

Introduction to Politics, with reference to India

Legislature

Legislature

Parliament of India

- **Part V** of the Constitution (Article 79 to 122).
- Parliament consists of Lok Sabha (House of People), Rajya Sabha (Council of States), and the President.

Legislature

Lok Sabha

- Members of LS are elected directly by the people. They have a tenure of 5 years.
- Maximum strength – 552 (out of which 530 seats represent states and 30 seats represent union territories). At present, the Lok Sabha has 543 seats filled by elected representatives.
- Earlier, 2 members from Anglo-Indian community were nominated by the President. But it has now been removed.
- Each state is divided into different territorial constituencies.
- Presiding officer – Speaker of the Lok Sabha (elected by the MPs amongst them after its first sitting)

Legislature

Lok Sabha

- The **president** from time to time **summons** each House of Parliament to meet. But, the maximum gap between two sessions of Parliament cannot be more than six months. In other words, the Parliament should meet at least twice a year.
- There are usually three sessions in a year, viz,
 1. the Budget Session (February to May);
 2. the Monsoon Session (July to September);
 3. the Winter Session (November to December).

Legislature

Lok Sabha – parliamentary proceedings

- **Question Hour** – The first hour of the session is slotted for the question hour in which the MPs ask questions and the ministers or to whom the question is directed answers.
- The questions are of three kinds, namely, **starred**, **unstarred** and **short notice**.
 - A starred question (distinguished by an asterisk) requires an oral answer and hence supplementary questions can follow.
 - An unstarred question, on the other hand, requires a written answer and hence, supplementary questions cannot follow.
 - A short notice question is one that is asked by giving a notice of less than ten days. It is answered orally.
- The **zero hour** starts immediately after the question hour and lasts until the agenda for the day (i.e, regular business of the House) is taken up. It is an Indian innovation in the field of parliamentary procedures and has been since 1962.

Legislature

Lok Sabha – Parliamentary Proceedings

- **Motion** – A motion is a formal proposal made by a member in a House of Parliament to initiate a debate or a decision on a matter. MPs show their decision to the motion by either adopting or rejecting the motion i.e. through voting.
- **No-Confidence Motion** – Article 75 of the Constitution says that the council of ministers shall be collectively responsible to the Lok Sabha. It means that the ministry stays in office so long as it enjoys confidence of the majority of the members of the Lok Sabha.
- **Privilege Motion** – It is concerned with the breach of parliamentary privileges by a minister. It is moved by a member when he feels that a minister has committed a breach of privilege of the House or one or more of its members by withholding facts of a case or by giving wrong or distorted facts. Its purpose is to censure the concerned minister.
- **Calling Attention Motion** – It is introduced in the Parliament by a member to call the attention of a minister to a matter of urgent public importance, and to seek an authoritative statement from him on that matter.
- **Adjournment Motion** – When there is an urgent matter of public importance then a member may propose that the business of the house be adjourned for discussing that matter.

Legislature

Rajya Sabha

- Maximum strength – 250 out of which 238 are representative from the States and UTs and 12 are nominated by President from the field of arts, literature, science, and social service.
- The representatives of the state and UTs are elected indirectly via system of proportional representation by means of single transferable vote.
- Seats are allocated to the states in the Rajya Sabha on the basis of its population and hence it varies.
- Duration of Rajya Sabha – It is a permanent and continuing House i.e. it cannot be dissolved. However, one-third of its members retire every second year. Their seats are filled up by fresh elections and presidential nominations at the beginning of every third year. The retiring members are eligible for re-election and renomination any number of times.
- The Parliament in the Representation of the People Act (1951) provided that the term of office of a member of the Rajya Sabha shall be six years

Legislature

Rajya Sabha

- Presiding officer – the Chairman of Rajya Sabha (The vice president of India is the ex-officio Chairman of the Rajya Sabha.)

Legislature

Parliamentary Committees

- Are smaller units of MPs from both Houses, across political parties and they function throughout the year. They study and deliberate on a range of subject matters, Bills, and budgets of all the ministries.
- Appointed or elected by the house or nominated by the Speaker or the Chairman.
- A source through which the actions of the executive i.e. the government is scrutinized, investigated, or examined time to time. It is a way through which checks and balances are maintained over the activities of the executive.
- A Parliamentary Committee can either be a Standing Committees or an Ad hoc Committee. Standing Committees are permanent committees and are constituted for a fixed tenure.
- Ad hoc Committees are appointed for a specific purpose and they cease to exist when they finish the task assigned to them after submitting the report. These committees include Advisory Committees and Inquiry Committees. They can be Joint or Select Committees.

Parliament of India

Procedure to Pass Ordinary Bill

- An Ordinary Bill is introduced in either house of the Parliament. It must be passed by both the Houses by a simple majority of voting. There are five stages through which a bill has to go through before it finally becomes an act:

First Reading – A minister or a member introduces the bill in either house of the Parliament. The title and objective of the bill is read by the minister.

- After the introduction, the bill is published in the Gazette of India
- In this stage there is no discussion on the bill

Second Reading– This is the Stage of General Discussion. Four actions can be taken on the bill:

- It may take the bill into consideration immediately or on some other fixed date
- It may proceed the bill to a select committee of the House
- It may proceed the bill to a joint committee of the two Houses
- It may spread the bill to elicit public opinion

Third Reading –Here one of the two actions take place:

- Acceptance of the Bill (If the majority of members accept the bill, the bill is regarded as passed by the House)
- Rejection of the Bill

Parliament of India

Procedure to Pass Ordinary Bill

Bill in the Second House – The first three stages are again repeated here i.e.:

- First Reading
- Second Reading
- Third Reading

The second house can take one of the following actions:

- It may pass the bill by the first house without any changes.
- It may pass the bill after making amendments and return it back to the first House for reconsideration.
- It may reject the bill altogether.
- It may not take any action and therefore keep the bill pending as it is.

Assent of the President – President can take one of the three actions :

- May give his assent to the bill where the bill becomes an act and is placed on statute book.
- May withhold his assent to the bill where the bill ends and does not become an act.
- May return the bill for reconsideration where the houses can/cannot make amendments and send it back to the President after which he has to give assent.

