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Parliament of India

This lesson is an attempt to introduce institutional structure, power and functions of the Parliament of India. While examining structures and functions of the Parliament, this lesson will deliberate institutional aspects of the Parliament rather than the processes that undergone in the making of the parliament.

Our Constitution has provided a 'parliamentary form of government' which is predominantly based on British parliamentary system. Parliament is the most important public institutions in parliamentary democracy. In the parliamentary form of government in India, citizens who are above 18 years of age are eligible to choose their representatives at the Central Legislative House, the Parliament as well as at the State Legislative Houses, State Assembly who are collectively responsible for governing India. Parliament occupies preeminent and pivotal position in the Constitutional set up of India. It is the supreme legislative body in India. In the parliamentary system of government, executive branch of government is essentially interlinked connected with the legislative branch of the government as the executives i.e. the Prime Minister and his Council of Ministers are appointed from the legislative Houses of Parliament. Thus, the executive is answerable and accountable to the Parliament.

Historical Overview of the Parliament of India

The Parliament of India was formally inaugurated after the first General Election conducted under the universal adult franchise in independent India in 1952. There are various propositions which seek to explain reason behind the adoption of the parliamentary form of government in India. A first set of argument advocates that parliamentary institutions were embedded through various institutional interventions during the colonial times. W.H. Morris John has argued that parliamentary democracy in India has historical roots in the constitutional representative institutions which were introduced under the colonial rule. (Moris-John, 1957.) Sumit Sarkar also argues that adoption of parliamentary democracy in India was partly a 'historical inheritance' from the colonial modernity. (Sarkar, 2001, pp. 23-46.) On the other hand, there are others who believes that the necessary institutional growth that is associated with democracy in India was not generated from ‘within’ over a period of time. (Khillani, 2004, pp. 15-60.) The argument suggests that parliamentary institutions which were adopted in India after independence were not a product of historical struggles carried out in the Indian Society. Rather it was
transportation of western institutions by the westernised elites to fill up the institutional vacuum which emerged after British had left India. There are others such as B.L. Shankar and Valerian Rodrigues who argue that the choice of parliamentary form of government in India was not simply a colonial antecedent but it was a result of complex process of intellectual churning around which new independent Indian nation has to build. (Shankar & Rodrigues, 2011, p. 28.)

The historical antecedents of Indian parliamentary democracy could be found in various Indian Councils Acts. Here, the Indian Council Act 1861 was an important moment in the history of the development of Indian Parliament. The Act reconstituted the Council of the Governor-General, a legislative body, consisting of five ordinary members for the purposes of legislation. The Governor General was also authorised to nominate to his council not less than six and not more than twelve additional members, at least one half of them were non official members. The council was merely a legislative committee of the government to obtain advice and help to the executives in the matter of legislations. (Basu, 2001, p. 4.) The introduction of Legislative Council could not be construed as having introduced representative government even in its incipient form. It was merely advisory body with no power to ask questions, nor could it discuss any other executive business. No motion was allowed except when it referred to a bill. (Mallya, 1970, pp. 10-11.) Such institutional arrangements were strongly grounded on their belief that India would never be suitable for parliamentary democracy. Taking into account of the vast heterogeneous population with majority of them were illiterate and firm believer of ignorance and superstition, the British believed that India could not be introduced parliamentary institution. It was therefore assumed that Parliament was not for India. Even the most English radicals like James and J.S. Mill believed that Parliamentary institutions could not be introduced to Indian condition. However Lord Maculay and other few radicals felt that it could be brought through indirect approach: ‘by introducing western education in India’. (Morries-John, pp. 73-74.) B.L. Shankar and Valerian Rodrigues observe that, given this ambivalence, the Montesque Chelmsford Report could be the defining moment for the establishment of representative political institutions in India. (Shankar & Rodrigues, 2011, p. 28) The Report introduced substantive changes into the then existing system. The Council of India Act, 1919 for the first time introduced bicameral legislature consisting of a council of states (the Upper House) and a legislative Assembly (the Lower House), each with an elected majority in India.1 The representative institution was further expanded by the Act of

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1The Council of States consisted of not more than 60 members, nominated or elected in accordance with statutory rules, and of these not more than 20 were to be officials. The first council had 60 members of which 34 are elected members. Similarly, strength of the Legislative Assembly was fixed at 140. The
1935. The Act of 1935 introduced federal legislature consisting His Majesty, represented by Governor-General and two federal chambers known as the Council of States (the Upper House) and the House of Assembly. (Basu, 2001, pp. 9-11.) Despite the progressive development of representative institutions during the colonial India, the early Indian Nationalist did not have a consensus on whether future India should adopt British model of parliamentary institutions or not. Some nationalists favoured parliamentary institutions. C. Sankaran Nair in his presidential address to the Indian National Congress expressed his wishes of the British Parliamentary institutions to be introduced in India as Indians were brought up with those institutions. Equally strong voices of opposition were also observable amongst the nationalist. (Shankar & Rodrigues, 2011, p. 29.) Sir Sayed Ahmed Khan warranted India could not accommodate parliamentary institutions as the social structure of India- religion, caste and social stratification- and problems of illiteracy would not be feasible to adopt British system in India. (Ibid.)

Mahatama Gandhi was a renowned critic of western civilization and its major institution, in particular, the modern ‘direct parliamentary government of imperialist England’. In Hind Swaraj, he advocated that ‘Parliament is like a sterile woman and a prostitute’. (Parel, 1997, p. 30) He further argued that it had not done a single good thing. He found that Parliament was an institution which operated according to ‘outside pressure’ or for the self of its members. Gandhi so believed that a true swaraj could not be attained by copying or importing British institutions in India. He on the other hand advocated a model of ‘village republic- an oceanic circle of administration’. Oceanic circle is a form of decentralise administration in which individuals are always ready to sacrifice for the village, and the village ready to sacrifice for the circle of villages, till at last the whole becomes one life composed of individuals. (Ibid., p. 190) In village swaraj, a village would be self sufficient independent republic, constituted around the principle of ‘harmony’, ‘ahimsa’ and ‘love’. A village should be self contained and capable of managing its affairs even to the extent of defending itself against the whole world. (Ibid., pp. 189-190.) Village republic or village swaraj was the centrepiece of Gandhi’s vision of independent India. The idea of village republic was severely criticised by Dr. Ambedkar. For him, village was ‘the sink of localism’, ‘a den of ignorance’, ‘narrow mindedness’ and ‘communalism’. (CAD, Vol. VII, p. 249). Gandhi’s vision of swaraj could not become as an accepted model of administration but it was incorporated as Directive Principle of State Policy under the article 40 of Indian Constitution.

representatives were chosen by direct election. However, the electorate was much restricted in the sense that only few Indian were eligible to exercise franchise based on education, tax and property. The total electorate for the Council was 17,644 and for the Assembly, it was 904,746. (Kashyap, 1989, p. 8.)
Even though there had been divergent views amongst the early nationalist, formulation of broad consensus on futuristic government was visible in the *Nehru Report* of 1928. In the *Nehru Report*, the Congress demanded a dominion model of Parliament and an executive responsible to that Parliament. (Shankar & Rodrigues, 2011, p. 30.) In other words, many factors had contributed development of legislative bodies in India. These institutions were partly introduced by the British to legitimise its role, but also to co-opt articulate sections of society, and thereby reinforcing hegemonic design of colonial rule. For the India nationalist elite, it was the only foreseeable representative institution which could govern pan India. Besides, direct exposure of many nationalist leaders to the practice of British parliamentary institutions, its ethos and writings on its institutions and its principle had gained popularity of parliamentary institutions amongst the elites.

