

Chapter-I

Parliament and Parliamentary Democracy in India

The present chapter attempts to provide a comprehensive view of the institution of parliament and parliamentary democracy in India. It endeavours to map out the development of the institution of parliament in India, and also the way it has taken shape. Attempt has been made to unravel the structure, function and competence of the institution in the light of the constitutional scheme which provides the framework of operation and specifies the extent and limits of jurisdiction. The chapter also touches upon the experiences of the working of the parliamentary institutions over the last six decades, for the working of the institutions are inextricably interlinked with the institutional form which was adopted in India after due consideration.

The working of parliamentary democracy in India over the last six decades is an apparent acknowledgement of the recurring relevance of the parliamentary form of government and an array of parliamentary institutions. Parliamentary democracy in India has been, by and large, a successful experiment despite certain limitations of the process of nation-state building in post- independent India.¹ The development and growth of parliamentary institutions over the years have helped in expanding the base of democracy. Though the modern institutions of democracy are generally considered to be incompatible in societies deeply embedded in their traditional structures, Indian case defies the standardized format and logic. The institutions of democracy in India have shown greater amount of resilience to cope up with the challenges of time.² The resilient character of democracy and its institutional form

has undoubtedly led to the greater interplay of the democratic principle. Parliament symbolises one of the most important democratic institutions which attempts to democratically represent the aspirations of the people through their representatives. The experiment of parliamentary democracy over the past six decades has consequentially helped in the expansion of the base of democracy. This is not merely self proclaimed glorification of the parliamentary institutions in India or overstatement about the merits of the public institutions; it is rather a statement of fact substantiated by empirical evidence and lived experiences.

Traversing through the journey of the parliamentary democracy in India over the past six decades is suggestive of the strength of the institutional structure which has helped in deep rooting democracy in a much nuanced mode. Though one cannot deny the fact that experience of democratic journey has been a mixed one having both positive and negative referents, it has succeeded in holding together the groups and communities of diverse socio-cultural and religious persuasions through its own framework of institutional structure.³ It may be recalled that the terrifying experiences and political events leading to the partition of India were not at all consistent with imagination of a democratic nation state. Holding together and accommodating diversities of a gigantic size and variety was itself a major challenge. Imagining a nation-state in the midst of diversity and difference and infusing a sense of belonging to the nation over and above the caste, community, religious and regional affiliations was definitely a difficult task. In fact holding together the people belonging to such a diverse background is almost unparalleled in the history of modern nation-state. Given the nature of society and experience of communal conflict, the

option of nation-building in post-independent India was filled with apprehensions about the sustainability of India as a nation and state the one hand and applicability and functioning of the political institutions on the other. The experiences of community conflict immediately before independence and cropping up demands for separate state based on language-ethnicity in the very first decade of independence generated variety of apprehensions about the democratic experiment and sustainability of the modern political institutions.

During the 1960s there was dominant view among the western scholars that democracy cannot survive and flourish in traditional societies like the Indian which is not only tradition bound but also diverse and divided. In such a society the deep division and sectional interests limit the principle of parliamentary democracy, especially its Westminster variant. In fact in this articulation democracy essentially has to follow a linear path of development. Unless a society and its institutions are modernized democracy in its modern sense cannot be viable option. At the heart of such arguments lies the deep rooted belief in the theory and practices of modernization. The Western scholarship and modernization theorists had, in fact, taken an essentialized view of democracy. Obviously in this case the institutions of parliamentary democracy are bound to meet the fate of failure. In case of India it was prophetically said that India would not survive as nation and state given the propensity of the disintegrating forces.⁴ over the past six decades the apprehensions of the modernization theorists have proved utterly wrong. The democracy in India has shown its own mode of adaptation with tradition institutions and the support base

of democracy.⁵ Democratic assertions of the subaltern groups both in the form of collective action and everyday form of protest is an attestation of the fact.⁶

It is important to note that the idea of establishing parliamentary institutions was vehemently opposed even during the colonial rule. The opposition was built on the pretext that parliamentary democracy cannot work in a society like India which was not only diverse but also traditional. The combination of both makes the possibility of establishing parliamentary institutions an inappropriate proposition. The parliamentary democracy deeply embedded in the British tradition was seen as pathological opposition to the structure and value of the traditional society. It was argued that it would meet the fate of failure unless a structure of modern society and its associated values were created. From this perspective succeeding of democracy in India was next to impossible. Given the contradictions between the structure of traditional Indian society and the requisites of the institutions of modern democracy, the apprehension was not altogether unfounded. Nevertheless, the trajectory of democracy in India has its own specificity. It does not get easily fitted in straitjacketed format of western modernity. It may be, however, recalled that this kind of view was an invention of the post colonial constitutional history. Such kinds of views were expressed much before the actual deliberation on the model of political institutional design in India. It was argued that 'the British form of government was suitable to deal with a population in the main homogeneous, in the main equal in every substantial and essential sense, in a community where minority are prepared to accept the decisions of the majority, where they are all alike in the traditions in which they are brought up, in their general outlook upon the world and

in their broad view of national aspirations'.⁷ Obviously in this view India was not well suited for parliamentary democracy in the first case and import of political institutions on the other. The socio-cultural and religious diversities that prevailed in India were thought to be antithetical to the British parliamentary institutional forms. The establishment of parliamentary institutions and unfolding of democratic processes, however, have not followed the logic of the classic view and apprehensions built thereupon. Though it is true that democracy could not succeed as experiment in larger part of the Afro- Asian region post-colonial states, the Indian case indeed falls apart from the other cases. The experiment of parliamentary democracy has not only succeeded in India but has taken deep roots.

In fact, any assessment of the working of the Parliament and parliamentary democracy in India can not be detached from its unique context of institution building after independence from the colonial rule. One of the most important and frontal challenges before the post-colonial state in India was to think and built institutional set up of India in such a mould that could reflect not only its specificity of society, history and culture but also embody the ideals of modern democratic order. Negotiation of such a challenge was not possible without imagination of a design of public institution which does not essentially negate the experience of the past but at the same time also respond to the challenges of the present and future.⁸

It is in the above context that the institution of parliament and the idea of parliamentary democracy assume importance in India. Parliamentary institutions in India which have evolved over the years have their own specificity. These have not merely been replicated from the outside without giving a serious thought over them.

They have been adopted and given space in the overall scheme of the political system after due consideration and deliberation at the time of the making of the constitution. The Constituent Assembly debates in this case best reflect the vision of the founding fathers of the constitution of India about the design of the political system and elaborate form of parliamentary institutional structure. The system of checks and balances inbuilt in the political system is one of the most important underlying strengths of the institutional structure of parliamentary democracy in India.