Parliament of India

Procedure to Pass Money Bill

A Bill is said to be a Money Bill if it contains particular Acts related to taxes, borrowing of money by the government, expenditure from or receipt to the Consolidated Fund of India. A Money Bill is only introduced in Lok Sabha, on the recommendation of the President.

- Money Bills passed by Lok Sabha are sent to the Rajya Sabha. The Rajya Sabha do not have power to amend money bill.
- A money bill should be returned to the Lok Sabha by the Rajya Sabha within 14 days of commencement of procedure , or else the bill is regarded to have passed both houses as it was originally passed by the Lok Sabha.
- It is then presented to the President, who gives his assent and it then becomes a law

Parliament of India

Procedure to Pass Constitutional Amendment Bill

Bills seeking to amend the Constitution are of three types:—

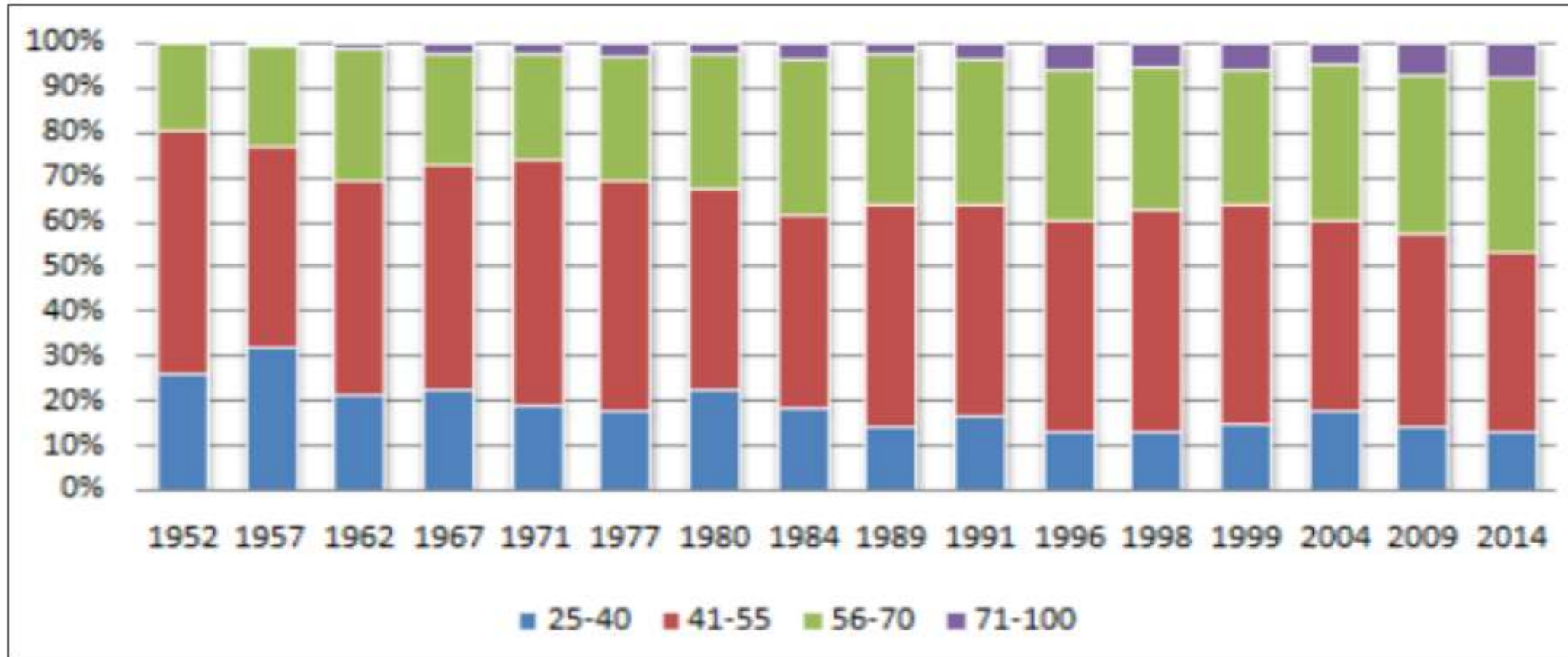
- (1) Bills that are passed by Parliament by simple majority;
- (2) Bills that have to be passed by Parliament by the special majority;
- (3) Bills that have to be passed by Parliament by the special majority as aforesaid and also to be ratified by at least half of the state legislatures

Legislature – Practice

Changes in social composition in Lok Sabha

- The current parliament is very different from the ones during the early years of the Indian republic. The parliament is now much more diverse as well as more representative of Indian society.
- Members unsurprisingly have much higher educational qualifications, but they are also older.
- The parliament has more women members, compared to the early years, but women continue to be grossly under-represented.
- Perhaps the most important changes are the caste composition and the occupational background of the MPs.
- There are many more OBC and lower caste representatives in the parliament, along with fewer lawyers. At the same time, the number of agriculturalists, businesspersons and political workers has increased significantly.
- Although the Indian Parliament has witnessed progressive democratization in terms of representation of various sections of society, it has declined as an effective institution of accountability.

