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Indian parliament and its working, changing face and need for reforms

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Abstract

Parliament today is not a law – making body only. It has become move and move a Multifunctional Institute performing a variety of roles. May of these interrelated and often meshing in to one another. This, however is often not appreciated and disproportionate emphasis is laid only on one or two aspects of working of Parliament. Any attempt at a comprehensive identification of roles and analysis of functions of the present day Parliament in the language of Modern Parliamentary Political Science may be quite misleading. With the view to clarifying the Concept, some of the coordinational roles and functions of the Parliament.

The Parliament of India is the Supreme bi-lateral Legislative body of Republic and its is composed of President of India and two houses, the Rajyasabha (Council of States) and the Lok Sabha (House of the People). As we know that the President in his role as head of the Legislative has full power to summon and prorogue either house of Parliament or to dissolve Lok Sabha. The President can exercise powers only upon the advice of Prime Minister and his Union Council of Ministers.

The Members of Parliament, Lok Sabha are directly elected by Indian Public by voting in single – member Constituency. Rajyasabha are elected by the members of all State Legislative Assembly by the proportional representation. The Parliament has a sanctioned strength of 543, 2 members nominated by the President of India from Anglo Indian race to Lok Sabha. Rajyasabha has 238 seats and 12 members nominated by President from the expertise of different fields of Science, Culture, Art, History, Architecture, etc. The Parliament meets at Sansad Bhavan in New Delhi.

Keywords: Constitution, parliament of India, Lok Sabha, Rajyasabha, president, vice – president, speaker, election, amendments, adjournment

Introduction

It would be appropriate to review the working of our Parliament during the last 70 years and move. We need to attempt a balance – sheet of achievements and failures of Parliament as the supreme representative institution of largest democratic Country in the World.

The first Parliament of India came into being on 26 January, 1950 with the commencement of the Constitution and birth of Republic. This was the Provisional Parliament. The first Constitutional Amendment was passed during its time, in retrospect, one of the other significant events during the life of provisional Parliament was the Mudgal case.

The first General Election under the Constitution were held in 1951 – 52, and bi – cameral Parliament with its two Houses, Lok Sabha and Rajyasabha was duly constituted.

The Seventeen Lok Sabha

The First Lok Sabha (1952 – 1957)

Was constituted on 17th April, 1952. Its first sitting was held on 13th May, 1952. Through elected by universal adult franchise and as such a truly representative body. The first Lok Sabha in a sense was highly elitist. It had a marked dominance, especially on its proceedings of the people who had their education in prestigious institutions of learning either in India or abroad. Most of them came from the urban background. Single largest professional group was that of Lawyers. Although the house had a preponderance of graduates (37 percent of total membership) under matriculates constituted the next largest group having 23.2 percent of total.

The average age of members was 45 years and 8 months. The maximum numbers of members were in the age group 50 – 55 years. 22 members forming only 4.4 percent were women. It was a treat to hear some of the fighting speeches that came from women members.

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Renu Chakravartay a communist members from West Bengal distinguished herself as a great debater in the house having strong yet feminine and musical voice. She individually took the maximum time of the house. Other important lady members were Suchetha Kripalani, Rajkumari Amrith Kaur, Tarakeshwari Sinha and Vijayalakshmi Pandit.

Although with 364 of the 499 members being from the Congress alone, it was clearly a situation of one party dominance but it could not be said that opposition was inefficient or was rendered ineffective by the large majority of the Congress. The actual practice it always asserted itself and made its presence felt on every important occasion on many matters. The Congress could not afford to ignore the opinion of opposition members.

The first Lok Sabha consisted of some of the most distinguished men and outstanding Parliamentarians, all adopted Parliamentary procedure, talented, accomplished and skilled in the art of Parliamentary debate. Ex. – Nehru, Purushottam Das Tandon, Harekrushna Mehtab, S. K. Patil, N. V. Gadgil, Swaransing, R. Yen. Kataraman, N. G. Ranga, Set Govind Das, Thakurdas Bgargava.