Growth and Development of the Parliamentary Institutions in India

Though the institution of parliament in its current form derives its institutional form from the constitutional scheme of post- independent India, it is having deep imprints of the British parliamentary institutions. The origin and growth of parliamentary form has a long history. A parallel of such institutions is traced back to ancient India. It is mentioned that the democratic institutions or such concepts were not alien to India even in the remotest past.⁹ The history of ancient India, especially dealing with the Vedic and Puranic literature makes reference to the political institutions. The existence of Popular Assemblies namely Sabhas and Samiti becomes important in this regard. Sometimes they are considered as political institutions having rudiments of modern Parliaments.¹⁰

The Samiti was a powerful body consisting the whole people during the developed Vedic Age which even elected the 'King'. The Members of these Samitis were wise men having divine qualities. They enjoyed the right of discussion and reached to

consensus to have a united will to serve the nation and exercised considerable influence over the administration.¹¹

Another body which finds mention in Vedas (Rig Veda) is Sabha. It used to be the Supreme body to advise the king. Sabha was to formulate the rules and principles leading to the general welfare of the nation. King was not hereditary during these periods nor could he act arbitrarily. He was chosen by the people to rule over them with their consent in order to provide them the security and promote their welfare.¹²

The bodies like Sabha and Samities conducted their business following certain procedures which have striking similarities with the procedures followed by the modern legislatures. There were rules for counting the votes as the decisions were taken by majority. In case of unanimity on a matter, vote was not taken but if there was not unanimity, matter was discussed before voting. The system of voting was through Salakas (Voting sticks) of different colours denoting “Ayes’ and ‘Nays” (very akin to the voting system having ‘green’ ‘red’ and ‘yellow’ buttons in modern Houses of Parliament. The Members were called “Sabhasad’ and the Sabhaadhyksha’ was to preside over the sitting and maintained the order in the Sabha (Assembly). Any person to be qualified to be chosen to this high office has to be well versed in the matters of state, experience, astute impartial, learned, righteous benevolent and matured by advanced age and learning. They were well versed with the procedural devices like resolutions, lack of quoram, Vote by majority, debates, pointless speech etc.¹³

Motions (Jnapti) and Resolutions (Narishta) were to be framed in set language and form and they were to be rejected or adopted. Resolution was read thrice and if

nobody raised any objection it was declared as adopted. There were customs and etiquettes for the members and if any member indulged in any kind of misdemeanors, he was liable to censure by the Assembly. There was also the Sabhapal (akin to modern day Marshall or Sergeant) and Whip called “Ganpurka” and also a person who recorded the minutes of the deliberations and enjoyed a very high status in the Assembly (he can be the precursor of the Clerk of the House).¹⁴

The above description is attestation of the existence of deliberative process and democratic institution in India from very beginning, through the form and the mode of representation was not identical to the parliamentary institutions of the contemporary age.

Dr. B.R Ambedkar goes one step further and says, “It is not that India did not know Parliament or Parliamentary Procedure. A study of Buddhist Bhikshu Sangha discloses that not only there were Parliaments – for the Sanghas were nothing but Parliaments – but the Sanghas knew and observed all the rules known to modern times. They had rules regarding seating arrangements, rules regarding Motions, Resolutions, Quorum, Whip, Counting of Votes, Voting by Ballot, Censure Motion, Regularization, *res judicata* etc. Although these rules of Parliamentary Procedure were applied by Buddha to the meetings of Sanghas, he must have borrowed them from the rules of the Political Assemblies functioning in the country in his time”.¹⁵

It is important to note here that the institutions of democracy have existed in India not only at the national level but also at the local level. Panchayats are the most important form of democratic institutions which have existed in the villages of India in the past and continue to exist even today. The constitutional sanction accorded to

the institution has renewed its vigour. They are proving to be the instruments of empowerment and sites of representation. Though these have been important institutions of democracy at the local level, the argument cannot be stretched to the extent of proving the existence of parliamentary institutions in India. Indeed it could be reinforcing the argument that Indian history is not devoid of the instances of democratic institution and the democratic form of government. The historians of the political institutions in India considered the monarchies as the killing grounds of democratic institutions of ancient India.

Despite taking pride in the tradition of democratic institutions and governmental form of the past, especially the republican tradition, one cannot just undermine the deep imprint of British parliamentary institutions introduced in India by the British colonial rule. The ensuing section attempts to map out the development of the parliamentary institutions during the British Rule. While doing so the case of bicameralism has especially been taken into consideration. Though many works have been done exclusively on the two wings of the Parliament in its historical setting, the effort here is to recapitulate them for having a comprehensive account of the Committee System that exists in India today.

It is important to note here that the growth of British Parliamentary institutions in India has been gradual. The Royal Charters, Acts of British Parliament and reforms in administration brought about by the colonial rule from time to time had decisively shaped the design of the parliamentary institutions in India. Initially the East India Company used to run its administration on the basis of various Charters issued to this effect from time to time until the coming up of the Regulating Act of 1773 which

brought the company under the direct control of the British Parliament. This was also a beginning of the process of administrative centralization under which the three presidencies of Bombay, Madras and Calcutta were administratively brought under the central control. Under this Act the Governor of Bengal was made Governor-General with a Council of four members to be appointed by the Board of Directors' of the Company. The Council was to take decision by majority and the Governor – General had a 'Casting Vote'. The Legislation by the Executive was under the independent check of the Supreme Court which had a 'Veto' Power and was set up under the Act itself.¹⁶ One significant point that needs to be noted here is that despite the beginning of parliamentary control the major power remained with the Directors of the Company.

A major development in the direction of legislative power comes with the passage of the Charter Act of 1833. This Act formally ended the rule of the Company. Now the Governor-General and his councilors were styled as 'Governor-General in Council,' and a fourth Member, known as 'Law Member' was added. The Law member according to the Act could sit in the meeting of the Council only when it met for Legislative purposes. The adding of Law member to the Council of the Governor General saw one Central, though rudimentary Legislature for India. It was the first faint beginning of the Central Legislature in India.¹⁷ It is maintained that this had some inherent limitations. One major problem with this arrangement at that time was that it was difficult for the Governor-General in Council sitting in Calcutta to have knowledge of 'local' problems in other 'Presidencies'. Hence when the Act of 1853 was passed after the expiry of 20 years of the earlier Act, it provided for the

enlargement of the Governor General-in-Council. Six legislative members, Chief Justice and one judge from Calcutta High Court and four members as representatives of the Provincial Governments – were added. This raised the number to twelve including four existing members, Governor General and his Commander in Chief. Six legislative members were styled as Legislative Councilors and debarred from sitting and voting in the Council except at the meetings thereof for making laws and regulation; Legislative meetings were presided over by the Governor-General and in his absence by the Vice President and in his absence by any senior ordinary member present. Presiding Officer had the right to ‘Casting’ Vote in the event of equality of Votes. Discussion were oral and the Bills were passed through three stages and were referred to the ‘Select Committees’ of the Council.¹⁸

