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EDITORIAL NOTE

The Commonwealth, over the years, has evolved into a multi-racial, multi-cultural and multi-lingual association of independent sovereign states. Spread across the six Continents and the five Oceans, the member states of the Commonwealth hold dear the noble ideals of universal peace and prosperity, rule of law, freedom of the individual and above all a democratic form of government representing the sovereign will of the people. The Commonwealth is at once an association of governments as also of peoples and is committed to the twin ideals of consultation and cooperation.

The Commonwealth today is perhaps the best repository of the rich and varied traditions of parliamentary democracy. This unique association abounds in diversity even in the nature and content of the parliamentary democratic polity prevalent in the member countries. And it is the Commonwealth Parliamentary Association which endeavours to strengthen the cause of parliamentary democracy among its members. This cherished goal is sought to be met through annual Conferences, Parliamentary Seminars and various publications.

The annual Commonwealth Parliamentary Conference provides a unique opportunity to parliamentarians to discuss subjects of parliamentary interest as also exchange views on major political issues of topical and common concern. We in India has had the proud privilege of hosting the Commonwealth Parliamentary Conferences in 1957 and again in 1975. We are honoured and privileged once again to be hosts to the 37th Commonwealth Parliamentary Conference this year. To commemorate this historic occasion, we are bringing out this Special Number of the *Journal of Parliamentary Information* with the focal theme of "Parliamentary Democracy at Work in India".

Undoubtedly, India best exemplifies the Commonwealth's unwavering commitment to the promotion of parliamentary and democratic ideals by virtue of its being the largest working democracy among the comity of nations. India, with its democratic heritage spanning millennia, has been the crucible and the melting pot of many cultures and civilisations as well as of systems of governance and yet the democratic spirit has triumphed through the ages. Our countrymen have proved time and again their abiding faith in parliamentary democratic ideals, much to the wonderment of the rest of the world. The Tenth General Elections held in May-June this year further reiterated the credentials of the Indian electorate in this respect.

Parliamentary democracy in its modern sense has been at work in India since independence, particularly after the adoption of a republican

Constitution in 1950. Over the past more than four decades, it has struck deep roots in the Indian soil. As the supreme representative body, Parliament has evolved into a people's institution *par excellence*, ever adapting to the changing needs of times. Parliamentary democracy in India has withstood varied trials and tribulations, manifold stresses and strains. Our countrymen have, through the electoral process, time and again reposed their trust and confidence in the system out of a conviction that in spite of myriad problems, it could still be the best bet as far as our polity is concerned.

The articles which find place in this Special Number throw light on diverse aspects of the working of parliamentary democracy in India. Our rich and varied democratic heritage dating back to the Vedic age, evolution of parliamentary institutions in the country, democracy at work in the Houses of Parliament and States Legislatures, the crises facing the system, our achievements and failures, all these and much more are discussed in some detail. While of course not glossing over some disturbing trends in our parliamentary democratic set-up, a silver lining which underpins all articles is that parliamentary democracy has come to stay in the country and its future is bright and secure.

We are highly obliged to all the eminent parliamentarians and Presiding Officers of various States Legislatures, distinguished academics and renowned journalists and other experts who, in spite of constraints of time, made it convenient to contribute some outstanding articles for inclusion in this Special Number. We are particularly beholden to Shri Shivraj V. Patil, Speaker, Lok Sabha, for his invaluable contribution to this Volume and also for motivating and inspiring us to bring out this Special Number.

It is our sincere hope that this issue would be found useful and informative by all parliamentarians, political thinkers, students of parliamentary political science and all those who cherish the parliamentary institutions.

The regular Features of this issue of the *Journal* will now appear in the December issue. (Vol. XXXVII, No. 4).

— K.C. Rastogi

PARLIAMENTARY DEMOCRACY AT WORK IN INDIA

—Shivraj V. Patil

The Indian democratic system as outlined in the Constitution envisages the people of India to be sovereign, who have the liberty to elect their representatives to Parliament to form the government of their choice. This representative character of Parliament accords it a pivotal position in the system. The principle of 'universal suffrage' reflects the recognition of the innate equality of the citizens. Indian people have, through successive elections, reposed their abiding faith in the system of parliamentary democracy. The successful conduct of the recently concluded Tenth general elections to Lok Sabha only reiterates people's trust in the system.

In the historical setting, we find democracy to be deep-rooted in India. It has become a way of life since millennia. Varied references to democratic norms and institutions are available in the *Vedas*. The *Rig Veda* mentions two institutions, *Sabha* and *Samiti* and delineates their status and functions. The *Sabha* was the House of Elders, of the wise and the aristocracy, corresponding to an Upper House in modern legislatures. The *Samiti* was the General Assembly of the common folk and is analogous to the House of Commons. Both these institutions wielded immense power and authority so much so that the King's decisions and administrative actions were not legitimized without their approval. Even in those early times, these popular bodies were recognised as the first aids to democracy.

The tradition of democracy which blossomed in Vedic age matured further in the post-Vedic period. Several ancient literary works like *Arthashastra*, *Mahabharata* and *Manusmriti* confirm the existence of numerous representative bodies. In that age also, sovereignty was to be found in *Dharma*, Law and the Constitution, which used to be the guiding force for the King in his administration. Though the form of government was monarchical, it was a limited constitutional monarchy. At the same time, there was an abundant growth of republican States, designated by several terms. Panini's Grammar which dates back to 500 B.C., has mentioned the existence of as many as eighty republics in those days.

In fact, the *Buddhist Sangha* demonstrates how its procedure corresponded to modern democratic parliamentary conventions and

practices. References to the existence of Speaker of the Assembly, the whip, regulator of seats, decision by vote of majority are amply found in Buddhist literature. Unanimous decision by the Assembly was the ideal and its possibilities were explored by a committee of leaders of various parties/factions whose decision was binding on the Assembly.

A village was also a dynamic self-governing republic and the State encouraged this natural grouping of the people. *Gram Sanghas*, *Gram Sabhas* or *Panchayats* which used to be elective bodies at the village level were prevalent throughout. These local democratic institutions survived and flourished, in one or the other form, through the medieval ages and during the British rule because of their effective decision making process and speedy implementation of decisions taken.

The growth of modern parliamentary institutions in India, however, can be traced to our constant struggle against the foreign rule and an urge for establishing free democratic institutions. The freedom movement witnessed the slow but steady growth of such institutions on the Indian soil. Our strong desire for liberation and establishment of self-rule through representative bodies led the colonial rulers to introduce various reforms through the Charter Act of 1833, the Indian Councils Act of 1861, the Indian Councils Act of 1909, the Reforms Act of 1919 and lastly by the Government of India Act of 1935, which became the basis of the Constitution of free India.

The relentless struggle against the British imperialism ultimately culminated in India's Independence in 1947. And thus began a new chapter in our history leading to the establishment of a modern political system for the governance of our complex and diverse society. In fact, the achievement of Independence was not an end in itself; it was rather the beginning of a long and arduous journey ahead. We had to choose for ourselves a political system that suited us the best in view of our history, culture, social set-up and our contemporary needs. Framing and adoption of an acceptable Constitution and political system for a country of India's size, cultural heritage and nature of political pulls and pressures, was no easy task. The enlightened national leadership which had been a witness to arbitrary and draconian laws during the freedom struggle had already made up their minds to choose the parliamentary form of government. Their political education and their participation, albeit of a limited nature in the representative institutions in pre-independence era, strengthened this idea.

The Constituent Assembly set up for framing the Constitution met for about three years and discussed in great detail each and every aspect of our system as proposed to be incorporated in the Constitution. The founding fathers of the Constitution, who had studied the constitutions of major democracies and had the knowledge of historical changes in the world besides being conversant with local needs and aspirations, accepted

the form of parliamentary democracy in preference to the presidential pattern. They were impelled to choose the parliamentary form in view of its peculiar merit of Executive accountability to Parliament in the context of Indian conditions. The founding fathers, fully conscious of the Indian psyche to lay great emphasis on accountability, accepted the parliamentary form of government. Some element of scepticism had then emerged whether the crores of illiterate masses, exploited for centuries in a row and denied the opportunity of participating in the choice of their destiny, would be able to make the system a success. But, keeping in view the vast diversities at regional and linguistic levels, this system appeared to be the best in the circumstances and experience has shown that the decision taken was the right one.

India's Constitution which embodied the noble ideals and cherished goals of the freedom struggle, has been the guiding force for the successive governments to lead this country to a secular, socialistic and egalitarian society through democratic representative methods.

The democratic form of polity, which the founding fathers chose to guide the destiny of the nation, finds expression in the provision for a representative democracy where all authority emanates from the people of India, in whom vests the sovereignty, the real power, and who exercise it through Parliament at the Union level and Legislatures in the States, to be elected on the basis of universal adult suffrage at periodic general elections, and to which the Executive shall be responsible. Our political system, unlike the British system, is federal in form, though it is unitary in character. There is a division of powers among the three organs of government viz. Executive, Legislature and Judiciary. Despite this, Parliament has been assigned a pre-eminent and pivotal position since it represents and reflects the popular voice. Although every action of the government is taken in the President's name, he is not the real Executive. The real executive powers vest in the Council of Ministers headed by the Prime Minister. In our polity, the government cannot be arbitrary and authoritarian, since for its every action, it is accountable to the Parliament representing the multitude of people in the country. An independent Judiciary armed with the power of judicial review is another prominent feature of our Constitution.

The philosophy of justice, liberty and equality to every citizen has been suitably incorporated in Parts III and IV of the Constitution as Fundamental Rights and Directive Principles of State Policy, respectively. While Fundamental Rights guarantee to every citizen the right to equality, right to freedom, right against exploitation, right to freedom of religion, cultural and educational rights and rights to constitutional remedies, the Directive Principles of State Policy underline the principles which should guide the State in promoting the welfare of the people in general and of the weaker sections of the society, including women and children, in particular. The guidelines to the State as contained in the Directives.

which were an extension of the socio-economic-political concepts as perceived in the Preamble, have been rightly termed as basic towards establishment of a just social order. The Constitution makers, keeping in view the then existing social structure, customs and mores, were well aware of the fact that the Fundamental Rights would not be enough to maintain the dignity of an individual if he was not free from want and misery. They, therefore, included a number of Directives calling upon the government to shape their social and economic policies so as to remove poverty and bring about a socio-economic transformation. Although the Directive Principles are non-justiciable, this very fact, however, makes them positive in nature as they call upon the government of the day to take some positive action in a definite direction. The Fundamental Rights, on the other hand, are negative in character as they prohibit or restrain the State if there is any encroachment on them. However, both Fundamental Rights and Directive Principles, finding a place of prominence in the Constitution at one and the same time, reflect the ideals of establishing an egalitarian society wherein each individual is ensured full civil liberties without any discrimination.

Immediately after the Constitution came into force, the economic emancipation of crores of Indians living in poverty became a cherished goal of the government. With a view to ushering in a socialistic pattern of society, emphasis was laid on development through the planning process. Under successive Five Year Plans, efforts were made to ameliorate the condition of the common man, particularly the poorest of the poor; build a scientific, technological and industrial infrastructure; revolutionise agriculture; and raise industrial output.

Today, our parliamentary polity is 44 years old. When we look back in retrospect, we find hundreds, if not thousands, of achievements and a plethora of failures as well. However, when we open the balance sheet of achievements and failures, we find the balance tilting heavily in favour of our successes. The greatest achievement perhaps is the fact that the experiment with parliamentary democracy, despite several challenges, has been a great success in India. We have been able to maintain and preserve the representative character of our democracy wherein freedom and dignity of the individual is ensured. The successful conduct of periodic elections to Lok Sabha, State Legislatures and other democratic bodies and people's active participation in the electoral process demonstrate their strong faith and trust in the system despite the many aberrations which have crept in.

Another area of our success lies in our inherent faith in the values of democracy, secularism and tolerance, which have thus far sustained the growth of parliamentary and democratic institutions. Given the many diversities in our society and fissiparous tendencies raising their heads, the system has been able to bring about and maintain the unity and integrity of the country.

On the economic front, India has been able to formulate a model of economy leading to national self-sufficiency and making herself stronger to be far ahead of many developing countries.

India's positive role in world affairs, particularly towards ensuring international peace and cooperation, with her championing the tirade against imperialism, colonialism and neo-colonialism at the UN, NAM and the Commonwealth, has been widely acclaimed, India has, by right, attained the status of a third world leader.

In the legislative field, Parliament, being the supreme representative institution in the country, has come to play a major role in the socio-economic transformation. It is not just a law-making body now; it has emerged as a multi-functional institution which reflects not only the hopes and aspirations of people but their fears and anxieties as well. Parliament has become a dynamic entity which has never lagged behind whenever a need arose for socio-economic reforms. It has been able to transform the existing social institutions to meet the changing needs of time. In our society which is divided on the lines of caste, language, region, etc., Parliament alone has been able to provide the basis and be the catalytic agent for change by means of social legislation. It has always taken a lead in approving a large number of social reform legislations, like laws providing special guarantees and benefits from the State to the scheduled castes and scheduled tribes in the form of reservations, social security, removal of disabilities, minimum wages, old age pensions, etc.

Besides these legislative measures, laws have also been passed for the welfare of women, viz. for providing maternity benefits, equal pay for equal work, dowry prohibition, etc. Various amendments carried out in the Indian Penal Code and Criminal Procedure Code now help a woman fight with dignity against any insults or physical assaults on her person. A Bill passed by the Parliament and became an Act in August 1990 provides for the constitution of a National Commission for Women to ensure the implementation of various constitutional and legal safeguards provided thus far to protect the rights and dignity of women as honourable members of the society so that they could participate in national development tasks as equal partners with their male counterparts. The Commission is in the process of being set up.

Various welfare legislations for the uplift of children as future citizens, include abolition of child marriage and provision of minimum wages for them.

Some recent laws directed towards political reforms in the body politic like anti-defection act and the reduction of the voting age from 21 to 18 testify to the fact that Parliament has throughout acted in consonance with the will of the people. The government always takes Parliament into confidence before enacting laws. Many a time, the government has to retrace its steps keeping in view the strong public opinion against a

proposed measure. The Defamation Bill was one such measure, which despite the government's majority support in the Parliament, was not pressed by the government due to the ire of the people.

The built-in checks and balances in our system also help in perpetuating the ideals enshrined in our Constitution or put a halt to a particular proposal of the government which is against the spirit of the Constitution. A legislative measure, even if passed by Parliament, may not perhaps get Presidential assent. For example, in the case of the Postal Bill, President did not give his assent. The recent Bill proposing increase in Members' Salaries and Allowances, approved by Parliament, has also not been assented to by the President.

Parliament's role in effecting social, political and economic change has been remarkable and it does not just end with passing a legislation. It also ensures its implementation by means of controlling the Executive actions through various parliamentary devices. Parliament also exposes administrative lapses with the help of financial committees which oversee and scrutinise the government's deeds and misdeeds.

A discussion on the achievements of our polity may make it appear to be all too rosy. But, it is not so altogether. On the minus side, many an aberration has crept into the system. On the moral front, we find decline of values, which have been our guiding spirit throughout. On the social and political fronts too, regionalism, communalism, religious fanaticism, fundamentalism and forces with separatist tendencies have been raising their ugly heads again, thus threatening the very fabric of our unified system. Such factors have also started playing a very active role in politics; in the poll process resulting in poll violence and in perpetuating corrupt electoral crimes like booth capturing, etc. A new phenomenon, hitherto unknown on the Indian soil is that of terrorism, which has engulfed vast areas of the country. On the economic front, unemployment, corruption, tax evasion, generation of black money, black-marketing, etc. have become threats to our accepted system. Yet all is not lost and we do hope that we can, with determination, deal with the problems firmly and successfully.

From the ongoing discussion we can infer that parliamentary form of government is most suitable for a country like India with such a complex and diverse social system. Half of the populace of India might be deprived of the benefit of formal education but the people have a great understanding and power of judgement. They have demonstrated their maturity, election after election, throwing out without a bit of remorse all those who were found wanting, and giving a mandate to others who, they felt, would look after their interests in a better manner. The electorate has proved time and again their vigilance in upholding the democratic traditions and character of our polity. Their innate democratic faith in the system is our strength.

INDIA AT CROSS ROADS**—Bal Ram Jakhar**

The 'ought' and the 'is' of democracy are intertwined insofar as its ideals and values are conceived and reproduced in a given political set up. The question arises, whatever we conceived more than 40 years ago, has that been reproduced today? The answer unastonishingly remains in the negative. Where have we gone wrong? What are the pitfalls to be avoided and what will keep us united?

The scars of partition had left India with no other alternative but to carry on with its age-old tradition of maintaining peace and amity in our newly found sovereign state of diversities, with secularism, equality and liberty. The utility of a democratic set up provided by a constitutional government was more than a necessity.

But the seeds were sown at the very outset and perhaps we were warned in the very beginning of what price we should be prepared to pay to make it a success in India. What compromises do we have to make to let it work in our country and on what terms and conditions do we set to keep the nation united under a democratic system? Deeply anguished and yet coping with the assassination of Gandhiji, we began our 'tryst with destiny' with a group of non-aligned nations who believed in the policy of peaceful co-existence. We tried to set up a socialist society through five-year plans and conceived a super-structure for the basic development of the infrastructure. Unquestionably, a vital and active infrastructure was much needed to create necessary condition to provide stability to the functioning of the democratic system. We paved the way for the creation of new states where linguistic considerations started dominating the thinking process.

Despite the trauma and tensions of two wars in the 1960's, we emerged as a nation strong and self-reliant with our progressive economic policies. Gradually, the world's largest democracy established itself as a world power to be reckoned with. As a result, during the 70's, India emerged as the leader of the South Asian sub-Continent, the moving force behind the Non-aligned Movement and as an elder brother in the sub-Continent which maintained a strong and a steady political system.

Today, when we look back, there is a great deal of introspection to be done. The poser before us is whether we are to maintain our position and improvise it to be amongst the developed democracies of the world or slide back to a position to remain a developing nation where democracy simply functions as a political machinery, an arrangement which fails to denote a way of living, we have not been able to produce a society where there is more equality than liberty. Both the dimensions have proved critical. The experience of the recent years have beyond doubt reflected the procedural priority of liberty over equality. As a result, it has led to uneasiness and indignation in certain minds who have developed a cult of terrorism, more or less as a by-product of our political functioning.

Why are these minds polluted? Who should be held responsible when certain measures to secure the political one-upmanship throw the whole social system out of gear in the name of equality? We have a young population almost unaware of the struggle that has made India what it is. Their expectations are rather higher in the democratic set up. They have opened their eyes in an age when the western democracies have travelled a long way to achieve what they are today. How should our political system handle them and their hopes? A large section of our population is young and impressionable and every step of the political system would make or mar the state of our society which still requires regeneration. In this state of affairs, do we have the right to govern in a fashion which divides the society in the name of equality? Is our so-called effective leadership of the last one-and-a-half years at liberty to manipulate equality so that they may rule? It needs to be emphasised that the whole "democratic setup is thrown off balance by a sudden imbalance between an outburst of expectations and the capacity for meeting them".

In these 40 years, we have seen the traumas and the tribulations, the pains of evolution as well as the degeneration of moral values. What has especially touched my heart are the vicissitudes of the political atmosphere during the last decade. We have mastered the art of treachery and deceit rather than statesmanship and keen contests. We have developed an interest for individual realization than strengthening and democratising the institutions or the parties. We have become self seekers. We forget that by strengthening the system we stabilise the nation to which we belong. Why should we not react as Indians first?

What has thrown the system off gear? Do we have free elections, free from fear or free from intimidation? Over the years, the very concept of the components of democracy seems to have been reversed. Apart from free elections, are we able to maintain a competitive party system? The term competitiveness seems to have lost ground in the last few years.

How does one cope with a situation when elections are held more on settling personal scores than on issues concerning the nation? I am pained to conclude that we are more enemies on the political platform rather than opponents. This has resulted in polluting the whole atmosphere and creating a vicious circle as well. Not surprisingly, this has created a fear among some people that India is an ungovernable country; short-sighted leadership of some has made it so. These men in politics are as frequently changing their ideas as also their parties and some are even ready to force their feet in other's shoes. The blatant use or misuse of liberty has created a class of opportunists. What effective and stable leadership can they provide when they are constantly romancing with the ideas of disarranging the very pothole they hold on to?

When we talk about the representational system of government, we need to ask whether we have allowed the functioning of our political machinery to strike roots in every nook and corner of the country. There is no doubt we tried and put every effort to stabilise the system by providing mass literacy programmes so that we are in a position to cope with the so called crisis of participation, let not massive enfranchisement look sham?

Each factor discussed above has added to the neo-environment in our body politic. The disgruntled elements in our society have started producing diseased brains and slowly and gradually the whole atmosphere seems to have slipped under the grip of this cult of violence. Though not a new phenomenon, but it is a new entrant in our system which threatens its very basis by masquerading as personal security and individual liberty. It can even obliterate the future leaders and blast the hopes of millions into fuming fury. How can we evade ourselves from this blame?

The steady increase of political violence which we have witnessed in the 1980's has made all right-thinking people feel that once again democracy in India worked at its lowest ebb. It has demanded a very heavy price for its working in the last decade. It has beleaguered the very head that crowned it and guarded it and finally beheaded them to be martyrs on its altar. What future do we have in store for our democracy? And what more costly price will we have to pay to maintain it? If we are the inheritors of this system, then why have we become the progenitors of its destruction? It lies somewhere in our behavior that has started preaching the concept of that killer instinct, our attitude and our ambitions which have penetrated deep into the human environment and has widely generated a feeling of fear and dissent.