Figure 1: Age Profile of Members of Lok Sabha



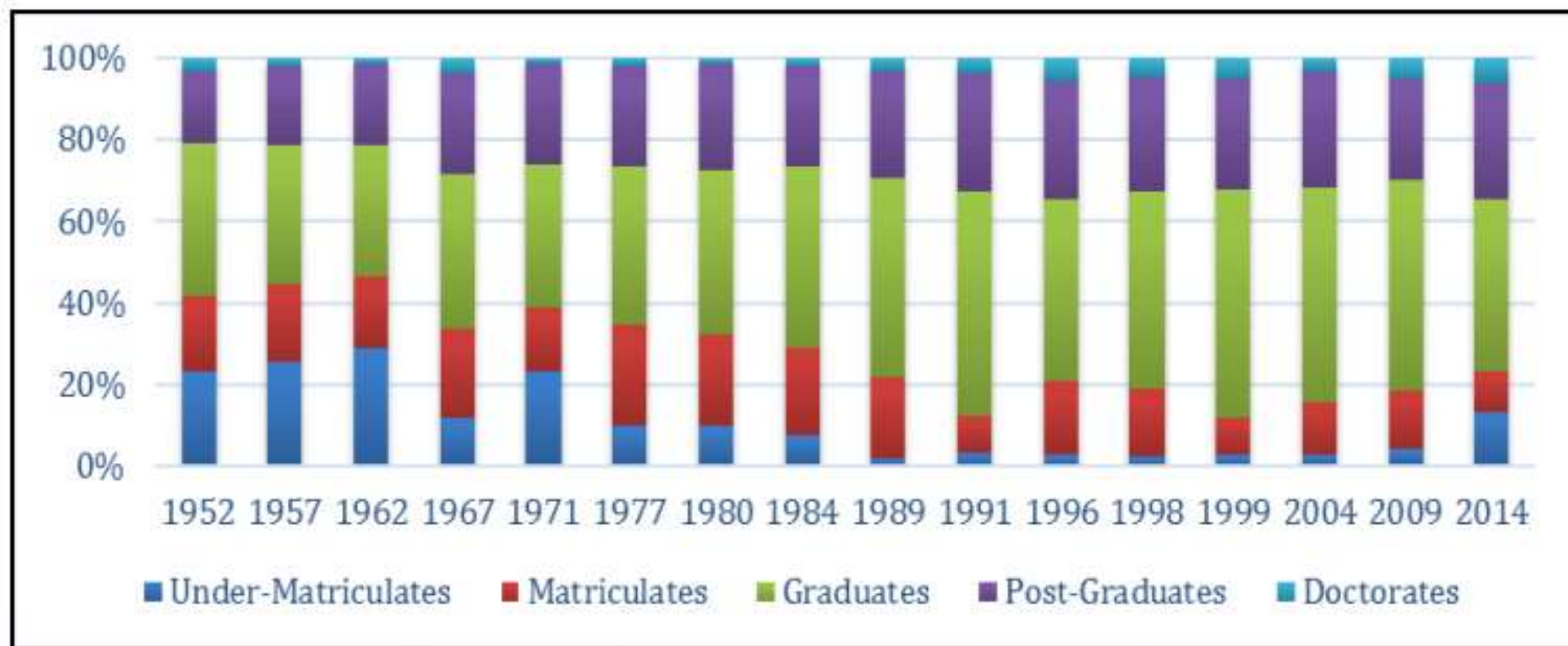
Source: PRS Profile of 16th Lok Sabha. Link: <http://www.prsindia.org/media/media-updates/profile-of-the-16th-lok-sabha-3276/>

Figure 2: Average Age of Members of Lok Sabha



Source: PRS Legislative Research. Note: Data for 16th Lok Sabha is as of November 2016.

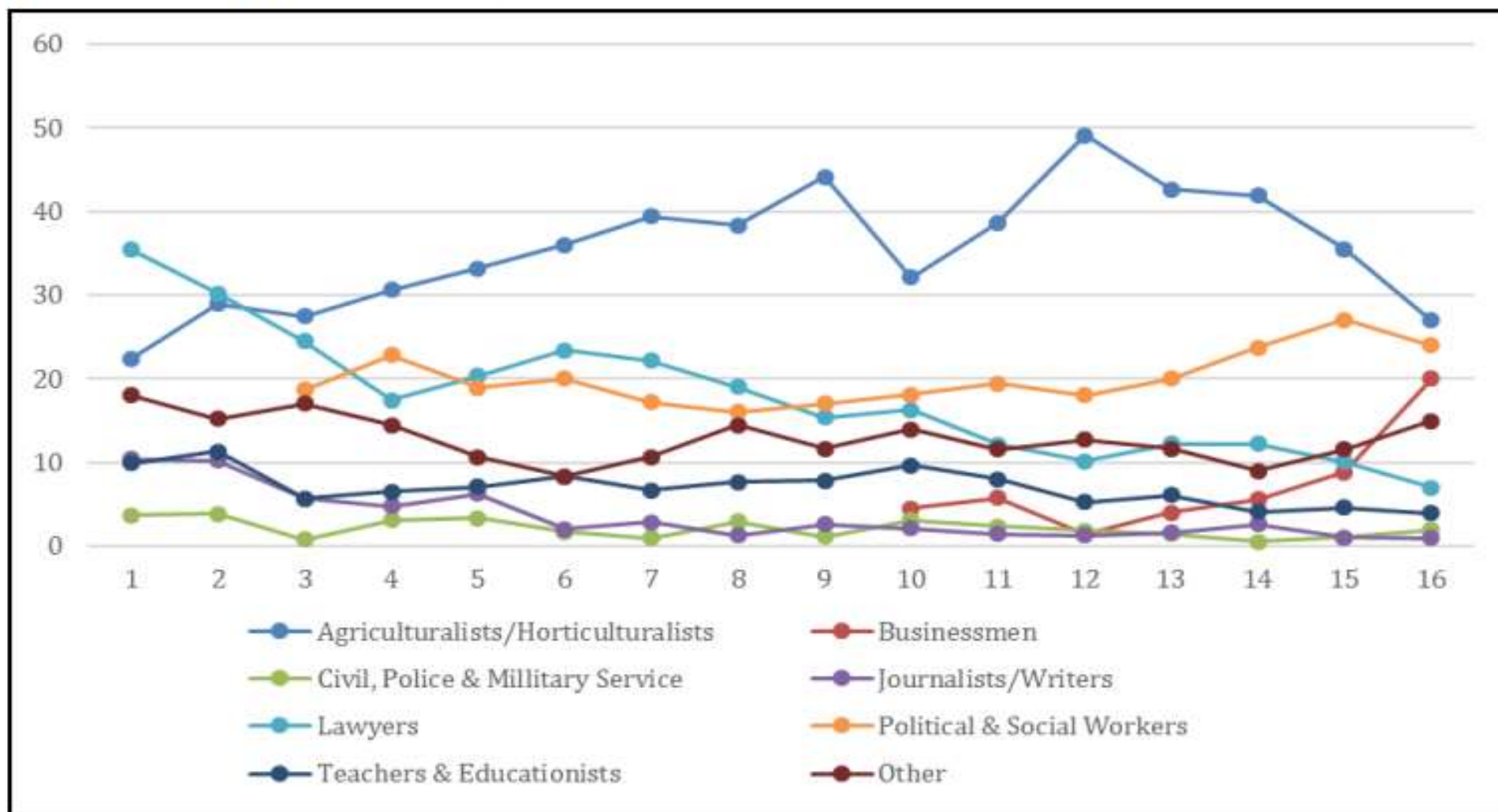
Figure 3: Educational Background of Members of Lok Sabha



Source: Parliament of India: The Fifteenth Lok Sabha (2009-2014); PRS Profile of 16th Lok Sabha.