After the revolt of 1857, the Rule of Company was ended with the passing of the Government of India Act 1858 which vested all the territories under the control of Company in her Majesty and were to be thereafter governed by and in the name of the Crown acting through the Secretary of State. This act brought the system of double Government in India to an end. This Act provided for a Council of India, consisting of fifteen members presided by the Secretary of State who had the overriding powers over the decisions of the Council. Though the number was increased but its powers were curtailed.¹⁹ The Revolt of 1857 made the Britishers to realize that one of the main reasons for the wide spread outburst of discontent in India was the absence of any link between the ‘rulers and the ruled with no Indian member in the Governor-General’s Council. On the other hand, the Govt. of Bombay and Madras were also unhappy at the centralization of legislative machinery

and loss of their own authority. It was against this back ground that the Indian Councils Act 1861 was passed. It was against this back ground that the Indian Councils Act 1861 was passed.²⁰

The Indian Councils Act 1861 was significant development as it introduced important changes in the machinery for legislation, both at the central and provincial levels besides introducing system of legislative devolution in India.²¹ Though the devolution of powers and the associations of 'additional members was a positive step from the point of growth of Legislature, but the Act went backward in curtailing and restricting the Legislative Powers of the Council in Comparison to the Governor-General in Council under the Act of 1853. The Act ensured that the Council did not assume the role of miniature Parliament. The Council was forbidden to transit any business other than the Bills introduced which were to be introduced with the prior approval of the Governor General. The Council could not ask question or ask for information nor could it move resolution and discuss the budget. There was no provision to enquire into grievances and examine the conduct of the Executive. Moreover, the Governor-General was empowered to act without his Council in case of emergency and promulgate the ordinances which would have the same force as that of law for a period of six months.²² Needless to mention the Act laid down the foundation of constitutional framework which continued until the passage of Indian Council Act, 1892.

Under Indian councils Act 1892, the size and functions of Indian as well as of the Provincial councils were enlarged. The new features which were introduced under the Act were as follows:-

(1) The number of additional members was increased from 'not less than six and not more than twelve' to not less than ten and not more than sixteen' in the Central Legislative council.

(2) The Act also introduced a system of indirect elections for some additional members by different classes (Local bodies as Municipalities, District Boards, Chambers of Commerce, Universities and Trade Associations etc.)

(3) Functions of the Legislature were expanded.

(i) Council was authorized to discuss the Annual Financial Statement (Budget) but it was not empowered to pass a resolution or divide the House.

(ii) Members were given the right to ask questions with certain limitations for the first time but they were not allowed to ask supplementary questions.²³

Despite the changes introduced in the Act of 1892, the representative character of the Council remained restricted. Therefore, the Congress demand for the expansion of the Council continued. As a response to the congress demand the Indian Council's Act 1909, popularly known as Minto-Morley reforms, was enacted which introduced important changes in the powers, composition and functions of both Imperial as well as Provincial Legislative Councils. Some of the important changes brought about by the Act were as follows:

(i) The number of members rose from sixteen to sixty excluding the executive councilors who were ex-officio members (ex-officio-7, nominated official-28, nominated non official-5 and elected 27) and the number of members in Provincial Councils was also doubled.

(ii) The provision for indirect election continued. The elected members were elected by separate electorates like classes, communities and interests; like by Muslims-five, by landlords-six by Muslim landlords-one by Chamber of

Commerce of Bengal-one, by Chamber of Commerce of Bombay-one and by non-official members of Provincial Legislative Councils-thirteen.

- (iii) Asking of supplementary questions and moving of resolution and recording of Votes thereon was also provided for the first time, though the Governor-General as the President of the Council had the power to disallow any resolution in public interest'
- (iv) The rules of the Council enlarged the scope of discussion on budget which was considered in two stages and vote was taken as heads of expenditure as well as revenue though some heads of expenditure were treated as non-votable.
- (v) Legislative Council had its own rules for conduct of business more or less modeled on the British Parliamentary norms and procedure.²⁴

It is observed that the Act of 1909 brought the constitutional changes only in form and not in substance. Further changes were brought about by the Government of India Act 1919. It provided for an Indian Legislature at the centre consisting of the Governor-General and the two chambers; The Council of State (Upper House) and the Legislative Assembly (Lower House). The introduction of bicameralism could be considered as one of the most important developments in the history of the development of parliamentary institution having enduring implications. The Central Legislature consisted of the Governor General and two Chambers known as the Council of State and the Legislative Assembly with a fixed term of five years and three years respectively. The Central Legislature was made representative. It had power to make legislation for the whole of the British India. Though the Act of 1919 was advancement over the previous constitutional reforms, it did not change the power of the British Parliament or supremacy of the Governor- General or his

council. The Central Legislature remained merely an advisory body or at best a non-sovereign law-making body.²⁵

One of the important changes brought about the Act of 1919 was the introduction of Dyarchy in eight provinces. The subject of administration got classified into 'Central' and 'Provincial' under 'Devolution Rules'. The provinces were given responsibility of carrying out the administration of the specified subjects Provincial. It was in no case meant introduction of a federal structure as the law –making power in substantial way remained with the Central Legislation.²⁶

Given the nature of reforms and limited power available under the Act of 1919 the Nationalist Leaders and the Indian National Congress were not satisfied. The demand for more reforms continued. As a response to the demand for reforms the developments that followed after the Act of 1919 further reforms were proposed through the Government of India Act 1935. The Government of India Act 1935 was a significant proposal of constitutional reform that had visible impact on the constitutional scheme of India.

The Federal Legislature was to consist of his Majesty, represented by Governor-general and two Chambers; Council of States and the Assembly. The Council of States was to be constituted of 260 members. The break up was like this: 156 representatives from British India were to be elected by direct election. 6 members were to be nominated by the Governor-general. 104 representatives of Indian States were to be nominated by their rulers. 10 seats were reserved for different minorities like Anglo Indians and Indian Christians. So far the Council of States had fixed term

of five years, but for the first time Council of States was made a permanent body with the provision of one third of its members retiring every third year.

The Federal Assembly, as it was called under the Act of 1935, was to consist of total 375 members out of which 250 were to be representatives of British India which were elected indirectly by the Provincial Legislative Assemblies. The representatives of the Indian States which could not be more than 125 were to be appointed by the rulers of the respective States.

The term of the Assembly was made five years instead of three years. The Governor General was empowered to dissolve it sooner under his discretion and also to extend the term. .²⁷

As per the provision of the Act the Governor General was provided the following powers:

- i) Governor General was empowered to ‘summon’ and ‘prorogue’ the Legislature and to ‘dissolve’ the Assembly in his ‘discretion’.
- ii) No Bill passed by the Legislature could become law unless it was assented by him.
- iii) He could remit a Bill to the houses for reconsideration.
- iv) In case of disagreement, he could call the joint meeting of the two Houses.
- v) He had the special powers to legislate
He could promulgate ordinances during the recess of the Legislature to meet the immediate requirements even during the session period he could promulgate ordinance to satisfactorily discharge the functions which fell under his discretion and personal judgment.
He could, even enact statutes called Governor-general’s Act for the discharge of his functions required to be exercised in his discretion.

- vi) He was also empowered to assume by proclamation all or any power vested in or exercisable by any federal body or authority except the Federal Court.

28

Though the Act proposed to introduce many changes, there were hardly anything very substantial to offer to the leaders of the national movement to meet their expectation and demand. One of the bones of contentions has been the power of the Governor General. The powers of the Governor General were hardly curtailed despite the continued demands of the leaders.