Let us not connotate liberty with violence and equality with hatred. We should understand that promises are not deeds to be sold to the people who have been given the right to self-government. A basic code of ethics

and conduct, a basic norm of civilized behavior, a basic acceptance of certain values, is a must for our survival. We are a nation at cross roads. We must accept the challenge that threatens the survival of the system; it has to be sheltered at any cost.

PARLIAMENTARY CONTROL OVER THE EXECUTIVE IN INDIA: WITH SPECIAL REFERENCE TO PARLIAMENTARY QUESTIONS

—S. Nurul Hasan

In a parliamentary democracy, as everyone knows, the government or the executive is responsible to Parliament. Apart from the fact that a government can exercise authority only for so long as it enjoys the confidence of Parliament and must quit the moment it loses that confidence, there are several ways in which Parliament exercises control over the day-to-day functioning of the government. In India, this control is exercised in many ways. At the first Session after each general election to Lok Sabha and at the commencement of the first Session of each year, the President addresses the two Houses of Parliament assembled together. At this Session, the President reads out what is essentially the policy statement of the government, nominally explaining the reasons for summoning the Session of Parliament and giving an account of the main business to be transacted in the Session but in the actual practice government likes to put in this Address a review of its achievements during the previous year and the policies and programmes it proposes to pursue in the following year. Occasionally, some Members of Parliament choose to ignore the fact that what the President reads out is the policy-statement of the government and not his personal assessment of the situation, and therefore sometimes interrupt him and criticise him personally, but mercifully the President is given due respect. The Address is laid on the Table of each of the two Houses of Parliament. One of the members of the ruling party then moves a Motion of Thanks to the President for the Address delivered by him. This Motion is then exhaustively debated for 3 to 4 days in each of the two Houses and members, particularly of the Opposition, are free to table amendments to the effect that "while thanking the President the House regrets that no mention has been made of.....". Any number of amendments may be moved by a single member. This debate provides an opportunity to each of the two Houses to discuss all aspects of the functioning of the government. If any amendment is passed in spite of the opposition of the government, or, if the Motion of Thanks as such is defeated in the House of People (Lok Sabha), it is considered to be a lack of confidence of the House in the government and it must, therefore, resign.

The next most important source of parliamentary control over the executive is the discussion on the Budget. The Finance Minister traditionally reviews the economic condition of the country in his Budget speech delivered in Lok Sabha, indicates the manner in which he proposes to raise revenue and introduce taxes, if any, and the proposal of expenditure of the government during the coming financial year. The former proposals are incorporated in the Finance Bill and the latter in an Appropriation Bill. There is a general discussion on the Budget extending over 3 to 4 days which is followed by a detailed debate on the functioning of some of the Ministries of government and the approval of the budget allocations for the Ministry concerned. Usually, there is not enough time to discuss the functioning of all the Ministries and departments and therefore those which are not debated are then guillotined. The Opposition has the opportunity of moving a token cut-motion on any item of expenditure. The passing of any cut-motion or the defeat of the government on the Budget in the Lok Sabha is considered to be lack of confidence of the House in the government and the government must resign. This detailed discussion takes place only in the Lok Sabha to which the Council of Ministers is responsible. In the Council of States (Rajya Sabha) there is only a general discussion and the Money Bill is "returned to the House". A defeat in Rajya Sabha does not oblige the government to resign. It is the duty of the Minister-in-Charge of a Ministry whose demands are being debated in the House of the People to sit through the entire discussion and to reply to all points of criticism which have been made in a manner that the member is satisfied. Sometimes, the points raised cannot all be answered within a limited time and the Minister having dealt with as many points as possible within the time allotted gives an assurance that he would nevertheless consider all the suggestions and points raised by the members during the debate. The Parliamentary Committee on Assurances ensures that any specific assurance is in fact implemented.

Since the Rajya Sabha does not discuss the demands of individual Ministries, it usually takes up a review of the functioning of a few Ministries every year. A conscientious Minister welcomes this detailed discussion of the functioning of his Ministry as well as of the broad policies pursued by it. The criticism in the House can be very harsh, not infrequently uncharitable, destructive or based on a total lack of information. But on many occasions, members bring to the notice of the Minister short-comings of which he is not fully aware and offer suggestions which enable him to modify his policies. A Minister who gets irritated or frustrated and is unable to satisfy the House brings no credit to his government.

We also have in our country the practice of "calling the attention" of Ministers to particular events or incidents of public importance, usually of

an urgent nature. The Minister is supposed to make a statement explaining the facts of the case. Members may make observations seeking clarifications, but there is no debate and no motion before the House.

Many important Standing Committees of the Parliament exercise effective control over the functioning of the government. More important among these are the financial committees particularly the Public Accounts Committee which is usually presided over by a member of the Opposition, the Estimates Committee and the Committee on Public Undertakings. These Committees are entitled to summon witnesses, to undertake tours and to satisfy themselves regarding the functioning of the government. The reports of these Committees are placed before the House and are debated.

Each Ministry also has a Consultative Committee of members of Parliament belonging to the two Houses. Usually, the membership reflects the strength of the party in each House. These Committees ordinarily meet six times during the year and hold discussions informally. They are chaired by the Minister-in-Charge. Any unanimous opinion of the Committee is considered to be binding on the government. Senior officers are in attendance when these Committees meet and may be called upon to explain any technical or complicated matter.

There are many other courses open to the members to raise important matters in either House. Of late, the "Zero Hour" has become very important. With the prior approval of the Presiding Officer, a member may make a mention of any urgent matter of public importance immediately after Question Hour. The Minister concerned is not obliged to respond to such a mention, but many Ministers consider it desirable and in the public interest to clarify the points on a subsequent occasion so that there is no confusion in public mind. There is also a provision for "Half-an-hour discussion" or of "short notice question".

But, perhaps, one of the most effective check which members of Parliament, both of the ruling party and the Opposition, exercise on government is through questions. In each House, the first hour of business is usually allotted to questions. One day per week is designated in each House for questions relating to a group of Ministers, and is notified in advance. The Presiding Officer may admit up to 20 questions per day for oral answer—called Starred Questions—by the Minister when supplementary questions will be permitted. This limit of oral questions may, however, be exceeded by the number of transferred or postponed questions from lists of questions of earlier days which are added to the list. A very large number of questions may also be permitted for written answers called Unstarred Questions. The total number of questions in the Unstarred list of any one day does not normally exceed 230. This number may be exceeded by a maximum of 25 questions pertaining to States under President's rule. The days on which a particular Minister is supposed to

answer the question pertaining to his Ministry are notified in advance. Usually, questions when admitted by the Presiding Officer are communicated to the Minister 3 days in advance. The proposed reply of the Minister must reach the Presiding Officer usually one day in advance. The rules prescribe the limitations on the power to question, such as, they should not be slanderous; they should not cast aspersion on the functioning of the Judiciary; they should deal with a matter of current importance or significance; information can be collected within a reasonable time, etc.

A Minister may avoid giving full answer on the ground that it would not be in public interest to do so or that the information was being collected and would be placed on the Table of the House later. However, successful Ministers try to satisfy the questioners. But the Question Hour is not supposed to be an occasion for a debate, leave alone a vote. Questions are put as freely by the members of the ruling party as by the Opposition, although the former try to frame their questions in a manner as would not unduly embarrass the government.

In my experience as a Minister, I have found the parliamentary power of questioning to be the most effective check that is exercised over the functioning of the executive. Sometimes, through questions members bring to the notice of the Ministers such aspects of the functioning of their Ministries of which they may not otherwise have been aware. At times the questions are purely factual but they provide an opportunity to the Minister to place the facts before the public; and frequently the questions give to a Minister an opportunity to remove misconception or to allay apprehensions. But, above all, a conscientious Minister would find that parliamentary questions enable him to establish a better grip over the functioning of his own Ministry, and to clarify his policies before the general public. But for this power of questioning, there would be far greater arbitrariness in the functioning of government, especially under the cover of secrecy.

However, this extremely valuable instrument that the Parliament can wield yields best results if there is vigilance on the part of the Presiding Officer, keen interest on the part of the members and a correct attitude on the part of the Ministers.

THE ROLE OF OPPOSITION IN A PARLIAMENTARY DEMOCRACY

—D. Manjunath

Parliament in India is not as supreme as the British Parliament. The British Parliament can pass any laws except that it cannot make a man a woman or a woman a man. But the Indian Parliament has no such powers. The legislative powers of Indian Parliament are defined and if those powers are exceeded, the Judiciary can declare those laws as *ultra vires*. India has not adopted the British model but has only adapted it to suit our needs.

In a parliamentary system of government, the Parliament controls the executive. In the Parliament, there is a ruling party and Opposition parties. An alert and effective Opposition is as much necessary as a majority ruling party in a Parliamentary system. In Britain, Opposition is called Her Majesty's Opposition just as the ruling party is called Her Majesty's Government. No such status has been given to the Opposition in India. The need for a sizeable Opposition party in a parliamentary democracy is of fundamental importance. The largest minority party in the Opposition should be prepared to assume office if the government should resign. It is the duty of the Opposition to point out the omissions and commissions of the government to prevent the ruling party acting arbitrarily and whimsically. It must make the government behave. The Opposition should not only exercise influence but even put pressure sometimes. The government is kept on the toes by the Opposition. The Opposition is entitled to criticise, censure and challenge.

In England, the Opposition Party also constitutes a 'Shadow Government'. The Opposition forms an inner Cabinet which will assume office in case of the defeat of the majority party. Such a thing has to develop in India. The Opposition beams the searchlight of public opinion on the government. It offers alternative policies in public interest. The Opposition criticises not for the sake of criticism but to tell the people that given an opportunity they would perform in office better. It ensures a responsible government. The Opposition is given the right to lead discussions on the budget, etc. The Opposition's chances of coming to power at the next election depends on its performance in the House.

In a democracy, both the government and the Opposition function towards achievement of one goal, that is the welfare of the people. But in India, the hiatus between the ruling party and some Opposition parties is too wide ideologically. It is heterogeneous, a feeling of oneness is lacking. The British democratic machinery has reached a state of maturity. The Indian democracy is still in the crucible of experimentation. The problems

are complex. It is a large country. People demand too much of administration. The different political parties believe in different methods to achieve quick results. Those who assumed office after Independence had enough experience of working in the Opposition during the British regime.

In India, there are instances where several parties formed coalitions to form the Government; similarly they formed the Opposition too. There is a criticism about one ruling party remaining in power over long years. Minority party has also ruled with the active and passive support of other parties since no majority party is in a position to form the government. There are instances of government being formed with the help of defectors, but now that there is a law against defection such things may not recur. Under the present system of elections, a party which has secured a small percentage of votes in the elections manages to return to power for five years.

The ruling party, though it recognises the Opposition, it has done little to foster the building up of a wholesome Opposition. The Opposition is just tolerated. In some States, the number of members in the Opposition is so small that they come to the feeling that its presence could be made felt only by resorting to extra-constitutional methods in defiance of the established rules and conventions.

In England, there are not more than two recognised parties and the point of differentiation between the two is more a question of taste and stress rather than disagreement on the fundamental controls of socio-economic framework. There is an agreement to disagree on minor details but not on basic plans of society and economy.

Resort to *dharnas* and *gheraos* have no place in the orderly conduct of parliamentary democracy, but often they are resorted to in India, dislocating business. However bitter the Opposition may feel about the activities of the ruling party in the House, it has a duty to observe restraint and patience. It has to expose the conduct of the ruling party, instead of displaying their anger and frustration through extra-constitutional methods. The British practice of consulting the Opposition on all important matters is not observed. However, the Opposition should not take advantage of this situation to create a climate of chaos. It should be realised that by adopting extra-constitutional methods, they cannot defeat the government nor can it impress the people with its antics. If a party which is in Opposition comes to power at the subsequent general elections, it would not have any moral force to tell the new Opposition party that it should not resort to extra-constitutional methods.

A member of Parliament has to play a many sided role. Upon his diligence and dedication, both inside and outside the Legislature, depends the success of democracy. Winston Churchill said that democracy is not necessarily the best form of government but nothing better has been invented so far. The ideals of democracy are not achieved by members making speeches in the Legislatures, the success of democracy depends upon the performance of the members and the cooperation they are able to elicit from the people to promote the common welfare and good of the masses.

SOME RANDOM THOUGHTS ON OUR PARLIAMENTARY DEMOCRACY

—J. S. Tilak

On the morning after the address of the President of India on 8 June 1991, I was in one of my reflective moods, thinking over and over again more of the contents of the address than the timing of it. The timing of the address was no doubt very significant and unique in that it came in the midst of the election process, after one round of polling was over in many parts of the country. The contents relating to the conduct of the political parties, their candidates, the officers and the citizens in the context of the elections touched the very foundation of our parliamentary democracy and had a direct bearing on the work we had done in and through the Parliament and the State Legislatures. Elections form the very foundation of the democratic institutions; needless to say that when an occasion has arisen to touch upon any foundation it must cause some growing concern about the health of the superstructure itself.

My mind wandered back to the day when that great son of India, Lokmanya Tilak, said that the Indian democracy is balanced on four pillars, namely self-confidence, Self-pride (स्वत्व), equality and fraternity (समता हितत्व). He wooed the masses and by so doing laid the foundation of a truly democratic state. The masses are supreme and their wishes should well be reflected in the governance of the country, was his advice. Pandit Jawaharlal Nehru made the famous "tryst with destiny" speech at the dawn of our Independence. In the course of his speech he said:

The achievement we celebrate today is but a step, an opening of opportunity, to the greater triumphs and achievements that await us. Are we brave enough to grasp this opportunity and accept the challenge of the future?

....Freedom and power bring responsibility. That responsibility rests upon this Assembly, a sovereign body representing the sovereign people of India. Before the birth of freedom we had endured all the pains of labour and our hearts are heavy with the memory of this sorrow..... Nevertheless, the past is over and it is the future that beckons to us now. That future is not one of ease or resting but of incessant striving; so that we may fulfil the pledge we have so often taken and the one we shall take today....

Ever since then, the Constituent Assembly consisting of experienced and eminent men from all walks of life, from different political persuasions, from different parts of our country and belonging to different religions laboured and deliberated and drafted a Constitution which we, the people of India, adopted, enacted and gave unto ourselves. Thereafter came the real test when we had to work the Constitution which we adopted and to choose our representatives on the basis of adult suffrage to work the various democratic institutions—the Parliament and the State Legislatures. During the last four decades, many elections were held and the successive Parliaments had, during this period, made more than three scores of amendments to the Constitution to make it conform to the changing needs of the time. Whether all those amendments achieved their purpose is besides the point here. But the Parliament had attempted to make the Constitution as vibrant and in resonance with the pulse of the people as was found necessary.

In the process, a great controversy arose, as a result of some judicial pronouncements of the Supreme Court, which questioned the power of Parliament to make constitutional amendments affecting the Fundamental Rights. As a corollary, the advocates of parliamentary supremacy questioned the doctrine of judicial review, i.e. the determination by the Courts of the validity of Legislature. The Parliament and the Legislatures created by the Constitution are, we should be able to appreciate, bodies with enumerated or restricted powers. The whole legislative field has been mapped out between the Union and the States, with exclusive fields as well as a concurrent field. Even in the assigned fields, the powers of the Legislatures cannot be said to be absolute for they have to take care to see that their laws do not take away or abridge the fundamental right of the citizens. Since it is expressly provided that laws inconsistent with or taking away or abridging the fundamental rights are to be void to the extent of inconsistency or contravention, the Courts have to step in to decide this question. The transcendental importance of the Fundamental Rights and quick remedies needed for enforcement whenever they are breached can be seen by the guaranteeing of another such right to approach the Supreme Court for enforcement.

One of the makers of the Constitution Dr. Ambedkar, when asked during the debates in the Constituent Assembly which of the articles in the draft Constitution he would regard as the most important, named the article giving the right to approach the Supreme Court and described it as the very soul of the Constitution. This judicial review or veto was irksome to many sensitive votaries of the parliamentary system who, in their overenthusiasm, raised alarmist cries that parliamentary supremacy was eroded and judicial dictatorship was overtaking us. There was a hue and cry that the will of the Parliament in India was subject to the will of the judges who lacked the necessary equipment and experience to run the affairs of the State and nation even during normalcy. The remedy sought

was either subordination of the judiciary or switching over to the Presidential form of democracy. Thus, the working of parliamentary democracy for nearly three decades gave rise some years ago to a discussion in India about the suitability of having Presidential system of democracy in place of the parliamentary system. Of course, the dying embers get rekindled time and again even now!

Another off-shoot of this conflict arising out of the view that Parliament cannot amend fundamental rights in a casual or cavalier manner - highest judiciary might have felt that if allowed a free hand the Legislature might wipe out the said Rights altogether—was a suggestion from one of the judges that it would be open to Parliament to constitute a Constituent Assembly under its residuary powers. It is beyond one's comprehension how a Parliament lacking powers to curtail fundamental rights could still by law constitute another creature called Constituent Assembly with the express power of amending fundamental rights.

What I have mentioned above are matters relating to the rights of citizens as affected by the Parliament and the Legislatures. What about matters relating to the members of the Parliament and Legislatures themselves in regard to their rights and special privileges? Even here, the working of the parliamentary democracy has brought out some conflicts with the judiciary. The exercise of the privileges jurisdiction by the Parliament and Legislature brought many court cases and a very sharp dispute in Keshav Singh's case in Uttar Pradesh ended in a Presidential reference to the Supreme Court for its opinion. The majority opinion in that case was not decidedly in favour of the Legislative bodies. Nevertheless, subsequent events had shown that the Legislatures had their sway in exercising their privileges jurisdiction to their advantage in most cases. But the conflict is not conclusively resolved; for still there are some pending cases where the threat to the jurisdiction in the matters of privileges looms large. In matters of privileges, the Parliament and the Legislatures, or to put it in concrete terms, the members constituting these bodies, enjoy privileges more than ordinary citizens and a question is frequently and pertinently asked whether in a Republican India the elected representatives should be endowed with special privileges not available to a common citizen—sometimes even against those citizens who elected them—particularly when the historical necessity giving rise to such privileges in Britain is totally absent in India. There is a great force in this question and, while the need for some special privileges to members can be justified, a convincing answer cannot be fully given unless the members themselves by their conduct show greater restraint, behave in a mature manner and do not childishly resort to the privilege jurisdiction for each and every sundry matter capable of being ignored.

The rub in most cases is between the Press and the Parliament and the doors of the Courts were knocked as a result. Even though the Presiding Officers of the various Houses might have disallowed 90 percent of the

notices of Privileges Motions given by members, that fact by itself is enough to show that 90 percent of cases of frivolous notices were given thereby proving that many members had not exercised the necessary restraint.

Members of the Parliament and Legislatures should become increasingly aware that, unlike in the past, their individual action and performance are being critically watched by the common man today. They should therefore see that their actions will not create prejudice against them. This is particularly so in matters where they are their own masters, as in the field of privileges and immunities and their own salaries and allowances. If, for instance, the members vote, in rare unanimity, for the exceptional increase in their salaries, allowances and pension just a few hours before quitting their membership, it does not need extraordinary commonsense to say that such an action would create an adverse and prejudicial reaction. It becomes the bounden duty therefore to exercise utmost restraint and exhibit uprightness and honesty while working in a parliamentary democracy. A member is elected and sent to Parliament and Legislature with the impression that he will sacrifice his selfish interest and work only for the public interest and common weal. Just as it is said in the case of dispensation of justice, such a sacrifice should not only be done but should be seemingly done; otherwise, not only his name but even the institution and system will stand sullied. The Pension Scheme assuring a secured income when members go out of office has already been adopted by the Parliament and all the Legislatures; hence there is no reason why the members should not work selflessly and with discipline.

It is important, therefore, that members should have decency and discipline and the onus therefore shifts to a great extent on the political parties who select their candidates. With all the defects in the system; elections, like examinations, are necessary. Just as a student managing to get the minimum marks in a subject for a pass cannot be said to know the subject completely, so also a person elected from a constituency, cannot always be said to represent the voters of that constituency. The one who gets the highest number of votes among the contestants, even when the percentage of voting is 25%, is declared elected. It is only by fiction that a person who manages to scrape through is taken as representative of the entire body of voters. If such representatives do not possess strict discipline and decency woe beside the party which chose such men even if the party has the majority in the Parliament or Legislatures. Some strict guidelines and discipline are therefore called for. One of the guidelines can be that a person before becoming a member of the State Legislature should have preferably worked in a local self-government institution like Municipality, Zilla Parishad or Village Panchayat. In the case of a member of Parliament it can be made an essential requirement that he should have been earlier a member of a State Legislature for not less than one full term. Persons with doubtful credentials should be weeded out by the

political parties, at least in the list of candidates for elections to Parliament or State Legislatures. The free-for-all which we witness in many Legislatures, the throwing of shoes and chappals on members sitting opposite, hurling abuses, making derogatory remarks even against the Presiding Officers of the House, let alone flouting his decisions and orders have become more frequent. Even those who had earlier occupied the high office of a Minister had to be hauled up before the House and admonished for unpardonable remarks and behaviour against the Presiding Officers of the House. These do not enhance the reputation of the parliamentary institutions or their members. I happened to come across some of the observations of the former Speaker of the Gujarat Legislative Assembly, Shri Natwarlal C. Shah in one of his articles entitled "Parliamentary Control Why not Effective" and I quote them here as they are appropriate:

In the initial years of the post-Independence period, the level of the calibre and quality of members was very high and hence members of this or that party could very well criticise independently the executive in the House by asking supplementary questions and expressing their views fearlessly in the discussions. But now-a-days, it is observed that quality level of members is deteriorating stage by stage. For being an expert Parliamentarian a member is required to impress on the Executive by his sharp, precise and to the point arguments for which he must have the required education, deep study of the subject and a very high proficiency. *It appears that this aspect is not taken into consideration while selecting candidates for the election....*

From the point of view of discipline and decency, the initial years could be considered best. For some years this standard was maintained but by passage of time, the undesirable events which have occurred in the House and the indiscipline and disorders in the House give proof of its deterioration. The dignified impression of the House is fading. Parliamentary democracy is a very complicated machinery which calls for very high sense of decency....

