.276)	10.26 (8.416)
Month dummies	No	Yes	Yes	Yes	Yes
Session controls	No	No	Yes	Yes	Yes
Observations	108	108	108	108	108
R^2	0.024	0.176	0.483	0.496	0.510

This table is the analogue of Table 4 with the sub sample before 20th December 1986. Dependent variable is the number of acts passed in parliament during a session. Session controls include dummies for session within Lok Sabha, the length of the session in days and the length of the break in days. Robust standard errors reported in the parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Tab. 21: Acts post-1986

	(1)	(2)	(3)	(4)	(5)
Bicameral majority	9.807*** (3.376)	7.203** (2.755)	0.0304 (2.981)	-1.360 (3.895)	-0.594 (3.960)
Yr before election				-4.742** (2.110)	-6.922*** (2.527)
Effective num parties				-1.024 (0.829)	1.078 (1.371)
Congress govt				-1.197 (1.871)	-2.520 (2.150)
Linear time trend					-3.644** (1.783)
Constant	14.48*** (0.956)	8.667** (4.059)	-12.23* (6.712)	-9.077 (8.891)	-14.34 (10.18)
Month dummies	No	Yes	Yes	Yes	Yes
Session controls	No	No	Yes	Yes	Yes
Observations	101	101	101	101	101
R^2	0.069	0.334	0.589	0.612	0.632

This table is the analogue of Table 4 with the sub sample after 20th December 1986. Dependent variable is the number of acts passed in parliament during a session. Session controls include dummies for session within Lok Sabha, the length of the session in days and the length of the break in days. Robust standard errors reported in the parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Tab. 22: Ordinances pre-1986

	(1)	(2)	(3)	(4)	(5)
Bicameral majority	0.252 (0.556)	0.493 (0.625)	0.219 (0.469)	0.0337 (0.553)	0.674 (0.604)
Yr before election				-2.066 (1.248)	-1.901 (1.236)
Effective num parties				1.435** (0.599)	1.600*** (0.591)
Congress govt				-1.943* (1.113)	-2.273** (1.093)
Linear time trend					0.512** (0.253)
Constant	2.160*** (0.465)	1.174* (0.687)	0.582 (1.074)	-3.809* (2.245)	-4.569** (2.184)
Month dummies	No	Yes	Yes	Yes	Yes
Session controls	No	No	Yes	Yes	Yes
Observations	139	139	139	139	139
R^2	0.001	0.195	0.489	0.535	0.550

This table is the analogue of Table 5 with the sub sample before 20th December 1986. Dependent variable is the number of ordinances promulgated in a break. The omitted category for government type is single party majority. Session controls include dummies for session within Lok Sabha, the length of the session in days and the length of the break in days. Robust standard errors reported in the parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Tab. 23: Ordinances post-1986

	(1)	(2)	(3)	(4)	(5)
Bicameral majority	-1.910*** (0.708)	-2.177*** (0.641)	-1.190 (0.827)	-4.985*** (1.432)	-4.797*** (1.477)
Yr before election				1.328 (1.252)	0.505 (1.297)
Effective num parties				-1.230** (0.498)	-0.389 (0.770)
Congress govt				1.154 (0.698)	0.636 (0.878)
Linear time trend					-1.361* (0.791)
Constant	3.546*** (0.378)	7.000*** (1.500)	5.794*** (1.554)	13.67*** (3.388)	11.48*** (3.767)
Month dummies	No	Yes	Yes	Yes	Yes
Session controls	No	No	Yes	Yes	Yes
Observations	108	108	108	108	108
R^2	0.026	0.200	0.342	0.475	0.494

This table is the analogue of Table 5 with the sub sample after 20th December 1986. Dependent variable is the number of ordinances promulgated in a break. The omitted category for government type is single party majority. Session controls include dummies for session within Lok Sabha, the length of the session in days and the length of the break in days. Robust standard errors reported in the parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Tab. 24: Substitution of acts with ordinances pre-1986