As such, the Federal Legislature continued to remain under the overriding authority of the Governor General. Both Federal and the Provincial Legislatures were also subject to overriding legislative authority of British Parliament. The Legislative Assembly and the Council of States set up under the Government of India Act 1919 functioned from 1921-1947. The Legislature was, to some extent made representative, but executive was not made responsible to it. The members could ask questions, criticize the administration, pass legislation and resolutions and secure assurances but the administration remained under the Governor General and through him responsible only to the Secretary of State in England.²⁹

One of the most important aspects of the Government of India Act 1935 was the proposal of introducing a federal structure for India. Though the idea of introducing federal structure could not be implemented it has certainly impacted the constitutional structure of India after independence. In fact the 1935 Act served as the basis of federal scheme of the country immediately after independence. It is sometimes argued that the federal distribution of power and federal structure of India is just a replica of the Government of India Act 1935. Overriding powers of the central government in terms of competence is seen as extension of the provisions contained in the Act.

The Nationalist Movement was never satisfied with the reforms under the Act of 1919 and that of 1935. There was a constant demand for setting up of a Constituent Assembly elected by the people of India to frame their own constitution. British Government for the first time considered to these demands in what is known as August offer of 1940. The proposal was not accepted by Indian leaders.

Finally Cabinet Mission presented a scheme laying down the principles and procedure for framing the future Constitution of India on 16th May 1946. They suggested 'to utilize recently elected Provincial Legislative Assemblies as electing bodies for Constitution making body. The strength of the Constitution making body was to be 385- out of which 292 were to be elected by eleven Governor General Provinces and 93 representatives from Indian States. One representative from each of the four Commissioner's provinces were to be added.

After the elections in August 1946, the Constituent Assembly opened on December 9, 1946 in the Central hall of the Parliament. But latter on other developments took place. When the Indian Independence Act 1947 was passed, it divided India into two independent Dominions and the Constituent Assembly became restricted to the new Dominion of India.³⁰

The Assembly appointed several committees to deal with different aspects of framing the Constitution, these included, the Union Constitution Committee, Union Powers Committee, Committee on Fundamental Rights Minorities etc. Some of these committees were headed by either Nehru or Patel. The Committees worked hard and in a business like manner and produced valuable reports.³¹

Before preparing the draft Constitution, Voluminous background material were collected and supplied to the members of the Assembly in the form of three series of 'Constitutional Precedents' which gave among other things some executive, legislative, procedural and administrative provisions as well as some other salient texts from constitution of about 60 countries. The 'Constitutional Precedents also contained background materials in respect of the Head of State, Fundamental Rights, Safeguards of Minorities, Systems of Representation and Second Chambers in various countries.³²

After general discussions on the reports of various committees, the Constituent Assembly appointed the Drafting Committee with Dr. B.R. Ambedkar as the Chairman. It was on 24th November, 1949, that the people of India in their constituent Assembly enacted and gave to themselves the Constitution of the sovereign Democratic Republic of India with the adoption of the Motion by Dr. B.R. Ambedkar 'that the constitution as settled by the Assembly he passed'.

With the adoption of the constitution and its subsequent coming into force on 26th January, 1950, the Constituent Assembly re-emerged as the provisional Parliament of India and functioned till the first Lok Sabha was constituted in 1952. Consisting of President of India and two Chambers viz. Lok Sabha (House of People) and Rajya Sabha (Council of State)

It is evident from the historical account of the growth and development of parliamentary institutions presented above that the institution of Parliament in India which is the federal legislative body has grown over a period time. The constitutional developments running parallel to the national movements have been instrumental in shaping the institution of Parliament in India. It is also important to mention that the Parliament of India bears the testimony of the impact of the British Parliamentary

institution. There are many aspects of the current Parliament that show certainly continuity of the institutional form of the past. Since we have already unravel the constitutional development in the preceding section the ensuing section attempts to map out the structure, composition and competence of the institution of Parliament in its current form. It has two important contextual implications: one is the exposition to the institution and the other is related to the understanding the committee system.

The Institution of Parliament

The Parliament of India consists of the President, the Council of States (Rajya Sabha) and the House of People (Lok Sabha).³³ The constitution of India outlines the details about the composition, power and responsibilities of the Parliament and its constituents under Articles 79-123.

President –As per the provision President is the integral part of the institution of Parliament. It is important to map out the role and the competence of the President especially in the context of Parliament.

The President is directly elected by an electoral college consisting of the elected members of both Houses of Parliament and the elected members of the Legislative Assemblies of the States³⁴ though a Constituent part of the Parliament, he/she does not sit or participate in the proceedings of either of the Houses of the Parliament. The constitutional functions which the President performs in relation to Parliament are:

- i) He summons the two Houses of Parliament to meet from time to time subject to the proviso that the intervening period between the two sessions should not exceeds six months.³⁵
- ii) He Prorogues the Houses of the Parliament and dissolves the Lok Sabha³⁶

iii) He gives assent to the Bills passed by both the Houses of Parliament for them to become law³⁷

iv) He promulgates such ordinances as the circumstances appear to him to require if at any time, when the Parliament is not in session, and he is satisfied that immediate action is needed in prevailing circumstances which have the same force as the law during the stipulated period.³⁸

v) He addresses both the Houses of Parliament assembled together, at the commencement of the first session after each election and that of the first session of each year.³⁹

vi) He may address either House of Parliament or both Houses assembled together. He may send messages to either House of Parliament, and the House to which the message is sent shall consider any matter required by the message to be taken into consideration.⁴⁰

vii) Certain Bills (Money Bill.) can be considered only after obtaining the recommendation of the President.⁴¹

viii) He appoints an acting Chairman of Rajya Sabha, in case the offices of both Chairman and the Deputy Chairman are vacant and also appoints the speaker Pro-term if the offices of the Speaker and Deputy Speaker are vacant.

ix) He/she summons the joint sitting, of both Houses of Parliament in case of a disagreement on a Bill between the two Houses.⁴²

x) He causes to be laid every year before the Parliament the Budget of the Government and certain other reports of the constitutional functionaries like the Comptroller and Auditor General of India, Finance Commission, UPSC, Backward Classes Commission etc.⁴³

xi) He nominates two members of Anglo-Indian community to Lok Sabha and Twelve members to Rajya Sabha having special knowledge in the fields of Literature, Art, Science and Social Service.⁴⁴

xii) He decides in consultation with the Election Commission whether any duly elected Member has incurred any disqualification for such membership.⁴⁵

Rajya Sabha (The Council of States)

The Rajya Sabha is the second important constituent unit of the Parliament. It represents the states and union territories. In the context of the federal structure of India the Rajya Sabha is considered as the institution especially representing the interest of the states. Members of the Rajya Sabha are elected indirectly by the elected members of the State Legislative Assemblies and Union Territories by an electoral college in accordance with the system of proportional representation by means of single transferable vote.⁴⁶

It is a permanent body, not subject to dissolution, but one third of its members retires at the expiration of every second year. The term of an individual member is six years.⁴⁷ Not more than 238; representatives of the States and the Union territories are elected and twelve persons are nominated by the President of India from amongst persons having special knowledge or practical experience in the area of literature, science art and social service. Though the maximum strength prescribed in the Constitution for Rajya Sabha is two hundred and fifty including 12 nominated members but actual strength right now is two hundred & forty five out of which two hundred and thirty three are the elected representatives of the states and twelve members are nominated by the President of India. Even the number of members of the Council given in fourth schedule to the Constitution has undergone changes from time to time.