I am sure every knowledgeable person in India will share the above views. It therefore becomes the pertinent duty of all the political parties to shed their narrow and selfish interests and select candidates with proven ability and known for their uprightness and discipline. Electoral prospects or other narrow local considerations should not be the predominant criteria as of now. The political parties should realise that they cannot now-a-days take the voters for granted, even if they come from illiterate sections. The voters faithfully exercise their sacred duty of casting votes at election in the pious hope that they will return candidates worthy of their confidence and true to their salt. If such representatives become unworthy and selfish and change their loyalties with impunity for their narrow and individual considerations in spite of the laws on defections, the voters will get disillusioned and uninterested in the process of elections. The masses will

develop a distaste in the beginning and a contempt in course of time and will not go near the polling booths during elections.

Today, the pattern of the government is that of majority party forming the executive and others sitting in the Opposition. This pattern is evidently changing as the Congress, the national party, which carried great influence during the fight for Independence and afterwards in the Nehru era, has been sliding in its popularity with the masses probably because of the ever diminishing spiritual content in politics. This has given rise in certain States and in the Union to the formation of Coalition Governments on programmes or affiliation on like-mindedness. Now, in my opinion, the polarisation on the basis of thought and action of parties has started taking shape; a certain period when things will have to get crystallised, is bound to be the period of Coalition Governments. Like-minded parties need to forge together and this only heightens and emphasises the need for greater discipline in thought and action amongst the parties and their members. Unless and until the parties and their members inspire confidence and hope in the minds of masses and the masses too, in return, look at them as having some credibility and honesty, the electorate will not be much enthused in the periodic ritual of elections. Lower and lower will be the percentage of voting at elections. Political parties instead of vainly attributing other reasons for this lowering of voting percentage should do some sincere introspection and put their houses in order and set strict disciplinary standards. This will certainly win them popularity with the masses. In this alone lies a bright future for the parliamentary democracy. And again, then alone, we will be able to demonstrate to the world that India is not only "the largest but the best democracy in the world," as exhorted by the President of India in one of his addresses to the nation. It involves, no doubt, a brave and wise acceptance of the challenges of the future and assumption and fulfilment of a great responsibility. Is this the challenge and responsibility which Pandit Nehru had prophetically had in mind when he made his "tryst with destiny" speech?

BROADCASTING AND TELECASTING OF PARLIAMENTARY PROCEEDINGS

—Hari Shankar Bhabhra

Broadcasting and telecasting of parliamentary proceedings has been attracting attention of all concerned in democratic countries, and India is no exception. The forty-four years of democratic experiment in Indian politics presents some of the issues of popular accountability which a mature citizenry would like to witness in the day-to-day working of the Parliament.

The feasibility of the issue could be better examined if we look into the history of those democratic countries which have experimented this idea and learned from their experiences. Of course, the radio and the newspapers are there to report the proceedings of the Parliaments but a live telecast of the proceedings of legislative bodies would certainly be a far more effective way of the electorate not only knowing but actually witnessing how their representatives report themselves in the House and how they put forth the problems facing their constituencies.

History of the use of media reveals that New Zealand was the first country to broadcast the proceedings of Parliament as far back as in March, 1936. After New Zealand, Australia became the second country to broadcast the parliamentary proceedings in July, 1946 and simultaneously the Legislative Assembly of the Canadian province of Saskatchewan also started broadcasting the proceedings of its House. The Legislative Assembly of Saskatchewan is using an automatic computer driven television system to telecast its proceedings.

Now, many western countries have adopted the most sophisticated electronic devices to televise their parliamentary proceedings. The Australian National Parliament was among the pioneers in utilising the electronic media to make available the proceedings of both the Houses to its citizens.

British Parliament also could not desist from using the television medium. At first, the idea of telecasting the business of the House of Lords was moved in the House by Lord Egremont in 1968. He observed:

“This House would welcome the televising of some of its proceedings

for an experimental period, as an additional means of demonstrating its usefulness in giving a lead to public opinion."

Later, this idea in the form of a motion was agreed to by the House and subsequently a Committee was appointed to experiment the process of televising the proceedings. The Committee, in 1968, successfully experimented the telecasting and reported that public televising of the House would be practical. After years of long deliberations, the House of Lords decided in May 1986 to allow television cameras permanent access to proceedings, both in the Chamber and the Committee Rooms.

On the experience of the House of Lords, the House of Commons also gave a serious thought to this idea. In 1988, Mr. Neil Kinnock, the Leader of the Opposition in the House, strongly demanded and advocated to televise the proceedings of the House of Commons. But his motion to this effect faced a stiff opposition from the ruling party. Prime Minister, Mrs. Margaret Thatcher, was of the opinion that telecast of proceedings should not be allowed in any case. She said:

"I do not think that television will ever televise the House. If it does televise, it will televise only a televised House, which would be quite different from the House of Commons as we know it".

Despite strong opposition, it was decided by the House to telecast the proceedings on an experimental basis for six months. Consequently, for the first time in the history of the House of Commons, the Queen's speech on 20 November, 1989 marked the beginning of the experiment.

During the debate on the issue, many parliamentarians were of the opinion that the televising of the Commons has restored the link between Parliament and the electorate on which democracy rests. It advances the quite well-reasoned argument at the expense of demagoguery and provides the viewer a chance to see and understand the work members of Parliament undertake.

In the United States, the proceedings of the House of Representatives have been televised since 1979. Until 1986, the Senate did not permit television coverage except for Committee hearings. But, after a six-week experimental period in 1986, Senators voted in favour of permanent television coverage.

A survey carried out by *Table* in 1966 reveals that some developing countries such as Kenya, Trinidad and Tobago, etc. also broadcast the proceedings of their Houses.

In India, a demand has been made to televise the proceedings of Parliament. But no concrete step was taken in this direction till 1989 except to link the public by serving a few minutes of Parliament News through T.V. and Radio.

20 December 1989 will be remembered as a red letter day in the history of Indian Parliament when, for the first time, the Address of the President

of India was directly telecast during joint parliamentary session. The President's Address to the two Houses of Parliament was broadcast and telecast live to the nation. This step was welcomed by one and all in the country. President's Address to the two Houses of Parliament was again broadcast and telecast live on 12 March 1990. There was, thus, an effort to bring the public closer to the parliamentary institutions. Steps have also been taken for installation of a closed circuit television network in the Indian Parliament House complex. To begin with, about 100 television monitors are placed at all strategic points to let members, officials, and public know as to what business is going on in Rajya Sabha and Lok Sabha at a given time.

Since the efforts in this direction are on, let us examine what the televising or the broadcasting of parliamentary proceedings can contribute to the successful working of democratic government.

- (i) It may enhance the power and influence of parliamentary institutions.
- (ii) It may create a greater understanding of parliamentary procedure and related issues among the public.
- (iii) It may fulfil the obligation on the part of the state to let the public enjoy its right to know about the working of parliamentary institutions.
- (iv) Televising the proceedings may improve and control the quality of debates in the Houses,
- (v) The public will not depend exclusively on the judgment and criticism of news media and the people themselves may judge the performance of the ruling as well as the Opposition parties in the House.
- (iv) It may be helpful in preparing disciplined and trained parliamentarians in future.
- (vii) It may help in developing a sense of respect among the younger generation towards the institution of Parliament.
- (viii) Telecasting would lead to a government open to public.
- (ix) It may be helpful in maintaining the proper strength of House. The absentee/reluctant members will be conscious about their participation and performance.
- (x) Unnecessary debates may be avoided and precious time of the House may be saved.

Mr. Robin Day, a British parliamentarian, rightly remarked that by permitting the entry of television, Parliament would ensure that this competent magnifier of reputations is not monopolised by quiz panellists, announcers, commentators, university dons and politicians who have failed to be elected.

The other side of the issue should also be taken into account before

introducing the system. There are some apprehensions also, which shadow this issue. It is said that cameras may pick up only such portions of speeches which are dramatic. It may pose an element of pressure on the minds of members and then they may not be able to represent the things in the right way. Moreover, the deliberative character of the House may be affected. Again, some members may relish the opportunity of popularising themselves on the screen while some may convert the House into an 'Entertainment House'. In this context, Shri Atal Bihari Vajpayee's observations, made while representing India, during the 26th Commonwealth Parliamentary Conference (Zambia, 1980) are significant. He opined that the members of Parliament do not always talk to the point. They become irrelevant, make unsubstantiated charges, speak simultaneously and they want to get publicity. It is free for all. If people see their behaviour, it will hardly enhance their respect for members or for Parliament. Therefore, the issues involved in telecasting the proceedings of Parliament are :

- (i) Sanctity of the institution.
- (ii) Popular control in parliamentary debates.
- (iii) Parliamentary accountability to the people.
- (iv) The level of popular education and its correspondance with parliamentary debates; and lastly,
- (v) The technical aspects of telecasting and the use of censorship and abuse of camera, which might distort the presentation.

Hence, before taking television to the House, it is rather incumbent upon the people concerned to review the pros and cons of the issue in a threadbare manner. Introduction of television on the one hand may create problems while on the other hand it may bring about a certain change in the character of Houses and into the nature of their business which in turn affect the public.

This analysis and evaluation will be incomplete without taking into account the legal implications of this issue.

Under the prevailing law, there is no provision to televise the proceedings of the qualified privilege of the House, which needs to be redefined. It will be imperative to make such provisions under the law so that the act, speech and debates may not be questioned in any court of law.

In a country like India, where television is in infancy and legislatures are being rocked by political instability, it is a very delicate and dangerous experiment for which the country is not prepared right now. Perhaps, certain pre-conditions have to be worked out. For example :

- (i) The *Prasar Bharti* structure of the T.V. network should get stabilised, legitimised and respectable in the eyes of the common man.

- (ii) The experiment has to be selective on certain occasions and apparently the disrespectful behaviour has to be censored.
- (iii) Perhaps, a brief fortnightly feature of the recorded version must precede before live telecast is hazarded.

Undoubtedly the advent of T.V. and the extension of its network in the country may pave the way for the people to activate them in politics by providing the live debate of the Houses. It will also be in the interest of parliamentarians to let their performance be known to their electorate.

To carry the House proceedings to the masses through television, it is believed, will help mirror in true perspective our representatives in the Parliament and also reinforce our political system. Fortunately, today our TV network with over 500 transmitting centres, 15 commercial centres and a TV set population of 225 million, reaches 40 percent of the country's total adult population and an overwhelming 75 percent of the urban adult population, while the radio broadcasting has been extended upto the 97.5 percent population of India during 7th Five Year Plan.

Taking into account the successful use of radio and television media to establish effective relationship between the House and the masses, it may be concluded that it is almost inevitable that radio and television will come to Parliament in some form or the other. This is the only way by which we can reach a wider audience.

Despite this, the idea of introducing radio and television medium to explore a new way of letting people explore the activities of the House, need not be contained due to conservative or traditional way. We might argue against the use of radio and television. But we cannot deprive people of their right to information. Let the new media be new mediators between the Parliament and the people. An experiment to this end is an action in the right direction, which should be recommended to all the Legislatures in India.

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PARLIAMENTARY GOVERNMENT AT WORK IN INDIA

—Madhukarrao Chaudhari

After attainment of Independence, India adopted its Constitution in 1950 and chose a parliamentary form of government of the British model. It did so with open eyes choosing the best amongst the various models before it. This implies a government which is responsible to the House of Representatives (Lok Sabha/Vidhan Sabha) elected periodically every five years on the basis of adult franchise, an independent judiciary and neutrality of the Civil Service amongst other things. India was committed to democracy right from the beginning as may be seen from its struggle for freedom with the avowed object of Swaraj (Self-Government), *i.e.* a government of the people, by the people and for the people—a classic definition of democracy given by late Abraham Lincoln, President of United States of America in his famous Jettysburg speech. This was also natural as India had sound democratic and parliamentary background.

Eminent historian Dr. K.P. Jaiswal holds that in ancient India, *i.e.* in the Vedic period, the Hindus were a highly developed society, adept in statecraft and fully democratic. There were numerous republics—the assemblies were formed where State affairs and policies were deliberated. Even in monarchies, the kings were not absolute. They took the counsel of these bodies. The kings were elected or it went on a hereditary basis. The deliberations in the assemblies were regulated by highly skilled forms of procedure known to modern times such as, quorum, decision by a majority, whips, precedents, reference to a committee, back reference to the council when there was no unanimity, voting—secret, whispering and open—etc. All these things existed long before the sixth century B.C. as at that time these terms and procedures were quite well-known.

Lord Buddha adopted the principles of parliamentary democracy which obtained in matters of State administration, to his religious body, *i.e.* Sangha. The following passage cited by Dr. Jaiswal is very significant:

This view captured from the feeling past from the distant 6th century B.C. shows clear features of a highly developed stage, marked with technicality and formalism in language with underlying concepts of legalism and constitutionalism of a most advanced type.

So when India started with constitutional reforms, albeit slow and

halting, under British dispensation, it took to parliamentary democracy as a duck takes to water.

At the first meeting of the Legislative Council under the 1861 Act, the Governor of the then Bombay Presidency Sir George Russel Clerk who was the President of the Council addressed the members as follows:

Although your functions will be important, they need not be difficult. The several races subjected to our laws in this Presidency, and generally throughout India, are not of a restless character, unless rendered restless by mis-government and, everywhere they have an innate respect for authority, whenever authority is respectable and wise.

He proceeded further:

You will remember, that you owe to those whom you represent a strict amount of the fulfilment of your duties—to a people who reasonably desire your protection of their acknowledged rights, and to live in peace.

An attempt is herein made to take a general survey of the functioning of the parliamentary government at the Union and in the States during the last four decades and assess its successes and failures—a totality of the picture obtained from such functioning. We find that India, for economic development, has taken recourse to State Planning—a series of Five Year Plans formulated by the Planning Commission determining its objectives and their priorities consistent with its resources. India favoured a mixed economy—Public Sector and Private Sector—the policy in this regard being laid down in its 1956 Industrial Policy statement. The Parliament and the various State Legislatures have passed numerous laws necessary for the socio-economic development of the country. It is not my intention to go into the realm of economic development or the various laws passed in relation to socio-economic development but suffice it to say that India, through planning, has attained a measure of success in the industrial and agricultural fields, has quickened the pace of progress in the field of education, not excluding science and technology through a chain of research laboratories covering various disciplines. Of course, we have not been able to achieve all that we had desired but nobody will doubt that definite progress has been made, though not adequate and speedy. This at times produces a sense of frustration; however, a firm belief that this is by and large the best form of government* is there amongst the people.

On the parliamentary side, mention must be made of the efforts made by late Shri Mavalankar, the First Speaker of Lok Sabha, to streamline the Parliamentary Procedure and Practice and bring about uniformity therein both in Parliament and State Legislatures, through the annual conferences of Presiding Officers. This was yeoman service rendered by him and some of those who succeeded him, which put parliamentary procedure and practice on sound footing so that Parliament and State Legislatures could

function effectively and discharge the triple functions *viz.*, legislation, finance and criticism, as laid down in the Constitution. We, therefore, see that to a large extent, functioning of the various Legislatures has become smooth and orderly and they have been enabled to deliver the goods expected of them.

The periodic elections to the Parliament and State Legislatures have been, by and large, smooth and orderly through the agency of the Election Commission which is independent and ensure free and fair elections. Other countries who became free along with India have either given up or failed to sustain parliamentary democracy and India can take legitimate pride in ensuring the success of the democratic government, combating stresses and strains in the process.

While this is so, we have also had ups and downs in working this democracy and a few disquieting features have raised their ugly heads. The most notable amongst these is the phenomenon of defections. There have been a spate of defections, mostly unprincipled and aimed at securing private advancement. This distorted democracy in the sense that peoples' mandate and trust was grossly violated. It also created instability in government. A remedy was sought to correct this by passing the Anti-defection law. The working of the law, however, has shown its weaknesses and short-comings and on the whole it has not succeeded in its objects. A party which is voted to power has the mandate of the people to rule. If a few members defect for ulterior motives or decide not to support the government even on genuine grounds, it is of no consequence if it does not threaten the existence of government and may be safely ignored. If it becomes a threat to government, the Prime Minister or the Chief Minister is perfectly entitled to demand dissolution of the House, to go to the people who are sovereign for a fresh mandate and this demand must be conceded by the President/Governor. In the United Kingdom, a democracy is ensured through a chain of authorities with the Crown at the apex followed by the Council of Ministers, House of Representatives (House of Commons) and sovereign people. If there is any disharmony between any two authorities, it is corrected by the Crown either by dismissal of the Ministry or dissolution of the House. The Crown is actually used, in the United Kingdom, to strengthen democracy. Our position is also not different, the President/Governors taking the place of the Crown. It is, therefore, of utmost importance that the President/Governors are men of stature, independent and thoroughly impartial.

Another disquieting feature is the fast developing strain in the Union-State relations. The Constitution is federal in form but has become unitary in practice to a large extent, for variety of reasons. This has developed strains and stresses in the relationship as can be seen in the problems presented by Punjab, Kashmir and Assam, etc. There have been two commissions *viz.*, Rajamannar Commission and Sarkaria Commission to go into the question of Union-State relations and suggest remedies. Both

the Commissions have considered the problem and made recommendations in varying degrees. The Union-State relationship needs to be put on a firm and sound basis if India is to remain united and strong. This is a must and must receive the highest priority. The States should be granted substantial autonomy keeping only such subjects with the Union which will help keep the country strong and united and free from external aggression.

With fast changing electoral mandates, it seems that we have to learn to live with coalition governments. Recent elections have shown that no single party is trusted to form the government and it is not too difficult to work out arrangements for the national good by the political parties. There are too many parties and they have tried to maintain their independent identity, mostly on account of ego of their leaders.

Reforms are also called for in the electoral system. At present, elections have become too expensive and do not necessarily vote a person with the clear majority of more than 50 percent of votes. This is engaging the attention of decision makers and a satisfactory solution must be found if democracy has to succeed. One way to ensure a majority of votes for a successful candidate as suggested by the Voters' Panchayat is to hold two elections—first when several candidates contest and the second when only the two highest scorers in the first election contest.

Another unfortunate feature is that there have been a spate of privilege cases raised by members every now and then. This needs to be discouraged. There are excellent guidelines in this matter which should be firmly adhered to. It is because of this tendency that demand is made by the Press and the public for codification of the privileges. Of course, codification is not the right remedy and will only result in undermining the authority of the Legislatures which is not at all desirable. The remedy is self-restraint and patience and use of this weapon very sparingly.

Over the years, the country has produced a galaxy of parliamentarians and I shall be failing in my duty if I do not make a passing reference to them, who have contributed so much for the success of parliamentary democracy, *viz.* Bal Gangadhar Tilak, Gopalkrishna Gokhale, Sir Phirozeshah Mehta, Dadabhoy Naoroji, Satya Murthi, Pt. Jawaharlal Nehru, Pt. Gobind Bhallabh Pant, Br. Nath Pai, Hiren Mukherjee, Chitta Basu, Bhulabhai Desai, Rajagopalachari, Jagjivan Ram, Morarji Desai, Yashwantrao Chavan amongst others.

In conclusion, I may state that all in all we have been able to sustain democracy through the various hurdles and have convinced ourselves that only through democratic means, can the aspirations of the people will be fulfilled, which is the goal we all desire to reach. My firm faith, therefore, is that in spite of the heavy stresses and strains, democracy has come to stay in India. The fact that most of those countries who established the so-called peoples' democracies under one-party dictatorship for establishing socio-economic equalities have now lifted the iron curtain and have more or less accepted the democratic patterns, enhances our belief that the democratic way of life which India has accepted is the only way for achieving our goals.

PARLIAMENTARY DEMOCRACY: THE INDIAN EXPERIENCE

—Yudhishthir Das

It is already for about forty years that parliamentary democracy is at work in India. Broadly speaking, parliamentary democracy has worked successfully in all these years. The success of parliamentary democracy in India cannot be measured in terms of parameters of success of its working in European countries. In geographical area, size and diversity of population, none of the European democracies stand any comparison to India. When we take into consideration the fact that parliamentary democracy was introduced with universal adult suffrage into an ancient and traditional society with a poor economy, judgement of success or failure of the working of the political system has to be made in terms of altogether different criteria. However, in the evaluation of the working of any system, the decisive point is whether the working preserves the essence of the system both in its values and institutions.

Since Independence in 1947, India has faced many challenges, both internal and external, but she has withstood them and made phenomenal progress. Before Independence, the country suffered chronic food shortage, devastating famine visited the land year after year which decimated her population. Now the situation has changed. Abolition of intermediaries in land, implementation of land reform measures, expansion of irrigation potentialities and other related measures have increased her food production many times. The country is now in a position to meet the food shortage and combat famine conditions whenever it occurs now and then on her own.

Through planned development, a feudal economy has now been transformed into an industrial economy. The Planning Commission coordinates developmental activities of the Union and State governments. Plans are framed with maximum of discussion and consultation at all levels. The adoption of a mixed economy has served India well. In the field of industrial production, the country has made great progress.

In matters of education and health service, our achievements are equally significant. Both general and technical education has greatly expanded and we have one of the largest concentration of scientific and technical manpower in the world. We have also been able to provide

medical services to a considerable section of our population. Infant mortality has been significantly reduced. Life span of average Indian has risen from 27 in 1947 to 57 at present. The Civil Rights Act, Minimum Wages Act, Child Labour Abolition Act and many such legislations are illustrative of efforts at social change and welfare.

