

## INDIAN PARLIAMENTARY SYSTEM AND PARLIAMENTARIAN

By

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*The Parliament of India, the country's highest legislature, in some sense, pre-dates our Constitution, which the people of India gave themselves on the 26th January, 1950. Thus historically, Parliament of India is the visible symbol of people's aspiration to be free and their resolve to be in charge of their own destiny. As an extension of the Indian people, the Indian Parliament, represents their struggle and their vigilance against the forces, which possess the potentiality to subvert freedom. These forces lurk in the shadows, even in the most established democracies.*

*Also, the Indian Parliament is a part of a global struggle of all people against every form of subjugation—colonial, imperialist or racial. Our founding fathers were deeply conscious of the historical role that had come their way just when colonialism was on the wane and new horizon of popular sovereignty was beckoning the Nation.*

The founding fathers were an extremely diverse people. There were revolutionaries as well as *status-quoist* rubbing shoulders. Exceptionally talented Lawyers, Scientists and Thinkers invested their wisdom in shaping the Constitution. Every stand of our constitutional history was made use of, including the Government of India Act, 1935; many of whose provisions found place in the new Constitution. But, undoubtedly, in deciding the nature of parliament, the influence of the British Parliament and its history were paramount. Many of the Constitution makers were themselves brilliant lawyers and had studied law at the finest Universities and Law School of England. This was, perhaps, an important reason, why the Parliament System was such a universal favourite. *But, the more important reason was that Parliament was seen to belong to a long and glorious struggle of the people of the world for freedom and liberty and was believed to be a far stronger check on every form of despotism*

*than other forms of Government. It was also believed to be more responsive to the people's desires and aspirations and demanded far higher level of Governmental accountability. Constitution-makers value executive accountability to the Legislature. Our constitution-makers, made our constitution as the best instrument to protect the State against the egotism of individuals and protecting the individual against arbitrary action of the State.*

The Inter-Parliamentary Union has adopted a Universal Declaration on Democracy. The declaration affirms that Democracy is now a universally recognized ideal. It is a goal, which is based on common values shared by people throughout the world irrespective of cultural, political, social and economic differences. It is a basic right of citizenship to be exercised under conditions of freedom, equality, dignity, transparency and responsibility.

Democracy is both an ideal to be pursued and a mode of Government to be applied according to modalities which reflect the diversity of experiences and cultural particularities without derogating from internationally recognized principles, norms and standards. It is thus a constantly perfected and is always in perfectible state or condition. We, therefore, always need to preserve and improve on our Democracies.

*Democracy is based on the existence of representative institutions at all levels and in particular, a National Parliament that is representative of all the components of society and that has the requisite powers and means to legislate and oversee the Government.*

### Executive Accountability to Parliament

*The very postulate of Parliamentary democracy, as enshrined in our Constitution, is the collective*

*responsibility of the Central Council of ministers to the House of the People, that is, the Lok Sabha, being the highest elected body. For every action of the Government, it will be liable to answer in Parliament and the Government cannot avoid rendering accountability on any plea except, perhaps, that of National security, which will also depend upon the decision of the Presiding Officer of the House, which includes Rajya Sabha.*

*In the ultimate analysis, the accountability of the Government is to the people of the country and is enforced in the Parliament through their elected representatives. Thus, it is essential that the members of Parliament should function in a manner, which would compel the Government of the day to discharge its responsibility to the people and govern in a responsible and transparent manner. A vigilant Parliament like a vigilant press provides safeguards to a Democracy from degenerating into a dictatorship. Ultimately, the justification of all public institutions and the Parliament is the most important one, which lies in its ability to respond to the needs of the people and solve their problems. Its performance in forcing or persuading the Government to take steps for alleviating the miseries and difficulties of the people and in improving their lot by solving the problems faced by them is closely watched by the people. Thus there is a close and proximate relationship between the people and the parliament, which has not only to be nurtured but has to be made more meaningful and more rewarding.*

### ***Legislature: A Multi-Functional Institution:***

*Democracy has to be defined as a system of self-governance by the people. Legislature is an Assembly of people vested with the power of enacting laws. Apart from this, Legislatures have several other responsibilities, which have direct relations with the citizens. In fact, the main responsibility of the elected House is to keep a check on the Executive and to make efforts for the uplift of the people through better governance. Legislatures are governed by the*