**Constituent Assembly Debates**

When the Constituent Assembly debated on future mode of government that India could adopt, there were three broad frameworks of government: parliamentary form of government, presidential form of government, and a fix term executive government with proportionate representation. However, no representative could foresee which model of government would be adopted in independent India.

Dr. Ambedkar, Jawaharlal Nehru, Sadar Patel, N.V. Gadgil, etc., strongly endorsed parliamentary democracy. Sadar Patel, on the presentation of the report of the committees on the principles of a model provincial constitution and principle of union constitution in the Constituent Assembly, said that ‘it would suit the condition of this country better to adopt the parliamentary system of constitution, the British Type of constitution which we are familiar. The provincial constitution committee has accordingly suggested that this constitution shall be a parliamentary type of cabinet’. (*CAD*, Vol. IV, pp. 579-80.) N.V Gadgil made a strong point in favour of parliamentary form of government on the ground of familiarity and experience by the Indians. While endorsing the parliamentary democracy, he argued that ‘several generation of Indian were brought up in the atmosphere which has been conducive to the establishment of what we are generally accustomed to term Parliamentary responsible government’. He further warned that those experiences could not be easily washed away. (*CAD*, Vol. IV, p. 640.) On the other hand, there were also representative like Loknath Mishra, Laxminarayan Sahu, Brajeshwar Prasad, etc. who strongly argued against parliamentary democracy for varied reason. A group of representatives wanted to adopt presidential form of government. One admirer of presidential form of government, Ram Narayan Singh argued that ‘the parliamentary system must go. I have bitter experience of working in the provinces. In the
presidential system, it is easy to find an honest president, but it is not so easy to find an army of honest ministers and deputy ministers and Parliamentary secretaries and so on’. (CAD, Vol. VII, p. 249) In between the Parliamentary and Presidential form of government, there were suggestions which advocated a fix term executive chosen by proportionate representation, through election by the legislature, in line of the Swiss composite executive model. Aziz Ahmed Khan, Kazi Sayed Karimuddin, etc. were few representatives who endorsed this view. They were probably perturbed by minority (Muslim) representations in the legislature. (CAD, Vol IV, p. 629.) All the Muslim representatives did not agree upon the view. Some Muslim representatives strongly warranted against it. Tajamul Hussain equated it as ‘anti-democratic’ and could endanger teamwork and stability of the government as ministers were expected to appoint from different parties. (CAD, Vol. VI, p. 862.) Jawaharlal Nehru outrightly rejected the idea of ‘composite minister’ as ‘it would create a feeble ministry and feeble government’. (Ibid., p. 915.) The Constituent Assembly after thorough deliberation formed a broad consensus to adopt parliamentary democracy in India though there had been minority views on other forms of government.

**Composition of Indian Parliament**

The Parliament of India was adopted when the Indian Constitution was promulgated in 1950. Article 79 of the Constitution of India provides a bicameral legislative house consisting of the President of India and two Houses known as the *Lok Sabha* (the House of People) and the *Rajya Sabha* (the Council of States). When the Constitution was inaugurated, the *Lok Sabha* and the *Rajya Sabha* were known as the House of People and the Council of States. However the names have been changed to the *Lok Sabha* and the *Rajya Sabha* in 1954 after successive announcements made in the respective Houses. (Shankar & Rodrigues, 2011, p. 292.) Traditionally, Parliament holds three Sessions in a year: Budget Session (February-May), Monsoon Session (July-August), and Winter Session (November-December). Winter Session is the shortest session in a year while Monsoon Session is the longest of all.

**The President of India**

The President is integral part of parliamentary process in India. He/she is elected by an electoral college consisting of elected members of the both the Houses of Parliament and elected members of the Legislative Assemblies of the States. He/she addresses both the Houses of Parliament assemble together at the commencement

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2 To ensure that the demands for grants of various Ministries could be discussed by the departmentally related Standing Committees which were constituted in 1993, the Budget Session of the *Lok Sabha* in 1994 was split into two periods, i.e. from 21 February 1994 to 19 March 1994 and 18 April 1994 to 13 May 1994. The intervening period of about a month was utilized by the Committees for consideration of the Demands for Grants. Such breaks during the Budget Session have now become a regular feature of Budget Session.
of the first session after each General Election of the Lok Sabha and also at the commencement of the first session of each year. A bill requires President’s assent to become a law. The president has the power to summon and prorogue either House of the Parliament or to dissolve the Lok Sabha.

The Rajya Sabha

The Rajya Sabha by its name indicates the Council of the States. It represents interest of the states in the Parliament. It is a permanent body and is not subject to dissolution but one-third of its members retire on the expiration of every second year by rotation and are replaced by newly elected members. The Vice President of India is the ex-officio chairman of the Rajya Sabha. The Article 80 of the Indian Constitution has fixed the maximum strength of Rajya Sabha at 250 of which 12 were nominated by the President of India who possess special knowledge or practical experience in such matters as science literature, arts, and social service. The first Rajya Sabha was constituted on April 3, 1952 consisting of 217 representatives, 12 of them were nominated by the President of India and the rest were elected from Part A, B, and C States of Indian states. Currently, the Rajya Sabha has a total strength of 245 members. Members of the representatives are elected for a term of six years by the elected members of legislative assemblies of the respective states in accordance with the system of proportionate representation by means of a single transferable vote. The minimum age of membership of the House is 30 years. The Rajya Sabha therefore embodies the wishes and aspirations of the states composing the Indian Union.

The Lok Sabha

The Lok Sabha is composed of representatives of the people chosen by direct election on the basis of universal adult suffrage. Being a House directly elected by popular votes through periodical elections, the Lok Sabha represents ‘the people’ at the Parliament. Every citizens of India who is not less than 18 years of age is entitle to vote unless he is otherwise disqualified by law under the Article 326 of Indian Constitution. The maximum strength of the House envisaged by the Constitution is 552. Out of the 552 representatives, 530 members shall be elected by popular votes from the territorial constituencies in the States and a maximum of 20 members shall be elected from the Union territories. The president of India can nominate not more than two members of the Anglo-Indian Community if, in his opinion believes that, the community is not adequately represented in the House. The total elective membership of the House is distributed among the states in such a way that the ratio between the number of seats allotted to each state and the population of the state is, so far as practicable, same for all the states. The qualifying age for membership of
the Lok Sabha is 25 years. Presently, the Lok Sabha has 545 members of which 2 are nominated by the President of India. The term of the House is five years unless dissolved by the President before the expiry of its term.