In the political field too, our achievement is by no means small. Ours is the biggest democracy in the world. We have held ten general elections to our Parliament and more number of general elections to the State Assemblies. By and large, these elections have been peaceful. Change of the government both at the Union and States has been orderly. In spite of stresses and strains and aberrations in the form of internal emergency once, the people have been allowed to enjoy their freedom. Legislatures have reflected the will of the people, preserved the essential freedoms and harnessed the State's power in bringing about desired economic and social changes and the judiciary has with zealously protected, the freedom of the people. In fact, the problems we have tackled—partition of the country and rehabilitation of refugees, integration of princely States, abolition of zamindari, reorganisation of States, land reforms and planned economic development through political action—bear rich testimony to the strength and resilience of our parliamentary democracy. To this, if we add the fact that we have also fought four wars—three with Pakistan and one with China—we have every reason to say that our political system has served us well. A notable achievement of the system is that it has been able to hold together the country with its great diversity and sustain the will among the people to remain together.

A major but silent revolution has already taken place in our social life. Universal adult suffrage has become a catalyst in generating and sustaining democratic consciousness and change. Large majority of our people who suffered deprivation and indignity throughout centuries are now able to take their share in the social and political life and participate in economic benefit.

To say all these does not mean that political system has been able to solve our problems and this is the perfect system. We do not hesitate to admit our inadequacies. Our plans have not always succeeded in achieving their objectives due to misplaced emphasis in our development strategy, bureaucratic red tapism and lack of political will. We have not given the due regard to the rural sector and agriculture and as a consequence, poverty alleviation programmes have failed to deliver the desired result. In view of all these, the country at present faces stupendous economic problems. Our production lags behind our demands and what is produced is not equitably distributed. Though the poor have gained from economic development, the rich have gained more and the gap between the rich and the poor have widened with all its adverse effect on the working of the system. The rise in population is sufficient to cause alarm. The population of India, which was about 36 crores in 1951, has

risen to 85 crores in 1991. Though India's land mass constitutes only 2.5 per cent of the world, her population constitutes about 15.6 per cent of the world population. Large number of our people, about 29 per cent of the population, are still under poverty, *i.e.* they are unable to find two morsels a day, even after 40 years of economic planning. Unemployment is mounting. Inflation has become the bane of our economic life. The country faces crisis in balance of payment in her international trade. Universal literacy remains a far cry. We have been able to achieve only 52 per cent of literacy in 44 years of our freedom. In the matter of health services, in spite of our achievements, we have only one doctor for about 2,000 people and a hospital bed for about one thousand people. Compared to other developed countries, we are far behind in our health service to the people. In political life, the country is in the grip of political instability for more than one year. Corruption has bedevilled our public life. Violence has increased. Disorderly scenes in our legislatures make many ponder about our ability to make use of democratic institutions. Many are worried about criminalisation of politics and the growing influence of money power and muscle power in elections. Secessionist forces have become active in Jammu and Kashmir, Punjab and Assam. Time and again, social tension has disturbed our social life.

In such a situation, it is hardly surprising that some of our compatriots have expressed their dismay at the very prospect of democracy in the country. In fact, many in foreign countries do wonder how democracy functions in a country with such a high degree of poverty and illiteracy. History will prove that the problems the country faces at present are not peculiar to India alone. Even the older democracies of the world, at some time or other, had faced similar problems in an aggravated form. They could surmount them over the years—the sacrifices involved were high. We in this country are silently transforming in a peaceful manner. The secret which sustains the system in India lies in her age 7 old culture and tradition, the very essence of which is to live and let live, and to put the whole above the self. This culture believes in the dignity of the individual and wisdom of many. Majority, it accepts, may be the working principle, but consensus is the mechanism which moves the society in the right direction. This culture and tradition incidentally has kept India together in the face of disruptive forces. Naturally a large majority of our countrymen who are part of this culture do not share the foreboding of the prophets of doom.

There is no doubt the problems we face are serious, but given the nature of the situation, the system has succeeded by and large. We have achieved a great deal of economic development and social justice, preserving at the same time our political freedoms and with political will and determination this process can be accelerated.

The merit of the system is that it is an open system and provides political means to the people for willing participation in its working. Its

institutions have been representatives of the will of the people and responsive to the popular needs in large measure. There is ample scope within the system itself to adapt to changing conditions and needs. Whether it is equitable distribution of resources among different groups or restructuring of federal relations, matters can be debated and solution can be found within the system. Instability of government, whether in the States or in the Union, has no doubt unnerved some people and a few have advocated a change to presidential system. The efficacy of a presidential system in India is doubtful. Parliamentary democracy gives different groups not only representation but also access to power in a way which may not be possible in a presidential form of government. However, the Constituent Assembly debated the issue and finally came out in favour of a parliamentary system. Our recent problem is the transition from one dominant party system to a multiparty system. Transition has its own problems and eventually people will get used to coalition governments. A coalition government is not bad. Many European countries have coalition governments for more than quarter of a century and they have achieved both political stability and economic prosperity during the period. There is no reason why coalition government, if it becomes necessary, will not work with success in India.

TRADITIONAL INSTITUTIONS AND PARLIAMENTARY DEMOCRACY IN MEGHALAYA

—P.R. Kyndiah

Meghalaya in the North East corner of India, is a new State situated in an ancient tableland, a part of India which geologists tell us, like that of the Deccan Plateau, has been the cradle of human civilisation. Excavations in both the Garo Hills and Khasi Hills Districts have brought to light the stone age tools and artifacts of a long vanished civilisation. Man has dwelt since time immemorial on this highland and the present-day indigenous tribal people of the State, especially those in the Khasi and Jaintia Hills Districts, have a history going as far back into the ancient past right to the earliest days of human civilisation. This ever-young, but nevertheless ancient land, after millennia of independence interspersed with intermittent contact with the plains people, came into violent contact with the expanding power of the British East India Company during the last century. The land was progressively annexed to British India in the middle decade of the 19th century, starting with the annexation of the Khasi Hills in 1833.

It was the foresight and the appreciation of the Indian national leadership which enabled these people, a microscopic minority in this remote part of the country, to be given adequate opportunity and assistance in developing according to their own culture and genius. The founding-fathers of the Republic gave the people in these hills and other hill areas in erstwhile Assam a special provision under the Sixth Schedule to the Constitution of India with a view to allowing them scope to carry on their traditional institutions so that they can develop according to their right and understanding. The national leadership has always been responsive to the special needs of the indigenous tribal people and various schemes were formulated to enable this ancient land and people so march along the path of progress and join the national mainstream but at the same time retaining most of the traditional tribal institutions, making a transition to modern life easier and more manageable. This was made possible because of two factors. Firstly, the national leadership, particularly Jawaharlal Nehru, had a tremendous admiration for the tribal way of life, their distinctive culture and capacity to enjoy life despite hardships of all kind and in particular

the classless and casteless society which the tribal people follow. Secondly, the inherent democratic character of the people and their traditional institutions greatly amazed and gripped the mind of Pandit Nehru.

In the early twentieth century, Jawaharlal Nehru had drawn up a blueprint called 'The Nehru Plan' with a view to giving the hill people maximum autonomy within Assam. This failed to get through. It was left to his daughter, Prime Minister Smt. Indira Gandhi to innovate a new constitutional scheme providing Meghalaya the requisite status and dignity by creating an Autonomous State within the State of Assam. The necessary legislation was passed by Parliament to enable the new Autonomous State to come into being on 2 April 1970. In this way, the transitional Legislative Assembly of Meghalaya came into being. In 1972, Meghalaya, along with Manipur and Tripura, attained full statehood after Parliament passed the North-Eastern (Re-organisation) Act, 1971 and the new State as well as the Legislative Assembly started functioning from 21 January 1972. The name chosen for the new State 'Meghalaya' meaning 'the abode of clouds' was first suggested some fifty years ago by a visiting scholar, a geophysicist who was impressed by the clouds which always seem to hover over the plateau. The Meghalaya Legislative Assembly has thus been in existence for twenty-one years.

Parliamentary democracy and parliamentary institutions are not new to the hill people. The capital city, Shillong is no stranger to parliamentary democracy. The Council of the Chief Commissioner, set up under the various Indian Councils Acts during the period 1861-1909, met in Shillong and so did the first Independent Council for Assam in 1912. The Council which was constituted under the Government of India Acts of 1915-1916 met here for the first time on 6 April 1916 and again under the Government of India Act, 1919 as the new Assam Legislative Council.

The next stage was the constitution of the bicameral Assam Legislature which was set up under the Government of India Act, 1935 lasting for about a decade till Independence. The Legislative Council so constituted consisted of only twenty-one members while the Legislative Assembly had 108 members.

The present Legislative Assembly building was started with laying of the foundation stone by Sir William Marris, the then Governor of Assam, on 28 September 1921. At that time, the present building housed the Assam Legislative Council and later the Legislative Assembly. When Assam had a bicameral Legislature, the new Council Chamber was built close to the existing building of the Legislative Assembly. After Independence, when Assam had a unicameral Legislature, the old Council Chamber became the Legislative Assembly Library till 1970 when it was converted into the Legislative Assembly Chamber of the Autonomous State of Meghalaya. The present Assembly building is situated in an ideal location facing the main shopping centre of the capital city of Shillong known as Police Bazar.

Although built when Shillong was a small town with a population of about 20,000 and when little cottages were the only other houses in the town, the Assembly building is a majestic sight even today when multi-storeyed cement blocks have come up on every side. The building is in the form of a classical lay-out of a "tantric yantra" with a square Assembly Chamber in the centre and four passages in the cardinal directions leading out to an outer square passage where the office chambers of Presiding Officers (and Ministers during the Assembly Sessions) are located.

Prime Minister Smt. Indira Gandhi came to Shillong to formally inaugurate the Autonomous State on the 2 April 1970. The old Council Chamber was selected as the Chamber for the Legislature of the Autonomous State which consisted of 33 members elected indirectly by the Autonomous District Councils set up under the Sixth Schedule of the Constitution of India. The first sitting of the Assembly of the Autonomous State, however, took place at Tura in the Garo Hills District on the 14 April 1970. This was the first and the only time when the Assembly of the Autonomous State sat anywhere outside Shillong, the State Capital. At this first sitting at Tura in the Council Hall of the Garo Hills District Council, the House had the distinction of electing Dr. R. S. Lyngdoh as the first Speaker of the Assembly of the Autonomous State and Shri G. S. Marak as Deputy Speaker.

In 1971, Parliament passed the North Eastern Areas (Re-organisation) Act, 1971 which conferred full Statehood on the Autonomous State of Meghalaya. The State now has a full-fledged Legislature consisting of 60 elected members but the new State Assembly continued to meet in the old Council Chamber till 1973 as the present Legislative Assembly Chamber was in use by the Assam Legislative Assembly. It may be recalled that it was only in 1973 that the Assam Legislative Assembly shifted to its new building at Dispur in Guwahati and since then the Meghalaya Legislative Assembly has been using the historic building which was built in 1921.

During colonial rule, the area now called Meghalaya consisted of two areas under the Crown, that is, the Garo Hills and the Jaintia Hills Sub-division, along with Khasi States which had semi-independent status in a treaty relationship with the Crown. In 1884, the district headquarters of the Khasi and Jaintia Hills was shifted to Shillong, a new town built up by the Raj which in 1874 also became the headquarters of the new province of Assam.

The existence of the Khasi States which cover about half of Meghalaya and surround the capital city on all sides, resulted in a large proportion of the population being untouched by the 1919 and 1935 reforms as the States (outside Shillong) did not send any member to the old Assam Legislative Council or the Assam Legislative Assembly later. But although this segment of the population experienced parliamentary democracy for the first time in the general election of 1952, yet they have taken to the modern democratic process like the proverbial duck taking to the water,

and parliamentary democracy which is basically akin to traditional democratic institutions was welcomed with alacrity and became very popular.

Meghalaya has a unique administrative set-up. Besides the Statehood machinery and the Autonomous District Councils under the Sixth Schedule to the Constitution of India, there are traditional functionaries who form part and parcel of the tribal society. These institutions have a vigorous flavour of grass-roots democracy. Everything was discussed in an open meeting and everybody was given a chance to be heard although it was the voice of the aged which naturally had more weight than the opinions of the young. Decisions are always taken only after everybody has been heard. In fact, the process has always been that after having heard the view of the participants, the Durbar allowed a consensus opinion to emerge. Once that takes place it was considered to be an unanimous decision and this was binding on everybody and has an element of sanctity. In the old society, the traditional elected rulers and functionaries used to personally know practically all the adults within their jurisdiction. It is fortunate that the people in Meghalaya have been able to retain a larger portion of the old traditional tribal heritage within the framework of modern democracy with universal franchise and parliamentary institutions. In a small State like Meghalaya, having 60 Assembly constituencies, each constituency covers small areas of land with voters numbering on the average 15,000. These are the ideal conditions which the ancient Greek concept of 'Polis' or 'City States' postulated for the functioning of practical democracy. In Meghalaya, the Legislators can be expected to know personally, and actually do so in practice, a large proportion of their voters. This provides the voters and the elected representatives a close personal rapport which cannot be found in the bigger States of the Union. The members of the House are, therefore, in close touch with the aspirations and needs of the electorate. In its two decades of existence, the State Legislature has debated and decided on many important matters concerning development and other fields of social and economic life which were brought to the House not only by the government or the Opposition but also by the individual private members reflecting the felt needs and requirements of the people. The House has therefore passed a good volume of legislation.

In 1974, the All India Presiding Officers' Conference was held in Shillong and the memories of this historic event, so soon after attaining Statehood, remains fresh not only to legislators and officials but to the general public as well. In the following year, Meghalaya was fortunate in that it was included in the itinerary of the visiting Commonwealth legislators who visited the State while touring in India.

All the members of the present House are educated, most of them graduates. But unlike the precedence in other parts of India, where law graduates used to form a sizeable part of the House, there are only three

law graduates in the present House. Reflecting the current trend on liberal arts and humanities in the State, a majority of the members graduated in the Arts stream.

Meghalaya is the only State in the Union where the matrilineal system still prevails in indigenous society. In the matriliney, political power is the prerogative of men while women hold on to economic power. It is therefore no surprise that only three ladies have so far been elected to the State Legislature, the first being Late Percylina Marak in 1972 and the second, Smt. Miriam D. Shira, former Deputy Speaker, through a bye-election in 1975. Smt. Shira was re-elected in 1988 and the third lady member, Smt. M. War was elected in 1988. The house now has two lady members instead of only one as in the earlier Houses; all other members are males in accordance with the traditional distribution of roles in a matrilineal society since time immemorial. The uniqueness of the Legislature in a State where matrilineal society exists has been a focus of attention and special interest to political scholars both inside India and outside.

PRIVATE MEMBERS' BUSINESS

—Surjit Singh Minhas,

The term 'Private Member's Business' or 'Non-official business' was coined in the first half of the 19th Century. If we trace the evolution of the system in the unreformed British Parliament before 1832, we find that its legislative work was mainly concerned with regulation of questions of local and limited interest. There was little difference in character between government business and private members' business and, therefore, there was no need for rules for the allocation of time between the two types of business. However, before 1832, in the words of Redlich, 'by courtesy of the House, it was understood that, on two days a week (Monday and Friday) the government should have precedence for their business, but not on other days. In 1902, under Mr. Balfour's scheme, the government business was given precedence on all days except the later part of some Tuesday and Wednesday sittings and the whole of certain Fridays. The half-days were used for private members' motions and the Fridays private members' Bills. The time for private members' business was further reduced by amending the Standing Order and issuing Sessional Orders from time to time.

According to the encyclopaedia of Parliament by Norman and Phillips, a private member of the House has been defined as a member of the House of Commons who is neither an office holder in the Government nor an opposition leader; also known as a back-bencher.

"Private Member" has been defined in the Rules of Procedure and Conduct of Business in the Punjab Legislative Assembly as well as in the Rules of Procedure of other legislatures in India as "a Member other than a Minister."

Private member' business is that business which is initiated by a Private Member. However, every business initiated by a private member cannot be termed as Private Members' business. In order to clarify the point, the parliamentary business may be divided into two main categories *viz.*

government business and Private members' business. Government business may be further sub-divided into two categories *viz.* (i) items of business initiated by the government and (ii) terms of business initiated by a private member but taken up in government time. Private members' business is that business which is initiated by a private member and taken up on non-official days fixed for the purpose. It includes Private members' bills, Private members' resolutions, motions for adoption of reports of the Committee on Private members' Bills and resolutions; motions for extension of time allotted to Private members' Bills and resolutions; and motions for extension of time for presentation of report of Select Committee on Bills introduced by a Private member or for circulation for such a Bill for eliciting opinion thereon.

Other items of business initiated by Private members but taken up in government time are questions; short notice questions; adjournment motions; calling attention towards matters of urgent public importance; motion of Thanks on the President's /Governor's address; questions of privilege; discussions on matters of urgent public importance for short duration; motion of no-confidence in the Council of Ministers; resolutions for amending regulations/rules/sub-rules, bye-laws, etc. which have been laid on the Table of the House; motions for discussion on matter of public interest; motion to reduce the demands for grants, *i.e.* cut-motion; half-an-hour discussion on matters arising out of questions and answers; statutory resolutions, etc.

In the Lok Sabha, Private Members' business is taken up on Friday. Rule 26 of the Rules of Procedure Conduct of Business in Lok Sabha provides:—

"The last two and a half hours of a sitting on Friday shall be allotted for the transaction of private members' business."

In 1922, a provision was made for allotment of time for the transaction of business of non-official members. The Governor-General was empowered to allot time as he considered compatible for the disposal of such business. From 1922 to 1948, the term "business of non-official members" remained in vogue. In 1948, the Speaker was empowered to allot time for the non-official or the Private Members' business but no specific days were earmarked for the purpose. Arrangement was made on an *ad hoc* basis and it was only two or three and sometimes four days in a Session of two months duration. It was in 1953 that an amendment was made in the Rules of Procedure and Conduct of Business providing for the last two and a half hours of a sitting on Friday for the transaction of private members' business.

In the House of Commons, the public business is classified in various forms. By the standing and sessional orders regulating the time of the House, it is divided into Government business, opposition business and unofficial members' business. Standing Order No. 6 provides for ten Fridays on which private members' Bills have precedence over Government Bills, and ten other Fridays upon which private members' motions (and private members' Bills, in that order) enjoy a similar precedence and also for four days other than Fridays upon which private members' motions only have precedence. The above system of distribution of time continued from 1950-51 to 1966-67. From 1967 onwards, variation in distribution of time for private members' business was effected through various sessional orders. Up to 1982, twenty Fridays earmarked for private members' business were divided into twelve days for "Bills" and eight days for "Motions". In 1982, the Standing Order was amended in order to provide twenty-one Fridays for private members' business and the distribution of time was twelve days for 'Bills' and nine days for 'Motions'. In 1982, an amendment was made to the Standing Order No. 6 (precedence of Government business) as a result of which a provision was made for nineteen allotted days each Session to be at the disposal of the leader of Her Majesty's opposition. On these days, matters selected by the leader of Her Majesty's opposition gets precedence over government business.

In the Punjab Legislative Assembly, Rule 30 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly) deal with the arrangement of private members' business. It provides that:-

"On Thursday business other than Government business shall have precedence. On all other days no business other than Government business shall be transacted except with the consent of the Leader of the House:

Provided that on a motion made after a day's notice by a Minister this rule may be suspended and the Vidhan Sabha (Assembly) may transact Government business on Thursday."

On days when business other than government business has precedence, such business is taken up in the following order:-

- (a) Messages relating to such business from the Governor;
- (b) Bills in respect of which leave to introduce is to be asked for;
- (c) Resolutions on matters of general public importance;

- (d) Bills which have already been introduced. However, the Speaker may direct that Bills and Resolutions may be taken up on separate days.

In the Punjab Legislative Assembly, there is no Committee on private member's Bills and Resolutions like the one existing in the Lok Sabha. From 1952 to 1987, only 14 Bills by private members were brought before the Punjab Legislative Assembly out of which only three Bills were passed. Out of these 3 Bills, only one, namely, the Sikh Gurdwaras (Amendment) Bill 1953, could become an Act (Act No. 26 of 1953) while the other two lapsed on the merger of PEPSU with Punjab as the same were not passed by the Punjab Legislative Council.

As regards private members' resolutions, any private member can give a notice of resolution on a matter of general public interest. During the period 1952-57, 1,856 notices of non-official resolutions were received out of which 1,716 were admitted and only 23 resolutions could be discussed. Similarly, during 1957-62, 1,083 notices of resolutions were received out of which 916 were admitted, 30 were discussed and only 4 were carried. During 1962-67, 2,470 notices of non-official resolutions were received out of which 1,452 were admitted, 15 were discussed and only five were carried. During 1967-68, 373 notices were received out of which 220 were admitted, only 3 were discussed and two were carried. During 1969-71, 908 notices were received out of which 449 were admitted, 7 were discussed and only one was carried. Again, during the period 1972-77, 960 notices were received out of which 695 were admitted, 12 were discussed and only four were carried. During 1977-80, 354 notices were received out of which 174 were admitted, 11 were discussed and only four were carried. During the period 1980-83 (upto 6.10.1983 when the Punjab Vidhan Sabha was put under suspended animation), 542 notices of non-official resolutions were received out of which 336 were admitted, 14 resolutions were discussed and only 4 were carried. Again, during the period 1985-87 (upto 11.5.1987, when the Punjab Vidhan Sabha was again put under suspended animation) 155 notices of non-official resolutions were received out of which 75 were admitted, 4 resolutions were discussed and 3 were carried.

Non-official resolutions passed by the House are sent to the government. The government takes follow up action in respect of the resolution passed as far as possible. The resolutions are recommendatory and not mandatory in nature and, therefore, sometimes the government is unable to take action in respect of the resolutions passed due to certain financial or other implications.