*system of collective policy formulation. The common people derive inspiration from the conduct and behaviour of the Legislators. The sanctity of the Legislatures lies in the fact; they represent people's sentiments and create a conducive atmosphere for their economic, social and political uplift with total commitment.*

*The role of legislatures is equally important in the skilful operation of the democratic system because apart from enacting laws, they protect the basic principles of Democracy also. In fact, they have a dual role. On the one hand, they enact laws and on the other, they act as independent units where-in each member projects the interests of the people, especially people's hopes and aspirations. The main function of the Legislature is to discuss the policies and to refine them so that the people at large can be benefited by their implementation.*

*Members of the Legislature are individually as well as collectively responsible for the fulfillment of people's aspirations, which is also necessary for strengthening democracy.*

### **Committee System**

*The various committees of the Legislature functions as "Little Legislatures" These committees, which derive their powers from the Legislature; itself have an important role to play. The Committees are a bridge between the System and the House which controls the System and guides the House. The committees on Public Accounts, Estimates and Public Undertakings, Control the Executive in financial matters. These committees undertake in-depth studies to ensure that the amount sanctioned by the Legislature for public welfare schemes and governance is being utilized properly. Committees also reprimand the Executive for any shortcoming or negligence on this account. The Committee on petitions, constituted to consider petitions received through people's representatives on social issues like the welfare of the Scheduled Castes and Scheduled Tribes, Women and Child*

Development *etc.*, contributes towards making the role of Legislatures more effective so as to strengthen democracy and make it meaningful.

These committees are supposed to undertake more and more field studies and make assessment of various schemes and programmes and give appropriate guidance to speed up the implementation of the developmental as and public welfare programmes and bring transparency in the work. Therefore, there is a need to make these activities public-oriented by further strengthening the committees, which creates heavy responsibilities and greater commitment on the part of Legislators with a heavy time consuming situation, through-out the year and every year, of the entire tenure period of any Legislator.

The need of the hour is that we should take a critical look at our parliamentary behaviour in the larger interest of democracy. A Legislator is not only the representative or agent of his voters or constituency but also their elected leader in whom they repose their confidence; they also consider him as their well wisher and guide. In order to enlarge the mass base of democracy or in other words to strengthen it, it is the duty of a member of the Legislature to keep in touch with the constituents on important issues to create awareness among them and gain their support towards his ideas, policies and programmes.

He should, however, make sure that the interest of the locality or the region or any particular class of society is not given such a boost which would affect the justified rights or interests of other region or classes. In such a situation, our democratic values and public confidence in our Legislatures will become stronger and stronger.

*The Legislature of a country is the representative body of the people and in a sense, the trustee of their sovereignty. In its role as a watch dog, it has to*

*ensure that the supreme interests of the people it represents are looked after. The members have to exercise their rights and discharge their responsibilities without fear or favour; they must have the liberty of seeking exposure of any Governmental lapses, thus bringing the policies and performance of the Government to the lime light of public scrutiny. The devices available to the members provide them with ample opportunities to make the Government accountable and face scrutiny.*

*Continuing accountability or responsibility is the main feature that distinguishes the Parliamentary System from other forms of democracy.*

*Dr. Ambedkar in his speech in the Constituent Assembly, while introducing the draft constitution had explained the reasons why the framers of our constitution had decided in favour of the Parliamentary System. Comparing the Presidential System with the parliamentary system, he said:*

*"You can have a system which can give you more stability but less responsibility. The British system on the other hand gives you more responsibility but less stability."*

*Under the non-parliamentary system such as the one in the United States, Dr. Ambedkar argued, the assessment of responsibility is periodic, being done by the electorate once in two years. In the Parliamentary System, on the other hand, the assessment of responsibility is both daily and periodic. The framers of the Constitution preferred the Parliamentary system because they believed that accountability in Government; was more important to a country like India than the advantage of stability. Thus under our Parliamentary system the multisided responsibilities towards the discharge of duties as a Legislator or Parliamentarian are the heaviest by which no Parliamentarian or a Legislator would be in a position to spare even few hours at any time to take-up the responsibility of any other office, outside the Parliamentary or Legislature systems.*

### **Constitutional Provisions regarding Budget:**

The Union Government has two main sources of finance one, revenue (Tax and

Non-Tax) and the other, loans raised by the Government through various instruments. The money received through revenues and by raising loans constitutes the consolidated Fund of India. Article 266(1) of the Constitution provides, subject to the assignment of certain taxes to the states, all revenues received by the union Government, all loans raised by the Government and all moneys received by the Government in repayment of loans shall form one consolidated fund to be called the Consolidated Fund of India.