Committees of Parliament

Parliamentary committees are important institutions of Indian Parliament without which parliamentary functions could not be performed effectively. The work done by the Parliament in modern times is not only varied and complex in nature, but also considerable in volume. On the other hand, Minister’s time is considerably engrossed by day-to-days affairs of Parliament. It cannot, therefore, give close consideration to all the legislative and other matters that come up before it. A major portion of its business is, therefore, transacted in various committees of the House, known as parliamentary committees. Parliamentary committees are therefore backbone of parliamentary power and autonomy. To put in other words, Indian Parliament has entrusted its business to various committees. These committees are constituted in such a way to represent replica of the House. By their nature, parliamentary committees are of two kinds: ‘standing committees’ and ‘ad hoc committees’. Standing committees are permanent and regular committees. They are constituted from time to time by the Chairman of Rajya Sabha or Speaker of Lok Sabha, as the case may be, in pursuance of the provisions of an Act of Parliament or Rules of Procedure and Conduct of Business in Lok Sabha. The works of these committees are of continuous nature. The Financial Committees, Advisory Committee, Committee to Scrutinize and Control, Committees for Welfare, etc. are few committees come under the category of Standing Committee. On the other hand, ad hoc committees are appointed for a specific purpose and they cease to exist when they finish the task assigned to them. Examples of principal ad hoc committees are Parliamentary Select Committees or Joint Committees on Bills, Railway Convention Committee. (Ibid) Parliamentary committees not only help in achieving objectives of a government but also they save valuable times of the Parliament.

Powers and Privileges of Indian Parliament

By virtue of being members of Parliament, certain special rights and freedom known as parliamentary privileges are entitled to them to enable faithfully discharge their expected functions. Parliamentary privileges are therefore those special rights, freedom and immunity of the Houses of Parliament, their members and committees without which they cannot faithfully discharge functions in the manner they are expected to. The privileges of the House may be categorised into two groups: first,

3 A detail study of ‘Committee System’ will be found at http://164.100.47.134/committee/Committee_Home_Page.aspx, retrieved on 24/4/2014.

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the privileges which are enjoyed by the members individually and secondly, those privileges which are collectively enjoyed by the House. (Basu, 2004, pp. 210-211.)

Privileges which are enjoyed by individuals: This category of privileges consists of freedom of speech, freedom from arrest and freedom of attendance as witness. The essence of parliamentary democracy is free and fearless discussion in the Houses on public issues. For a deliberative body like the Parliament, freedom of speech within the Houses is utmost important. Article 105 of the Indian Constitution guarantees freedom of speech to every member of the Houses in the Parliament subject to the rules and standing orders regulating the procedure of Parliament. Freedom of speech is absolutely necessary for a member to discharge expected functions freely without fear or favour in the Houses of parliament or committees. Article 105 further guarantees immunity to the members of Parliament against any proceedings in any court in respect of anything said, or any vote given in Parliament or a committee thereof, and no person shall be liable in respect of the publication by or under the authority of either House of Parliament of anything said, paper, vote or proceedings. Article 122 of the Constitution also imposes prohibition on the courts to inquire into the proceedings of Parliament.

Privileges Collectively enjoyed by the House: The privileges of the House collectively are the right of the House to publish debates and proceedings and also the right to restrain publication by others, the right to exclude others, the right to regulate internal affairs of the House, and to decide matters arising within the walls, the right to publish Parliamentary misbehaviour, and the right to punish members and outsiders for breach of its privileges. The Article 118 of Indian Constitution also empowers both the Houses to regulate its own procedures and conduct of business. The House decides any matters arising within its walls, without interference from the Court. What is said or done within the walls of Parliament cannot be inquire into in a Court of Law. Rules 232 and 233 of the Rules of Procedure and Conduct of Business of the Lok Sabha prohibit arrest and service of legal process within the precincts of House without obtaining permissions from the Speaker. The Lok Sabha has a right to receive immediate information of arrest, detention, conviction, imprisonment and release of its member. Both the Houses of Parliament can exclude strangers from the galleries at any time. In addition to the above mention privileges and immunities, each House also enjoy the power to commit a person for breach of privilege or contempt of the House. The underlying principle of parliamentary privileges is meant to enable peoples’ representatives to express freely without fear of legal consequences. Parliamentary privileges are therefore freedoms and legal immunities of the members of Parliament to enable representatives to maintain independence of
action and dignity of the Houses while faithfully discharging expected functions within the Houses.

Working Relations between the Lok Sabha and the Rajya Sabha

Parliament is the highest lawmaking body in India. Both the Houses of Parliament have their own sphere of power and functions. All Bills, except a ‘Money Bill’ or financial Bills, may originate in any of the Houses. However, it should not mean that the Rajya Sabha is less important or has been given secondary role in relation to the Lok Sabha. Under the Article 107 of Indian Constitution, a Bill shall not be deemed to have been passed by the Houses of the Parliament unless both the Houses of Parliament agree on it. As such, the Rajya Sabha has co-equal power with those of the Lok Sabha with respect to passing a Bill, Constitutional amendment, impeachment of President, Vice-president, removal of the Judges of the Supreme Court and High Courts. On the other hand, the Lok Sabha being directly represented ‘popular will’ of the people enjoys commanding position over the Rajya Sabha on certain legislative matters. A Money Bill can only be introduced in the Lok Sabha on the recommendation of the President. After a Money Bill is passed in the Lok Sabha, it is referred to the Rajya Sabha for it approval with a certificate from the Speaker stating that the Bill is a Money Bill. The Rajya Sabha has no power either to reject or amend the Bill. It must, within 14 days from the date of receiving the Bill, return to the Lok Sabha with or without its recommendation. The Lok Sabha is free to accept or reject the recommendation. In such cases where a Money Bill is not returned to the Lok Sabha within the stipulated time of 14 days from the date on which the Bill is transmitted to the House, it shall be deemed to have been passed by both the Houses at the expiration of the period in the form in which it was passed by the Lok Sabha. If any question arises on a Bill whether the Bill is a Money Bill or not, the speaker of the Lok Sabha shall decide on. In short, the Lok Sabha enjoys commanding position over issues of finance. Except Money and financial Bills, both the Houses enjoy co-equal powers. Every Bill shall be passed by both the Houses before it is referred to President for his assent. If a deadlock arises between the two Houses of the Parliament over an ordinary bill, the President shall summon a joint parliamentary sitting presided by the Speaker of the Lok Sabha to resolve it. The Bill shall be passed by a simple majority of the voting and present. There have been only three joint parliamentary sittings of the two Houses on the Dowry Prohibition Bill.

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4 Article 110 of the Constitution of India defines a money bill. According to the article, a Bill is deemed to be money bill if it contains only provisions dealing with all or any of the matters relating to the imposition. Abolition, remission, alteration of any tax; the regulation of borrowing of money by the government; the payment of money into or withdrawal of moneys from the Consolidated or the Contingency Funds of India; declaring a new item to be expenditure, charged on the Consolidated Fund; and any matter incidental to any of the matters specified in sub-clause (a) to (f) of Article 110(1).
1959, the Banking Service Commission (Repeal) bill, 1978; and the Prevention of Terrorism Bill 2002.