Though one may say that no sufficient results have been achieved through private members' Bills and resolutions, yet there are some positive points to support this practice. It provides a good training to members of the House and they may make use of this training on being

elevated to the Council of Ministers. Secondly, the private members' Bills generate a public debate over the burning issues of the day. Thirdly, the government becomes conscious and cautious about the prevalent thinking in various sections of society. Fourthly and not lastly, it hastens the process of the government in bringing such Bills on a comprehensive scale.

PARLIAMENT AND THE PRESS**— Brijmohan Mishra**

The working and position of each of the three pillars of democracy, *i.e.* legislature, executive and judiciary, are distinctively assigned to by the Indian Constitution. All these three pillars are nourishing the roots of democracy by discharging their duties in their own jurisdictions. The Press has often been recognised as the Fourth estate in a democracy. As we all know, the relations between the Press and the legislature is very close as well as delicate. Press is not only the strongest vehicle of conveying public opinion to the legislature but it also apprises the people of the discussions held in the legislature. Through the Press, the legislature gathers information about day-to-day events and at the same time it keeps the people informed of the subject matters discussed in the House. Thus, the legislature and the Press are closely related to each other; they are also complementary to each other. But there have been some incidents in Parliament and State legislatures which have created bitterness in their delicate relations. Such situations of confrontation were created sometimes deliberately and at times inadvertently. As a result thereof, legislative bodies were compelled to put some restrictions on the Press to safeguard their dignity. Under the provisions of the Constitution, the legislature enjoys certain privileges. But the Press has also got freedom for objective and factual reporting of the proceedings. On the one hand, legislative bodies should respect the freedom of the Press; on the other, the Press should also reciprocate favourably by observing restraint and maintaining the dignity of the legislature.

The Constitution of India has provided some privileges and immunities to the members of Parliament and State legislatures so that they could discharge their duties freely and effectively without any let or hindrance from outside. These privileges are enjoyed by the House collectively and by the members individually. There are adequate punitive provisions for breach of privileges. As these rights are not coded, the Press has to face many difficulties. While reporting, it has to be extra careful lest it should attract the punitive provisions of privileges. It is expected from the Press not to publish the deleted portions of parliamentary proceedings. It should publish only the actual proceedings without any prejudice. The Press has also to guard itself against printing or publishing any libels casting

reflections on the character of the Speaker or the Presiding Officers. The subject matter of the 1961 *Blitz* case relating to Parliament was somewhat of this nature in which the speech delivered by Shri J. B. Kripalani was published in a derogative manner in that publication. In this case, the editor of that paper was reprimanded by the Lok Sabha. It is a breach of privilege to publish the speeches of members by twisting the facts or drawing different meaning thereof. The judiciary had to intervene in the disputes between the Press and the legislature in the *Search Light* case and also in the case of *Eenadu*, a daily newspaper published from Hyderabad. These disputes could only be resolved after much complications. It has now become necessary to ensure more restraint, coordination, understanding and mutual trust between the Press and the legislature so that the common man may also take active part to make the democratic set-up more stronger.

While it depends totally upon the Press as to how and what contribution it can make in establishing credibility and confidence of the people in their public representative institutions, it is but its duty to see that the legislative bodies too, under the cover of their privileges, do not deviate from the basic spirit of democracy, because both of these are the most powerful and supreme media of the expression of popular feelings and sentiments and are finally answerable to the people, the society and the country.

To provide information and to perform the role of a vigilant watchdog in a democratic form of government are the twin functions that come under the purview of the duties, responsibilities and the jurisdiction of the Press. The freedom of the Press is an undisputed fact and an indispensable necessity. The freedom of speech and expression are enshrined as fundamental rights in the Constitution of India but no fixed, clear or specific provisions have been made for the freedom of the Press. It is the judicial decrees that have bestowed the same freedom to the Press as well. Certain reasonable restrictions have been imposed in order to keep this freedom under check. The Press should perform its duties within these limitations because the legislature also does not enjoy complete freedom and acts under the bounds of certain rules and principles.

In its quest for investigative and image making journalism, the Press, knowingly or unknowingly, is subject to certain such lapses that portray a distorted picture of the legislature before the society. The Press should not give patronage to such representatives of the people who are all out to occupy the headlines of the newspapers through overt or covert means because portrayal of such image tends to besmear the image of the legislature. The proceedings of the conferences and committees are always confidential and the Press should abstain from publishing the same unless their findings are made public. Such precautions will minimise the chances of confrontation between the Press and the legislature and there will be no scope for unfavourable circumstances to crop up.

If, in the democratic perspective, the legislatures and the Parliament are

considered to be the supreme fora of the expression of the people's aspirations, then it is the Press that performs the important function of carrying the message of that forum to the real architects of democracy. It is not a mere feeling but an established fact that most of the points and causes of the debates of the legislative bodies constitute the facts, events and news-items published in the newspapers. It is only through newspapers that the people's representatives come across the events and incidents that take place in the country/region. The relevance of the Press increases when the Parliament or the legislatures are in session. The very purpose of the legislature will be defeated if the proceedings of the Parliament or the Legislative Assemblies do not find space in the newspapers and the whole system will become meaningless.

In order to maintain a cordial relationship with the Press, the legislature should exercise thoughtful restraint on the use of its privileges. The legislature should adopt a lenient attitude towards such small and avoidable matters which arise spontaneously without any malice or ill-will. Otherwise, it is no more obligatory for the Press to publish the proceedings of the legislature and once it makes up its mind to do so, the very basic spirit of democracy will be hurt by the situation that will arise out of non-dissemination of news and views.

It is considered to be an offence in Britain if the proceedings of the British House of Commons are published elsewhere. Its proceedings are published by *Hansard* there. This is not the case in India. Here the Press is free to publish the proceedings of the legislative bodies.

It is neither practical nor logical to expect the Press to report the whole proceedings verbatim as the Press has certain professional commitments. However, objective analysis of the proceedings should be published. There have been instances when the member concerned raised the issue of breach of privilege for not finding his name in the reporting of proceedings of the House. It is unfortunate for the Press to face such situations but the people's representatives must show restraint. May be his name has been omitted by mistake or his speech might not have appeared of much significance to the Press. It is advised that the Press should mention the names of all such speakers irrespective of the significance of their speeches.

Yet another restriction imposed on the Press relates to the notices of motions tendered by the members to the Houses of the Parliament or State Legislatures. If the Press comes across any such motion, it should desist from publishing it. As the convention goes, such motions or notices are treated confidential because the Presiding Officers first consider them and then decide their admissibility or non-admissibility.

With a view to cementing the ties between the legislature and the Press, Parliament and each State Legislature has Press gallery committees to look after the welfare of the Press persons. Literature and information are

also made available to the Press by the Secretariats of the legislative bodies so as to enable them to make the Parliament or the State Legislatures truly representative bodies.

In order to make the bilateral relations between the Press and Legislature more cordial, both should observe the following points. The legislature should not gather information from the Press except on matters of public interests. There should be no prejudices while discussing matters relating to breach of privilege. Members should properly stand by the parliamentary conventions and values and freedom of the Press should be preserved and respected by every representative of the public. In the same manner, the Press also must keep some points in mind. It should desist from levelling vituperative, misleading and false allegations against members. It should guard itself against unauthorised publication of proceedings and other confidential documents of the House and its Committees. It should not publish the expunged portions of proceedings and avoid making uncalled for and distasteful comments about the House and its working. If these lines of action are followed, disputes will not arise.

When the public sentiments are articulated and echoed in the House through members, its reflections are bound to be seen in the headlines of newspapers. When the Press voices the miseries and sorrows of the people, its reverberations are heard in the House. This harmonious relationship between the Parliament and the State legislatures and the Press is essential for transforming parliamentary democracy into a strong and complete system of government.

EVOLUTION OF PARLIAMENTARY DEMOCRACY IN INDIA

—Jyotirmoy Nath

The system of government introduced by the Constitution of India, both at the Union and in the States, is what is characterised in political and constitutional terminology as parliamentary democracy. This system has been modelled upon the Westminster type of democracy with which we are familiar and associated through the British rule in India. Hence, though the present system is framed by the Constituent Assembly of India, yet it may not be considered as a newly implanted matter on the political soil of India. On the other hand, we have had some sort of experiences in the working of parliamentary democracy in its rudimentary form even before the attainment of Independence in 1947. Thus, the genesis of the present parliamentary democracy is to be found in the Declaration of 20 August 1917 by the British Government which runs thus: "The policy of His Majesty's Government with which the Government of India are in complete accord, is that of increasing association of Indians in every branch of administration and the gradual development of self-governing institutions, with a view to progressive realisation of responsible Government in India as an integral part of the British Empire".

This declaration of 20 August 1917 was the basis on which the Government of India Act, 1919 was framed. The most notable feature of this Act from the stand-point of parliamentary democracy was that it made a part of the provincial executive responsible to the provincial Legislature. The next step towards responsible government was the Government of India Act, 1935. This Act was definitely an improvement upon the system provided by the provisions of the Act of 1919 in the sense that the system of 'Dyarchy' was abolished in the provinces and full autonomy over the provincial subjects was given to the Ministers who were made responsible to the Provincial Legislature. But, both these Acts of 1919 and 1935 had imposed several restrictions that prevented the real working of parliamentary democracy in India. However, with the attainment of Independence, the Constituent Assembly adopted the system of parliamentary democracy in its full form and implications which has become the focus of attention in Asia and Africa where parliamentary institutions have not had a very smooth sailing.

The nature and working of parliamentary democracy in India can be

viewed from a theoretical standpoint and also based on its practical working. The theoretical essence of a parliamentary form, otherwise known as responsible government, lies firstly in the absolute and complete control over the executive by the Legislature. The executive must be an instrument for carrying out the nation's mandate and its subordination to the Legislature would follow as a logical corollary of the fully representative character of parliamentary democracy. The various techniques of this parliamentary control over the administration are the provisions for interpellations, votes of no-confidence and censure, adjournment motions, non-approval of the budget, etc.

Secondly, parliamentary democracy is characterised by a combination of experts and laymen. The Ministers are appointed as the heads of various Ministries and Departments and it is their duty to carry out and supervise departmental activities. Yet, they are not expected to be specially qualified for this responsible task. In a sense, the Ministers are generally amateurs in administration. A Minister is concerned mainly with the formulation of policies and programmes on the basis of ideology and electoral promises and by anticipating and assessing the shape of things to come.

On the other hand, the services consist of professional men who have chosen civil service as a career. Security of tenure and other appropriate conditions of service are assured to them. They do not change with a change in the party in power and their duty is to carry out loyally and to the best of their ability whatever policies they are asked to carry out. Because of the non-political nature of their office, they are able to accumulate that vast knowledge of the working of their Departments and that rich experience of the administrative system as a whole which are extremely valuable to the working of parliamentary democracy.

Thirdly, a reference has also to be made to the privileges and immunities of Parliament and its members as essential characteristics of parliamentary democracy. To enable the members of Parliament to discharge their duties freely and effectively, they are given certain privileges. For example, the members are assured freedom of speech in Parliament, subject to the provisions of the Constitution and to the rules and standing orders relating to the procedure of Parliament. No member of Parliament is liable to any proceedings in any Court in respect of anything said on any vote given by him in Parliament or in any Committee thereof. *Prima facie* the privileges may seem to be personal, but in reality these are very much in public interest.

Besides the above constitutional and legal presuppositions of parliamentary democracy, its two fundamental political assumptions—electoral process and party system—are also significant in its working. A democracy without an adequate machinery for the expression of public opinion through universal adult franchise is meaningless. In India, prior to the adoption of the present Constitution, this

fundamental principle was not recognised. Thus, though the Legislative Councils were provided for by the Indian Councils Act, 1861, it did not provide for elections. It was all a matter of nomination, of selection by higher authorities, of the members of the Legislative Councils. The question of election, albeit of an indirect type became a matter of practical policies at the time of enactment of the Indian Councils Act, 1892. In the next stage, an elective system came into operation in essence under the Morley-Minto reforms of 1909, but it was extremely defective and lopsided. It brought into existence the separate electorate for the Muslims, giving the latter in effect the opportunity for direct election, but denying it to others. Then came the Government of India Act, 1919. The electoral system introduced under it was a distinct improvement. Although separate electorates were still provided for the Muslims and special representation of diverse interests was arranged for, the system of direct election no longer remained a special reserve for the Muslims. Direct franchise was conferred on the non-Muslims, but the basis of franchise was unduly restricted. Finally, the framers of the Government of India Act, 1935 deemed it necessary to widen the electorate so that the Legislatures to which responsibility was to be entrusted, would be representative of the general mass of the population and that no important section of the community may lack the means of expressing its needs and its opinions. The net effect of this was calculated to enfranchise about 14.1 per cent of the total population and about 27.6 per cent of the total adult population.

In contrast to these steps, it should be said to the credit of the founding fathers of the Constitution of free India that they, for the first time, provided for the election to the House of the People and to the Legislative Assembly of every State on the basis of adult suffrage. Under the Constitution, every person who is a citizen of India and who is not less than 21 years of age (at present 18 years) and is not otherwise disqualified under the Constitution or any law made by the appropriate Legislature on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice shall be entitled to be registered as a voter. Thus, adult suffrage was introduced in a straightforward way and thereby it signalled a great step forward and a bold experiment in the working of parliamentary democracy in India.

The other fundamental assumption of parliamentary democracy is the existence of party system. So vital a part is played by the political parties in the functioning of parliamentary democracy that it is said that political parties are the lubricating oil in the wheels of governmental machinery. Like other democratic countries, India has her own party system with its peculiar characteristics. India has neither a single party system that smacks of a totalitarian model or a bi-party system as it prevails in Great Britain. Here, we have a multi-party system as obtaining in many countries of the world. Taking into consideration the factors of the area of operation, ideological dimension and politico-cultural orientation, the Indian parties

are national and secular, regional and communal, local and communitarian in character. There are also some parties that may be taken as fringe organisations having a very small number of members. It is just on the eve of the general elections that so many political organisations, big or small, appear on the political scene and their participation in electoral politics indicates this fact of India's having the largest number of parties in the world.

But a careful examination of the Indian stasiology will reveal that it is basically different from the multi-party system as it obtains in a Western country like France. The very word party presupposes participation in power. It is true that up to the fourth general election of 1967, so many political parties took part in the elections and managed to grab some seats. But they could not share the fruits of power. It was one party alone, the Indian National Congress, that had an all-India net-work by virtue of which it succeeded to be in power. All Opposition parties put together were no match to the organisation and power of this party. It was thus rightly said that India had a single dominant party system and there was no effective Opposition party on the stasiological map of India. This is particularly true of the Nehru era. But things began to change after the fourth general election when non-Congress governments were formed in some States. In 1977, the thirty years of Congress rule at the Union was replaced by the Janata government. And the general elections of 1989 and 1991 reveal that no single party has been capable of forming a viable government by itself. Thus the Indian stasiology is taking new contours in the working of parliamentary institutions.

Leaving aside these constitutional, legal and political assumptions, the last but not the least important factor in the operation of parliamentary democracy are the institutional elements like the Head of State and the Office of the Speaker. One prerequisite of parliamentary democracy which has come to be acknowledged as an indispensable condition for its successful working is that the Head of State is not expected to exercise any real power. Amidst all fittings and fluctuations of day-to-day political life, he is supposed to symbolise the unity of the nation and the permanence of its existence. The other functionary is the Speaker. The dignity of the House, its efficient functioning and the protection of the minorities and upholding the privileges and immunities of the Parliament and the members thereof depend essentially upon the office of the Speaker. The Constitution has sought to make him an impartial and independent Presiding Officer of the House. His office is modelled on the office of the English Speaker in regard to which Jawaharlal Nehru once observed:

I hope that those traditions will continue, because the position of the Speaker is not as an individual's position or an honour done to an individual. The Speaker represents the House. He represents the dignity of the House and because the House represents the nation, in a

particular way, the Speaker becomes the symbol of the nation's liberty and freedom. Therefore it is right that it should be an honoured position, a free position and should be occupied by men of outstanding ability and impartiality.

Thus, it can be said that the proper working of parliamentary democracy in India also depends to a great extent upon the office of the Speaker.

From an analysis of all the constitutional, legal, political and institutional postulates of parliamentary democracy in general, it may be observed that all these fundamental assumptions started developing in India after the attainment of Independence. But some of these are still in the process of evolution and crystallization. Therefore, the extent to which these principles are operative in India and contribute to the proper working of parliamentary democracy can be understood by a close examination of the working of these principles. And from this standpoint, it is to be found that the application of the basic principles gives rise to a mixed reaction. In certain respects, their working is without any loopholes while with respect to others, we are yet to achieve the desired level. The truth of this can be realised from a scrutiny of the working of each of these postulates.

To begin with, the operation of the principle of complete control of the executive by the Legislature in India, both at the Union and State Level, is without doubt conducive to the proper working of parliamentary democracy in the country. The period of interpellations is the most interesting and lively period of the Sessions of Parliament. Questions and counter-questions are asked and the Ministers are put to constant pressure to give satisfactory replies. So also, by the techniques of censure or adjournment motions, the Ministers are subjected to scathing criticisms. And by the passing of a no-confidence motion, the Ministers may be ousted from office. Though success in this respect is rarely achieved, yet the possibility of its frequent use makes the Ministers work under constraint. Secondly, so far as the relation between the politicians and administrators is concerned, our system is the legacy of the British Civil Service which supplies the missing elements of policy making by rendering the expertise in the policy-making process and once the policy is adopted they are to execute it faithfully and impartially in pursuance of the principles of parliamentary democracy. The Constitution also provides for the conditions to maintain a proper standard of efficiency of bureaucracy. But the tendency towards the politicization of bureaucracy, according to critics, hinders to some extent the development of 'committed bureaucracy' which tells upon the health of parliamentary democracy. Thirdly, one of the most important conditions for the proper working of parliamentary democracy is the privileges and immunities of the Parliament and the Legislature and the members thereof. The Constitution makes explicit and implicit provisions in this regard under articles 105 and 194 — the former deals with the privileges of the Parliament while the latter deals with those of State Legislatures. The sum-total of parliamentary privileges as defined

and underlined by the Constitution effectively boils down to "preventive power" to offset interference in legislative activities and of "punitive power" to punish for contempt of Parliament. And similar privileges *mutatis mutandis* are enjoyed by our State Legislatures under article 194.

Coming to the consideration of the political pre-requisites of parliamentary democracy, it can be said that the machinery of elections in India today and holding of general elections and by-elections so far supply the much-needed demands of parliamentary democracy. Initially, critics were apprehensive of the proper working of adult suffrage among the vast illiterate masses of India. But, contrary to these apprehensions, the Indian masses rose to the occasion time and again and in fact brought about revolutionary changes in the political scenario in India through the booth-capturing, the recent tendencies towards like of poll-violence, booth-capturing, rigging, etc. are detrimental to the smooth sailing of parliamentary institutions and need to be eradicated just to ensure the proper working of parliamentary institutions. The other significant element, namely the party system, both fosters and deters the working of parliamentary democracy. Party system supplies leadership both for running the governmental machinery and the Opposition. But the history of party system during the post-independence era reveals certain serious aberrations in the shape of lack of unity among the party members, mushroom growth of political parties, the evil practice of political defection—which has subsided of late—the emergence of hung Parliament, etc. on the one hand and the absence of a viable opposition to act as an alternative government like the British Opposition on the other. (though there are a galaxy of Opposition stalwarts in the Parliament and State Legislatures upholding the dignity of parliamentary democracy in India). All these aberrations constitute a cancerous growth in the body politic of India and bring parliamentary democracy to the cross-roads.

Finally the institutional elements, the President and the Speaker, are playing the role expected of them in the proper working of parliamentary democracy. The President, as the dignified Head of State and the representative of the nation, is aloof from party politics and gives dynamic leadership to steer clear of the crises that occasionally overtake the nation. The other functionary, the Speaker of the Lok Sabha and of the Vidhan Sabhas, is the symbol of the respective House as a whole. Though called the Speaker, he rarely speaks and when he speaks, he does not speak in the House but for the House. The Speaker maintains order in the House. He fixes the time-limits of speeches and determines when the closure may be moved and a debate brought to an end. He may direct a member to discontinue his speech if he persists in irrelevance. He may call a member to order and punish any offender against the rules of the House by maintaining the privileges and

immunities of the House and the members thereof by taking appropriate steps. By doing all these, he contributes to the proper functioning of parliamentary institutions.

Thus, from the overall assessment of the theoretical postulates and their practical working, it can be said that parliamentary democracy has struck deep roots in the political soil of India. Among the Third World countries, India is the only state that holds high the banner of parliamentary democracy and has had an uninterrupted tenure during the last four decades. But, in spite of all that, it would not be inappropriate to utter a word of caution. We have achieved a lot during all these years and much more is, yet to be achieved. There is however, no room for complacency. The country is passing through a very critical situation. The success of our parliamentary democracy depends upon the spirit of unity and cohesion among the people. It requires the absence of factions or groups constituted on communal or other sectarian basis. It may be said to the credit of the founding fathers of the Constitution that one of their achievements lies' in the abolition of communal representation and separate electorate and the solemn declaration to foster "Fraternity assuring the dignity of the individual and the unity and integrity of the Nation". But still then, the danger is emerging from the centrifugal forces that have been working in the country and are reviving the disruptive forces of provincialism and linguistic and religious fanaticism. These are posing a grave threat to the working of parliamentary democracy in India. Let us hope and pray that the leaders and the people at large are ever cautious and alert to keep national unity and national interest above everything else.

DEMOCRACY AT WORK IN INDIA

—Thakur Sen Negi

Democracy in some form or the other was known in ancient India, but parliamentary democracy of the type now in force in the country has been of post-Independence origin. True, the British had started representative institutions, albeit with very limited scope, authority and freedom of action, even in the early stages of the British rule in India, but those stages were far from being capable of the description "Parliamentary Democracy" although they might be called evolutionary steps towards such democracy.