The representatives of the States in Rajya Sabha are elected by their respective Legislative Assemblies in accordance with the system of proportional representation by means of single transferable vote. Only two of the Union Territories which have

Assemblies are represented in Rajya Sabha i.e. Delhi and Pondicherry and members of their Assemblies constitute the electoral college of this purpose.

For the purpose of filling seats in Rajya Sabha, the President, by issuing notification on a date as may be recommended by the Election Commission calls upon the electors to elect the members of Rajya Sabha. No such notification is issued more than three months prior to date on which the term of office of the retiring members is due to expire.

For being elected to the Rajya Sabha, a person must be a (a) citizen of India; and (b) Must not be less than 30 years of age.⁴⁸ A person has to be an elector in a Parliamentary Constituency in the State from which he/she seeks elections.⁴⁹

A person is disqualified in the following condition:

- i) Holding any office of profit under the Government of India/government of any State other than an office declared by Parliament, by law not to disqualify its holder
- ii) A person of un sound mind declared by a competent court;
- iii) A person who is undischarged insolvent
- iv) A person who is not a citizen of India or has voluntarily acquired the citizenship of a foreign state or is under any acknowledgement of allegiance or adherence to a foreign State or disqualified by or under any law made by Parliament⁵⁰

Besides this, a member gets disqualified on the grounds of defection according to the provisions of the tenth schedule to the constitution. A nominated member of the House shall be disqualified if he/she joins any political party after the expiry of six months after his taking seat in the House.

The Vice-President of India is ex-officio Chairman of Rajya Sabha. Rajya Sabha elects a Deputy Chairman from amongst its members. There is also a panel of six

vice chairmen formed by the chairman. In case the Chairman and the Deputy Chairman are absent a person from the panel presides.

The Rajya Sabha performs the following function:

1. It serves as a chamber of continuity: The Rajya Sabha being the permanent chamber meets the legislative and constitutional contingency at a time when the popularly elected House may be under dissolution or in the process of reconstitution after election. Moreover a Bill, which is pending before Rajya Sabha and has not been passed by Lok Sabha, does not lapse on the dissolution of Lok Sabha.

2. As a Federal Chamber: The Rajya Sabha is a federal Chamber where the representatives of each state are elected by the elected members of the Legislative Assembly of the State. As a Federal Chamber, it has been assigned some special powers:

i. If Rajya Sabha passes a resolution supported by not less than two thirds of members present and voting, declaring that it is necessary or expedient in the national interest to do so, Parliament may by law provide for the creation of one or more all India Services'.⁵¹

ii. Rajya Sabha may pass a resolution, by a majority of not less than two thirds of the members present and voting to the effect that is necessary or expedient in the national interest, that Parliament should make a law with respect to any matter enumerated in the State List, then the Parliament is empowered to make law specified in the resolution for the whole or any part of the territory of India. Such a resolution remains in force for one year⁵²

iii. In the event of proclamation of national emergency by the President in the event of the failure of Constitutional machinery the proclamation has to be approved by both

the Houses of the Parliament within a stipulated period, but if a proclamation is issued at a time when Lok Sabha has been dissolved or the dissolution of Lok Sabha takes place within the period allowed for its approval, than the proclamation can remain effective if a resolution approving it, is passed by Rajya Sabha.⁵³

3. Legislative Role: With regard to ordinary Bills, the powers of Rajya Sabha are equal to that of Lok Sabha. However regarding financial matters the role of Rajya Sabha is limited. There are two types of financial legislation – Money Bills and Financial Bills. The former contains only and exclusively money clauses and the latter, apart from money clauses also contains other matters. A Money Bill cannot be introduced in Rajya Sabha though it is empowered to make recommendations within the constitutionally stipulated time of fourteen days.

A Bill which if enacted and brought into operation would involve expenditure from the Consolidated Fund of India is also called a Financial Bill. Such a Bill can be introduced in Rajya Sabha, but it can not be passed by either House of Parliament without the recommendation of the President for its consideration. In case of Financial Bills Rajya Sabha has equal powers with Lok Sabha like an ordinary piece of legislation. Though the Budget speech is read by the Finance Minister in Lok Sabha, however it is laid before Rajya Sabha. It has no power to vote on the Demands for Grants of the Ministries/ Departments which is the exclusive right of Lok Sabha.⁵⁴

4. Rajya Sabha's role as revising and deliberative Chamber:

As a Second Chamber; Rajya Sabha has the mandate to secure a second sober look at hasty legislations. It is also a chamber which is to focus public attention on major problems affecting policies of the Government and administration and to provide a

forum for ventilation of public grievances. Government may not be dependent on the will of the members of Rajya Sabha as it does in the case of Lok Sabha; it is however, accountable to Rajya Sabha also for its every act of Omission and Commission.⁵⁵

The kind of role and responsibilities assigned to the Rajya Sabha makes it important in many respects. In fact the constitution of the Council of States is informed by sound logic and rationale which is inextricably to the competence and functional responsibility assigned to it by the constitution. In fact, the Constituent Assembly of India had also paid considerable attention and the rationale of the House was deliberated in reasonable details.⁵⁶

Lok Sabha (House of People)

Lok Sabha is constituted of the members directly elected by the people. Every citizen of India, of not less than 18 years of age has a right to vote in the elections. The maximum strength of Lok Sabha envisaged in the Constitution is 552 of which not more than 530 members are to represent the States and not more than 20 Union territories.⁵⁷

In addition to this, two members may be nominated by the President to represent the Anglo-Indians Community.⁵⁸

The ratio between the number of seats allotted to each state and the population of the State, is as far as possible, the same for all states.⁵⁹

There is reservation of seats in Lok Sabha for Scheduled Castes and Scheduled Tribes state wise on the basis of population ratio.⁶⁰

At present, the Lok Sabha consists of 545 Members. The allocation of seats to States and Union territories and the number of seats reserved for the Scheduled Castes and Scheduled Tribes of each State and Union Territory are as under:-

Table-1
Allocation of Seats in the Lok Sabha

Name of State/Union Territory	Total No. of Seats	Reserved for the Scheduled Castes	Reserved for the Scheduled Tribes
1	2	3	4
1. States			
1. Andhra Pradesh	42	6	2
2. Arunachal Pradesh	2	-	-
3. Assam	14	1	2
4. Bihar	54	8	5
5. Goa	02	-	-
6. Gujarat	26	2	4
7. Haryana	10	2	-
8. Himachal Pradesh	04	1	-
9. Jammu & Kashmir	06	-	-
10. Karnataka	28	4	-
11. Kerala	20	2	-
12. Madhya Pradesh	40	6	9
13. Maharashtra	48	3	4
14. Manipur	02	-	1
15. Meghalaya	02	-	-
16. Mizoram	01	-	1
17. Nagaland	01	-	-
18. Orissa	21	3	5
19. Punjab	13	3	-
20. Rajasthan	25	4	3
21. Sikkim	01	-	-
22. Tamil Nadu	39	7	-

