

## Chapter 5 - Legislature

### Question 1:

Alok thinks that a country needs an efficient government that looks after the welfare of the people. So, if we simply elected our Prime Minister and Ministers and left to them the task of government, we will not need a legislature. Do you agree? Give reasons for your answer.

### Answer:

- I do not agree with Alok because leaving the whole task of government with Prime Minister and Ministers would hamper the essence of democracy.
- Such a set up would reduce the representation of people in the government. The members of the legislature who do not represent the majority would not have the opportunity to present their point of view.
- The decisions made by the cabinet would not be accountable as the ministers would not have to explain them to the legislature. Thus, the executive would become all-powerful.
- The task of the legislature also includes law making. It is a complex process that requires the opinion of all sections of society. A legislature is required for this purpose.

### Question 2:

A class was debating the merits of a bicameral system. The following points were made during the discussion. Read the arguments and say if you agree or disagree with each of them, giving reasons.

✓ Neha said that bicameral legislature does not serve any purpose.

✓ Shama argued that experts should be nominated in the second chamber.

✓ Tridib said that if a country is not a federation, then there is no need to have a second chamber.

### Answer:

*Any answer supported with argument or explanation would solve the purpose. It is strongly recommended that you prepare the solution on your own. However, some sample solutions have been provided for your reference:*

✓ I do not agree with Neha. Bicameral legislature is necessary for a democratic country with large population and much diversity. It also presents the opportunity for the reconsideration of every decision along with a thorough debate.

✓ I agree with Shama that experts should be nominated into the second chamber as they can provide inputs on subjects that require technical knowledge and give rational suggestions for policy making.

✓ I do not agree with Tridib as federalism is not a pre-condition for having bicameral legislature. Therefore, the statement that a country without federalism need not have second chamber is incorrect.

### Question 3:

Why can the Lok Sabha control the executive more effectively than the Rajya Sabha can?

### Answer:

Lok Sabha exercises control over the executive more effectively than Rajya Sabha because it is a directly elected body. The Council of Ministers is responsible to Lok Sabha and not the Rajya Sabha.

The Lok Sabha has the power to make laws, ask questions and amend the Constitution.

The Lok Sabha can remove the government by expressing no-confidence but Rajya Sabha cannot remove any government.

Lok Sabha has crucial power in controlling the finances as it can reject money bill but Rajya Sabha cannot reject the money bill.

### Question 4:

Rather than effective control of the executive, the Lok Sabha is a platform for the expression of popular sentiments and people's expectations. Do you agree? Give reasons.

### Answer:

- I do not agree with the statement that the Lok Sabha is only a platform for the expression of popular sentiments and people's expectations.
- The members of the legislature are free to express their views and no action can be taken against any member for anything said inside the house.
- The main purpose of this parliamentary privilege is to enable the members to work for the people effectively as well as control the executive.
- While the Lok Sabha does provide an opportunity for elected representatives to express the expectations of their constituents, its powers are much more wide ranging.
- The Lok Sabha holds the Union Cabinet accountable for its decisions. It has the power to make laws, control finances and amend the Constitution.
- The Council of Ministers continues in office only as long as it enjoys the confidence of the Lok Sabha.
- Therefore, Lok Sabha functions as an effective control of the executive.

### Question 5:

The following are some proposals for making the Parliament more effective. State if you agree or disagree with each of them and give your reasons. Explain what would be the effect if these suggestions were accepted.

✓ Parliament should work for longer period.

✓ Attendance should be made compulsory for members of Parliament.

✓ Speakers should be empowered to penalise members for interrupting the proceedings of the House.

### **Answer:**

- Parliament should work for longer period.

I agree with the above proposal that parliament should work for a longer period. There are a large number of issues that require debate and legislation and these are delayed sometimes because the parliament is not in session. To overcome this, the parliament needs to work for a longer time.

- Attendance should be made compulsory for members of Parliament.

I agree with this proposal as compulsory attendance would lead to presence of members for crucial decisions that require the support of majority. It would also encourage presentation of views across the political spectrum.

- Speakers should be empowered to penalise members for interrupting the proceedings of the House.

I agree with this proposal as penalising members for interrupting the proceedings of house would lead to less wastage of time and maintain the dignity of the Parliament. This would also lead to less wastage of the tax payers' money that is incurred to run the parliament. However, it should not lead to suppression of dissent.

### **Question 6:**

Arif wanted to know that if ministers propose most of the important bills and if the majority party often gets the government bills passed, what is the role of the Parliament in the law making process? What answer would you give him?

### **Answer:**

- Parliament is an important component of the law making process even though most of the important bills are proposed by ministers.
- This is because the provisions of the proposed law are required to be debated and these debates can only be conducted in parliament. Various committees comprising of members of parliament study these bills and present their recommendations.
- The opposition also participates in the framing of laws by suggesting changes and thus, it is necessary for legislative procedure to take place in parliament.
- Differences between the Rajya Sabha and the Lok Sabha over proposed bills are only resolved through joint sitting of the two houses of parliament.