The India parliamentary democracy is primarily known and principally modelled on the Westminster brand of parliamentary democracy. However, that does not mean a carbon copy at all. There are some fundamental variations.

The British Parliament is based on a series of strongly established and honoured conventions which they have not stopped creating. The Indian Parliament is rooted in a rather lengthy written Constitution. The founding fathers studied other Constitutions also than the conventional British one before drawing up the Indian Constitution. However, the coded nature does not render the Indian Constitution rigid. There already have been 68 amendments during these 40 years or so. The Indian polity is federal in nature and it is professedly a Union of States. The Central Government is alternatively called the Union Government as distinguished from a State Government. That is not the position in England. The House of Commons at Westminster finds in Delhi a largely identical counterpart, even in name, called the House of the People. There is no House of Lords in the Indian Parliament. The second Chamber here is a Council of States. At the head, there is the President of India unlike the King/Queen in England. Historically, over 500 ruling princes of the erstwhile British empire had their territories merged into free India, but this did not lead to the entry of those princes into any House of Princes as the Upper House. The merger was absolute, unconditional and total. And unlike the House of Lords, we do not have any Chamber of Princes. This way, the Indian Parliament is nearer to the masses than the British one where Monarchy and the Lords of their history still continue, even if reduced drastically in political authority. In fact, within such a restricted sphere, Lords still continue to be created,

the institution of that titled hierarchy being still vibrantly in political fashion. The British Parliament is much more powerful.

Parliamentary democracy, as we have had in India since Independence to date, is a big departure from centuries of princely and monarchial polity. No wonder, in the beginning there was considerable lack of appreciation of the new spirit of the polity among the masses. In those early stages, there were happenings such as voters approaching the ballot box with folded hands as they would approach a deity and the Opposition being regarded as almost an alien. I still remember vividly a well educated and supposedly well informed individual, sporting Western style dress and practising medicine as a full-fledged doctor, chiding me for contesting the Assembly elections from my constituency as an Independent candidate, opposing the candidate of the ruling party, the Congress. This gentleman did not belong to my constituency but the very notion of a retired Chief Secretary to the government opposing, at elections, the official candidate of the party running the government, was anathema to him. He cited to me the analogy of a child having been brought up to hold high office in the household turning against his own parents. In his opinion, I was indeed a highly ungrateful ex-Chief Secretary to the government. It was not at all uncommon in a rural area for the candidate of the ruling party to be deemed to be the rightful claimant by virtue of his being the *sarkar* candidate (government candidate) and the Opposition one being a "disloyal" individual. Thus, he who dared to vote for the Opposition candidate was considered as if he was indulging in treason. It was factually narrated about a candidate in those days that he was unpopular but his symbol was cow. Failing to persuade the voters in his favour, he said, "O.K. you vote for nobody. Vote for the holy mother cow." The voters did and he won the Assembly election. Of course, after these so many elections those feelings are dead now and people even in remote areas have democratically matured enough to look upon the Opposition as an essential and desirable part of the political process. And they know too what exactly an election symbol means.

The Indian voter has been often described as a very shrewd one. Considering the vastness of the country and the very high proportion of rural voters, the rural population being pre-dominant in the country, and the implied relative backwardness of political consciousness, the Indian voter has, after the initial elections over some years, no doubt learnt the power of his vote. He has definitely shown his capacity to turn the political fortunes of parties and persons upside down and *vice versa*. His political consciousness has humbled many a so-called political colossus. However, it has also shown its proneness to be swayed away by emotional waves in favour of or against parties and personalities. The result has been at times to usher in in the Parliament a much too oversized ruling party with the Opposition reduced to frustrating feebleness.

The Indian voter has definitely to learn to vote by striking a balanced

opinion between the party and the person. I have always advised the voter, irrespective of party affiliation, to first examine the person who seeks the vote and then consider the party which he represents. If there is a minor difference of quality between the candidate contesting for the voter's own party and one not belonging to his party, then let him by all means vote for the candidate of his own party even if he be somewhat inferior to the candidate not belonging to the voter's party, so long as the voter's own party has given the ticket to a reasonably presentable person. Should the difference be wide enough for his own party's candidate to show up as substantially inferior to him who does not hold the voter's own party ticket, he should forget the party and vote for the better candidate, even if he does not belong to the voter's party. By following this simple rule, the voters, taken collectively, would hardly ever vote a hung House or a drastically imbalanced one. For all my own praise for the sound common sense of the Indian voter, demonstrated convincingly enough on crucial occasions, I strongly hold that this lesson he has yet to learn and put into action.

What is much more a cause for worry and apprehension is the growing corruptibility of this widely praised Indian voter. One would be behaving hypocritically *vis-a-vis* parliamentary democracy in India if one chose to close one's eyes to the mounting power of money and other allurements that has come to rule and sway the scene at the hustings. If the very salt lost its flavour wherewith would you flavour anything? I remember a particular incident when a voter whom I knew for certain to have voted against me just because he had been financially bribed by my opponent and yet he came to me later after I had won the election and complained bitterly of a certain government servant being corrupt. I agreed with him hundred per cent that the official was indeed corrupt, but refused to act on his complaint. When he resentfully questioned me why so, I counter-questioned him about his own having bartered away his sacred franchise for pelf. If the spring is poisoned at the very source, what remedy is there to purify the water lower down? He went away speechless.

As the very root word, "parley" of the word "Parliament" denotes, parliamentary democracy has its essential nature in debate, discussion and decision and not in brawl or fisticuffs. The House is expected to be a dignified forum where issues are thrashed out with arguments and eloquence and then voted objectively and not a fish market where "furores, bedlams and pandemoniums" become the order of the day. Granted the legislature, be it Parliament or Assembly, is manned everytime by human beings, with their normal share of failings, and things hotting up and wordy fireworks, once in a while letting off pent up steam, would be understandable and tolerable. But if such intemperance comes to mar the scene too often that certainly would be the alarm call of the bell tolling for democracy.

As elsewhere, so in India too, in parliamentary democracy involving the

party system, the members are herded and driven by the Party Whip as a matter of course. That is a natural wart on the face of the system. Nevertheless the fewer and smaller the warts, the more beautiful the face. Except in the event of crucial voting, the Whip should be spared. A whole House or an entire majority voting in favour of any anti-democratic measure would expose the shepherd as much as the herd to the charge of treachery to democracy at the bar of history.

The first tide of parliamentary democracy in India left behind high watermarks as it ebbed away after a few initial elections. In terms of sheer calibre the level has of late been rising again. It will be up to the captains to steer the ship clear of the rocks and the shoals.

The Committee system has not been vigorous over the years. The recommendations of the House Committees by and large in the past have been finding their destination in shelves gathering dust. The main reason has been lack of pursuit. It should be the business of the House, in particular of the Speaker, to ensure the recommendations being pursued to their logical end. This will make a reality of the theory that the Parliament or the Assembly, as the case may be, is not just a legislating institution, but is charged with the duty and authority of overseeing and supervising the executive. The rather recent adoption by certain legislatures in the country of the system of Subject Committees or Budget Committees of the House provides a fresh occasion to enliven the efficacy of the Committee procedure.

While the "Parliament" in English and "Sansad" in Hindustani are appropriate names for the national body, Legislative Assembly or Legislative Council for the State organisations of parliamentary democracy, are rather misleading names giving the impression that these bodies are concerned with legislation only. In my opinion, the word "legislative" should be dropped. The State bodies should be called only Assemblies and, where States have second chambers, Councils, only in English. The State bodies may further be named distinctly as Local Assemblies and Local Councils for State Assemblies and State Councils. The Hindustani word for State being Rajya, there will be a clash with Council of States of the Union, in nomenclature, if the State Assembly was called Rajya Sabha. As an alternative, a way out might be found by calling the State bodies Prantiya Sabha and Prantiya Parishad, using the word 'Prant' (Province) instead of Rajya. The nomenclature issue would bear further examination and more consideration.

PARLIAMENTARY DEMOCRACY IN INDIA**—Lijum Ronya**

Parliamentary democracy is considered to be the best form of government in the world because in this system there is scope for the people to reflect their wishes and grievances through their elected representatives on the floor of the House. The adult population of the country has the right to vote to elect their representatives. The basic principle of democracy is to respect others' opinions.

Democracy is no new thing in the history of India. There existed in ancient India 'republics' or "gana-rajyas." The country, however, had to build upon her democratic traditions on sound party lines after freedom from foreign rule in 1947. In its historical evolution, the system of parliamentary democracy contributed largely to the rise of nation states.

A successful political revolution against autocracy led to the establishment of modern nation states like England, France, Germany, etc. India has followed more or less a similar course in certain sense. India today has the distinction of being the largest parliamentary democracy in the world. Of the many countries of Asia and Africa which were formerly under colonial rule and which adopted democratic constitutions of one kind or the other when they attained independence in the post-Second World War period, India is practically the only major country where dictatorship, civilian or military, has not been established at any point of time. Burma, Thailand, Ghana, Pakistan and many other countries had to compromise on their democratic system at some point of time or other. In India, an independent Election Commission ensures fair play in elections. We incorporated the principle of parliamentary democracy to the area of effective local self-government by introducing the Panchayati Raj and for this, we have received appreciation from far and wide.

In the Preamble to the Constitution, India is described as a sovereign socialist secular democratic republic. The President of India is the nominal head of the executive. The President of India is elected by an electoral college consisting of elected members of both Houses of Parliament and the elected members of the Legislative Assemblies of the States. The members of the Lok Sabha are, however, directly elected by the people unlike the members of Rajya Sabha who are elected by the elected

members of Legislative Assemblies of the States in accordance with the system of proportional representation by means of single transferable vote. The Union Council of Ministers is collectively responsible to the Lok Sabha and the Parliament is responsible to the people. Thus, India is in every sense of the term a representative democracy.

Parliament represents the entire nation and thus there should be constant endeavour from various political parties and each individual member to see that it functions as a healthy institution. It is to be borne in mind on all occasions that the decorum of the august House is maintained for "The House is a temple of legislation, a temple of democracy." The dignity of the House must be preserved at all costs.

A member of Parliament or State Legislature should not forget that he is the representative of all the people irrespective of those who have voted for him and those who have not voted for him. The Ministers should also think and work for all and not only for those of his party. In the case of the Presiding Officers also who occupy the Chair, the same course of action is applicable. This principle if not followed in the true spirit will lead to the decline of democracy. Parliamentarians or the legislators have to generate an atmosphere whereby the people can repose faith in them in their activities. The people should not have reason to feel that they are isolated from their elected representatives. Legislators must constantly keep in touch with the people; the more they are associated with the general public, the more will they be able to understand their problems and difficulties. The people always expect that the representatives whom they have elected should ventilate their grievances and solve their problems. The Legislators should constantly bear in mind that they owe their allegiance to the Constitution and the Rules of Procedure of the House. While discharging the duties as Legislators within the walls of the House, they should keep themselves confined within the framework of parliamentary procedure by observing the Rules and practices of the House. It is the supreme duty of the Legislators to obey the directions and orders of the Chair while participating in the debates. They should bring before the House the various problems faced by their electors for discussion in the proper democratic spirit.

The whole democratic system is **dependent upon** how **effectively** the **Opposition** functions. The role of the **Opposition** is better felt in a two-party system as in England. In a multi-party **parliamentary** democracy like India, the **Opposition** party is required to make constructive and effective criticism of the government. It will be a futile exercise to oppose or criticise just for the sake of opposition or criticism. It may be that on some issues the **Opposition** may differ with the government, but there are other issues on which both of them may have common views.

In a single party government, the ultimate power lies in a single individual or in a single party as it happened in the case of Hitler of

Germany and Mussolini of Italy. In this system, if the ruler is able and honest his subjects would be happy and the country would march ahead. If the ruler is despotic and not courageous, imaginative or far-sighted, the people are bound to suffer and the country at large is destined to pass through turmoil and destruction.

The Constituent Assembly of our country, which consisted of eminent statesmen, legal luminaries equipped with the knowledge of political and constitutional history and persons with vast experience of administration, thus pondered over the question to decide which form of government would be most suitable to the Indian nation. After intensive study and great deliberation, the Constituent Assembly, while rejecting other forms of government, decided on parliamentary democracy as best suited to our ethos and genius. Democracy is the government of the people which means the rule of the representatives of the people belonging to the majority party. Sometimes when no single party has absolute majority, several parties combine together to work out a majority to form the government. This is called coalition government. Experience in our country shows that in most cases, this type of government does not last long. This is not at all a stable government. A coalition government is likely to break away in the event of withdrawal of support from any one of the several parties forming the government. The governments formed after general elections to the Ninth Lok Sabha are the examples in this regard.

If we make an appraisal of our post-Independence political history, the year 1967 stands out as it witnessed an unprecedented era of political instability resulting in political horse trading preceding and following the formation of coalition governments in several States. Such coalition governments constituted with political parties having no ideological similarity fell rapidly one after another. Many members changed their party affiliations and joined other political parties which, though in minority, nurtured the hope of forming governments on the strength of such defected legislators. This naturally gave rise to a very unhealthy trend whereby legislators were lured away from political parties with a view to toppling the existing government and forming new ones with different permutations and combinations. This sort of floor-crossing or defection on the part of a legislator from his own party, after the election, is indeed a very corrupt practice which debases the political life of the country. Defection brings self-interest to the fore-front and throw people's interest into the back ground. Fortunately, with a view to checking this evil tendency and to defending parliamentary democracy, the Anti-Defection law was enacted in 1985.

In spite of various shortcomings and practical problems in the implementation of this law it may be said that the objective behind its enactment has largely been fulfilled. The then Prime Minister himself said in Parliament during discussion on the Constitution (Fifty-second

Amendment) Bill, 1985 that the Bill was only a "first step towards cleansing our public life, we will be taking other steps."

What are the future prospects of parliamentary democracy in India? This is a question which is now being posed everywhere. This question has become palpable in the context of the growing pressure on our parliamentary democratic system from both external and internal political developments. It has been pointed out that parliamentary democracy has failed to provide solutions to important economic and social problems in many countries which are our neighbours as a result of which there is military dictatorship or some form of presidential system of government coming and going. Internally, our system of parliamentary democracy has been passing through a severe crisis resulting in a grave threat to its very existence. Growing incidence of political murder, emergence of fractional/regional parties, etc. are threatening the very fabric of our system. Cynics feel that the time is approaching very fast for a total collapse of parliamentary democracy in India. The feeling that we are unfit for democracy is slowly and steadily gaining ground. Many people suggest that dictatorship is the only remedy for our country. In trains and buses, we hear people speaking about presidential type of democracy for India in the context of this deteriorating condition of the parliamentary form of democracy. To make the country strong and united and to check growing terrorism and destructive forces, some even prefer an imposition of emergency. It is now high time for us to be seriously conscious of the effective role we are to play in the march towards democracy failing which, a country like India, with complex and diverse social systems, may ultimately give way to dictatorship or presidential type of government. The working of India's party system has been worsened to some extent, by the great disparity between the strength of the ruling party and that of other parties. In the Lok Sabha as well as in most of the State Assemblies, the Opposition has been too feeble compared to the ruling party. A healthy, constructive and powerful Opposition is always in the best interest of democracy.

Keeping the shortcomings in view, we should be vigilant to keep the forces of disintegration and destabilisation at bay and should endeavour to improve the working of parliamentary democracy to retain this system of government for the welfare of our country and the people at large.

FOUR DECADES OF PARLIAMENTARY DEMOCRACY IN INDIA

—Ghulam Sarwar

Bear in mind and do not forget: "yours is a democracy of 5 centuries and ours of only 5 decades. Your population is 55 million and the population of one of the states of India to which I belong is one and a half times that of England. Today you are neither Great Britain nor United Kingdom. You are just England. During the nineties, you are destined to become a camp follower of the United States of America. You have started talking about European family. What about the great family of the Commonwealth Nations? Have you written off the Commonwealth countries which number fifty and odd and embraced European Community with five and odd countries? You feel that you are a part of Europe. It betrays a sense of association of half a century of the area where you ruled".

These are some of the observations made by me in March, 1991 when I was in London during the fortieth Parliamentary Seminar held at Westminster. Westminster has been described as the Mother of Parliaments for centuries and after Independence, India opted for a parliamentary democracy on the pattern of Westminster. The framers of our Constitution made us a sovereign, socialist, secular, democratic republic.

There are republics in endless differentiation—federal and unitary, parliamentary and presidential, autocratic and popular. France is a republic but of a unitary and parliamentary type. The United States of America is also a republic but represents the federal and presidential form. There are other countries which call themselves republics but are in fact little more than military dictatorships. There are some monarchies and republics which tolerate the free play of political parties, as in Denmark and Switzerland, and there are others which permit only one political party to exist (as in some Latin American and African countries).

I had been to England thrice, for the first time in 1978 and again in 1982. I had the occasion to visit the House of Commons and also to take a seat in the visitor's gallery. But this time in March 1991, I had the good fortune of being for the whole day for more than ten days in Westminster Hall, Houses of Parliament, Westminster Hall Canteen, Palace of

Westminster, 10 Downing Street, Queen Mary Restaurant, Jubilee room, attending Speaker's procession, attending question time in the House of Commons, Commonwealth Parliamentary Association headquarters, visit to Windsor, going round Windsor Palace and tour of the Royal apartments in Windsor Castle, halting at Winchester, having lunch at Cholmondeley room, House of Lords, attending an observance for Commonwealth day at Westminster Abbey in the presence of Her Majesty the Queen, visiting the House of Commons library and calling on the Speaker at the Speaker's House, visiting appellate Committee, House of Lords, attending Lord Chancellor's procession, attending gallery in the House of Lords, calling on the Lord Chancellor in his office, etc, etc.

I had the privilege to discuss with other delegates of the Seminar hailing from different parts of the world varying subjects, all closely related to the subjects connected with parliamentary democracy such as the parliamentary and political scene at Westminster, research and information services, the M.P., the party and his constituency, the member's relationship with the media, parliamentary questions and motions, the legislative process, the select committee system, the Speaker and his role in Parliament, parliamentary privileges, the role of the Leader of the House, the role of a second Chamber, party discipline in Parliament, etc. and I must confess that I learnt much during my stay in England this time.

The House of Commons as of now has 650 members out of which the ruling Conservatives account for 375 and the rest 275 sit in the Opposition. The House of Lords has 350 sitting members. There are 170 sittings a year. The Speaker of the House of Commons, when elected, not only resigns from his party but never joins it again. After retiring, he gets a pension. There are 4,800 people working there. The number of chefs alone is 79. Exactly 350 years ago, in 1642, the then Speaker of the House of Commons, Rt. Hon'ble Lenthal confronted King Charles I and defied his order to submit to him the names of the Commons who spoke against him in the House saying:—

“May it please your Majesty, a Speaker has no eyes to see and no tongue to speak but when the House is pleased to direct him whose servant I am”.

But the question that comes to my mind is whether the British Parliament is the same today? No, it is not. They are inching to become, sooner or later, the camp followers of the United States of America which is definitely not a parliamentary democracy. America professes to be a Presidential form of democracy and it is not even that. Who knows that in the 21st century, the sun of British parliamentary democracy will also set in England. So, in India, we have to build our own parliamentary democratic structure. Democratic norms and values are fading, if not dying, in England and they are now obsessed with all sorts of prejudices, discriminations and obsessions which are anathema to a healthy

democratic tradition. That is why in the foregoing paragraphs, I have dwelt at length from my own personal experience of the Westminster style of functioning today.

Sarto Esteves, in his book "Prospects of Indian Democracy", observed that the democratic system in a developing country like India, where political consciousness is limited and public opinion is not able to assert itself as forcefully, suffers from many short-comings. The elections have been largely dominated in the past by those who wield power and money, resort to corrupt practices and are able to get the electorate to vote for them by bribes and by appealing to their caste, creed, community and language prejudices. In an advanced, educated, cultured society these considerations would hardly make much of a difference and people would by and large vote for a candidate who has the necessary qualifications, ability and record of public service, and whose integrity is not in question. In our country, such qualities have seldom weighed with the voters for nearly 30 years. What mattered very often was the amount of money that a candidate or a party was able to pour into and mount a mighty campaign which could overwhelm the ignorant voters.

In India, the Tenth Lok Sabha has just been constituted. From election to election, it has been noticed that even the illiterate, poor, unemployed, homeless rural electorate of India, by and large, is also becoming more and more politically conscious. They are an intelligent lot and when they rise to the occasion, no amount of money and no force of muscle works. In the last Gulf War, India did not toe the line of the coalition forces led by the U.S.A. The Indian government, the Opposition, the members, the electorate and the people alike, while unequivocally disapproving the annexation of Kuwait by Iraq, stood as one man in their support and appreciation of Iraq in upholding her integrity, sovereignty and frontiers. So, our parliamentary democracy has grown in age during the last four decades and we have learnt how to lodge a government of our choice and also how to dislodge a government whose performance had been dismal.

Today we have a hung Parliament. No single party or even a combination of parties or groups has been able to secure a clear majority. This was the case in 1989 also and I foresee the same result in future too. In fact, we should accept this phenomenon of a hung Parliament as a *fait accompli* and should try to live with it. It is not a bad omen, rather I think it is a good and positive sign for our parliamentary democracy. We are passing through a period of transition. The process of polarisation of political forces has already started and is forging ahead. The days of autocratic rule have gone. No one person now will rule this land. It should now be governed by a collective leadership. Nobody should now be treated as head and shoulders above others. There ought to be a group of equals and the Prime Minister is one who should be the first among the equals. In a parliamentary democracy, none is a superman nor was there any such and will never be there in future. All of us taken together form

the Indian nation. That has exactly happened today and it is a silver lining on the horizon of our parliamentary democracy.