23. Tripura	02	-	1
24. Uttar Pradesh	85	18	-
25. West Bengal	42	8	2
II Union Territories			
1. Andaman and Nicobar Islands	01	-	-
2. Chandigarh	01	-	-
3. Dadra and Nagar Haveli	01	-	1
4. Daman and Diu	01	-	-
5. National Capital Territory of Delhi	07	1	-
6. Lakshadweep	01	-	1
7. Pondicherry	01	-	-
Total	543	79	41

Source: M.N. Kaul and S.L.Sakdher, *Practice and Procedure of Parliament*, Fifth Edition, New Delhi: Lok Sabha Secretarial, 2001.

The term of Lok Sabha is five years from the date of its first sitting unless dissolved earlier by the President under certain circumstances.

While a proclamation of emergency is in operation the period of the term of Lok Sabha may be extended by Parliament by law for not exceeding one year at a time and not beyond a period of six months after the proclamation has ceased to operate.

Elections:

For the purpose of electing a new Lok Sabha, the President by notification calls upon all parliamentary constituencies to elect members to the Lok Sabha. After that the dates for filing of nomination scrutiny, withdrawal and polling are fixed by the Election Commission.

The Election of Lok Sabha, being direct, requires the territory of India to be divided into suitable constituencies. Every Parliamentary constituency is a single member Constituency. After the election is completed, the result is conveyed by the Returning Officer to the Election Commission and to the Secretary General Lok Sabha.

The result of the election is published in the Gazette by the Law Ministry which is also sent to the Secretariat of the House. After the general election is over, the Election Commission issues a notification under Section 73 of the Representation of People's Act 1951 showing the names of all the elected Members and upon the issue of such a notification, Lok Sabha is duly constituted.

So far as the function of Lok Sabha is concerned this House performs wide range of functions.

Power and Functions of the Parliament

Besides the competence and responsibilities assigned to each of the constituent parts of the Parliament, there are combined competence and responsibilities of the Parliament which need to be recapitulated here. The competence and responsibilities of the Parliament are contained both in the Constitution and Practice and Procedures of the Parliament. Some of the important functions are given below.⁶¹

Power to legislate-

To make law or to legislate is the traditional and cardinal, function of the Parliament. Parliament of India has the power to make laws applicable to the whole or any part of territory of India and also to the Indian citizens living abroad.

Parliament has the exclusive power to make laws on the subjects contained in the Union list of seventh Schedule to the Constitution and also on subjects enumerated in the list iii or the concurrent list of the same schedule on which State Legislatures also have the power to legislate.

Further, in the concurrent sphere, in the event of any repugnance between a Union and State law relating to the same subject the former will prevail, with an exception to those laws of the State which were reserved for the consideration of the President and have received the assent of the President.

The Residuary Powers belongs to Parliament i.e. to make law on any subject which is not enumerated in any of the list belongs to the Parliament. Parliament may legislate on any matter specified in State list whenever the Rajya Sabha by a resolution supported by a special majority declares it necessary in the national interest to do so. Further during the emergency, the power of Parliament extends to any matter in the State List.

The Parliament also enjoys the power to legislate for implementation of any treaty, agreement or convention or any decision made at an international conference association or other body on any subject even if it falls in the State List.

Parliament may enter the State List by invitation also if two or more States Legislatures pass a resolution that any of the matters within their exclusive legislative competence should be regulated by parliamentary legislation, the Parliament can undertake the necessary legislation.

Under Article 356, if the President is satisfied that Government of a State cannot be carried out according to the constitution; he may issue a proclamation, taking over

any of the powers of the State. The powers of the State Assembly may become exercisable by or on authority of Parliament.

Every proclamation must cease to operate at the expiry of two months unless approved by resolutions of the two Houses.

Under Article 3 of the Constitution of India the Parliament is empowered to create new states and alteration of areas, boundaries or names of existing states. It is empowered:

- (i) To form a new State by separation of territory from any State or by uniting two or more states;
- (ii) To increase or diminish the area of any State, alter the boundaries or name of any State.

These alterations can be effected if the Parliament passes a Bill by a simple majority. Though such a Bill is required to be referred to the Legislatures of the States concerned for expressing their views thereon within a specified period, this reference does not factor the Parliament in making the changes as it thinks fit.

Powers of Parliament Related to Judiciary

Parliament has the power to make laws regulating the Constitution, jurisdiction and powers of the court.

Parliament may by law extend the jurisdiction of a High Court to exclude the jurisdiction of a High Court from any Union Territory, establish a common High Court for two or more States or for two or more States and a Union Territory, and constitute a High Court for a Union Territory or declare any court in any such territory to be a High Court for all or any of the purposes of the Constitution (Art. 241)

A Judge of the Supreme Court or any High Court can be removed from his office by the President only if a joint address passed by both the Houses of Parliament with a special majority i.e. majority of the total strength and two thirds of the total members present & voting is presented to him (Articles 124(4) and 218).

Constituent or Constitution Amending Powers of the Parliament

Under Article 368 of the Constitution, Parliament is the repository of the Constituent powers of the Union.

It is significant that none of the provisions of the constitution is unamendable, Parliament can in any way amend, alter or repeal any provision of the Constitution and such amendment can not be questioned in any Court of law on any ground whatsoever unless they tend to alter or violate what may be considered as the *basic features of the constitution*. Constitution Amendment Bill is passed by Parliament by a majority of not less than two thirds of the Members of the House present and voting and majority of the membership of each House. In case of a Constitution Amendment Bill as duly passed/ratified, being presented to the President, the President's assent is mandatory. He has no option to withhold his assent or return the Bill to the House for reconsideration.

Powers to Ensuring Administrative Accountability and Executive Responsibility:

Parliament does not interfere with day to day administration of the Government. It only exercises surveillance and oversight to ensure that the public policy is carried out in the way the Parliament intended it to be. Parliament scrutiny is carried through

various procedural devices like questions, motions, discussions etc. and committees. Under the Indian system, after a policy is laid down, a law is passed or moneys are sanctioned, it is the administration which executes and implements them.

The Parliament enquires and examines whether the administration has acted in conformity with its obligations under the approved policies and utilized the powers conferred on it for purposes which they were intended and whether the moneys spent were in accordance with parliamentary sanction.