### **Question 7:**

Which of the following statements you agree with the most? Give your reasons.

✓ Legislators must be free to join any party they want.

✓ Anti-defection law has contributed to the domination of the party leaders over the legislators.

✓ Defection is always for selfish purposes and therefore, a legislator who wants to join another party must be disqualified from being a minister for the next two years.

**Answer:**

- Legislators should not be free to join any party they want as this would encourage corrupt practices particularly at the time of confidence motions. While in theory, they should be free to leave the party they do not want to be with, there should be certain restrictions outlining the conditions under which they are allowed to join another party.
- It is incorrect that anti-defection law has led to domination of party leaders over legislators. The legislators are allowed to defect as long as they have the support of a minimum number of members from their own party.
- Defection may not be always for selfish purposes. However, a legislator who wishes to join another party must seek re-election from his/her constituency before being eligible for ministerial posts. A period of two years of disqualification is therefore, appropriate in this situation.

**Question 8:**

Dolly and Sudha are debating about the efficiency and effectiveness of the Parliament in recent times. Dolly believed that the decline of Indian Parliament is evident in the less time spent on debate and discussion and increase in the disturbances of the functioning of the House and walkouts etc. Sudha contends that the fall of different governments on the floor of Lok Sabha is a proof of its vibrancy. What other arguments can you provide to support or oppose the positions of Dolly and Sudha?

**Answer:**

Dolly's position about the decline of Parliament is correct up to some extent. The time spent on debates has decreased and on many occasions, entire sessions of parliament have passed without discussions due to disruption by one party or the other. This has somewhat hindered the law-making process as many progressive legislations have been pending for a long period of time. However, the effectiveness of Parliament as an institution is undiminished as it remains the supreme law making body in the country. Crucial policy decisions like the nuclear agreement with the United States that was debated in the Parliament is proof of the relevance of the body. Thus, major decisions related to national interest still require the approval of the parliament.

Sudha's position that the fall of different governments on the floor of Lok Sabha is a proof of its vibrancy is also partially correct. The fall of different governments on the floor of the Lok Sabha is a reminder that no government can afford to take its existence for granted. It has to be accountable for its actions. The Lok Sabha is the body that controls the finances of the government and scrutinises its every action. A government cannot survive by acting against the wishes of the majority of elected representatives. This has checked the excess concentration of power in the Council of Ministers. However, instability must not be mistaken with vibrancy. In the age of coalition governments at the centre, stability is important for achieving the goal of development.

**Question 9:**

Arrange the different stages of passing of a bill into a law in their correct sequence:

- ✓ A resolution is passed to admit the bill for discussion
- ✓ The bill is referred to the President of India – write what happens next if s/he does not sign it
- ✓ The bill is referred to other House and is passed
- ✓ The bill is passed in the house in which it was proposed
- ✓ The bill is read clause by clause and each is voted upon
- ✓ The bill is referred to the subcommittee – the committee makes some changes and sends it back to the house for discussion
- ✓ The concerned minister proposes the need for a bill
- ✓ Legislative department in ministry of law, drafts a bill

**Answer:**

1. The concerned minister proposes the need for a bill
2. A resolution is passed to admit the bill for discussion
3. Legislative department in ministry of law, drafts a bill
4. The bill is referred to the subcommittee – the committee makes some changes and sends it back to the house for discussion
5. The bill is read clause by clause and each is voted upon
6. The bill is passed in the house in which it was proposed
7. The bill is referred to other House and is passed
8. The bill is referred to the President of India

*(Note: If the President does not sign the bill, it goes back to the Parliament for with recommendations for reconsideration and further discussion to make some changes.*

*If the same bill is again sent to the President without any changes then the President has to give assent to the bill and it becomes a law.)*

**Question 10:**

How has the system of parliamentary committee affected the overseeing and appraisal of legislation by the Parliament?

**Answer:**

- The system of parliamentary committee has influenced the overseeing and appraisal of legislation by the Parliament as most of decisions regarding the technical points of legislation are referred to these committees. The Parliament rarely rejects any of the suggestions made by the committee.
- There are twenty Standing Committees related to various departments that work on the issues related to budget and its expenditure related to their respective departments. These committees also supervise the bills related to their department that come in the house. The Joint Parliamentary Committees investigate financial irregularities.
- Thus, parliamentary committees have reduced the burden on the legislature and saved time as the Parliament meets only for a limited time during its sessions. However, on most occasions, the Parliament makes only minor alterations to the draft of the bills while approving them. This has diluted the Parliament's appraisal of legislations to a large extent.