The list of members from opposition side was also no less impressive. It consisted of freedom fighters and powerful debaters of high order. Such as Acharya Kripalani, Ashok Mehtha, Dr. S.P. Mukarjee, A. K. Gopalan, H. N. Mukarjee, N.C. Chatterjee, R. Chakravartay, Meghanand Saha, H. V. Kamath, Sardar Hukum Singh and others.

The first Lok Sabha taking first step towards rebuilding and rehabilitating the Country's economy on new basis. Legislation was adopted as the chief instrument of socio – economic engineering. It occupied about 43 percent of total time of sitting. Large number of legislative measure ushering in great reforms in the social, economic and political fields. 7 private members' bills were passed. Lok Sabha passed Six Constitutional Amendment Acts.

The Second Lok Sabha (1957 – 62)

Deserved the credit of having given effect to a large number of Legislative members ushering in significant reforms in social, economic and political fields. Among the bills passed, four amended the Constitution. Two private members' bill passed. For the first time, there was a joint sitting of both the houses to resolve the dead lock in Dowry Prohibition Bill.

On the last day of Second Lok Sabha, Nehru remarked "Considering everything. We have done rather well and considering the State of the World today when every other day we read about coup d'états in various Countries, it was surprising how we have carried on in our Normal way". It was the tenure of Second Lok Sabha represented Golden Period in the history of Indian Parliamentary democracy.

The Third Lok Sabha (1962 – 67)

The Third Lok Sabha had 34 women members. Smt. Indira Gandhi became the first women Prime Minister of India. An interesting development was the law making function no move remained the major occupation of the house.

The Forth Lok Sabha (1967 – 70)

The Forth General Election marked a watershed in Indian politics. Although Congress Party retained absolute majority in the House, the losses that it had suffered were heaviest so far. The most important developments on political and

Parliamentary scene in India. This period were the phenomenon of defection and party splits of the Congress Party losing its undisputed dominant position and of Non Congressism emerging as a rallying point and programme for the opposition parties.

The support of Smt. Indira Gandhi to V.V. Giri and his election as President battle between Smt. Gandhi and the Congress Syndicate, the controversy of conscience, discipline, split of Congress in the Gandhi Centenary Year (1969). The ouster of Moorgi Desai from Finance Ministership and Nationalization of major Banks all had their impact on functioning Lok Sabha. The defections started in the period. The House was dissolved prematurely on 27th December, 1970 and thus life of only 3 years 9 months 10 days.

The Fifth Lok Sabha (1971 – 77)

It was significant eventful, some of the National and International events gave rise to serious debates, discussion and deliberations on the floor of the House. Simla Agreement in the wake of India's Triumphant Victory in Bangladesh war generated a very lively discussion on the floor of the House. As many of 19 Constitution Amendment Bills were passed. 35th and 36th Amendments that Sikkim was integrated with the Union.

Introduction of the pension scheme for former members of Parliament, Nagarwala issues, MISA and long debate on the important licence case and alleged role of Railway Minister Shri L. N. Mishra and Shri Tulmohan Ram. The later was said to have accepted a bribe.

While Proclamation of Emergency issued earlier in December 1971 following the Pakistan aggression was already operation the fresh Proclamation was issued by the President on 25th June, 1975 on the grounds of threatened International disturbances. Opposition leaders linked declaration of a fresh Emergency with Allahabad High Court's decision declaring the election of Smt. Indira Gandhi to the Lok Sabha void and disqualifying her "for being chosen as for being a member" of either Houses of Parliament or of any State Legislative for period of six years. After a 14 hour debate, Lok Sabha adopted the resolution approving the Proclamation of Emergency. The dissatisfaction with Emergency measures and the movement led by Jayprakash Narayan had made the opposition of the Congress Government very uncomfortable.

The fifth Lok Sabha left behind some bitter memories of Emergency Legislation, Administrative Excesses and Political Isolation of Smt. Indira Gandhi.

Sixth Lok Sabha (1977 – 79)

1977 Election brought to power a Non – Congress Government. But it was a courageous decision on part of Smt. Indira Gandhi to accept the verdict gracefully, bow out of power and up hold highest norms of Parliamentary democracy. While the ruling party lost, freedom and democracy had won. The system had proved its legitimacy vibrance, resilience and vitality. It was established that even the most powerful could be defeated at the polls and transfer the power could be effected through Constitutional peaceful means.