Other than the Parliamentary devices like Calling Attention Motion, Questions, Discussions on Budget and Demands for Grants and Motion of Thanks to the President, on the institutional plan, various Parliamentary Committees are very effective tools of ensuring administrative accountability to the Parliament. The Committees especially the Financial Committees –on Estimates, Public Accounts and Public Undertakings –scrutinize closely the working of administration ex post facto. Their function in general could be said to be to criticize and review the whole range of administrative actions, to investigate and report on the economy, efficiency and propriety of expenditure and to suggest possible remedies if any.⁶²

It is evident from the above account that Parliament of India as federal legislative body is loaded with the responsibility of both policy making and ensuring governmental accountability to the Parliament. In nutshell it is guardian of democracy. It is responsible for ensuring an accountable governance system.

Given the responsibilities and competence of the Parliament it is also important to traverse through the journey of the institution over the past six decades. It is also

important to reflect as to how the parliamentary democracy in India unfolded in India during the period and how it has interfaced with the parliamentary institution. It may not be possible to present account of each and every development but even a cursory glance could be insightful. The ensuing section makes an attempt in this direction.

One of the major achievements of the institution of Parliament is its remarkable role in ensuring stability of the system on the one hand and strengthening democracy on the other. It may be recalled that the experience of democracy in post-colonial states especially in Afro-Asian regions has not been very encouraging. In fact, majority of the states have been very unstable. The institutions of democracy failed to take roots. Many of the countries came under authoritarian or military control. Even in the case of South Asia Pakistan is a case in point. Contrary to the experiences in other parts of the world India established itself as the largest democracy of the world. The role of the institutions of Parliament is of pivotal importance in this case. It is also noteworthy to mention that the kind of political system which India adopted has also been responsible for the stability of the system. A system of checks and balances is inbuilt in the system. The three wings of the governance structure- legislative, executive and judiciary have their own areas of jurisdictional competence. The relationship is envisaged in mould of mutual cooperation. The provisions have been made in such a manner that none of them arbitrarily transgressed its jurisdictional competence. In this regard it is important to note that conflict of jurisdictional competence has been one of the issues that have invited attention to visit the relationship between legislative body and judiciary. The active intervention of judiciary in many issues of public concern in the past has one of the areas of debate.

‘Judicial activism’ has also been interpreted as transgression of jurisdictional boundary. Despite the minor issues of discord the institutions have by and large worked together to ensure democracy and stability of the system.

It is also important to note that the institution of Parliament has emerged as representative institution of the people to a greater extent. The changing face of Parliament in terms of socio-economic composition and pattern of membership is a major indicator of the same.⁶³ Over the years democracy has not only survived but has taken a deep root in India. Barring the years of National Emergency (1975-1977) the democracy has worked in India. The changing character of representation in the Parliament is one of the major indicators in this regard.

Despite the positive sides of the development in the life of Parliament there are also some discouraging notes. The pristine value of the institution has seen relative decline in terms of the faith of the people in the institution. The civil society movement on the issue of Lok Pal Bill and debate around the institution is indication of the development. It is not that the Parliament lost its value or such movements are antithetical to democracy but the terms of discourse somehow appears to be a site of interrogation of the value of the institution. The quality of leadership or way Parliament has worked during the recent past could be the explainable reason for the decline in the faith of the institution.

The behavior of the section of the members of the Parliament is one of the alarming concerns. Indiscipline and disrespect of the parliamentary decorum has been abundantly experienced in recent years. A critical and comparative analysis of parliamentary debates over the years may also reveal a kind of decline in the level of

debate. One of the developments that invites attention is the frequent disruption in the transaction of the business in the Parliament. This adversely affects the normal functioning of the Parliament and results into wastage of public money.

So far as the experience of parliamentary democracy is concerned it has been an interesting journey.⁶⁴ If we attempt to map out the journey three major phases can be visibly identified. 1950s and up to mid sixties can be identified as the first phase. This is broadly a phase of nation building and institution building. The challenges of the post- independence and the nostalgia of the national movement were two important factors that have informed the shaping of parliamentary democracy. The continuity of the leadership worked as instilling factor of confidence. The institution of democracy could get strong roots despite the adverse circumstances of a nascent nation. The Congress Party provided nearly unchallenged leadership. Inner-party democracy was pursued a major value under the leadership of Nehru and a brief period of Shastri. The second phase starting from the mid sixties to the 1980s makes a phase of ups and downs so far as the experience of parliamentary democracy is concerned. The election of 1967 and formation of governments in states other than of Congress Party was a major development. This unfolded a phase of new competition posed by the new forces in the politics. This is also a phase which witnessed frequent imposition of President Rule in the states. Imposition of national emergency in 1975, formation of Janta Party government in 1977 and formation of coalition government at the national level in 1989 are major milestones in the journey of democracy and its interface with the parliamentary institution.

The 1990s onwards has seen a new phase of party politics and democracy. This phase is important in many respects. The most important is the widening circle of political representation. It is also a phase of deepening democracy. The efficiency of the system and economy of scale of decision making are frequently quoted areas of concern under the changing dispensation. The decline in the value of institution is also attributed to the decline of value in public life. Despite these constraints the experience of democracy has been encouraging especially when it is seen from the perspective of below.

To sum up, the experience of parliamentary democracy in India has been inextricably interwoven with the parliamentary institutional form. Parliamentary institutions in India have provided strength to the sustainability and stability of the system. The dynamic interplay between society and politics has shaped and determined the working of the parliamentary institutions. This, in turn, has also provided space for restructuring of democracy and its manifestation in varied forms.

Notes

¹ The recent scholarly writings on the experiment of democracy in India acknowledge this fact. See for instance Atul Kohli (ed.), *The Success of India's Democracy*, Cambridge: Cambridge University Press, 2001.

² Subrata Mitra emphatically makes this point in his *The Puzzle of India's Governance: Culture, Context and Comparative Theory*, London: Routledge, 2006.

³ For a detailed exposition to the experience see Francine R. Frankel, Zoya Hasan,, Rajiv Bhargava, and Balveer Arora eds., *Transforming India: Social and Political Dynamics of Democracy*, New Delhi: Oxford University Press, 2000.

⁴ See for example, Selig Harrison, *India: The Most Dangerous Decades*, Delhi: Oxford University Press, 1960.

⁵ Lloyd Rudolph and Susanne Hoeber Rudolph, *Modernity of Tradition: Political Development in India*, Chicago:University of Chicago Press, 1984.

⁶ See for example Francine R. Frankel and M.S.A. Rao, *Dominance State Power in Modern India: Decline of a Social Order*, Delhi: Oxford University Press, 1989; Yogendra Yadav, “Understanding the Second Democratic Upsurge: Trends of Bahujan Participation in Electoral Politics in 1990S”, in Francine R. Frankel and others, n.3. Also see Lloyd Rudolph and Susanne Hoeber Rudolph, Making Sense of India, *Global Asia Cover Story: Hope Under Fire*, Retrieved from http://globalasia.org/pdf/issue5/v3n1_rudolph.pdf

⁷ This was specifically expressed by Lord Balford quoted in B.L Shankar and V. Rodrigues, *The Indian Parliament: A Democracy at Work*, Delhi: Oxford University Press, 2011, p.28.

⁸Kumar Suresh, “Autonomy and Federal Accommodation of Identity Claims: Significance of the Indian Model”, *Indian Journal of Federal Studies*, 2/2008.