There are also certain specific powers of the Rajya Sabha which the Lok Sabha does not enjoy. Under the Article 249 of the Constitution, the Rajya Sabha can initiate legislation on any of the subject exclusively reserve for the States if the House passes a resolution by a 2/3 majority. Such a resolution will hold for a year at a time and may be extended for one more year. The Article 312 of India Constitution empowers the Rajya Sabha to create All India Services provided that two-third of its members approves such a resolution. Besides the Rajya Sabha can approve a proclamation of emergency under the Article 352 of the Constitution for a period of six months when the Lok Sabha remained suspended. These special powers certainly add prestige of the Rajya Sabha.

**In Defence of Rajya Sabha**

The reasons for setting up of the Rajya Sabha were reflected in the CAD. An important segment of representatives saw the Rajya Sabha as the House for the revision and reflection of the measure and proposals advance by the Lower House. Another reflection of the debate was making the Rajya Sabha as federal second chamber and also chamber of legislation. There were also a section of representatives who wanted to discard the institution of the Rajya Sabha. (Shankar & Rodrigues, 2011, pp. 295-301.) In other words, the Rajya Sabha has to defend the interest of the state in the Parliament but in actual practice, the capacity of the House to do so is very limited. An important reason behind this limitation is numerical strength of the Lok Sabha. In any joint sitting, ratio between the Lok Sabha and the Rajya Sabha is 2:1 which means the Lok Sabha outnumbers the Rajya Sabha to two to one. It has also been argued that the revisionist role of the Rajya Sabha was never fulfilled in early years of Indian democracy. Morris John observed that the Rajya Sabha provided neither for technical revision nor for wider or more leisurely debate. (Morris John, p. 257.) He however found relevance of the Rajya Sabha as the site for first initiation of bills in conjunction with the Lok Sabha as the first Chamber of Legislative initiation. Interestingly, he observed that the Rajya Sabha was beginning to try its wings as a forum for grand and soaring debate. (Ibid. p. 258.)

Over the years, the Rajya Sabha has achieved important landmarks in the history of Parliament. From 1952 to 2001, the Rajya Sabha had introduced 734 government bills. During this period, the House considered 3118 bills and passed 3,081 bills. The House could also introduce 1149 private members bills of which 291 were considered. The House had passed 5 private member bills out of the 14 private
members bills that had been found their place in the statue book. (Shankar & Rodrigues, 2011, pp. 301-2.) However, in several occasions, resolutions were move in the *Lok Sabha* seeking abolition of the *Rajya Sabha*. First such resolution was moved on March 18, 1954. A similar resolution was again raised on March 30, 1973. Constitutional amendments were sought by Private members in 1971, 72 and 75 in the *Lok Sabha* affecting abolition of The Raya Sabha. The Committee on the Private Members Bills however refused to consider the bills on the ground that such bills affected ‘basic structure’ of Indian Constitution. (Shankar & Rodrigues, 2011, P. 302) The Sakaria Commission which studies Centre-State relation defended the rationale behind the Constitutional design of the *Rajya Sabha*. The Commission made following grounds: mature input in legislative and constituent process from more experienced persons represented there; representation to the view points of the state represented there; lending some degree of continuity to the parliamentary work in view of the fact the *Rajya Sabha* is continuous chamber partially renewed at the rate of one-third of its member every year; and working with the *Lok Sabha* in coordinated way with speedy resolution of conflicts and deadlock at a joint session. *(Report of Sarkaria Commission on Centre-State Relation, Part I, 1987, p. 68.)*

**Functions of Parliament**

As the Constitution of India adopts parliamentary form of government, there is mixture of legislative and executive organs of the state falling into one. As such, Parliament of India is a multifunctional institution. The most important function of Indian Parliament is to make and pass laws but there are other equally important functions of Parliament such as cardinal functions of representation, making government, executive and financial control, constituent power, etc. Some of the cardinal roles and functions of Parliament are discussed below.

**Representation**

Parliament represents popular will of the people. Members of the *Rajya Sabha* are elected by the elected members of State Legislative Assembly and nominated to the *Rajya Sabha*. The Upper House of the Parliament therefore represents the state. On the other hand, members of the *Lok Sabha* are elected by popular votes through direct election on the basis of universal adult franchise. Representatives therefore represent both their constituencies and ‘popular will’ in the Parliament. As such, the *Lok Sabha* directly represents the people of India in the Parliament.

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5. A maximum of 12 members of the *Rajya Sabha* is nominated by the President from amongst persons having special knowledge or practical experience in the field of literature, science, arts or social service.

6. A maximum of two representatives of Anglo-Indian community may be nominated by the President of India if he/she is of the opinion that the community is not adequately represented in the Parliament.
Making the Government

In a parliamentary form of government, there is a harmonious blending of legislative as well as executive organ of state. The executives, known as Council of Ministers, are appointed from the legislatures after every General Election, or a new Lok Sabha is duly elected and constituted. The President of India invites the leader of the majority party or parties to form the Government. Article 95 of the Indian Constitution says that the President shall appoint the Prime Minister and the other Council of Ministers are appointed by the President on the advice of the Prime Minister. The Ministers hold office during the pleasure of the President. The Council of Ministers are collectively responsible to the Lok Sabha.

Controlling the Executives

A significant function of Parliament is to exercise its control on the council of minister. Article 75(3) of the Indian Constitution states that the Council of Ministers shall hold office as long as they enjoy confidence of the Lok Sabha. Executives are answerable to the House. The Lok Sabha may at any time pass a vote of no confidence against the Council of Ministers. If the Lok Sabha conclusively pronounces that the government does not enjoy the confidence of the House, it has no other alternative except to resign. Thus the parliament holds the ministers responsible individually and collectively. Parliamentary control over the executive is exercised through a series of mechanism such as asking question to the ministers through its members, making ministerial statements, placing documents to the floor, by raising adjournment motions, cut motions, censure motions or debates. The ultimate instrument of parliamentary control is refusing vote supplies, or defeating the government on a financial measure or passing a substantive motion of no confidence in the Council of Ministers. (Singh & Saxena, 2011, p. 98.) This critical function of the Parliament ensures a responsive and responsible government.

Law Making

Law making is the primary function of Parliament. Under the Constitution of India, Parliament is the supreme legislative body in India. It can make laws on a wide range of subjects mentioned in the Union and Concurrent Lists in the Seventh Schedule of the Constitution. As the Constitution also vests residuary power to the Parliament, it can make laws in areas not specifically assigned to States. Currently, there are 97 union subjects. Few of them are defence, foreign affairs, railways, insurance, communications, currency and coinage, banking, income tax, customs, excise duties, atomic energy, census, etc. Parliament can also make laws on the subjects exclusively reserve for the States under special circumstance such as
promulgation of Emergency, or a resolution passed by the Rajya Sabha with two-thirds special majority, or if a resolution is moved by two or more states urging upon the Parliament to make law for them on certain items of the State list, or if there is any international treaty or agreement is to be executed. Every Bill has to be passed by both the Houses and it has to be signed by the President before it becomes law.