Article 265 of the Constitution provides that no tax shall be levied or collected except by the authority of law. These taxes are levied by the Union Government through the Finance Bill for each year. Taxes are levied for only one year and that is why it is necessary to get the parliament's approval on the Finance Bill. Our financial year starts from 1st of April and ends on 31st March of the following year.

Every Ministry, during Budget session of nearly three months during every year submits its estimates of expenditure in the form of demands for grants to the House of the People and the House has the power to assent or to refuse to assent to any demand or to assent to any demand subject to a reduction of the amount specified there-in.

Parliament's approval is necessary to withdraw any sum from the Consolidated Fund of India and the Executive cannot withdraw any money without such authority. Parliament vests such authority in the Executive by passing the appropriation act as per provisions under Article 114 of the Constitution.

Therefore, the Executive cannot collect any revenue without the approval of Parliament and cannot spend any money except the expenditure described as charged -without the approval of Parliament and cannot withdraw any money from the Consolidated Fund of India without the approval of Parliament.

*For three months during each year parliamentarians have to get deeply involved in scrutinizing a large number of voluminous Budget Documents and scrutinize, examine the Lapses of every Ministry's Documents as submitted by each Ministry's Standing Committee of the Parliament, before the Parliamentarians of the respective Standing Committee approves demands for grants of the concerned Ministry. Then there will be Monsoon Session for a month in a year and finally there will be a Winter Session for a month in a year.* In between these Session Periods every Parliamentarian whether belonging to Lok Sabha or Rajya Sabha have to keep on moving through-out India as Members of Standing Committees and Parliamentary Consultative Committees, studying and reviewing and suggesting several policies and remedial measures in depth of every Union Ministry. As each Parliamentarian generally becomes a Member of at least three to four Committees; one has to struggle and spend lot of time to finalize the Reports by the time of commencement of Budget Session.

This is another herculean task for every Parliamentarian to discharge his or her responsibilities and Accountability to the Nation and to the People. There are several Parliamentary Committees for example Committee on Chemicals and Fertilizers; Committee on Railways; Committee on Petitions; Committee on Transport, Tourism and Culture; Committee on Home Affairs; Committee on Social Justice and Empowerment; Committee on Personal, Public Grievances, Law and Justice; Committee on Urban Development; Committee on Public Accounts; Committee on Finance; Committee on Food, Consumer Affairs and Public Distribution; Committee on Human Resource Development; Committee on Water Resources; Committee on Commerce; Committee on External Affairs; Committee on Information Technology; Committee on Rural Development; Committee on Defence; Committee on Ethics; Committee on Industry;



Committee on Offices of Profit; Committee on Labour; Committee on Subordinate Legislation; Committee on Government Assurances; Committee on Health and Family Welfare; Committee on Welfare of Scheduled Castes and Scheduled Tribes; Committee on Petroleum and Natural Gas; Committee on Papers laid on the Table; Committee on Science and Technology, Environment and Forests; Committee on Railway Convention Committee; Committee on Coal and Steel; Committee on Public Undertakings; Committee on Empowerment of Women etc.

Every Committee report when laid on the table of the House every year before the Commencement of the Budget Session; becomes voluminous and for every committee report the Action taken report and implementation report as submitted by every Ministry with regards to every Committee's report, will also be as voluminous as the Committee's report. All these voluminous reports need to be studied in depth by each and every Parliamentarian in order to be truly accountable to the people.

*Besides these, several hundreds of issues pertaining to States and Nation are raised by Parliamentarians through: thousands of starred and unstarred Questions; special mentions; calling attentions; through short duration Discussions; Half-an-hour discussions based on Answers to Questions; discussions through Long debates; Discussions on various crucial Issues through Adjournment Motions; Zero hour discussions etc; and every Parliamentarian and State Legislator has to make in depth study of a large number of Government Bills which runs into hundreds on different subjects during one's tenure. All these responsibilities involve every Parliamentarian, constantly throughout the year and every year.*

All the Legislators of State Assemblies have to function in the same manner as Parliamentarian functions and the responsibilities and systems are almost same at State and National level.