⁹For a detailed exposition to the institutions in ancient India many classic studies are available. The section on the development of parliamentary institutions largely derives information from the works. Some of the important source materials that are especially important in the context include K.P. Jaiswal, *Hindu Polity*, Patna: K.P Jaiswal Institute, 1888 (reprint, originally published from Bangalore) A.S. Altekar, *State and Government in Ancient India*, Delhi: Munshiram Manoharlal, 1949.

¹⁰See for example Subhash C. Kashyap, *History of the Parliament of India* (Vol.-1), Delhi: Shipra, 1994; also see, R.C. Tripathi, *Emergence of Second Chamber in India*, Delhi: National Publishing House on behalf of the Rajya Sabha Secretariat, 2002.

¹¹ Based mainly on references made in K.P. Jaiswal, *Hindu Polity*, Patna: K.P Jaiswal Institute, 1888 (reprint, originally published from Bangalore) A.S. Altekar, *State and Government in Ancient India*, Delhi: Munshiram, 1949; refereed and discussed in Subhash C. Kashyap, *History of the Parliament of India*,(Vol.-1), Delhi: Shipra, 1994 pp1-16; also see, R.C. Tripathi, *op. cit*, pp.1-8.

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ *Ibid.*

15. This was expressed by B. R Ambedkar 25th November 1949 in the Constituent Assembly Quoted in R.C. Tripathi, *Emergence of Second Chamber in India*, Delhi: National Publishing House on behalf of the Rajya Sabha Secretariat, 2002, p.6
- 16 R.C. Tripathi, *op. cit.*, p.10.
17. *Ibid.*, p.11.
18. Subhash C. Kashyap, *History of the Parliament of India* (Vol.-1), Delhi: Shipra, 1994, pp27-28; also see, R.C. Tripathi, *op. cit*, pp.12-13.
19. R.C. Tripathi, *Ibid.*
20. Subhash C. Kashyap, *op. cit*, pp33-34; also see Salil K. Nag, *Evolution of Parliamentary Privileges in India*, Delhi: Sterling, 1978, pp. 61-62.
21. Subhash C. Kashyap, *Our Parliament*, Delhi: National Book Trust, 1989, p.5.
22. R.C. Tripathi, *op. cit.*, p.15; Subhash C. Kashyap, *n. 18 op. cit*, pp34-37.
- 23 R.C. Tripathi, *Ibid*, p16.
24. Subhash Kashyap, *op. cit*, pp. 54-59.
25. *Ibid*, pp.95-97
26. *Ibid*, p.98
27. *Ibid*, pp.127-128
28. *Ibid*, pp.129-130
29. *Ibid*, p.130
30. *Ibid*, pp.233-244
31. *Ibid*, p.261
32. *Ibid*, p.262
- 33 Article 79 of the *Constitution of India*. See P.M. Bakshi, *The Constitution of India*, New Delhi: Universal Law Publishing Company, Ninth Edition, 2009.
- 34 Article 54 of the Constitution, See P.M.Bakshi, *Ibid*.
- 35 Article 85(1) of the Constitution, See P.M.Bakshi, *Ibid*.
- 36 Article85 (2) of the Constitution, See P.M.Bakshi, *Ibid*.
- 37 Article85 (3) of the Constitution, See P.M.Bakshi, *Ibid*.
- 38 Article123 of the Constitution, See P.M.Bakshi, *Ibid*.
- 39 Article 87(1) of the Constitution, See P.M.Bakshi, *Ibid*.
40. Article 86 (1) and (2)of the Constitution, See P.M.Bakshi, *Ibid*.

- ⁴¹. Article 117 and 274(1) of the Constitution, See P.M.Bakshi, Ibid.
- ⁴². Article 108 of the Constitution, See P.M.Bakshi, Ibid.
- ⁴³. Article 112, 151(1), 340(3) of the Constitution, See P.M.Bakshi, Ibid.
- ⁴⁴. Article 80 (1)a and 331 of the Constitution, See P.M.Bakshi, Ibid.
- ⁴⁵ Article 103 of the Constitution, See P.M.Bakshi, Ibid.
- ⁴⁶ Article 80(4) of the Constitution, See P.M.Bakshi, Ibid.
- ⁴⁷ Article 83(1) the Constitution, See P.M.Bakshi, Ibid.
- ⁴⁸ Article 84(b) the Constitution, See P.M.Bakshi, Ibid.
- ⁴⁹ Section 3 of the Presentation of the People Act 1951
- ⁵⁰ Article 102(a-e) the Constitution, See P.M.Bakshi, op.cit.
- ⁵¹. Article 312 of the Constitution, See P.M.Bakshi, Ibid.
- ⁵². Article 249 of the Constitution, See P.M.Bakshi, Ibid.
- ⁵³. Article 352, 356 and 360 and proviso to Articles 352(4), 356(3) and 360(2) of the Constitution, See P.M.Bakshi, Ibid.
- ⁵⁴. R.C. Tripathi, op. cit., pp.104-105
- ⁵⁵. Ibid p.105
- ⁵⁶. For a comprehensive understanding see R.C. Tripathi, op. cit.
- ⁵⁷ Article 81(1) the Constitution, See P.M.Bakshi, op.cit.
- ⁵⁸ Article 331 the Constitution, See P.M.Bakshi, Ibid
- ⁵⁹ Article 81(2) the Constitution, See P.M.Bakshi, Ibid.
- ⁶⁰. Article 330 the Constitution, See P.M.Bakshi, Ibid.
- ⁶¹. The competence, power and responsibilities of the Parliament are enumerated in the respective clauses of the Constitution and Practice and Procedures related to the Parliament. The power and functions enumerated in the section are based on the following sources Subhash C. Kashyap, *Our Parliament*, Delhi: National Book Trust, 1989; Salil K. Nag, *Evolution of Parliamentary Privileges in India*, Delhi: Sterling, 1978; R.C. Tripathi, *Emergence of Second Chamber in India*, Delhi: National Publishing House on behalf of the Rajya Sabha Secretariat, 2002; P.M.Bakshi, Ibid; and M.N. Kaul and S.L.Sakdher, *Practice and Procedure of Parliament*, Fifth Edition, New Delhi: Lok Sabha Secretariat, 2001.

⁶²For a detailed account of the function of Parliament in general and issue of executive accountability in particular see P.M. Sayeed,, “Parliament-A Multifunctional Institution” in G.C. Malhotra (ed.), *Fifty Years of Indian Parliament*, New Delhi: Lok Sabha Secretariat, 2002.

⁶³For a comprehensive and insightful perspective see G.C. Malhotra, The Changing Profile of Lok Sabha- A Socio-Economic Study of Members (1952-2002), in G.C. Malhotra (ed.), *Ibid*.

⁶⁴ For a detailed exposition to the experience see Francine R. Frankel, Zoya Hasan, Rajiv Bhargava, and Balveer Arora eds., *Transforming India: Social and Political Dynamics of Democracy*, New Delhi: Oxford University Press, 2000.