Note: For 10th to 15th Lok Sabha, undergraduates and graduates have been taken together.

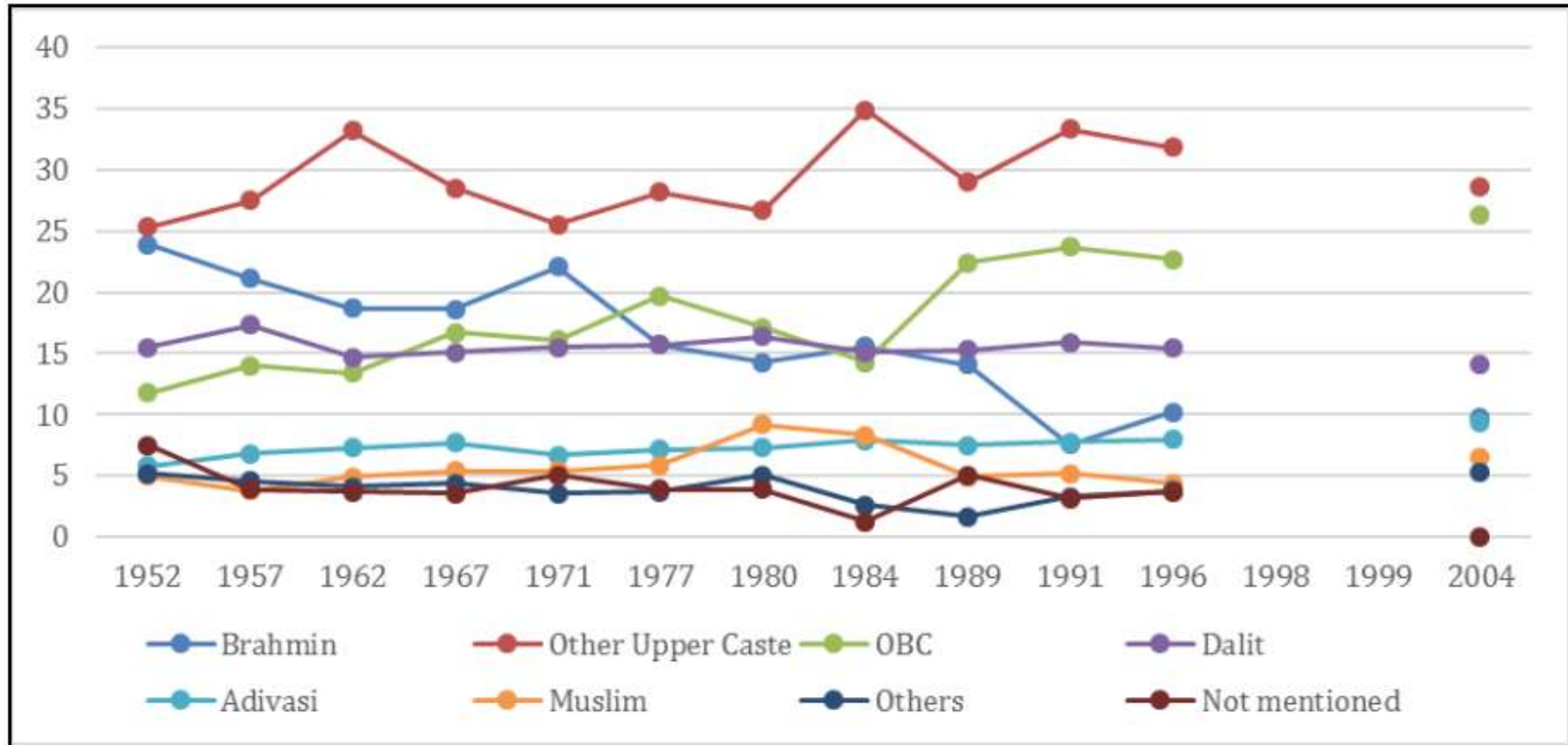
Figure 4: Occupational Background of Members of Lok Sabha



Source: Parliament of India: The Fifteenth Lok Sabha (2009-2014); PRS Profile of 16 Lok Sabha.

Note: The figures are in percentage.