Financial Control

The Parliament of India, specially the Lok Sabha exercises substantial function in the domain of finance. The executive enjoys the right to formulate the budget. Under the Article 151 of the Constitution, the Controller and Auditor General of India prepares annual statement of the estimated receipts and expenditure of the Government to be placed before the Parliament. The executive is free to suggest any proposal for expenditure and levying of new taxes to meet the expenditure. Every financial year during the Budget Session of Parliament, the Finance Minister presents annual budget in the Lok Sabha for its approval. It is the responsibility of legislature to ensure that public funds are raised and spent with its consent and control. The executive or the Government of the nation has no authority to spend any money on its own without the approval of the Parliament.

Constituent Power

Parliament is the only authority which can amend the Constitution without changing 'basic structure' of the Constitution. The amending power of Parliament is defined under the Article 368 of India Constitution. In the Golak Nath v. State of Punjab, the Supreme Court of India with 6:5 majority decision held that Article 368 laid down only the procedure for amendment of the Constitution. It did not give any substantive power to the Parliament to amend the Constitution or any constituent power distinct or separate from its ordinary legislative power. (AIR 1967, SC, 1643) A Golak Nath decision was reviewed by a 13 member Supreme Court Bench in the Kesavananda Bharati v. State of Kerala (AIR 1973, SC, 1461). By a majority of 7:6 the Court holds that the amending power of Parliament under Article 368 is unlimited and can amend any part of the Constitution provided, if it does not alter basic structure or framework of the Constitution. The amendment of Constitution undergoes lengthy process. First, both the Houses of the Parliament can initiate a Constitution amendment bill. Most part of Constitution can be amended by a special majority, a majority of not less than two-thirds of members of each House present.

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7 The doctrine of basic structure of Indian Constitution is not defined in the Constitution. The Supreme Court of India however interprets it through various judgments. In the Kesavananda Bharati vs, State of Kerala, the Court broadly agrees that supremacy of the Constitution, republican and democratic form of government, secularism, separation of power, and federal character of the Constitution constitute basic structure of Indian Constitution. (AIR 1973, SC, 1461) The doctrine of basic structure is still evolving through various judicial interpretations.
and voting. However some provisions require the approval of at least half of the states after they are passed by the Parliament with required majority. After the Constitution Amendment Bill is passed and ratified, the bill is presented to the President for his/her assent. It is mandatory for the President to sign the bill.

Judicial Power

The Parliament of India enjoys certain judicial function. It has the power to impeach the President, the Vice-President, the judges of the Supreme Court and the High Court. It can also punish its members and officials for contempt. This power cannot be subjected to review of the court.

Working of Indian Parliament

Working of Parliament may at least be examined through three phases: Phase of Congress Party dominance; phase of minority government; phase of coalition politics.

Era of Congress Party Dominance

The First Parliament

The first Parliament came into exist on January 26, 1950 with the commencement of the Constitution of India. The first Parliament was provisional as first General Election was held in 1951-52 and the bicameral House- the Lok Sabha and the Rajya Sabha was duly constituted. The first Lok Sabha was constituted on April 17, 1952 and its first session was held on May 13, 1952. The first Lok Sabha was very unique in composition and achievements. The representatives were, for the first time, elected by popular vote under the Universal Adult Franchise. The House was dominated by educated urban elites. 22 women members (4.4 per cent) were elected in the House. Professional lawyers, single largest groups, constituted 35.6 per cent of total seats. The first Lok Sabha had 677 days of sittings\(^8\) and 48 per cent of total hours of sitting were devoted in legislation (Statistical Handbook, 2012, p. 7.) It passed six Constitutional Amendment Bills and 333 bills including seven Private Members Bills.\(^9\)

In the first General Election which was held in 1951- 1952, Congress won 364 of the 499 seats. It was clearly one party dominant but social composition of the Congress at that time was very diverse. The Congress was an umbrella organization with multiple interests and ideologies merged together under one political platform. This

\(^8\) The allotted days of sittings were 887 days. The Private Members Bills are discussed on every week of Friday.

\(^9\) A Private Member's Bill is a bill which is produced by a representative other than Council of Ministers. No Private Members bill has been passed since 1970. The last Private Member Bill was passed on August 1970. (Statistical Handbook, 2012, p. 101.)
provides the grounds to understand it as a kind of coalition politics, in terms of interest and ideological differences, within the Congress system. The small interest and ideological groups within the Congress acted like opposition cum pressure group along with opposition parties.\textsuperscript{10} (Kaviraj, 1986, pp. 20-27.) In this aspect, Rajni Kothari argues that the ‘Congress system’ was not truly a party organization but a system comprising ‘party of consensus’ and ‘parties of pressures’.\textsuperscript{11} (Kothari, 2002, pp. 40-41) At the centre, the Congress system was dominant but heterogeneous enough to absorb the greater portion of power struggles in the state. (Zins, 1988, p. 15) This mechanism continued to work till 1970. It therefore could not be said that the Opposition was ineffective due to numerical dominance of the Congress in the House. The oppositions always asserted itself and made its presence felt on every important moment of Parliament.

\textit{The Second Lok Sabha (1957-62)}

The second \textit{Lok Sabha} was duly constituted on April 5, 1957 and the first sitting was held on April 10, 1957. It was dissolved on March 31, 1962. It had 581 sittings and a total of 327 bills were passed including four Constitutional Amendment Bills and two Private Member’s Bills. For the first time, a joint parliamentary session was held to resolve the deadlock on Dowry Prohibition Bill in 1957.\textsuperscript{12} (Statistical Handbook, 2012, p. 12.) The House had lively discussion on Mundra Scandals beyond the Party affiliation. Feroz Gandhi, a member of Treasury Bench, was quite vociferous and raised corruption issues against the government. He was very instrumental in resigning Finance Minister T.T. Krishnamachari from the Council of Ministers.

\textit{The Third Lok Sabha (1962-67)}

Third \textit{Lok Sabha} was elected on April 2, 1962 and dissolved on March 3, 1967. There had been significant changed in the composition of social class of the House. Representatives who held from agricultural background had largest share in the House pushing down group of professional lawyers to second position. 34 women were elected. (Kashyap, 2014, p. 293.) Amongst them, Indira Gandhi became the first woman Prime Minister in India. The House had 578 sittings and 272 bills were passed. Lesser numbers of bills were passed in the third \textit{Lok Sabha} than the first and the second \textit{Lok Sabha}. (Statistical Handbook, 2012, pp. 7-8.) Which probably

\textsuperscript{10} The Congress Party during this time could be analyzed in different ideological lines from extreme right to mild radicalism. For example, the left wing ideology was more close to left parties whereas for the right wing, their ideology was more close to conservative parties like the Swatantra Party. So the success of Opposition parties was intimately linked with their ability to influence the factions of Congress.

\textsuperscript{11} Sudipta Kaviraj also argues a model of coalition which was existed in Nehru’s time. It was a coalition between bourgeoisie, rich peasantry and professional elites. The professional elites acted as mediators between dominant interest groups and between state and the people. (Kaviraj, 1986, p.1697.)

\textsuperscript{12} The Joint Parliamentary sitting was held on May 6, 1961.
indicated that law making was no more major function of the House. (Kashyap, 2014, p. 293.)