The significant work done by 6th Lok Sabha included Amendment to Constitution (43rd) to revert to a five year term for Lok Sabha and State Assemblies instead of 6 years. The 42nd Amendment passed during the Emergency was

inserted to Constitution. Almost entire period was dominated by Janatha Government trying to trace out and punish all those guilty of standing with Smt. Indira Gandhi and responsible for the 'atrocities and excesses' of the Emergency period. The Shah Commission inquiry, the Maruthi affairs, the privilege issue against Smt. Indira Gandhi and in one of them her warrant and arrest, jail and expulsion from the membership of the House all were part of the same exercise. Before Janatha Government could settle down to positive business serious fissures between the leaders and diverse group constituting the Janatha Party started coming the surface. Y.B. Chavan moved a vote of no – confidence in the Council of Minister headed by Morarji Desai. It brought another Non – Congress Council of Minister this time headed by Chaudhary Charan Singh who never faced the House and resigned. The 6th Loksabha was dissolved after remaining in existence for nearly two years and half only. The Janatha experiment had failed.

The Seventh Loksabha (1980 – 84)

Smt. Indira Gandhi back in the saddle. The Congress (I) had avenged its defeat of 1977. Almost all other parties were in bad shape. The single largest group (39.3%) in the Seventh Loksabha also continued to be that of "Agriculturists". In fact right from the first Loksabha onwards, the strength of agriculturists had been increasing in every successive House. The Mandal Commission Report which recommended 27 percent reservation for backward classes was discussed in the floor.

On 31st October, 1984 the whole Nation was shocked to learn of the dastardly assassination of Prime Minister Smt. Indira Gandhi by her own security guards. Shri Rajiv Gandhi succeeded her as Prime Minister held under the shadow of the assassination of Smt. Indira Gandhi. The 1984 Elections gave a three – fourth majority to the Congress. Which the party did not command even during Nehru's time.

The Eighth Loksabha (1985 – 89)

The Eighth Loksabha had a new look in the International year of Youth. India had her youngest Prime Minister. Also the House had some top stars from film world namely Amitabh Bachhan, Smt. Vijayanthi Bali and Sunil Dutt. The Eighth Loksabha had a distinction of having the largest proportion of educated members; more than 71 percent were graduates. As many as 13 Constitutional Amendment Bill were passed. 10 of these were finally enacted. During this time – reducing the voting age from 21 years to 18 years.

The Indian Post Office Bill, finally sent to the President, he returned to the Parliament to re consideration. The Muslim Women (Protection of rights of Divorce) Bill, 1986 generated lively discussion in the wake of the Shah Bano Case. And Bill was passed at a marathon sitting on 5th – 6th May, 1986.

8th Loksabha witnessed the suspension of 63 members of the opposition on a single day 15th March, 1989 for the remaining days of the week. The same was the case with discussion on matter relating to the purchase of the 155 mm. Howitzer guns from the Bofors Company of Sweden. A record of sorts was created when the House was adjourned 8 times on single day – 20th July, 1989. These developments ultimately culminated in enemas resignation by opposition members from Loksabha. 124 members resigned their seats in the House.

The Ninth Loksabha (1989 – 91)

The Congress was still the largest single party. The number of parties represented was an all time record. There were as many as 24 parties. Also it was the first time that no party had secured a clear majority. A Minority Government of Janatha Dal was formed by Shri. Vishwanatha Pratap Singh with the support of B.J.P. and Left Parties from outside. 9th Loksabha had a unique distinction of having the single largest party the Indian National Congress (I) with 197 members – as the officially recognized opposition and former Prime Minister Shri Rajiv Gandhi as a Leader of Opposition with the rank of the Cabinet Minister to sit as the Leader of opposition in the Loksabha.

The situation of Jammu and Kashmir, Punjab, Assam dominated the proceedings. V.P. Singh announced in the two Housed his Government's "momentous decision of Social Justice" on the report of Mandal Commission. His announcement it was alleged was politically motivated, intense and massive agitation launched by the students, teachers, lawyers and others accompanied by self – immolation of young boys and girls on open streets virtually rocked the Loksabha.