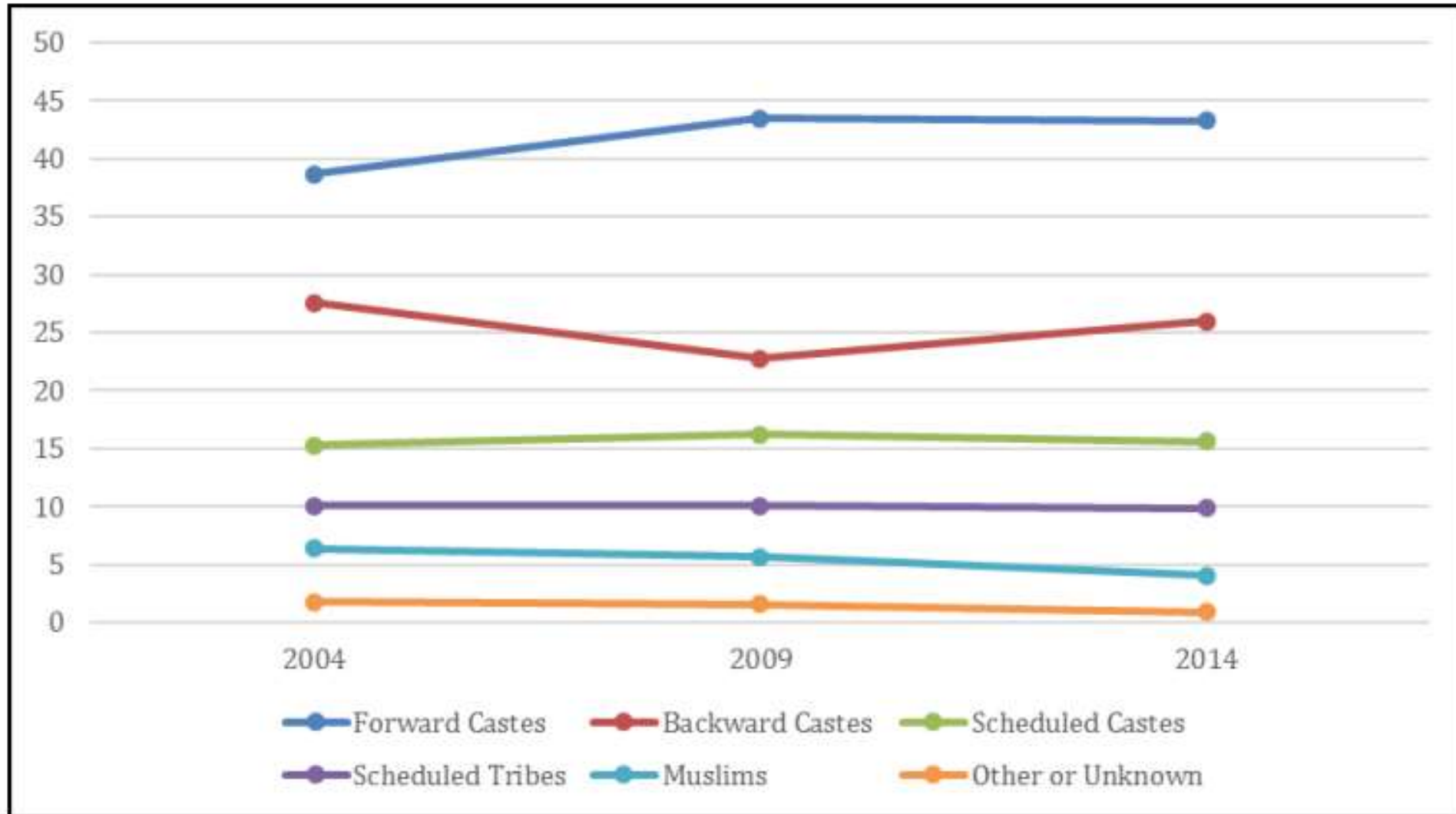
Figure 5: Caste of Members of Lok Sabha (1952-2004)



Source: CSDS.

Note: For the years 1998 and 1999, the caste of MPs are not available; all figures are in percentage.

Figure 6: Caste of Members of Lok Sabha (2004-2014)



Source: Chandra, Bohlken, and Chauchard 2014.

Note: Figures are in percentage.