The Fourth Lok Sabha (1967-70)

The fourth Lok Sabha was constituted on February 21, 1967 and dissolved on December 27, 1970. The fourth General Election was a watershed in the Indian politics. This election marked decline of Congress Party though it retained absolute majority in the House. There was intense power struggle within the ranks of the Congress leaders and finally the Congress was split to Congress (I) and Congress (O), thereby losing its undisputed dominant position in India. On the other hand, it also was a period that witnessed the change of the old guards by a new generation in the Congress. The Congress party was reorganized after Indira Gandhi’s successful campaign for the ‘abolition of Privy Purse’ and ‘Nationalization of Bank’. She rebuilt the party in and around her own personality and populism. The Party was organized around the central and primary idiom of accountability to her. Few important executive and legislative measures during the fourth Lok Sabha were nationalisation of major banks, abolition of privy purses, etc.

The Fifth Lok Sabha (1970-77)

The fifth Lok Sabha was a watershed in the history of parliamentary democracy in India. The House was convened 613 days and passed 487 bills including 19 Constitutional Amendment Bills. (Statistical Handbook, 2012, p. 35.) Parliament had lively discussion on the Simla Agreement. Sikim was integrated in the Indian Union through 35th and 36th Constitutional Amendments. Pension scheme was introduced for the Member of Parliament. On the other hand, fifth Lok Sabha also blotted the image of Indian Parliamentary democracy. The Indira Gandhi government suspended the Constitution through the proclamation of emergency on June 25, 1975 and

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13 The date of expiration of fourth Lok Sabha was March 15, 1972. Mid-term election was held in February 1967 and the Lok Sabha was dissolved on December 27, 1970.

14 Under Jawaharlal Nehru’s leadership, the internal problems of the Congress were addressed by decentralizing the organizational structure of the Congress and sensitive handling of the peculiarities of local and regional politics. After his departure, this mode of institutional design was gradually declined. Financial patronage and subtle forms of coercion was gradually introduced to political service and mobilization. The difference in ‘interests’ and ‘ideologies’ were often addressed by ‘cross party bloc’ rather than ‘inner party voting’ or ‘conventional division’ on lines of Government and Opposition. (Kaviraj, 1986, p. 1968; Zins, 1988, p. 15) At the time of ‘ascendance’ of Indira Gandhi, the polarization of interest within the Party was externalized. Indira Gandhi was weak to control the party organization but churned out to stay as far as possible at ‘the centre of the gravity’ in the Congress. (Kaviraj, 1986, p. 1967) The weakening of the political centre started fresh political negotiation at the national and state levels within the Congress. In due course Indira Gandhi made concerted attempt to handle the crisis of leadership within Congress by reorganizing the party in its structure and function ‘in and around herself’. In the process, the notion of political survival of the political elites bypassed contractual commitments. Kaviraj argues that these shifts in the party organization reshaped political service in a more ‘contractual and criminalized’ way leading to decline of ideology in Indian politics in general and gradual depoliticization of Congress in particular. (Ibid.)

15 This figure still holds largest number of such bills passed by any Lok Sabha.
continued to operate till March 1977. During the emergency, all the principle opponents were put under the bar. A controversial ‘twenty points program’ was announced, emphasising reforms for the poor and landless. Within few months, President’s rule was imposed in two non-Congress ruled states of Gujarat and Tamil Nadu. (Prasad, 1996, pp. 52-54.)

During the emergency, 42\textsuperscript{nd} Constitutional Amendment bill 1976 which sought to extend the scope of Parliament to amend Constitution as a whole was passed. Term of the Parliament was extended for another two year. At the beginning of 1975 monsoon session, the then speaker accepted the proposal of Law Minister to discuss and pass government bills during the emergency. The other forms of parliamentary processes such as calling attention, short debate notice, privilege motion, etc., were suspended. (Hewitt and Rai, p. 37.)

The Sixth Lok Sabha (1977-80)

In the Sixth General Election, the opposition parties collectively fought the election against the Congress vis-a-vis Indira Gandhi under the banner Janata Party. The Janata Party won the election by securing 295 seats and that reduced Congress to 153 seats. After the General Election, the 6\textsuperscript{th} Lok Sabha was duly constituted on March 23, 1977. The House had 267 sittings and passed 135 bills. (Statistical Handbook, 2012, p. 10.) It was the first popularly elected government after the suspension of emergency by Indira Gandhi regime. Soon after the formation of the government, all rights and liberties of citizens suspended during the emergency were restored. Press censorship was withdrawn and all the political prisoners were released. The House brought 43\textsuperscript{rd} and 44\textsuperscript{th} constitutional Amendment Acts. The 43\textsuperscript{rd} Amendment Act reverts to a five years term for the Lok Sabha and State Assemblies instead of six year term. On the other hand, 44\textsuperscript{th} Amendment annulled 42\textsuperscript{nd} Constitutional amendment brought during the emergency regime. Besides, the amendment deleted Article 19(1) (f) of the Constitution namely Right to Property from the Fundamental Rights. The Janata government in other words restored main features of parliamentary democracy in India. The House was dissolved on August 22, 1979. (Kashyap, 2014, p. 296.)

The Seventh Lok Sabha (1980-84)

\footnote{On the very night of the declaration, ‘676 opposition members’ were picked up from their bed. During the Emergency, 26 political parties were banned and a total of 1,40,000 detenus, including certain members of Indira Gandhi’s own party, members of the opposition parties except that of Communist Party of India, students and activist, were put into jail under the category of ‘detenus’. The arrest and detention were on mere flimsy grounds of criticising government, emergency and political rivalry etc. The detenus were booked under Maintenance of Internal Security Act (MISA). (Shah Commission of Inquiry Report, 1978, Chapter XIX.)}
The Seventh Lok Sabha was constituted on November 1, 1980 and dissolved December 12, 1984. Congress (I) under the leadership of Indira Gandhi secured absolute majority. The House had 464 sittings and passed 336 bills. (Statistical Handbook, 2012, p. 10.) It had lively discussions on situations in Punjab, report of ‘Mandal Commission’ which recommended 27 percent reservation for ‘Other Back Ward Classes’. Prime Minister Indira Gandhi was assassinated by her own security guards in her official residence on October 31, 1984. Rajiv Gandhi, her son succeeded her as Prime Minister of India. (Kashyap, 2014, p. 297-298)

The Eighth Lok Sabha (1984-89)

In the eighth Lok Sabha election, Rajiv Gandhi under the shadow of assassination of Indira Gandhi secured three-fourth majority of the House which was indeed a record in the history of the Lok Sabha that even Congress could not secure during the time of Jawaharlal Nehru. Rajiv Gandhi became the youngest Prime Minister of India. The House conducted 485 sittings and passed 355 bills including 13 Constitutional Amendment Bills. (Statistical Handbook, 2012, p. 11.) Some significant ones were anti-defection bills and also lowering the age of voting from 21 years to 18 years. The House took lively debates on the Indian Post office (Amendment) Bill 198617, the Muslim Women (Protection of the Rights of Divorce) Bill 1986, Bofor Scandals, Debate on the Report of the Controller and Auditor General of India on the Purchase of 155 mm Howitzer Guns from Sweden. On other hand, some discussions were marked chaos and procedural wrangles in the House which also saw the suspension of 63 members of Opposition on March 15, 1989. As a record, the House was adjourned eight times on July 20, 1989. 124 members of Opposition resigned their seats in the House. Of these, 107 resigned during the Fourteenth session alone, and 73 members tendered their resignation on July 24, 1989. (Kashyap, 2014, pp. 298-299.)