V.P. Singh Government could not complete even a year in office, following the withdrawal of support by B.J.P. and its allies in retaliation against the Arrest of L.K. Advani and stoppage of his Ratha Yatra to Ayodhya for construction of Ram Temple. It was obvious that V.P. Singh had lost majority support in Loksabha. However re refused to resign and instead offered to prove his majority on the floor of the House. The motion of Confidence was defeated by 356 to 151 votes with 6 members abstaining. This established another record. The President invited Chandra Shekar to form a new Government. But his minority Government also was short lived. President dissolving the 9th Loksabha.

The biggest causality during 9th Loksabha period was institutional, the rules, conventions and time honoured tradition in many aspects were given a go by. There were more than the usual instances of Pandemonium, noisy and uproarious scenes, walk – outs, crowding in the well of the House, rising slogans, frequent adjournments. Madhu Limaye said "entire tenure of 9th Loksabha was disappointing and the last day was a day of National shame". Besides this 18 Bills were passed again without discussion. The 9th Loksabha tenure was brief experiment of minority Government run with outside support having flopped.

The Tenth Loksabha (1991 – 96)

10th Loksabha was constituted under the shadow of the grim tragedy of the most gruesome and ghastly assassination of the former Prime Minister Shri. Rajiv Gandhi who was not only a candidate of Loksabha membership but also the most likely person to take over as Prime Minister after the Elections. 10 General Election was the most brutal and violent Election in Indian History. Congress (I) emerged as by far the largest party in the House. But a little short of absolute majority to form a stable Government on its own. The sympathy generated as a result of assassination of Rajiv Gandhi did add a few seats to Congress (I) tally, but it was not enough. The party was almost completely roused from two other most populous State U.P. and Bihar. The unanimous Election P.V. Narasimha Rao first as the President of Congress Party and then elected as leader of Congress Parliamentary Party and his appointment as the

first Prime Minister of India from southern States strengthened the integration sentiment.

P.V. Narasimha Rao acquired simple majority largely through managing splits in opposition parties. 10th Lok Sabha's noteworthy development was that of setting up fully fledged system of 17 Departmental Standing Parliamentary Committees.

The Eleventh Lok Sabha (1996 – 1997)

In 11th Lok Sabha as many 28 political parties were represented in the House. It saw 3 Governments and Prime Minister Come and go. Atal Bihari Vajpayee for 13 days followed by H.D. Deve Gowda and Indra Kumar Gujral. It was a strange phenomenon that the two parties in the House. The B.J.P. and the Congress were outside the Government while some 13 – 14 Tiny Parties of diverse and opposite. Persuasion Cobbled majorities in the lust for sharing the spoil of power. Both H.D. Deve Gowda and Indra Kumar Gujral was member of Rajyasabha. During the short life of the 11th Lok Sabha there were as many as four confidence motions from the Prime Minister themselves.

Indiscipline, disorder and pandemonium resulting in House not being allowed to function and getting repeatedly adjourned become routinised but the show lasted only 18 months. Be it as it may the 11th Lok Sabha will be remembered for electing to the office of the Speaker for the first time a member of the opposition. P.A. Sangma, who was also the first tribal, the first Christian and youngest ever Speaker. At his initiative a special 6 days session of the two Houses was held to commensurate the Golden Jubilee of India's Independence. For the first time in the history of Parliament the Speaker delivered a speech in the House. He gave a clarion call from the chair for a second freedom struggle.

The Twelfth Lok Sabha (1998 – 1999)

12th Lok Sabha also no party could secure a clear majority. A BJP led coalition Government headed by Atal Bihari Vajpayee was formed, but it could last only 13 months. Since no alternative Government could be formed fresh Election had to be called. So this is become the shortest lived Lok Sabha. The major development is was presentation of Budget at 11 a.m. instead of 5 p.m. For the first time a member of the Scheduled Castes, Ganti Mohana Chandra Balayogi of Telugu Desham Party elected as Speaker.