Figure 7: Percentage of Women in Lok Sabha



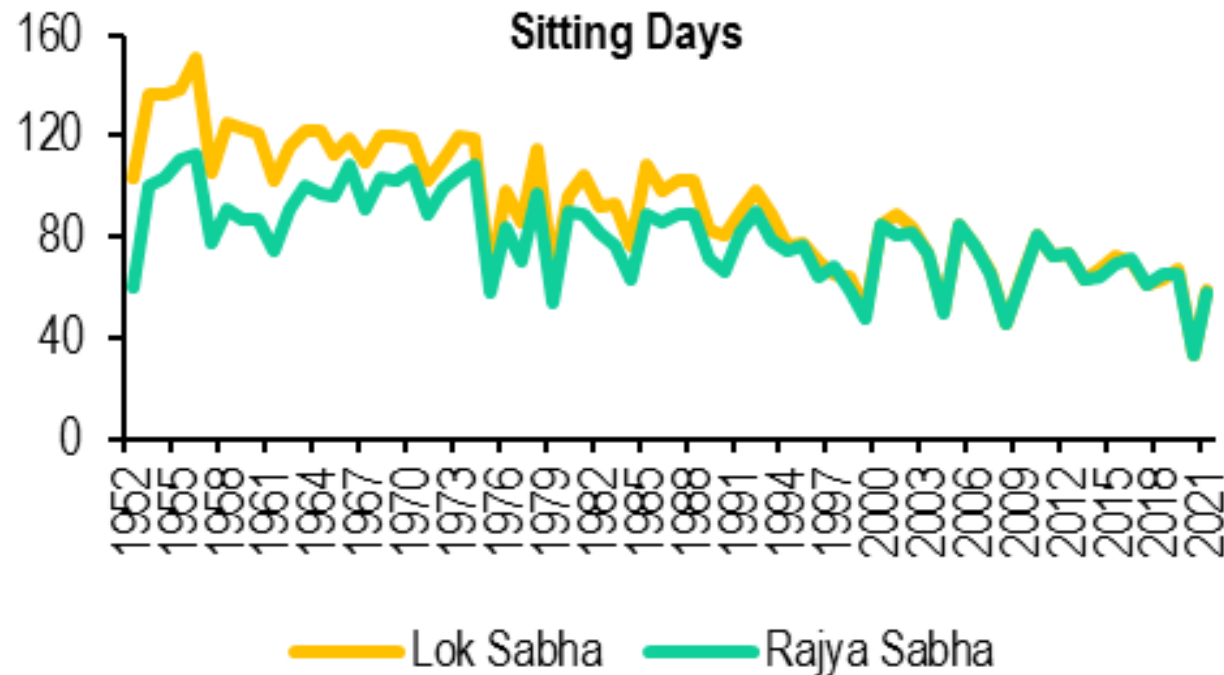
Source: Election Commission of India

Note: Including one nominated member

Legislature – Practice

Productivity

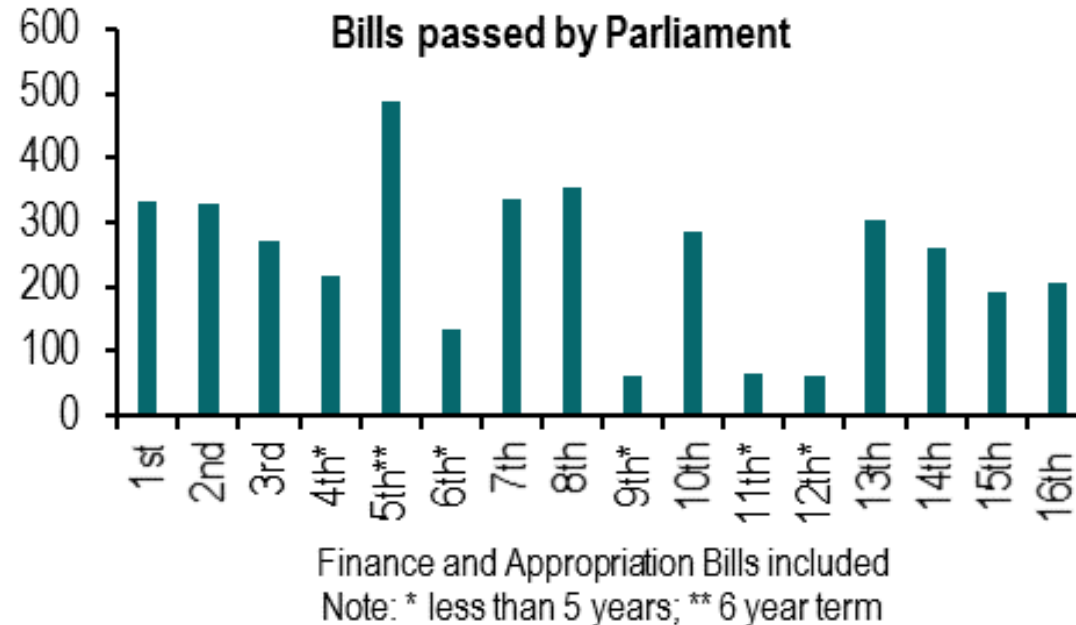
- Sitting days in LS have declined from an annual average of 121 days during 1952-70 to 68 days since 2000.



Legislature – Practice

Productivity

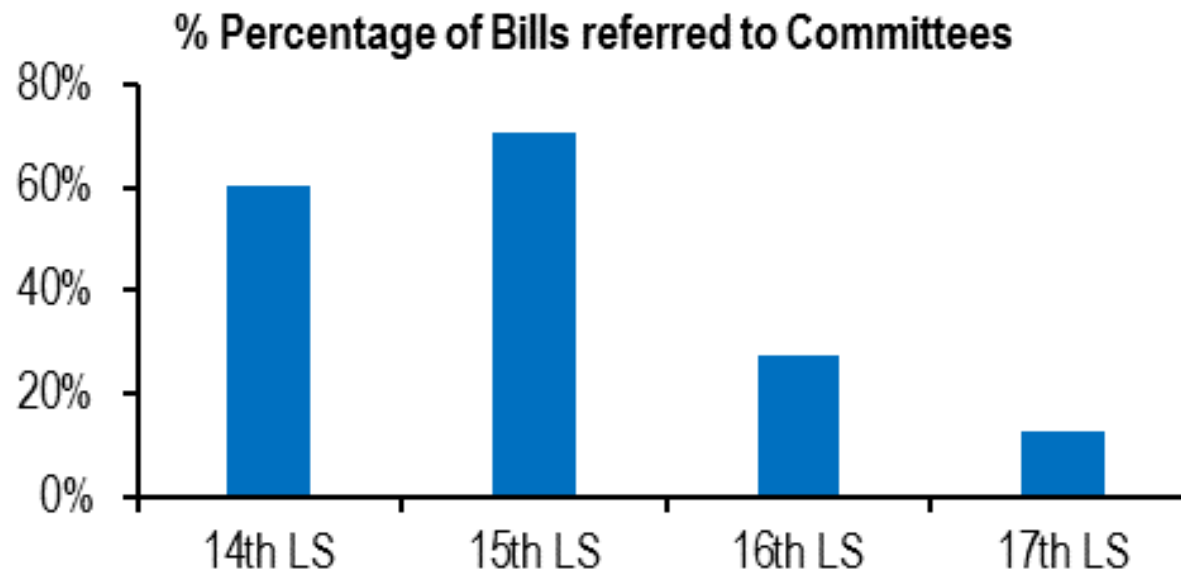
- Fewer Bills are being passed by Parliament over the past few years. Of all Lok Sabhas that have had a five year term, maximum number of Bills were passed during the 8th LS (355), the least during 15th LS (192).