	(1)	(2)	(3)	(4)	(5)	(6)
Bicameral majority	-0.139 (0.647)	0.292 (0.762)	0.362 (0.679)	0.162 (0.860)	0.644 (1.148)	-1.350 (1.946)
Number of Acts β_A	-0.0118 (0.0663)	-0.0107 (0.0930)	-0.0375 (0.0551)	-0.0524 (0.0859)	-0.0863 (0.0777)	-0.0573 (0.0769)
Number of Acts \times Bicameral majority λ	0.0513 (0.0786)	0.0702 (0.0994)	0.0142 (0.0774)	0.0415 (0.102)	0.0154 (0.0864)	-0.0498 (0.0931)
Yr before election				-2.732* (1.507)	-2.033 (1.433)	-1.743 (2.255)
Effective num parties				1.814** (0.725)		
Congress govt				-2.331 (1.707)		
Constant	3.052*** (0.526)	1.322 (0.816)	-1.214 (1.313)	-6.343** (2.805)	-2.025 (2.353)	-4.288 (3.465)
Month dummies	No	Yes	Yes	Yes	Yes	Yes
Session controls	No	No	Yes	Yes	Yes	Yes
Lok Sabha dummies	No	No	No	No	Yes	No
Year dummies	No	No	No	No	No	Yes
Observations	108	108	108	108	108	108
R^2	0.008	0.149	0.472	0.538	0.608	0.785
p -value $H_0 : \beta_A + \lambda = 0$	0.353	0.171	0.673	0.834	0.191	0.098

This table is the analogue of Table 6 with the sub sample before 20th December 1986. Dependent variable is total ordinances in a break. The omitted category for government type is single party majority. Session controls include dummies for session within Lok Sabha, the length of the session in days and the length of the break in days. Robust standard errors reported in the parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Tab. 25: Substitution of acts with ordinances post-1986

	(1)	(2)	(3)	(4)	(5)	(6)
Bicameral majority	-2.404*** (0.731)	-2.857*** (0.830)	-2.138** (0.909)	-6.427*** (1.751)	-0.217 (1.281)	3.183 (4.937)
Number of Acts β_A	-0.0666 (0.0409)	-0.0944** (0.0461)	-0.0473 (0.0617)	-0.0652 (0.0513)	-0.0825* (0.0474)	-0.0803 (0.0552)
Number of Acts \times Bicameral majority λ	0.319*** (0.0533)	0.382*** (0.0696)	0.384*** (0.105)	0.401*** (0.0941)	0.454*** (0.0857)	0.482*** (0.131)
Yr before election				-0.407 (1.668)	0.554 (1.363)	0.920 (2.415)
Effective num parties				-1.421** (0.553)		
Congress govt				1.447* (0.792)		
Constant	3.418*** (0.335)	6.109*** (1.285)	4.671 (2.908)	12.44*** (4.331)	3.549 (3.423)	3.429 (6.761)
Month dummies	No	Yes	Yes	Yes	Yes	Yes
Session controls	No	No	Yes	Yes	Yes	Yes
Lok Sabha dummies	No	No	No	No	Yes	No
Year dummies	No	No	No	No	No	Yes
Observations	101	101	101	101	101	101
R^2	0.055	0.212	0.304	0.450	0.623	0.760
p -value $H_0 : \beta_A + \lambda = 0$	0.000	0.000	0.001	0.000	0.000	0.005

This table is the analogue of Table 6 with the sub sample after 20th December 1986. Dependent variable is total ordinances in a break. The omitted category for government type is single party majority. Session controls include dummies for session within Lok Sabha, the length of the session in days and the length of the break in days. Robust standard errors reported in the parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Tab. 26: Conversion of ordinances into acts pre-1986

	OLS (1)	OLS (2)	OLS (3)	OLS (4)	OLS (5)	Logit (6)	Probit (7)
Bicameral majority	0.0329 (0.0467)	0.0173 (0.0492)	0.0372 (0.0510)	-0.0252 (0.0438)	-0.00821 (0.0502)	-15.39*** (2.076)	-5.063*** (1.311)
Yr before election				-0.104* (0.0551)	-0.0987* (0.0564)	-17.55*** (1.590)	-6.085*** (0.938)
Effective num parties				0.0293 (0.0639)	0.0345 (0.0640)	0.388 (1.224)	0.0359 (0.547)
Congress govt				0.0190 (0.104)	0.00750 (0.104)	14.80*** (2.762)	4.954*** (1.581)
Linear time trend					0.0126 (0.0207)	0.244 (0.418)	0.131 (0.190)
Constant	0.887*** (0.0437)	0.865*** (0.0616)	0.801*** (0.115)	0.727*** (0.245)	0.725*** (0.246)	0.996 (4.967)	1.394 (2.297)
Month dummies	No	Yes	Yes	Yes	Yes	Yes	Yes
Session controls	No	No	Yes	Yes	Yes	Yes	Yes
Observations	327	327	327	327	327	248	248
R^2	0.002	0.081	0.206	0.218	0.219		