Phases of Minority Government

The Ninth Lok Sabha (1989-91)

No party could secure absolute majority though Congress emerged as single largest party in the Ninth General Election. A minority government of Janata Dal was formed under the leadership of V.P. Singh with outside support from Bhartya Janata Party and the Left Parties. Though government was short lived, however it gave far reaching implications on the traditions, rules and norms of Parliament. The ninth Lok Sabha had as much as 109 sittings and 135 bills were passed. (Statistical Handbook, 17

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17 The Indian Post Office (Amendment) Bill 1986 had caused uproar in the House when it was taken up for consideration. Both the House passed it and sent it to the President for his assent. The Bill was returned by the President for reconsideration.
The Janata government’s announcement of the implementation of the Mandal Commission report thereby effecting reservation of ‘other backward classes’ had raised massive protest and agitation by the students, teachers, lawyers and others, accompanied by self immolation of young boys and girls on open streets virtually rocked the House. After the stoppage of the Rath Yathra of L.K. Advani at Ayodhya for construction of the Ram Temple, BJP and its allies withdrew support from the government. However V.P. Singh refused to resign and instead offered to prove his strength on the floor of the House. For the first time, a government was defeated on a vote of confidence by 356 to 151 votes with six members abstaining. After the ousted of V.P. Singh Government, Chandra Shekhar formed a new government but that too short lived. (Kashyap, 2014, pp. 299-301.)

The ninth Lok Sabha had far reaching consequences on the institutional practice of democracy. Rules, norms, conventions and time honoured parliamentary traditions were discarded. There were numerous cases of pandemonia, uproars, walk outs, crowding in the well of the House and raising slogans, adjournments, etc. Financial business of the House including voting on demands for billions of rupees for the Union, Vote of Account for 1992-93, Supplementary grants for 1991-92, Budgets of four States, President’s rule in one Union territory were passed without any scrutiny or discussion. Also as many as 18 bills were passed without any discussion within less than two hours. Another attempt was made to increased pension, allowances and facilities by bending rules. However, the President refused to sign it. (Ibid.)

The Tenth Lok Sabha (1991-96)

The Congress got absolute majority in the tenth General Election and duly constituted tenth Lok Sabha on February 12, 1991. P.V. Narshimha Rao was appointed as Prime Minister of India. It was believed that Narashima Rao strengthen its numerical strength in the House through managing splits in Opposition parties and allowing the Opposition members to defect to its rank allegedly through the promise of money and ministership. The House had 423 sittings and passed 284 bills. (Statistical Handbook, 2012, p. 12.) Some important administrative and legislative measures of the House were: it constituted 17 Departmental Standing Committees, introduced Constituency Fund of one crore rupees to be spent each year by MPs in their constituency. ( Kashyap, 2014, p. 301-302.)

The Eleventh Lok Sabha (1996-1998)

Defected ministers were not disqualified from membership as there were made to cover by the provisions pertaining to splits in parties. (Kashyap, 2014, p. 302.)
In the 11th Lok Sabha, 28 parties represented in the House and more than half of the members were elected as MPs for first time. Also the House had considerable number of representatives who had criminal records. None could secure absolute majority. Three different governments, shortest being 13 days BJP Government under the leadership of A.B. Vajpayee, were formed. These governments could survive barely 19 months. I. K. Gujral and Deve Gowda who became Prime Ministers under the banner of ‘United Front’ were members of the Rajya Sabha. The House had 125 sittings. 67 bills were introduced and the House passed 64 bills. The House was not allowed to function in number of occasions and had to adjourn on several occasions. For the first time the House had elected P. A. Sangma, the first tribal, the first Christian, a member of Opposition as Speaker of the House.

**Phases of Coalition Government**

**The Twelfth Lok Sabha (1998-1999)**

The Twelve Lok Sabha was constituted on March 10, 1998 and dissolved on April 26, 1999. It was a hung parliament. No party could secure absolute majority. A BJP lead Coalition government under the leadership of A.B. Vajpayee was formed but it could survive barely 13 months. The House convened 88 sittings and 60 bills were passed. Obstruction in the proceedings of the House, not allowing it to function, and forcing frequent amendments were part of the Opposition strategy. *(Statistical Handbook, 2012, p. 13.)*

**The Thirteenth Lok Sabha (1999-2004)**

BJP led National Democratic Alliance secured the required numbers to form government. A coalition government under the leadership of A.B. Vajpayee was formed on October 13, 1999. It was the first ever non Congress government which could complete its five years term. The House had 356 sittings and 302 bills were passed. Fierce debates as well as trials of confidence were forced to show on the floor of the House on the Prevention of Terrorism Bill and Gujarat Communal riots, 2002. For the third time, the President summoned a joint sitting of the two Houses to pass Prevention of Terrorism Bill, 2002. *(Statistical Handbook, 2012, p. 13.)*

Development in the field of coalition politics had at least brought a new stability in the government. It also gave a rainbow representation in the government and responsiveness to vast panoply of social, cultural and regional diversities to the extent that was not possible in the dominant or majority party government in the past. It was because of the fact that the multi Party coalition government had certain limitations. Unlike one party majority government, the coalition government represented diverse interest, and therefore consensus in government decision was not
easily found out. Government often got to be hamstrung in taking effective policy measures. Coalition partners had their regional, local and ideological agendas which were often unable to harmonize with the overall coalition programmes. (Sangma, 2012.) For the reason, less numbers of bills were passed but it provided greater parliamentary interventions and scrutiny over the government processes.

*The Fourteenth Lok Sabha (2004-9)*

The fourteen Lok Sabha was constituted on May 5, 2004 and dissolved on May 18, 2009. The House had 332 sittings and passed 219 bills. The fourteen Lok Sabha was one of the most unproductive amongst the Houses that had completed full five years term. It had just 1,737 hours of sittings. (Statistical handbook, 2012, p. 14.)