Legislature – Practice

Productivity

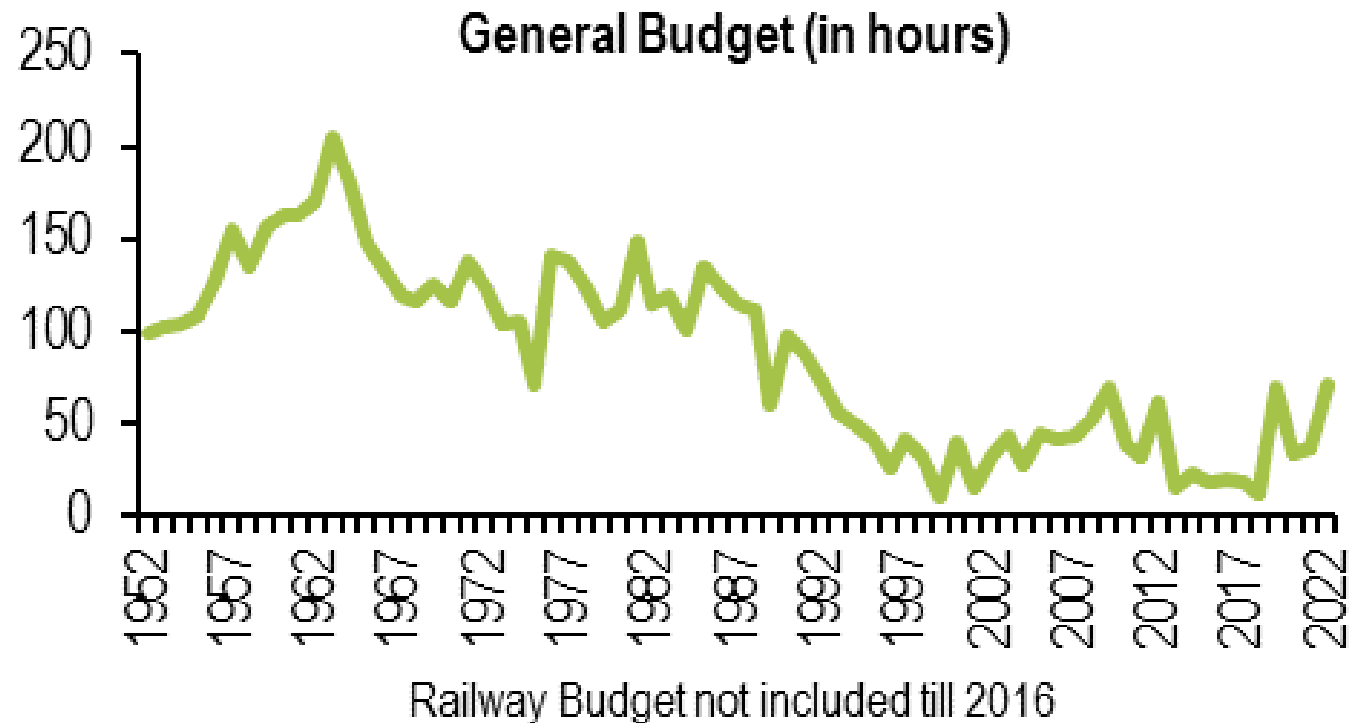
- Parliamentary Standing Committees were created in 1993 to assist Parliament in its legislative and financial business. Since 2004, of the total Bills introduced in the Parliament, only 45% have been referred to Committees. The decline has been more in recent years where 16th and 17th LS (ongoing) have seen lesser Bills being sent to Committees.



Legislature – Practice

Productivity

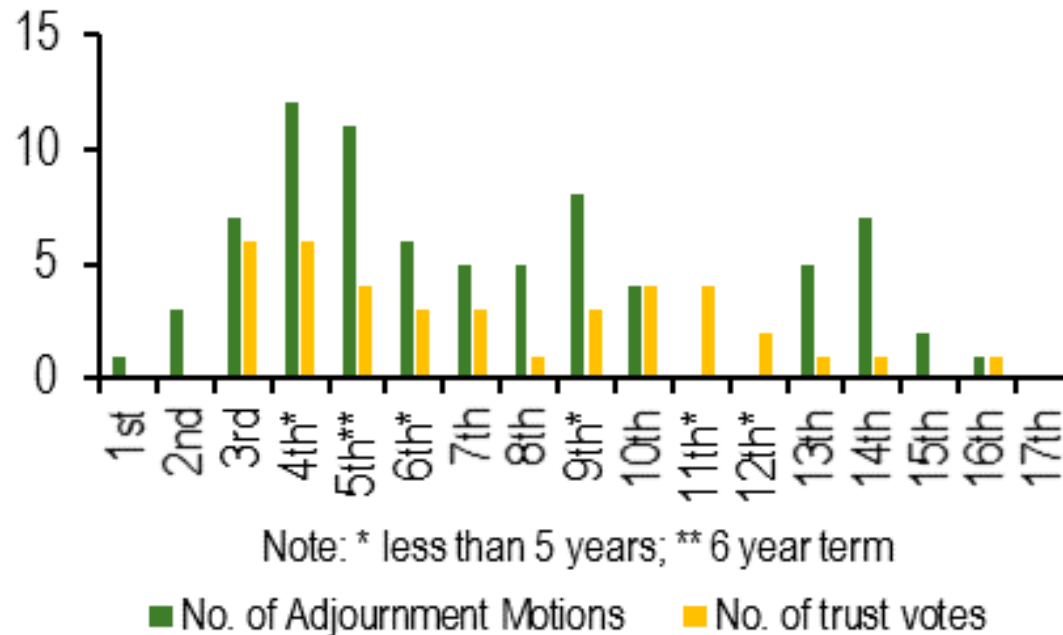
- Time spent by Lok Sabha on discussing the Union Budget (including ministry-wise allocations) has been declining since the 1990s. (Note that Parliamentary Standing Committees that were constituted in 1993 scrutinise funds allocated to all ministries.)



Legislature – Practice

Productivity

- Till date, 39 trust votes (includes No Confidence Motions and Confidence Motions) have been moved in Lok Sabha.