The Thirteenth Lok Sabha (1999 – 2004)

Atal Bihari Vajpayee formed NDA Coalition Government of some 23 parties together, which despite many stresses and strains and succession of crisis is continuing and proving considerably stable with no alternative sight. The prevention of Terrorism Bill was passed in March 2003 in the joint sitting of the Parliament. The Golden Quadrilateral is a National Highway Network connecting most of the major industrial, agriculture and cultural centre of India. It connects major Metro Cities of India, Delhi, Kolkata, Mumbai and Chennai. It is the largest Highway Project in India, it was planned by 1999, launched in 2001 and completed in 2012.

Vajpayee tries to make good relations with Pakistan; he travelled by bus to Lahore in 1999.

The Kargil War – India won the Kargil war which outbreak in May to July 1999 in Kargil District of Kashmir and elsewhere Line of Control.

The Fourteenth Lok Sabha (2004 – 2009)

14th Lok Sabha convened after the Indian General Election held in 4 phases during the 20th April to May 2004. Which lead to the formation of the first Dr. Man Mohan Singh Government. Indian National Congress lead United Progressive Alliances won 62 more seats than the previous Lok Sabha.

During this period India and USA Nuclear Co-operation was approved in USA relating to the Nuclear Supplier Group. And India approved the Non – Proliferation Enhancement Act on October 8, 2008. This agreement between the Indian Foreign Minister Pranabh Mukarjee and USA Counter Part Condoleezza Rice on October 10, 2008. But left parties were against the 123 agreements. They moved no – confidence motion against the Government but they failed to get majority.

14th Lok Sabha witnessed the 2G Spectrum Scam that the political and private officials under the UPA Coalition Government in India were accused of committing. It was claimed that the magnitude of the scam was 2,867,800,000,000 Rupees. The Union Government of that time was accused of undertaking mobile telephone companies for frequency allocation licenses, which they used to create 2G Spectrum subscription for the Cell Phones. The Comptroller and Auditor General of India exposed the Scam. The Minister of the United Progressive Alliance Government A. Raja and Kanimozhi were prime accused.

In 2005 Operation Duryodhana was the code name of a string operation, which captured on camera. The eleven members of the Parliament of India accepting money to table questions on the floor of the Parliament, it defame of the Indian Parliament.

The Fifteenth Lok Sabha (2009 -2014)

The members of the 15th Lok Sabha were elected during 2009 General Elections in India. The Indian National Congress led the United Progressive Alliances, won 44 more seats than the previous Lok Sabha.

It is the second innings of the Dr. Man Mohan Singh Government. It introduced a total 222 Bills in the 15th Lok Sabha. But out of this 165 Bills were passed by the House.

Smt. Meira Kumar, Parliament member and Congress Party member elected as the Speaker of the Lok Sabha. Smt. Sushma Swarj was the Opposition Party leader at the time and Smt. Sonia Gandhi was the leader of the United Progressive Alliance Government.

The outgoing term of the House was the most disrupted and wasted in Independent India with the 'Pepper Spray' incidents in the Last Session making a new law in Parliamentary Conduct. There was also uproar galore on the demand for resignation of the Prime Minister Dr. Man Mohan Singh in the Coal Block Allocation Scam.

The Telangana Bill creating the 29th State of India was passed in the last week on the Last Session of Lok Sabha.

The 15th Lok Sabha has also seen immediate disqualification of the RJD Chief Sri Lalu Prasad Yadav after their conviction in the Fodder Scam, even though scams and scandals, including the Common Wealth Game Scandal and Adarsha Housing Scam led to the disruption.

General Review

A General view of development in Parliamentary Institutions since the first Loksabha reveals some very interesting and some disturbing facts. The number of days on which the House of Parliament sit each year and the time that in devoted to transacting business has come down considerably in recent years. In the face of disturbances and shouting the Houses have to be adjourned frequently. Even in Parliamentary circles now it is widely recognized that the ugly scenes of indecorous behavior, indiscipline, pandomenta etc. It lead to waste of precious Parliamentary time loss of respect for the supreme representative institution of the people.

Parliament was conceived as the legislature or the Law making body, but of late Law making has ceased to be even the most important of its functions, either qualitatively or quantitatively About 48 percent, it has come down to occupy less than 14 percent of its time.