*The Fifteenth Lok Sabha (2009-14)*

The fifteen Lok Sabha was constituted on May 18, 2009 and it continued to exist till May 31, 2014. The House had many important moments which would be remembered in the history of parliamentary democracy. The House passed 177 bills of the 326 it had listed for consideration and passing in its five year tenure. (PRS legislative Research, 2014, p. 1.) This is the least number of bills passed by a full five-year-term Lok Sabha. In comparison, the 13th Lok Sabha passed 297 bills, and the 14th Lok Sabha passed 248 bills. (Statistical Hand Book, 2012, p. 36; PRS Legislative Research, 2014, p. 1.) The 15th Lok Sabha also lost 634 hours on account of interruptions and adjournments. In 1950s, every year the Lok Sabha and Rajya Sabha met for an average of 127 days and 93 days respectively. (Statistical Handbook, 2012, pp. 7-8.) This figure was drastically changed in the fifteen Lok Sabha. In 2011, both the Houses met 73 times. (Ibid., p. 15.) On the other hand, the first Lok Sabha had passed an average of 72 bills each year but it has decreased to 40 bills a year in the 15th Lok Sabha. (PRS Legislative Research, 2014, p. 2.) 15th Lok Sabha also witnessed several instances where the financial proposals of the government were passed without scrutiny or debate. The Interim Budget in 2014 was passed without discussion. In 2013, the Finance Bill and Demands for Grants amounting to Rs 16.6 lakh crore were voted and passed without any discussion. The 2011 Budget was passed without standing committees scrutinising the demands for grants from various ministries. (Ibid)

The House could pass some important legislation such as right to education, land acquisition, food Security bills, and civil liability for nuclear damage, foreign direct investment in retail sector, etc. while several bills as much as 60 bills were pending in the House. On the other hand, out of the 116 Bills, other than finance and appropriation Bills passed by the House, a significant percentage of Bills were passed
without adequate debate in the House. 36% of the total Bills passed by the House were debated for less than thirty minutes in the Lok Sabha. Of these, 20 Bills were passed in less than five minutes. In the Rajya Sabha, 38% of the total Bills passed was debated for two hours, and 7 Bills were debated for less than five minutes. (Ibid., pp. 1-2.) The oppositions on the other hand increasingly used tactics of disruptions and adjournment of the House as model of democratic deliberation. Almost a full session of the Lok Sabha was washed away on the demand of joint parliamentary committees on the 2G spectrum scam and Foreign Direct Investment in retail sector. During the Telangana issue debate in the Lok Sabha, MPs used paper sprays and microphones were uprooted. Scuffle broke out in the House. As many as 16 MPs were suspended from the Lok Sabha for their indisciplinary conduct in the House. (The Times of India, 2014.) One MP threatened to self immolation in the House if the Telangana bill would pass. Parliament suffered its gravest assault amid the ever declining standard of conduct.

An Overview of the 62 years of Indian Parliament

An overview of six decades of parliamentary institutions tells us about both the bright and gloomy features of parliamentary practice in India. On the one hand, Parliament is invested necessary powers to ensure a healthy public life. It is the institution to exercise leadership, legitimacy, accountability, control over executives, etc., through various parliamentary procedures and mechanisms. On the other hand, Parliament, as the principle institution of parliamentary democracy in India, has been declining. Many factors- social composition of representatives, changing nature of representation, quality of representatives, etc., have contributed the decline thesis of Parliament.

As students of Indian politics, we can make certain important observations on the changing nature of Indian Parliament. In the first two decades, the Congress was the dominant party in the Parliament. Large numbers of representatives were strongly linked with the Indian national movement. They were great orators and debaters. During these years, the content, canvas and culture of debates were dominated by national interest and international issues. (Shankar & Rodrigues, 2011, pp.111-115) The opposition was small but very effective and efficient. The opposition never missed an opportunity to force the government a discussion in the Houses. The treasury benches were also never silent spectators on government affairs. On numerous occasions, they fearlessly criticised, expressed genuine doubts, and sometimes even opposed government proposals. On many occasions, they joined hands with opposition in castigating and demanding resignation of
corrupt/incompetent ministers. During those years, parliamentary debates were constructive, argumentative and reasoned based.

In the last couple of decades, the opposition as an institution to make government accountable to the Parliament is largely considered to be declining. It has been argued that the opposition uses Parliament to impugn the credibility of governments than to exercise accountability for the sake of good governance. Strategically, the oppositions are more focus on political scandals and corruptions than protesting systemic governance weakness plaguing the country. They hardly scrutinise day to day functions of government. Disruption of proceedings and business of the House has become the primary tactics of opposition rather than seeking deliberative clarity through debates and other parliamentary means. (Kapur & Mehta, 2006, pp. 9-10.) There has been a trend in the democratic politics of Indian state in which the popular movements are often coordinated with opposition parties in the Parliament to pressurise elected government to accept their demands. Moraji Desai’s fast unto death on the demands of Gujarat election and repeal of Maintenance of Internal Security Act in 1975, Ram Janabhumi Movement in 1990s, Anna Hazare’s fast unto death on Lok Pal Bill, etc. were few cases of popular movement which forced elected government to concede their demands. All these extra parliamentary tactics greatly undermines parliamentary process in India.

Along with the changing nature of Parliamentary institutions in India, there has been a change in the social composition of the Lok Sabha over the years. The percentage of MPs without secondary education has decreased from 23% in 1952 to 3% in 2009. The percentage of graduates including post-graduates and doctorate degrees has increased from 58% in 1952 to 79% in 2009. (PRS Legislative Research, 2012, p. 1.) Earlier, composition of representatives was largely dominated by lawyers. Their numbers began to decline gradually after the 2nd Lok Sabha election. There has also been a phenomenon of rise of ‘rainbow representation’ in the Parliament brought by regionalisation/federalization of politics since 1980s. The rise of regional politics also largely affects the nature and content of parliamentary debates. Local and regional issues are increasingly brought on the floor of the Houses. What is also increasingly alarming with the changing nature and patterns of representatives is the phenomenon of ‘criminalisation of politics’. Politicians with criminal records are increasing inroad into the Parliament. Criminalization of Politics is not simply a phenomenon in which criminals enters into politics but a complex process in which criminal elements involve in politics, directly or indirectly like financing candidates,

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19 P.A. Sangama observed that candidates with criminal backgrounds are accepted by political parties across the political spectrum on the ground of their ‘winiability’. He therefore suggested that political parties should set up standards regarding clean candidature policy. (Sangma, 2012.)
providing money and muscle power, booth capturing, contract killing of rival candidates, campaigning or canvassing for any candidate contesting elections, etc. In other words, the issue is not simply criminals entering into politics but also significant MPs are beholden to criminal elements also. As many as 23.2 per cent of MPs elected in the 14th Lok Sabha had criminal cases registered against them. (Kapur & Mehta, 2006, p. 17.) Political parties to day do not select party candidates simply on the consideration of ‘legislative skills’ and other personal qualification but increasingly wightage is given to their chance of ‘winiability’. (Sangma, 2012; Kapur & Mehta, 2006, p. 6.) All these changing composition of Parliament largely affects working of the Parliament.

It is true that Parliament has suffered gradual decline especially since 1980s. These institutional defects are repairable. Attempts are also made to improve working of parliamentary democracy from time to time. In 2000, National Democratic Alliance (NDA) government appointed a National Commission for Review of Working of Constitution headed by Justice V.N. Venkatachaliah. The Commission also studied working of parliamentary democracy in India and recommended a certain measures to reform parliamentary institutions and its procedures including size of Council of Ministers in proportion to the overall size of the legislature, parliamentary procedures, strengthening of committee system, provisions for anti-defection, etc. (NCRWC, 2002, Ch. 5) Despite deeply saddened by these factors, parliamentary democracy continues to flourish in India whereas many post-colonial states in Asia, Africa and Latin America suffered democratic deficits and institutional breakdowns in numerous occasions. Parliament democracy in India still holds bright future despite facing various limitations and institutional challenges.

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