Besides these responsibilities, a Parliamentarian or a State Legislator has to face a constant Herculean task of dealing with hundreds of issues and thousands of representations from his or her constituency people. They have to keep on touring hundreds of Villages, Mandals and a large number of Districts. They have to constantly and daily deal with all these crucial issues at State and National Level, when ever they visit their constituencies in the absence of Parliamentary or State Legislature Sessions. They have to frequently scrutinize and review the functioning of District Administration of their constituencies as official Members of Zilla Parishads, District Planning Boards, and as Ex-Officio Members of Municipalities.

Besides this ours is a Multi-Party System of Parliament, as such every Legislator or Parliamentarian has to get deeply involved with regards to functioning of his or her party; right from grass root level to the highest National Level. This is another Herculean task; as the Parliamentarians and Legislators are selected by their respective parties to contest for any election; right from Panchayat to Parliament; as such they have to build up strong relationship with the masses constantly to consolidate their Vote Bank based on their Party's Ideologies, Policies and Welfare Schemes.

Under the Constitution of India, Parliament is the Supreme Legislative body at the National level. The most important aspect of legislation lies in its vital social or sociological ramifications. All legislative proposals are initiated in Parliament in the form of Bills. During the last five decades, the Lok Sabha has effectively utilized its Legislative Competence in a number of vital areas. Starting May, 1952 and upto the seventh session of the Thirteenth Lok Sabha, as many as 2,709 Government Bills were introduced in the Lok Sabha. During the same period, as many as 3,044 Bills were passed, including those passed by Rajya Sabha

and laid on the Table of Lok Sabha and subsequently passed.

*Parliament has created institutional mechanisms to address issues of concern to the polity and society. For example, National level bodies like the National Human Rights Commission, National Commission for Scheduled Castes and Scheduled Tribes, National Commission for Women, National Commission for Minorities, National Commission for Backward Classes etc., are creations of Parliament through appropriate legislations in response to specific needs. As regards Parliament's role in law-making, it does not act as a rubber stamp for the proposals brought before it by the Executive. It discusses, scrutinizes and if necessary, amends the drafts and thereafter by putting its seal of approval, legitimatizes legislative proposals formulated by the Executive. Our Parliament is a vibrant, progressive, dynamic law making body to meet the aspirations of more than 100 Crores people and functions independently, in strengthening the foundation of sustainability of Democracy and Parliamentary system in India.*

#### **Departmentally Related Standing Committees**

The System of Departmentally-related Standing Committees of Parliament has been in existence and the Ministries and Departments of the Central Government have been brought under the jurisdiction of one or the other of the standing committees. The committees, as is well known, comprise 45 members representing different political parties, according to their respective numerical strength and are nominated by the speaker of Lok Sabha or Chairman of the Rajya Sabha as the case may be. These committees are required to consider the demands of the ministry and the department concerned and make their report to the houses and also to examine such bills pertaining to the concerned Ministry/Department as are referred to the committee, to consider the Annual reports of the Ministry/Department and also national basic long term policy documents presented

to the Houses, if referred to the committee by the Presiding Officers.

*Other important committees:* Parliament has evolved different procedures for enforcing the accountability of the Government, namely, through the Financial Committees like the Public Accounts Committee, the Estimates Committee as also the committee on Public undertakings. The committee on Government assurances looks into the extent to which assurances, promises, undertakings etc., given by the, Ministers from time to time have been implemented and without delay. The committee on the welfare of the Scheduled Castes and Scheduled Tribes looks into the issues concerning the welfare of the Scheduled Castes and Scheduled Tribes and makes reports thereupon.

*By submitting petitions to the Parliament's Committee on petitions through a member, the people can place their grievances before the parliament with regard to any issue of general public interest and also with regard to any pending bill or matter, thus providing a direct link between the people and the Parliament.*

#### **References :**

1. Indian Parliament:- Select Speeches, Rulings and observations. By *Krishna Kant: Vice-President and Chairman of Rajaya Sabha*. Page: 105.
2. Democracy The Global Perspectives by *Najma Heptulla* Conference of Presidents of the Parliaments of the Members States, of the Council of Europe and the G-8 Countries. Page: 2.
3. Fifty Years of Indian Parliament by *G C Malhotra*: Editor : Secretary-General Lok Sabha: Published by Lok Sabha Secretariat New Delhi, 2002.  
Pages 35, 36, 38, 39, 44, 45, 49, 50, 53, 54, 66, 67, 79, 80, XVIII, XIX.
4. Law of Elections. By *Narendra Chapalgaonkar* Pages: 47, 48.