The character of Parliament has also changed as a result of changes in membership composition. In the early years our Parliament could legitimately boast of having some very outstanding and accomplished Parliamentarians, who could do honour today Parliament of the World. Ex. Acharya Krupalani, Dr. Ram Manohar Lohia, Vajpayee, Jayaprakash Narayana, Nehru, H. V. Kamath, Dr. B.R. Ambedkar, etc.

For the first 30 years of Independence Congress remained the dominant party with an undisputed majority, interestingly however the opposition while small in number was more effective and had greater impact in earlier years. Perhaps it was so because of the high quality and character of membership on both sides and largely because a stable Government and secure leadership could show greater magnanimity and accommodate opposition viewpoints without losing face.

In earlier Loksabha there was much greater emphasis on discussion of National and International issues. Regional issues and Local problems were left to be taken up in the State Legislature. People would flock to hear Nehru initiative debates on International situation, on Foreign Affairs which followed high level discussions from National angle. It seems that gradually but increasingly more regional and even local problems are coming to acquire greater relevance and importance for our members.

The representative democracy Parliamentary Institutions have endured in India for five decades is a great tribute to their strength and resilience. In recent years quite some thinking and debate about decline of Parliament, devaluation of Parliamentary authority deterioration in the quality of members, poor levels of participation. Today one notices a certain cynicism towards Parliamentary Institutions and as erosion in respect for Parliamentary process. The legislators as evidenced by poor quality of debates, and attendance in the Legislatures, unruly behavior of members.

Parliament and Parliamentarians has become a fashion with self – proclaimed intellectuals. This has to be deprecated because other institutions have perhaps declined more. Today we are in situation where sanctity of means has lost all value, meaning and relevance. If dacoits, smugglers, gangsters and foreign agents can help put us or sustain us in power, we are prepared to compromise with them. We do not hesitate to buy stability of our chairs by bringing fellow legislators. The people feel that the new breed of politicians in all parties are selfish, power hungry, greedy, dishonest hypocrites and power merchants for whom the Nation

comes lost and the welfare of the people is at the bottom of the priorities.

Need for Reforms

It seems to have been made to examine and analyze what really plagues Parliament or find out reason for erosion of traditional authority, high esteem and glory of the Institutions of Parliament. We must deliberate on the highest priority basis why things have come to such a pass. Something can still be done to restore the legislatures to their old glory and bring about a renaissance of democratic faith and Parliamentary culture.

The information explosion, the technological revolution, the growing magnitude and complexities of modern administrations cost upon Parliament other vastly extended responsibilities, inadequacy of time, information and expertise with Parliament results in poor quality Legislation and unsatisfactory Parliamentary surveillance over administration, inadequacy of causation and training in the sophisticated members of Parliamentary policy and working procedure of modern Parliamentary Institutions have adversely affected the performance both the Legislators and Bureaucratise. Little efforts has been made this for to develop the essential pre – requisites for the success of the Parliamentary party – discipline, character high sense of public morality, ideology oriented two party system and willingness to hear minority views.

It would be necessary to reform the electoral system and the political party system, what is needed is a holistic approach to electoral reforms and comprehensive legislation for the purpose.

We have to be clear about the precise need, direction and reforms that would be desirable at present. It is obvious that more tinkering first – aid repairs and trifling cosmetic adjustment. We have to be prepared for fundamental institutional – structural, functional, procedural and organizational changes.

Parliamentary reforms would have to include

- a) Building a better image of Parliament.
- b) Improving the quality and conduct members.
- c) Reducing expenditure on Parliament.
- d) Making membership financially less attractive and more motivated by support of sacrifice and service.
- e) Improving information supply to Parliament.
- f) Legislative planning and improving the quality of Law.
- g) Settling up standing committees on the Constitution and Economy.
- h) Codifying Parliamentary privileges.
- i) Improving working Parliamentary parties, floor management Parliamentary time table.
- j) Rationalizing and modernizing rules of procedure to meet today's needs.

Finally Parliamentary reforms would have to be a part of an integrated approach to be reform all sectors, in Education, Judiciary, Administration, Economy, Social, Cultural, Political spheres.

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