This table is the analogue of Table 7 with the sub sample before 20th December 1986. Dependent variable is an indicator for whether the ordinance became an act in parliament. The omitted category for government type is single party majority. Session controls include dummies for session within Lok Sabha, the length of the session in days and the length of the break in days. Robust standard errors reported in the parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Tab. 27: Conversion of ordinances into acts post-1986

	OLS (1)	OLS (2)	OLS (3)	OLS (4)	OLS (5)	Logit (6)	Probit (7)
Bicameral majority	0.248*** (0.0843)	0.195*** (0.0711)	-0.204* (0.111)	-0.226* (0.136)	-0.221 (0.136)	-0.372 (0.923)	-0.305 (0.561)
Yr before election				-0.212*** (0.0659)	-0.188** (0.0824)	-0.967** (0.492)	-0.562** (0.271)
Effective num parties				-0.0184 (0.0261)	-0.0377 (0.0451)	-0.278 (0.300)	-0.189 (0.159)
Congress govt				-0.0363 (0.0599)	-0.0236 (0.0651)	-0.0638 (0.407)	-0.0551 (0.225)
Linear time trend					0.0364 (0.0686)	0.220 (0.451)	0.154 (0.236)
Constant	0.602*** (0.0265)	0.639*** (0.0492)	0.909*** (0.114)	1.024*** (0.207)	1.125*** (0.280)	4.025* (2.108)	2.559** (1.094)
Month dummies	No	Yes	Yes	Yes	Yes	Yes	Yes
Session controls	No	No	Yes	Yes	Yes	Yes	Yes
Observations	364	364	364	364	364	330	330
R^2	0.014	0.124	0.357	0.376	0.377		

This table is the analogue of Table 7 with the sub sample after 20th December 1986. Dependent variable is an indicator for whether the ordinance became an act in parliament. The omitted category for government type is single party majority. Session controls include dummies for session within Lok Sabha, the length of the session in days and the length of the break in days. Robust standard errors reported in the parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