Mass media in our country now is not up to the mark. But let me tell you that in England of the nineties, it is much below the mark. From Rushdie to Gulf, they have shown that they have not upheld the banner of freedom of the Press and its judicious, balanced and impartial approach to problems and issues. Even during the Lok Sabha elections this year in India the British media was worse than the Indian media. I myself being a journalist by profession, felt slighted at this outrageous partiality of my fellow brothers.

At least in the matter of floor crossings, whip withdrawals, whip resignations and whip restorations, ours is the only parliamentary democracy in the world today when notice of this undesirable phenomenon was taken in 1985 and the credit for this must go to late Shri Rajiv Gandhi for promulgating the Tenth Schedule added by the 52nd amendment to the Constitution of India. The decisions of Speaker Rabi Ray under this Schedule was widely acclaimed. Bihar, Rajasthan and many other State Assemblies also took action and pronounced judgement under the Schedule.

Let me conclude that four decades after Independence, parliamentary democracy in India is now adult and mature and the day is not far when the biggest democracy of the world will also be the best democracy of the globe.

INDIAN DEMOCRACY: SOME REFLECTIONS

—Simon Peter D'Souza

Since the year 1947, our country has been changing incessantly, especially in social, political and economic fields. This change has been in all dimensions and in varied degrees. The fabric of democratic pattern has been woven neatly, compared to other neighbouring countries which became independent almost at the same period. These countries faced political upheavals shortly after adopting the democratic system. Our country has been steadily following parliamentary form of government, adhering to democratic traditions, conventions and practices, despite having diversities in caste, creed and culture.

Ever since Independence, we have adopted progressive legislations and programmes to bring about social justice, equality to remove economic disparity and to offer equal opportunities to its citizens. The country gave its citizens a written Constitution providing for the right of choosing the **Government through a system of adult franchise in a multi-party system** and has re-organised itself on the linguistic basis. We have followed eight Five-Year Plans so far despite the usual stresses and strains which occur in any democratic system. The efforts of the State to translate the cherished goals into reality are concentrated primarily in the Five Year Plans. In general, the achievement of the last four decades have not yet made the country a Welfare State, but it is definitely moving in that direction.

Now the scenario is slowly changing and democratic system is getting itself adapted to it. We will examine how and why these changes are taking place and the likely remedial steps that are required to be taken. Are the people becoming indifferent to the democratic process? Are the people losing faith in the existing system? What are the stresses and strains democracy is facing? If so, who is responsible for it and what can **be done to remedy the situation are the basic issues which deserve** serious thinking. From the experiences of the military regimes of the neighbouring countries, and its effect on individual liberties, basically, we have to agree that the democratic form of government is best suited to our country whether it is in a parliamentary form or presidential form.

Initially, the various States of the Indian Union were reorganized on the linguistic basis with the objective of bringing about the development of the

regional language, its people, and the State as a whole as an independent entity, in order to bring cohesiveness. But in the course of time, the same issue has become controversial, especially in the border areas. The disputes arose about distribution of water and power resources, jobs to the "sons of the soil", medium of instruction in the education field and so on, which are mainly economically-oriented, predominantly due to scarcity of resources and inadequacies and imbalances in allocation. There were disputes and agitations to form smaller units separate from the parent-State like the Telengana movement in Andhra Pradesh, Gorkhaland agitation in West Bengal and the Bodoland agitation in Assam. Such agitations give impetus to secessionist tendencies leading to disintegration of the country, which is not conducive to national unity and democratic process. Financial viability and dependence of the States on the Union Government are major constraints. Whether it is the handiwork of smaller political groups to usurp power, whether any foreign hand is behind the curtain, whether it is a selfish move by a few individuals to take advantage of emotional and ethnic issues involved—the reasons can be many more. These issues can be controlled, if not solved, by a strong government at the Union, supported by a massive mandate, which only can deal with the issues squarely and firmly. Some suggest that the reorganisation of States may be quashed and reorganise the country considering the economic and administrative needs.

Secondly, we have observed that the issues like the Mandal Commission Report or the Ramjanam Bhoomi controversy have been instrumental in the fall of the V.P. Singh Government at the Union in the recent past.

As regards the Mandal Commission Report, issues like job reservation to Scheduled Castes and Tribes and backward classes are basically economic issues. Since certain Castes and Tribes were underprivileged and deprived of social status and lesser economic progress for centuries due to the reasons of historical past, they were given certain job reservation. But the question is whether continuation of these reservations for four decades after the Independence of the country requires a fresh review? Are the issues purely economic or administrative or whether merit should suffer at the cost of class preference or can they be offered any other incentives instead of job reservation are the issues which require serious concern, keeping aside the political leverage one gets.

The issues leading to communal disturbances and problems arising out of regional imbalances deserve utmost attention and we should ask ourselves whether these can be used for whipping up emotions to achieve political ends, despite the allegations that similar issues were used earlier also to gain political power. Can we continue with the same style of functioning? These are the issues which deserve the attention and consideration of the future parliamentarians. Are the expenses on the perks, salaries, allowances, pension and other facilities made available to

the MLAs. MPs and bungalows, cars and other perks made available to the Ministers at the State expenses excessive? What do people expect from these representatives in lieu of the benefits offered to them? Whether they can be pruned on account of the serious economic crisis faced by the country? What is the reaction of the people to such matters? These questions need to be carefully examined, especially since such legislations are passed by the concerned members themselves.

What are the priorities before the country? What steps are essential to make the country strong, united and self-reliant? How to fulfil the hopes and aspirations of the people? We need to address ourselves to these basic issues. After the Constitution was adopted, our country has gone through ten general elections. If we examine the voting pattern, one can observe that the percentage of voting has been around 40 to 45%, despite the fact that the voting age was brought down to 18 years from 21 years to facilitate participation of the younger generation in the process of forming the government. More than half of the eligible voters' population have not exercised their right. What does this indifference indicate? Is it that people are satisfied or is it that they are complacent? What are their grievances? What is the age group which has shown the indifference to the democratic process? Is it because the elections are held often? These issues need to be examined dispassionately.

The normal accusations against any democratic government are of corruption, delays, red-tapism, wastage of resources, lethargy of the administrative machinery and choice of wrong priorities. The removal of these maladies from our public life has assumed urgent significance since they pose a serious danger to the faith of the public in the democratic system itself. In fact, our system of voting by secret ballot is safe, impartial and gives the individual the freedom to take part in the elections without fear or favour. But increasing incidents of booth-capturing, violence, fights, kidnapping or killing of candidates, etc., indicate the anti-social, anti-democratic trends and activities of certain forces which need to be handled firmly, more by public reaction of resentment and utmost contempt. In fact, democracy is for the people, by the people and of the people. Unless the people who are responsible for electing the government to power do their part, dispassionately, intelligently and without fear or favour, democracy cannot function satisfactorily. Power is with the people. Gimmicks like "defection" have to be viewed by the public seriously. Apart from the power to recall unworthy candidate, the people's "sanctions" will have far-reaching effect. The people get the type of government they deserve. Hence they have to be cautious about their duties and responsibilities. For survival of healthy democracy, vigilant public opinion and electing people of integrity to the Assembly or Parliament is essential. In a democratic country, voters are bound to expect fulfilment of promises made by the party which they have put in power, and a government cannot compromise on the issue of principles.

If one analyses the election results of the recent past, it is noticed that the days of absolute majority to any single party in Parliament are over. A situation of "hung Parliament" has been created, perhaps due to multi-party system. This may recur in future too. We cannot afford to have elections very often, as the conduct of elections is a very costly exercise. Besides, frequent elections will create disinterest in public, which may even lead to a military rule. There are two solutions to face and tackle the problem of "hung Parliament", i.e. forming a coalition government by getting support of some other party from outside or within, or else to adopt a presidential form of government. Recently, an attempt was made to evolve one viable alternative of a national government with all Parliamentary Parties as its equal partners sharing power and responsibility and contributing talent from each party for maintaining the unity, integrity and independence of the country. The role of the Opposition in effecting constructive opposition cannot be overlooked. They can play an important role to make democracy work. There appears to be a need to form 'all-parties committee' to study the working of the Constitution of India in the changing context. The committee may co-opt constitutional experts so that the important changes can be thought of by consensus, and the Constitution may be amended suitably.

The role played by the Parliamentary Committees and the members need not be over-emphasized. They have to take more active interest to make democracy a success.

The need of the hour is to strengthen the fabric of democracy by deliberate and conscious efforts by people's representatives and the public at large, who have elected them to serve them better, to build a strong nation. True democracy is government of the people, by the people and for the people, but it would be chaotic if allowed to slip and change to "off" the people, "buy" the people and "far" from the people.

PARLIAMENTARY DEMOCRACY AND INDIA**—A. Dharma Rao**

Parliamentary democracy embodies the principle of change providing for continuity of the system unhampered. The object of Parliament is to ensure good governance of the country according to the wishes of the people, for the good of the people. Democracy is not just an ideal or an objective. It is a method through which the government functions to meet the aims and aspirations of the people. Parliamentary democracy may be termed as a method of government by which the majority of the electorate exercise political control. It is a system of government which exists to achieve and maintain an egalitarian society. It provides for maximum amount of liberty to the individual consistent with the attainment of order and security within the State. The Indian Constitution safeguards the interests of the people and the fundamental rights of the people. It is unitary in character and federal in structure, the combination of which guarantees the fundamental rights of the citizens. It is a form of governance which provides for people the right to exercise their political will.

India's history has been more evolutionary rather than revolutionary. Indian democracy has also been of vital importance to the western powers who see her as a source of stability in the strategic sphere of the globe. It has struck deep roots in the growth of the institutions and new patterns of political behaviour in the development of ideas particularly about power, authority and group identity and in the nature of the society into which democratic forms have been welcomed despite their alien origin.

The Indian Constitution provides for regular mechanisms of registering the people's wishes about who should govern them and what their policy should be and for providing a check on the actions of government if it disregards these wishes or deprives the people of such basic rights as freedom of speech and association. The Constitution lays down the structure of political life in elections to legislative institutions conferring powers on different sections and agents of government, and of specified rights for individual citizens. The judiciary is the ultimate remedy for checking the authoritarian trends that may tend to grow in the exercise of

power by the government. Thus, judiciary is the custodian of the rights of the people.

Elections to Central Legislature, the Lok Sabha in India, have been held continuously in 1952, 1957, 1962, 1967, 1971, 1977, 1980, 1984, 1989 and 1991. The people's verdict has produced major and at times dramatic results. The Congress party for the first time failed to gain majority in eight States in 1967 and in Parliament in 1977 and 1989.

The Lok Sabha with its regular Sessions and Committees has a role similar to that of the British House of Commons. It debates and passes legislation, scrutinises the action of government agencies and personnel, and their use of public funds, and provides a forum for the verbal questioning of the Council of Ministers. Its members can, of course, bring down the government by withdrawing their support, if the government is trying to work against the interests of the people. The proceedings of Parliament and State Legislatures by and large have been decorous and orderly. Debates of Parliament are well reported in the Press. In the first two decades of its existence, Parliament was firmly dominated by the Congress Party and for most of that time too, by the revered figure of India's first Prime Minister Shri Jawaharlal Nehru. Nonetheless, the small Opposition parties were respected and heard. Parliament was a significant arena of political exchange and a wide range of laws were passed, including major Acts of social reform. State Assemblies are much more important. They deal with matters which deeply affect the daily lives of citizens in their particular regional context. The Member of the Legislative Assembly is a highly political operator, important to his constituents not so much for his part in debate and passage of legislation but for his intervention in administration on their behalf.

The Congress Party, by its very nature, helped to encourage and organise the exchange of opinion and the airing of interests which are central to democratic politics. Congress is often called an umbrella party or a whole party system within itself, for it contained and allowed free expression of a wide range of political opinions and interests. In its many internal ideological and factional conflicts, a bargaining and reconciliation process was at work which produced an all-India consensus based on the articulation of diversity and conflict, not its suppression. Its inclusive quality owed much to its pre-Independence role as a welder of national movement and also to the presence at its helm of Jawaharlal Nehru. He combined charm, vision, energy and a streak of authoritarianism which kept the party together and strong. In the experience of long established democracies labour, trade, business and civic groups and bodies representing consumer or tax-payers are an important part of the infrastructure of political life. Major political parties in India have all organised trade union wings, peasant fronts, youth and women forums. In a parliamentary democracy, there is ample scope for deliberations and discussions and to hold different views. Sometimes, the dissenting groups

are so powerful and persistent that governments bow to public opinion and change their policies. The experiment of the Janata Government in 1977 and the National Front Government in 1989 as alternatives to the historical and long Congress rule in the country could not give a stable government.

The strategic position of India confirms that non-alignment policy could best preserve her territorial integrity. India has decided on a strategy of planning to raise agricultural and industrial production and to encourage the limitation of families not only to satisfy the basic social needs of the population at an acceptable level but also to make India industrially self-sufficient and therefore less vulnerable to international economic and political pressures. Agrarian reforms and abolition of untouchability are some of the major problems tackled by the government.

We cherish the parliamentary form of government because it is a peaceful method of dealing with problems. It is a method of argument, discussion and decision and of accepting the majority decision providing for the right of an individual to hold a different view and to convince the majority by reasoning to change its policies.

India is a vast country with a huge population of about 80 crores, speaking different languages and professing different religions. Unity and integrity of the country have been well-maintained over the last 43 years. It has proved an effective means to bring about social and economic changes in the country through its planned development based on its Five Year Plans. Both in agriculture and industry, we have made tremendous progress and emerged as a great power to be reckoned with.

Democracy thrives when the people actively participate in decision-making at different levels. In India, we have aimed at decentralisation of power by which speedy development is made possible. For any parliamentary democracy to succeed, eternal vigilance is essential for *Eternal vigilance is the price of Democracy.*

KEEP SPEAKER ABOVE POLL POLITICS

—Inder Jit

Few in India appreciate even today the key role of the Speaker in our parliamentary democracy without whom, according to Erskine May, "the House has no constitutional existence." Jawaharlal Nehru understood fully the importance of the office of the Speaker and repeatedly laid emphasis on its prestige and authority. Speaking on 8 March, 1958 on the occasion of the unveiling of the portrait of Speaker Vithalbai Patel in the Lok Sabha, Nehru candidly observed: "The Speaker represents the House. He represents the dignity of the House, the freedom and liberty. Therefore, it is right that his should be an honoured position, a free position and should be occupied always by men of outstanding ability and impartiality." Nehru also showed the greatest respect to the Speaker and, by his own conduct as the Leader of the House, encouraged the Chair to be independent and impartial.

I recall seeing Nehru once clash with free India's first Speaker, G.V. Mavalankar, on the floor of the Lok Sabha in the early fifties when the latter firmly disallowed him from making a second statement in one day in contravention of the rules. But Nehru soon realised his mistake and, though visibly agitated, gracefully bowed to the Speaker's ruling. Curiously, however, nothing concrete came to be done to establish tried conventions designed to recognise and ensure the Speaker's impartiality and independence. One sure way of achieving this was to de-politicise the office of the Speaker well and truly and to see that he was enabled to keep himself entirely aloof from party politics. Another more important way was to provide for his uncontested return to the House. But even Nehru failed to do the needful despite the clear lead given initially by Vithalbai Patel in the pre-Independence days and the healthy convention sought to be established by Mavalankar following Independence.

Vithalbai Patel, who had succeeded Sir Frederick Whyte as India's first Indian Speaker in 1925, dissociated himself from the Swarajist Party of which he was an active member prior to his election and kept himself aloof from party interests during his entire term of office. What is more, in the election of 1926, he did not stand on Congress ticket but contested as an independent and was returned unopposed. In 1951, before the Constitution came into effect, the Conference of Presiding Officers, under

Mavalankar's leadership, expressed the view that the Speaker should dissociate himself from party politics and, towards this end, "a convention should be established that the seat from which the Speaker stands for re-election should not be contested." But this suggestion went un-heeded and Mavalankar was forced to contest on Congress ticket—opposed by the Ram Rajya Parishad, the Scheduled Castes Federation and the Krishak Lok Party.

Two years later, in 1953, the Conference of Presiding Officers at Gwalior adopted a resolution reaffirming its stand that a Speaker should be returned uncontested and expressing the view that "steps for making a beginning in that direction may be pressed upon the Government." Mavalankar then took up the matter with Nehru. The Congress Working Committee considered the issue and sent a communication to Mavalankar which was disclosed by him at the Conference of Presiding Officers in Srinagar in 1954 in the following words: "Obviously, they (the Congress Working Committee) accept the desirability of laying the wider convention that the Speaker's seat should not be contested but that they will require concurrence of other political parties which they felt was not possible to obtain. But the important point is that they have accepted that it is a right convention and further they have also accepted the position that so far as possible they should not set aside a Speaker while considering his nomination for general election and then his election to Speakership."

The Congress Working Committee's decision was welcomed by Mavalankar as a good advance in the desired direction. "All conventions", he added, "grow bit by bit.... we have laid the first brick very firmly and we have now to strive further." Mavalankar then significantly proceeded to spell out "the necessary counterpart of this convention" — the obligation on the speaker. The counterpart", he said, "is that the Speaker has to abstain from active participation in all controversial politics. The essence of the matter is that the Speaker has to place himself in the position of a judge. He has not to become a partisan so as to avoid unconscious bias for or against a particular view and thus inspire confidence in all sections of the House about his integrity and impartiality. If we are able to build up this convention on our own, then only we shall be able to justify, in course of time, the other one about the Speaker's seat being uncontested."

Alas, things have not worked out the way Mavalankar hoped. The Speaker, after all, is human and it has not always been possible (or practicable) for him to resist political temptation in the absence of a definite convention assuring his continuance in office through uncontested Parliamentary election. At least one erstwhile Speaker candidly told me following his acceptance of the office: "We are elected on party ticket with party funds. How can we claim independence?" In fact, many unfortunate, may tragic, developments have taken place at the (Union) and in the States during the past three decades and more deeply involving the Speakers in active politics. In 1975, Mrs. Gandhi brought the Lok Sabha

down to the level of some State Assemblies and appointed Speaker G.S. Dhillon a Minister in her Cabinet, undermining both the prestige and the independence of the Chair. No eye-brows are raised any more in the States when politicians accept Speakership only to exploit the office for richer political dividends.

The Opposition has unfortunately not always acted in its best self-interest by denying, in effect, cooperation in providing for the uncontested election of a Speaker and adopting the traditional British maxim : Once a Speaker, always a Speaker. It has failed to appreciate that its need of an independent and impartial Speaker is much greater than that of the Government, which, in any case, is able to take care of itself with its majority. Indeed, the Speaker has been given absolute powers under our rules mainly to enable him to function impartially and give the required protection to the minority in the best national interest. The Opposition has not only acted unwisely in the matter, worse, it has undermined the Speaker's dignity and ability to function judiciously by disobeying him time and again and even calling him names. Ultimately, the Speaker's office can and should be depoliticised by common consent and the Speaker enabled to rise above political temptation and maintain his independence and impartiality.

OUR PARLIAMENTARY DEMOCRACY**— Sushila Nayar**

India became free on 15 August, 1947 and its leaders at once set to work to frame the Constitution. India, though vivisected and bleeding, was full of enthusiasm, hopes and aspirations. The man who led her to freedom was not a part of the rejoicing crowd at Delhi. He was busy in Calcutta trying to heal the wounds and wipe the tear from the eyes, of those in sorrow and suffering. The 78 year-old Father of the Nation was straining every nerve to see that though the land had been divided, the hearts should remain united.

Gandhiji returned to Delhi after performing the "miracle" of Calcutta where the "one man boundary force", as Lord Mountbatten, the last Viceroy of India, put it, had succeeded in quenching the flames of hatred and restoring sanity and peace, which had not been possible on the Western front with the help of several divisions of the Indian army.

Gandhiji sent for his Secretary Pyarelal from Naokhali, to accompany him to West Punjab. He was planning to lead a caravan of Hindus and Sikhs back to Pakistan and come back with a caravan of Muslims from there to India to undo, as far as possible, the mischief of partition. But, his allotted task in this world was over. He fell to an assassin's bullet on 30 January 1948 on his way to the evening prayers.

Nehru, Patel and others were heart-broken. They pledged to continue the task the Master had left them, unitedly and whole-heartedly and make India a truly secular state in which all citizens would have equal rights and equal responsibilities, irrespective of their religious beliefs. Pakistan became an Islamic State. In India, religion was considered a matter of personal beliefs and was not to be allowed to affect the affairs and conduct of the government. The Constitution of India, framed by the Constituent Assembly, was based on the pattern of the British parliamentary democracy though it had taken ideas from other democratic Constitutions also.

Gandhiji had insisted that free India should have universal adult franchise and there should be no discrimination on the basis of caste, creed and sex, etc. Many had pleaded with him to restrict it on the basis of education or property. They feared that the illiterate, poor and downtrodden masses would not be able to use the right of vote

judiciously. Gandhiji said this argument made it all the more necessary to give the right of vote to all. It would make those who wished to get their votes to work for the speedy removal of the disabilities of the voters and enable them to make a judicious use of their vote. The disabilities of the voters are largely still there, but they have learnt the value and use of their vote.

Gandhiji was not to see the first democratic elections held in India in early 1952. The world was wonderstruck at the orderly manner in which the democratic process was conducted in India. India became the largest democracy in the world.

