

Chapter – 3: Parliament and The Making of Laws

- India – proud democracy
- Citizens – participate in decision-making – control government
- Parliament – most imp. symbol of democracy – key feature of Constitution

Why should People Decide?

- India – impendence – 15th August 1947 – before this – long struggle
- People – various backgrounds – joined – inspired by – freedom, equality, participation in decision-making
- Colonial rule – people lived in fear – did not agree with decision by British – grave danger of life
- Freedom movement – changed everything – nationalists – criticize British openly
- 1885 – Indian National Congress – demands – elected members – right to discuss budget and ask question in legislature
- Government of India Act, 1909 – allowed some elected representation
- Early legislatures – demand of nationalists – did not allow all adults to vote or participate in decision-making
- Experience of colonial rule – participation of different people – ensured – participation of everyone in decision-making in Independent India
- After Independence – India – free country
 - Doesn't mean – government can do anything
 - Means – government – sensitive to people's demands / needs
- Dreams / aspirations of freedom struggle – made stronger in constitution of free India – Universal Adult Franchise – all adults can vote

People and their Representatives

- Democracy – imp. point – idea of consent – approval and participation of citizen
- Decision of people – create government – decide its functions
- Every person – most imp. – government and public departments – trust its citizens
- Elections – people – elect representatives – form government
- Parliament – guide and control government
- People – choose representatives – control government

The Role of the Parliament

- Created – 1947 – Indian Parliament – expression of faith – people have in democracy
- Participation of people in decision-making and government
- Parliament – great power – representative of people
- Elections – similar to state legislature
- Lok Sabha – elected – every 5 years
 - Country – divided in constituencies – one member per constituency in Parliament
 - People contesting in election – belong to different parties
 - Once elected – candidates become Member of Parliament (MPs) – constitute the parliament

- Once elections complete – parliament has following functions

1. To Select the National Government

- Parliament of India – President, Rajya Sabha and Lok Sabha
- After Lok Sabha elections – list generated – how many MPs from each party
- To form government – majority of elected MPs belong to same group
- 543 (elected) + 2 (nominated Anglo-Indian) = 545 members in Parliament – 272 required to form government
- Opposition – parties not part of majority group
- Most imp. functions of Lok Sabha – choose executive – implement laws
- Prime Minister – leader of ruling party
- Some MPs who belong to ruling party – chosen as ministers – different departments
- One political party – does not have majority – joins hand with other parties – reach majority mark – form coalition government
- Rajya Sabha – representation of states in Parliament
- Bill need to get accepted in Lok Sabha and Rajya Sabha – to become a law
- Members of Rajya Sabha – elected by Members of Legislative Assembly (MLAs) of different states – 233 (elected) + 12 (nominated by President) = 245 members

2. To Control, Guide and Inform the Government

- Parliament session – begins with question hour
 - Imp. part of working – MPs – provide information about government
 - Parliament controls executive this way
- Questions – alert government – about shortcomings (weakness) and opinion of people
- Opposition – imp. role in healthy working of government – highlight drawbacks – government policies – promote – their own policies
- Government – gains valuable feedback – always stays alert
- Financial matters – Parliament's approval – most imp.

Who are the People in Parliament?

- Parliament – people – different backgrounds
- Many members from regional parties
- Increase in political participation from Dalits
- Representative democracy – not a perfect reflection of society
- Communities – marginalized (minorities) – given proper representation – reserved seats for SCs and STs
- Similarly, women representation in parliament – 11 % – debatable as nearly 50 % population is women
- Issues like these – force country to ask questions like – whether our democracy is representative enough
- Fact that we can ask these questions – represent faith of people in democracy

Do Laws apply to All?

- Constitution – enforce – rule of law – all citizens – equal against law

- Law – cannot discriminate – basis – religion, caste or gender
- Rule of law – all laws apply to all citizens – whether he / she be a government official, a wealthy person or even the President
- Every crime / violation of law – fixed punishment throughout the country
- It was not always like this
- Ancient India – overlapping laws
- Different communities – different authority – different laws
- Same crime – different punishment based on caste
- British – introduced rule of law
- Historians – argued –
 - Colonial law – arbitrary (not fixed)
 - Indian nationalists – imp. role – setting up – law and regulation in British India
- Sedition Act, 1870 – sedition (planning against government) not defined
- Indian nationalists – protested against arbitrary use of power
- Wanted to change laws from something to be obeyed forcefully to something which actually provides justice
- End 19th Century – Indians – started learning laws – defended Indians in court – demanded more respect in courts
- Indian judges – influenced more in decision-making
- Constitution – foundation – making laws
- Every year – many new laws formed – many old laws amended (changed)

How Do New Laws Come About?

- Parliament – imp. role – making laws
- Many ways – laws made – different groups in society – raise the need to make laws
- Parliament – another imp. role – being sensitive to problems of people
- Example – domestic violence
 - Refers to injury or harm by adult male (husband) to adult female (wife) by physical or emotional abuse including economic and verbal abuse
 - Protection of Women from Domestic Violence Act 2005 – extend the use of domestic to all the females living with the male who is doing all the violence
 - April 1991 – women discussing about domestic violence in their households and the existing laws against these things
 - Throughout the 1990s – different forums raised the need for a new law – a civil law to address the issue
 - 1999 – group of lawyers, law students and activists – drafted the Domestic Violence (Protection and Prevention) bill – went viral – spread throughout the country
 - 2002 – Bill introduced in the Parliament – BUT – women’s organizations – not satisfied with some laws in the introduced bill – provided some alterations in the introduced bill
 - 2005 – a new bill was introduced in the Parliament after amendments to the previous one
 - October 2006 – the new bill was finally accepted and the Protection of Women from Domestic Violence Act, 2005 was finally made a new law

- Role of citizens – imp. for Parliament to frame different concerns into law
- From deciding the need to make laws – TO – actually implementing those laws – voice of citizens – plays – imp. role – spread through Radio, T.V., Newspapers, etc. – make Parliament's working – transparent

Unpopular and Controversial Laws

- Sometimes – law valid and legal – BUT – people may not like it
 - People – criticize such laws – public meetings, newspapers, T.V., etc.
 - Large group of people – feel – law is wrong – pressure on Parliament – change it
 - Example – Municipal laws
 - Hawking and street vending – illegal – within municipal limits
 - No one – questions – necessity of rules to keep public space like footpath open
 - Hawkers and vendors – provide – essential services – cheap and effective
 - A law favours one group and does not favours other group – controversial
 - People – do not agree with the law – move to court
 - Court – modify or cancel law – if it's against the constitution
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- Role – citizens – does not end at elections
 - After elections – closely monitor – work of MPs – criticize when necessary