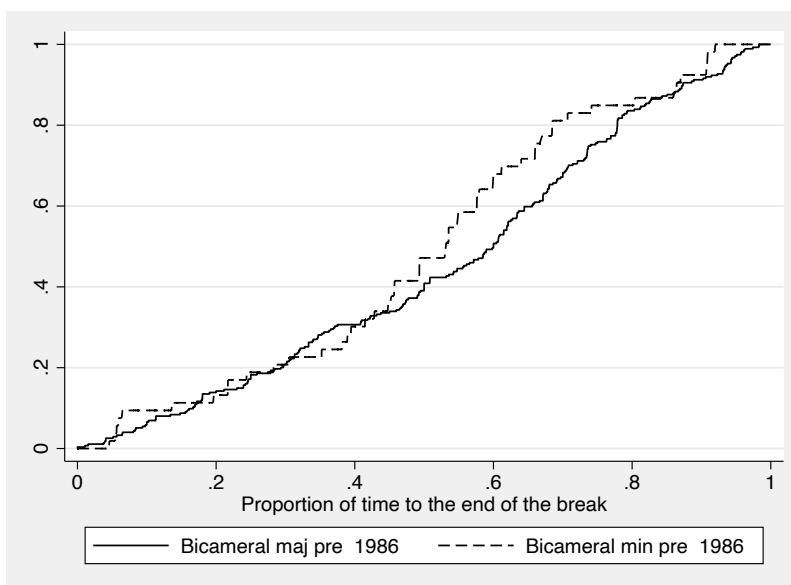


Fig. 6: Ordinance cdf within a break pre-1986

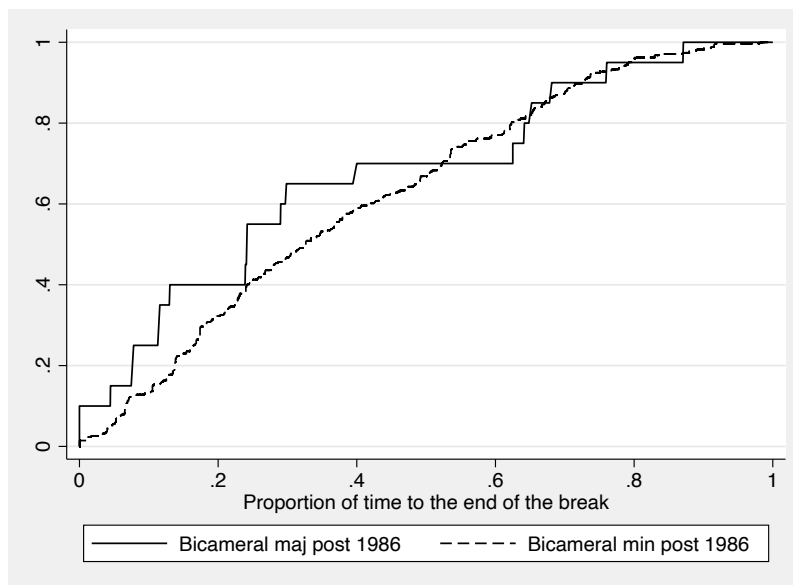


Fig. 7: Ordinance cdf within a break post-1986

F Disaggregating bicameral minority governments

Tab. 28: Acts by types of bicameral minority

	(1)	(2)	(3)	(4)	(5)
Minority in Both γ_1	-6.374*** (1.342)	-6.561*** (1.249)	-5.316*** (1.223)	-1.863 (1.837)	-1.962 (1.901)
Only Minority in RS γ_2	-7.151*** (1.816)	-6.476*** (1.764)	-5.728*** (1.683)	-4.303 (2.667)	-4.435 (2.845)
Yr before election				-4.479** (2.072)	-4.460** (2.082)
Effective num parties				-1.243** (0.481)	-1.294* (0.686)
Congress govt				0.236 (2.092)	0.253 (2.107)
Linear time trend					0.0702 (0.585)
Constant	21.67*** (0.834)	17.07*** (4.084)	4.814 (4.761)	9.376* (5.339)	9.668* (5.668)
Month dummies	No	Yes	Yes	Yes	Yes
Session controls	No	No	Yes	Yes	Yes
Observations	209	209	209	209	209
R^2	0.123	0.289	0.455	0.479	0.479
p -value $H_0^1 : \gamma_1 = \gamma_2$	0.687	0.963	0.806	0.316	0.318

This table is the analogue of Table 4 disaggregated by types of bicameral minority. Dependent variable is the number of acts passed in parliament during a session. The omitted category is bicameral majority. Session controls include dummies for session within Lok Sabha, the length of the session in days and the length of the break in days. Robust standard errors reported in the parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Tab. 29: Ordinances by types of bicameral minority

	(1)	(2)	(3)	(4)	(5)	(6)
Minority in Both γ_1	1.268** (0.505)	1.086** (0.546)	1.563*** (0.536)	1.363** (0.592)	2.467** (0.957)	2.192** (0.897)
Only Minority in RS γ_2	0.115 (0.489)	-0.00223 (0.408)	0.0299 (0.477)	-0.0285 (0.453)	0.235 (0.777)	-0.119 (0.714)
Yr before election					-1.250 (1.063)	-1.188 (1.066)
Effective num parties					-0.496** (0.247)	-0.652** (0.306)
Congress govt					-0.233 (0.665)	-0.174 (0.682)
Linear time trend						0.209 (0.166)
Constant	2.344*** (0.283)	0.673 (0.777)	4.318*** (1.338)	2.956*** (1.136)	4.899*** (1.400)	5.729*** (1.619)
Month dummies	No	No	Yes	Yes	Yes	Yes
Session controls	No	Yes	No	Yes	Yes	Yes
Observations	247	247	247	247	247	247
R^2	0.031	0.266	0.160	0.321	0.341	0.344
p -value $H_0^1 : \gamma_1 = \gamma_2$	0.047	0.054	0.003	0.009	0.002	0.002