Legislature – Practice

Productivity

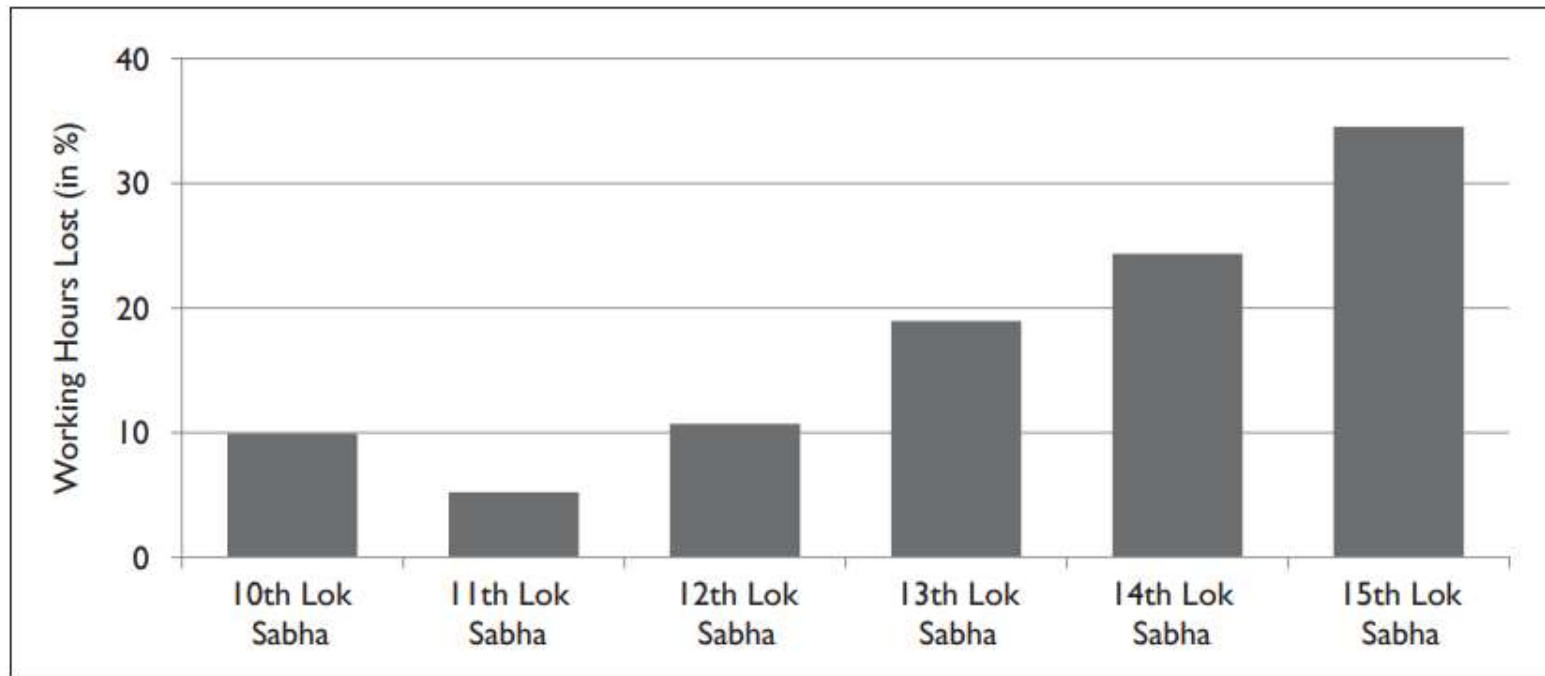


Figure 1. Percentage of Working Hours Lost by the Lok Sabha Due to Disruptions

Source: Report on 15th Lok Sabha (www.loksabha.nic.in)

Note: Lok Sabha secretariat started recording this data only in 1992. For the 15th Lok Sabha the data extends to 11th session that concluded on 11th September 2012.

Legislature – Practice

Symbolic versus Substantive Representation

- Even if the Lok Sabha has become more inclusive, this has not inevitably translated into equal participation; some groups still remain marginal.
- Substantially fewer questions are asked by MPs from historically marginalized groups (women and STs, but not SCs), and marginalized states (Northeastern states).
- To the extent that the volume of questions is a proxy for the extent of legislative oversight, we show that some groups—such as men, non-STs, MPs with prior legislative experience and MPs from certain states—seem to engage in greater oversight than others.

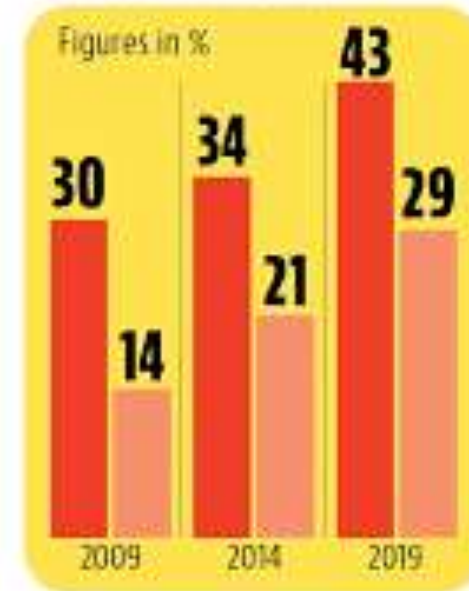
Legislature – Practice

Other indicators of decline

- Criminalisation of Politics
- Absenteeism
- Only 14 private member bills have been passed
(The last one was passed in 1970)

Declared criminal cases against MPs

● Criminal cases
● Serious criminal cases



Legislature – Practice

Decline? Progressive democratisation?

- In terms of parliamentary autonomy, standard of debates and discussions, conduct of the members, participation and disruptions in parliamentary proceedings, there is arguably a decline in the effectiveness of the institution.
- Others argue that the ‘disorder that India’s Parliamentary System frequently display’ is not necessarily a sign of decline but is in fact the consequence of its progressive democratization’.

Legislature – Practice

Possible factors contributing to decline

- Institutional explanations – Anti Defection Laws, MPLADS
- Changing norms of Executive
- Strong Executive and/or ideologically disarrayed opposition
- Increasing media coverage
- Changing nature of political parties

Conclusion

Legislature vs Executive

- The constitution of India provides for a fusion of the highest executive and legislative authorities.
- The two bodies are not designed to be antagonistic or behave as competing centres of power. The executive is not a separate or outside body. It is in parliament.
- There is, however, a clear distinction between the functions of the executive and the parliament. While the executive can initiate and formulate legislative and financial proposals before parliament and give effect to policies approved by parliament, the latter has the power to call for information, to discuss, to scrutinise and to put the seal of popular approval on proposals made by the executive.
- The function of the executive is to govern (on behalf of parliament and the people) and that of the parliament is to deliberate, discuss, legislate, advise, criticise and ventilate public grievances.

Conclusion

Legislature vs Executive

- Apart from the responsibility of parliament to throw up a representative and competent government, the main functions of parliament in the context of its relationship with the executive are: 1) To ensure that the government remains responsible to the House of the People. 2) To exercise surveillance over the administration and secure its accountability to parliamentary institutions.
- In other words, parliament has to ensure ministerial responsibility and administrative accountability.
- Ministerial responsibility and administrative accountability are ensured through procedural devices like the legislative process including private members' bills, Question Hour, various kinds of motions, and committee scrutiny.

Conclusion

Legislature vs Executive

- That representative democracy and parliamentary institutions have endured in India for five decades and more is a great tribute to their strength and resilience. There has been, however, in recent years quite some thinking and debate about the decline of parliament, the devaluation of parliamentary authority, a deterioration in the quality of members, poor levels of participation and the like.
- In such a state of affairs, parliament can hardly be expected to perform its role as the supreme representative institution of the people charged with the responsibility of ensuring administrative accountability and executive responsibility.