This table is the analogue of Table 5 disaggregated by types of bicameral minority. Dependent variable is the number of ordinances promulgated in a break. The omitted category is bicameral majority. Session controls include dummies for session within Lok Sabha, the length of the session in days and the length of the break in days. Robust standard errors reported in the parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Tab. 30: Substitution of acts with ordinances

	(1)	(2)	(3)	(4)	(5)	(6)
Minority in Both	0.704 (0.515)	0.871 (0.588)	0.731 (0.644)	2.807** (1.111)	-0.209 (1.181)	0.103 (1.748)
Only Minority in RS	0.239 (0.533)	0.231 (0.637)	0.124 (0.629)	0.740 (1.008)	0.227 (1.321)	1.700 (1.286)
Number of Acts	0.0547 (0.0395)	0.0574 (0.0436)	0.0183 (0.0441)	0.00624 (0.0429)	-0.0471 (0.0461)	-0.0882 (0.0562)
Minority in Both \times Number of Acts γ_1	-0.135** (0.0597)	-0.147** (0.0637)	-0.125* (0.0650)	-0.142** (0.0636)	-0.0968 (0.0616)	-0.0798 (0.0710)
Only Minority in RS \times Number of Acts γ_2	-0.0576 (0.0651)	-0.0582 (0.0667)	-0.0275 (0.0553)	-0.0668 (0.0646)	-0.0225 (0.0624)	0.0108 (0.0650)
Yr before election				-2.347* (1.199)	-1.450 (1.182)	-0.771 (1.466)
Effective num parties				-0.852*** (0.291)		
Congress govt				-0.0879 (0.781)		
Constant	2.816*** (0.357)	4.188*** (1.306)	0.345 (1.032)	3.427** (1.442)	-1.182 (1.530)	-3.560 (2.520)
Month dummies	No	Yes	Yes	Yes	Yes	Yes
Session controls	No	No	Yes	Yes	Yes	Yes
Lok Sabha dummies	No	No	No	No	Yes	No
Year dummies	No	No	No	No	No	Yes
Observations	209	209	209	209	209	209
R^2	0.036	0.080	0.249	0.309	0.476	0.670
p -value $H_0^1 : \gamma_1 = \gamma_2$	0.261	0.188	0.100	0.271	0.259	0.176

This table is the analogue of Table 6 disaggregated by types of bicameral minority. Dependent variable is total ordinances in a break. The omitted category is bicameral majority. Session controls include dummies for session within Lok Sabha, the length of the session in days and the length of the break in days. Robust standard errors reported in the parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Tab. 31: Conversion of ordinances into acts

	(1)	(2)	(3)	(4)	(5)	(6)
Minority in Both γ_1	-0.289*** (0.0322)	-0.288*** (0.0350)	-0.273*** (0.0334)	-0.292*** (0.0351)	-0.231*** (0.0508)	-0.125** (0.0597)
Only Minority in RS γ_2	-0.230*** (0.0512)	-0.166*** (0.0510)	-0.212*** (0.0513)	-0.160*** (0.0524)	-0.172*** (0.0627)	-0.0394 (0.0708)
Yr before election					-0.137** (0.0531)	-0.162*** (0.0530)
Effective num parties					-0.0222 (0.0179)	0.0134 (0.0208)
Congress govt					-0.0362 (0.0563)	-0.0364 (0.0558)
Linear time trend						-0.0594*** (0.0186)
Constant	0.915*** (0.0163)	0.976*** (0.0686)	0.915*** (0.0425)	0.989*** (0.0772)	1.086*** (0.128)	0.769*** (0.159)
Month dummies	No	No	Yes	Yes	Yes	Yes
Session controls	No	Yes	No	Yes	Yes	Yes
Observations	691	691	691	691	691	691
R^2	0.102	0.219	0.147	0.243	0.252	0.263
p -value $H_0^1 : \gamma_1 = \gamma_2$	0.295	0.023	0.263	0.016	0.362	0.185

This table is the analogue of Table 7 disaggregated by types of bicameral minority. Dependent variable is an indicator for whether the ordinance became an act in parliament. The omitted category is bicameral majority. Session controls include dummies for session within Lok Sabha, the length of the session in days and the length of the break in days. Robust standard errors reported in the parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$