Gandhiji had advised that the Congress, which had led the struggle for freedom, should not become a political party for fighting elections. Many who had participated in the freedom struggle under its banner had left it and joined other political parties. He felt the Congressmen left behind in the Congress should not get the entire benefit of the peoples' gratitude for winning freedom. The Congress should become a forum for all Indian's to work together for causes which were common and above party politics such as the removal of untouchability, illiteracy and ignorance, fight against social evils like child marriage, dowry system, consumption of alcoholic drinks and curbing of divisive forces working in the name of caste, creed, etc. In order to fight elections Congress should form a new party, he said. But Congressmen were not willing to give up a readymade organization with workers right down to the village level and work for a new one. This put an end to Gandhiji's dream of having an all-India forum for certain issues. It was a big disadvantage.

The political parties functioned in a political manner, but none of them was strong enough to defeat the Congress which remained in power with the consequent development of an attitude of smugness. Congressmen began to equate themselves with the country. Anyone who opposed the Congress was called anti-national. The corrective available when the party in power knows it may have to sit in Opposition and Opposition knows it may sit in the seats of power, so that both feel responsible and speak and act in a responsible manner, was missing. It led to a decline in values among Congressmen and others.

In 1969, there was a split in the Congress and following that the inner party democracy and elections in the Congress came to an end. The head of the government also became the head of the party. All power was now centred in the Prime Minister.

Pakistan had also opted for the British democratic pattern, and it seemed to work quite well in the early years. But the leaders in that country had not worked and suffered together to win freedom as had been the case in India. Before long, a military dictatorship took over in that country. When Indians and Pakistanis met in certain non-political conferences outside India, our friends from Pakistan would joke with

Indians saying that India would soon follow in Pakistan's footsteps. They claimed better growth rate, better control over prices and corruption under dictatorship and several Indians began to envy them. There were stresses and strains in Indian democracy in the sixties and seventies and sometimes one wondered whether the democratic system in India would stand the stress and strain. But it did, while the dictatorship across the border lost its glitter and people in Pakistan began to groan under it and longed to go back to democracy. They have done it and are struggling to stick to it and make a success of it. India wished them well in that endeavour.

But to come back to India, the greatest setback for democracy in India came when Indira Gandhi, after losing the election petition in 1975, introduced emergency in the country. But she had the wisdom to hold general elections in 1977 and the people of India proved that they had really become mature by throwing out the ruling party and voting to power the Opposition Janata Party, which had been formed by combining the parties which had suffered during the emergency. They had been brought together under the inspiration of the late Shri Jayaprakash Narayan, the Sarvodaya leader, who had come back to politics in the wake of the emergency. His health had been shattered in jail, but he was able to guide the leadership of all the political parties, (except the Communists) to give a united fight to the ruling Congress which led them to victory and the Janata Party formed the first non-Congress government at the Union in 1977.

The forces brought together by Jayaprakash Narayan were, however, unable to hold together. Individual ambitions proved the undoing of the Janata Party. In spite of the good work they had done in price control and many other areas during their short spell of two years and some months, there was a split and the splinter group under Chaudhary Charan Singh was installed in power by President Sanjiva Reddy. The Congress had promised to support him and had written to the President to that effect.

Chaudhary Charan Singh's government could not win a vote of confidence. The Congress refused to support Chaudhary Sahib in the confidence vote. Chaudhary therefore never sought a vote of confidence. In the mid-term poll that followed, the voters threw out both the Janata Party and Chaudhary Charan Singh's Lok Dal and voted Indira Gandhi back to power.

Decline in inner democracy in the Congress and being in power for over 30 years without a strong Opposition, however, had weakened it. Indira Gandhi held it together during her lifetime. After her death in October 1984 at the hands of her own security man, her son Rajiv Gandhi was put in her place as the head of the government. He held an election soon after.

In the 1984 poll, the people gave him a massive mandate. They had high hopes from the handsome young Prime Minister with a clean image.

Rajiv started well, but he had entered politics reluctantly at his mother's insistence, and the mother had not had the time to really groom him up for the job when she was removed from the world. He had many good intentions and did make many promises but was not able to fulfil them. He had 'a full five years' term during which there was considerable disillusionment among the people. He was thrown out by the voters in 1989 and the Janata Dal, which was formed by all those who had been in the Janata Party minus the Jan Sangh (which has become the Bharatiya Janata Party), won the largest number of seats after the Congress. They formed the minority government with the support of the BJP and the Communists.

The Janata Dal suffered from the same malady that had affected the Janata Party. Personal ambitions proved its undoing. In the mid-term poll that followed, the voter in India has behaved in a most mature fashion. The voters have given a mandate again to the Congress, but this time they have not given it a majority. Rajiv Gandhi's tragic murder in the middle of the election, won some sympathy seats for the Congress so that they have the largest number of seats in the Lok Sabha. The Congress had the largest number of seats in 1989 also. But Rajiv Gandhi at that time did not wish to form a minority government. He had 410 seats in the 1984 election. The 1989 verdict was a vote of no-confidence in the Congress, he felt. He, however, supported the break-away group of Chandra Shekhar to form a government towards the end of 1990, but threatened within four months to withdraw his support on the issue of lack of mutual trust. Chandra Shekhar, the Prime Minister, thereupon resigned, which forced a mid-term poll on the nation in less than two years. The voters in 1991, while giving more seats to the Congress than in 1989, did not give it a clear majority. The voter wants the Congress to prove that the Congress has become wiser.

Narasimha Rao has a challenging job. The economy is in a shambles, fissiparous trends are active. The cult of violence is threatening our hard won freedom. The ruling party has to prove its ability to cope with the situation by setting its own house in order, and by working out a common programme by consensus to ensure the security and integrity of the country on the one hand and to fight unemployment and inflation and restore harmonious relations among different castes and creeds. The voter has thrown a challenge not only to the ruling party, but also to other parties, to work together in such a way as to make a success of parliamentary democracy, which requires a reasonable term of office for the ruling party. It should be five years. This in turn demands evolving a consensus with the Opposition by the ruling party running a minority government. This can only be done if national interest and not party interest occupies the centre of the stage. Democracy in India, it seems, is firmly in the saddle.

DEMOCRACY AND INDIAN PARLIAMENT**—Samarendra Kundu**

One of the unique features of Indian democracy is that in spite of various diversities of race, language, customs, religion, food habits, dress, etc., India has been able to hold and pull together. The Parliament, a creation of our Constitution, by and large, has been able to reflect the hopes and aspirations, sorrows and joys of millions of our people.

Indian Parliament is the biggest democratic institution in the world. It has two Houses—the lower House or Lok Sabha consisting of representatives of political parties directly elected and the Upper House or the Rajya Sabha indirectly elected by the various State Assemblies. Besides, in the federal structure of the Union, there are State Assemblies, where representatives are elected directly by the people. Under the Constitution, the States have been given power to raise taxes, administer justice, control various departments and take care of law and order problems through a combined team of bureaucracy and police. The Union territories do not enjoy powers of the State Assembly, but they have a legislative forum mostly consultative in character which is partly elected and partly appointed by the Union government. In India, over a period of time, many of the Union territories have been granted statehood.

The thrust of the federal system in India is to see that while the unity of the Indian nation is maintained, the cultural identity of the people is protected and promoted, uniform economic development of the States is ensured and economically backward States are given protection. The Central finances are distributed keeping in view the harmonious growth of the States and to do away with the regional disparity as far as possible. It is said that federalism in India is unitary in nature. The frequent demand of the States to get more finances from the Union and the latter's directives to raise reserves from their own source to qualify for matching grants, etc. have led at times to bitterness among the two. There have been allegations of discriminatory practices meted out to the Opposition-ruled States and show of favouritism to States ruled by the party in power at the Union in devolving central finances, grant of projects, etc.,

A Finance Commission is appointed for a period of five years to suggest the amount and modes of devolution of Central finances to the States. Some of the State governments feel that finances given to States through

grants and recommendations of the Finance Commission are not equitable; therefore, some vague ideas about financial autonomy of the States *vis-a-vis* the Union has of late been aired. Besides, there have been accusations against the Union that it is using its enormous constitutional and economic power to beat the States politically. As a matter of fact, there have been demands by many to withdraw from the Union the power to dismiss the elected State governments as and when they like. Well, these debates go on and the search for finding solutions has become a continuing process. The appointment of the Sarkaria Commission to resolve some of the continuing problems of the Union-State relations is considered a way out.

I have been a member of Parliament for three times. I have great satisfaction to find that the Indian Parliament has been able to, by and large, respond to the urges of the people. Sometimes, I feel that the agenda of work for the Lok Sabha is so heavy that even after seven months' sitting in a year, it cannot cope with it. The source of a vibrant and a dynamic Parliament is in free and fair elections and in the efficient working of a multi-party system. It is indeed strange but at the same time true that a large segment of the electorate have decisively cast their votes to punish the erring political parties, their supporters and leaders. This speaks high of the maturity of the Indian electorate who have intelligently reacted to the problems by depending on their wisdom. The elections to the Parliament have proved from time to time that dictates of the innocent mind of the electorate have shown good results as against the elitists' drawing room speculations. The dismissal of the parties and their high and mighty leaders by the innocent people has made democracy a vibrant one, though it has caused pinpricks to the establishment and created some instability in forming governments. Some people groom the idea that a dictatorship is necessary to bring about quick socio-economic changes but this is not at all justified. Socio-economic developments, which we have witnessed in India could not have been better in a dictatorship. The people must be trusted and power must be given to them to change governments as they would like. As Rabindranath Tagore said, "In the top of everything is the man that matters". In a democracy, which we visualise, people should be the absolute masters of their destiny.

Having said this, it is necessary to find ways and means and suggest improvements in making the Parliament a real democratic responsive forum to be able to mirror the urges and aspirations of the people. It is said power corrupts the people in authority and absolute power corrupts absolutely. Therefore, power should be decentralised. Fear is bad but by a democratic movement it has to be instilled in the minds of power hungry men that if they err, they will meet their death by the bullet of the ballot. The devolution of power to the people through a four-tier system, i.e. Union, State, District and Panchayat Samiti, should be given a

practical shape. It is suggested that such an idea should be part of the Constitution. It is indeed happy to know that thinking in this line is going on in India.

As pointed out earlier, the Union-State relations have been a sweet and sour one. It has been suggested that the States should be given more powers in the Constitution. It is necessary to cut down duplications in work in the Union Ministries such as Agriculture, Health, Education, Welfare, Labour, Science and Technology, Environment, Forest, Irrigation, Health, etc., and handed over to the States. The Sarkaria Commission's report is found to be inadequate to meet the urges of many States which would function vibrantly with more power devolved to them within the federal structure. There is a point of view that if the Union should be really strong, its arms and eyes—the States—should be more stronger. The concept of unitary federal system formed during the making of the Constitution needs a change.

Many other changes are also required to make the Parliament more responsive to the needs of the people. The introduction of Subject Committee system is a good step in this regard. I had worked as the Chairman of the Subject Committee for Environment and Forests for sometime in the Ninth Lok Sabha. I found it is very useful to examine the working of the Ministry in detail. The demands of the respective Ministry which are voted by the Parliament with little or no discussion have the mandate to spend crores of rupees with little or even no scrutiny by the members. The demands of the Ministry are prepared by the clerks bureaucrats for the consideration and presentation by the Minister in Parliament. The Ministers or even Parliament have hardly any time to go into it in detail. The Subject Committees are supposed to be watch-dogs of such expenditure and implementation of policies and programmes. It has to be seen how these Subject Committees really become effective. In Indian Parliament, a beginning has been made which demands that such Subject Committees be given more teeth.

There is another aspect of our parliamentary system which needs attention. In a multi-party parliamentary democracy where coalition governments cannot be formed, will the country face election, say every six months? This will be a drain on the exchequer and cause irritation among the people. This will create disenchantment among the people with serious consequences. Can we not think of amending the Constitution on the pattern of the Norwegian model to ban election, whatever may come, for three years at least?

CRISIS IN INDIAN PARLIAMENTARY DEMOCRACY

— Varkala Radhakrishnan

We are passing through a critical period. Parliamentary democracy is today threatened both from within and from without. Though we have been witnessing difficulties in the functioning of our democracy the threat to the system itself has now become more evident than ever before.

The greatest threat to our democracy is the politics of terrorism. Terrorism is today not the concern of a single country; its dimensions are worldwide. In our country, the monster of bloody violence has been on rampage for quite sometime now. The dastardly killing of Shri Rajiv Gandhi has stunned the entire nation. It is the latest and the most shocking in a series of political assassinations taking place in our country. Seven years back, Smt. Indira Gandhi was brutally murdered. Several other leaders of various political parties have been murdered over these years. Obviously, the aim of the killers and their abettors is not just the liquidation of an individual. Their primary aim is to disrupt the democratic process in the country and plunge it in to the abyss of a civil war. It is common knowledge that terrorists very often have foreign support and sanctuary which provides strength and sustenance to their mission. Powers which are bent upon destabilising and balconising the nation are the godfathers of these terrorists. The range of their activities has broadened considerably. There are kidnappings, bombings, hijackings, wanton killings, and also various explosive devices such as time bombs, letter bombs and now the latest belt bombs. Religion, language and ethnicity are often taken advantage of by the extremists to whip up parochial feelings among the masses.

In India, terrorism has shown its ugly spectre in many areas, in Nagaland, Assam, Mizoram, Manipur, Jammu and Kashmir and in Punjab. The inability to accede to power by democratic means leads some parties to resort to extra constitutional challenges. Violence and intimidation have thus clear political overtones and they are the greatest threat to the democratic system. A strong democratic government can effectively counter this challenge with the active and vigilant cooperation of the masses.

Communalism is another serious problem facing the Indian society to-

day. There is religious fanaticism everywhere and hundreds of people have been killed and properties worth crores of rupees destroyed. Communalism has become the single biggest subversive ideology in contemporary India. Our society appears prone to continuing communal violence and political destabilisation. Communalism, in its varied shapes, has acquired a most dangerous form and an alarming proportion. It is an affront to India's nationalist identity and a tragic setback to our secular culture.

Ours is a secular state. In a secular state, religion should not have any place in the political activities of the people. It shall be an individual affair and it should never get mixed with politics. Unfortunately in our country a situation has arisen that every important political decision is gauged from the communal perspective. This has created innumerable difficulties not only to the administration but to the entire state. Our social gains have been substantially offset because of communal interference. To some extent, politicians, knowingly or unknowingly, get themselves mingled with those forces and cause untold miseries to the people. Moreover, communal forces have played a dominant role in the elections and by and large they have also influenced the results of the polls. This is a very unfortunate situation. It is high time for the people to unite themselves and fight these communal forces who are out to ruin the democratic institutions in our country.

Poverty and illiteracy are not conducive to the growth of parliamentary democracy. Without economic development, we cannot think of real democracy. Democracy and development should go together. It is essential to minimise human miseries by accelerating economic development and ensuring social justice to the people. So, effective steps will have to be taken for the eradication of poverty.

It is an accepted fact that a literate and socially conscious electorate is a must for the success of democracy. An unrelenting war has to be waged against illiteracy. Moreover, it is the responsibility of every citizen to educate the masses and the ignorant electorate so that they can exercise their wisdom while going to the polls to see that the right persons with honesty, integrity and character are elected to represent them. Any system can prevail only so long as it keeps pace with changing conditions and proves its ability to solve the problems of the people. The majority who are struggling for their survival will never tolerate the luxury for a few people. Through economic development and social justice the aspirations of the people have to be met and only then can democratic system flourish in our country.

An issue of vital importance which has a bearing on the successful functioning of parliamentary democracy in India is the Union-State relationship. It has assumed greater importance today than ever before. Some feel that there is nothing wrong with the Constitution and that the

malady lies in its implementation and there are many others who assert that a drastic revision itself would be necessary. The provision relating to the appointment and removal of Governors and discharge of functions by them have been responsible for much tension between the Union and the States. The exercise by the President of his power to declare that the government of a State cannot be carried on in accordance with the Constitution has been another source of acute controversy. The exercise of this power by the President under article 356 has failed to win the confidence of the Opposition-led governments and the people also do not believe that it has always been exercised for genuine purpose and in a non-partisan manner. There is also the complaint that the Union has not been fair to the States in relation to their financial interests. By substituting income tax on the income of corporations by corporation tax and by substituting sales tax on certain items by additional excise duties, the Union has caused considerable loss to the States' revenues.

The Report of the Sarkaria Commission on Union-State relations has stated that the power to impose President's Rule under article 356 should be used very sparingly, only in extreme cases and that the report of the Governor should contain a clear statement of all material facts. The Commission has suggested that it is desirable that a politician from the ruling party at the Union is not appointed as a Governor of a State which is being run by some other party and wanted the procedure of consultation with the Chief Minister concerned. The Commission also suggested that the Governor should be a person eminent in some walk of life and a detached figure not too keenly connected with the local politics of the State. In respect of financial matters, the Commission has recommended amendment of the Constitution which would enable the Parliament to provide for the sharing of corporation tax. It has also suggested suitable adjustments in sharing the income tax and excise duties. The Commission criticised the way of functioning of the Planning Commission and pointed out that it has functioned more as a limb of the Union government rather than as a truly federal institution.

It is therefore necessary to end the mendicant status of the States. The articles regarding the Finance Commission and distribution of revenues should be amended to provide for 75 percent of the revenue raised by the Union from all sources for allocation to different States. Thus, if there is federalism in the real sense there will be more possibilities for improvement in the lives of the people and then the democratic institutions can be said to truly reflect the wishes and aspirations of the people.

An outstanding feature of our parliamentary system is that the people at large look on their Legislatures as forums where grievances may be ventilated and remedies sought. An enlightened public opinion is a guarantee of the survival of parliamentary institutions. The people have the right to know what goes on in Parliament; they have a right to know

what their representatives do. When parliamentary proceedings are not properly reported, then that right is taken away from the people and they lose interest in Parliament. Then Parliament begins to become irrelevant and loses its authority. Aply, it has been said that the Press is an extension of Parliament. The Parliament and the Press should interact as guardians of the liberty of the people.

The Press has tremendous potential for harm if it deviates from the path of accuracy and truth. The duty of the Press is to report faithfully and not to distort events in the House. A great deal of responsibility lies on the representatives of the Press to see that matters are presented in the proper perspective. So long as they carry truthful and objective reports of the proceedings of the House, there should be no question of correspondents being hauled up for breach of privilege or contempt of the House. The conduct of the newspapers must relate to the proceedings in the House and to the service the members render to the House. The Press has to bear in mind that nothing should be done which would have the effect of lowering the dignity and respect due to the democratic institutions. It is a cardinal fact of the parliamentary system that while the Parliament reflects the will of the people, the Press keeps the Parliament constantly informed of the happenings in the country affecting the life of the people. The Parliament and the Press are custodians of peoples' rights. There cannot be any conflict between the two.

The question of parliamentary privileges has also to be viewed in this context. The object of parliamentary privileges is to safeguard the freedom, authority and dignity of the House, so that the task undertaken by it on behalf of the nation can be effectively performed. They are special rights enjoyed by a parliamentarian in the performance of his duties without which it would be impossible for him to act with honour and dignity. On many occasions, the House utilised its authority to deal with cases of breach of privilege and contempt of the House. On some occasions, the House became sensitive to its privileges and referred insignificant cases to the Privileges Committee. In numerous cases, the Privileges Committee advised the House to overlook the minor issues involved and to consult its own dignity. The House was mindful of its privileges, but it was not unnecessarily sensitive to constructive criticism. In some cases, the Privileges Committee appreciated the constructive criticism by the Press, gave due importance to the freedom of speech and publication, and advised the House not to take any punitive action. The point is, the Press must have the liberty to publish and where necessary, interpret, the proceedings of the legislature. However, it is essential that such reports are not inaccurate or distorted and the comments are fair and uphold the dignity of the august institution.

Just as the parliamentarians are entitled to privileges, they are equally expected to make dignified and honest use of their privileges consistent

with their position in a democratic set-up. Instances of disrespect to the Chair, disregard for statutory conventions of the House, frequent interruptions and occasional use of unparliamentary language or even physical force are not very rare. The result is that a lot of time is wasted in procedural wrangles than in devising ways to debate issues concerning the people. We should not forget the advice of Prof. Hiren Mukherjee, a doyen among our parliamentarians: "if Parliament is to endure, it must be transformed from a 'talking shop' to a 'working body'".

We must see to it that we promote among our people faith and trust in the parliamentary institutions. Otherwise, there will be a steady decline in the people's faith in Parliament as being the most effective instrument of democratic government. Criticism and exposure of the failings of government are essential in a parliamentary democracy. But, at the same time, we must not indulge in senseless party bickerings and recriminations in our Parliament. The Opposition should not oppose a measure just for the sake of opposition. They should support the government in matters which are for the welfare of the people and the country. Then only will the people have a feeling that Parliament is a constructive forum which is genuinely seeking solutions to national problems and not some kind of a battleground for achieving personal power.

It is one of the essentials of democracy that there should be a larger area of agreement on basic matters concerning the nation. There should be a climate of moderation and willingness on the part of the people to find solutions and compromises. Parliamentary democracy must adapt itself to the changing needs of time. The challenges to parliamentary democracy can be effectively met through a strong, forceful, vigilant and assertive public opinion.

COMMITTEE STRUCTURE IN RAJYA SABHA

—Sudarshan Agarwal

Glorified as 'Little Legislatures' and castigated as 'being over run by them like the Australians by the rabbits' Parliamentary Committees have been variously commented upon by experts and statesmen. These Committees have been in much polemics; experts have often suggested possible line of reform for them but none has dared to suggest their total abolition. This, in a way, itself is the triumph of Committee system in parliamentary democracy.

Matters may be raised on the floor of the House to secure political mileage or to score a point over one's opponents or someone may even play to the gallery but in Committees, the atmosphere is just businesslike. The phlegmatic attitude that largely characterises Parliamentary Committees is most conducive to give deep thought and consideration, meaningful deliberation, closer scrutiny and expert-like examination of senior civil servants who have long years of administrative experience behind them. Unlike the floor of the House, Committees provide excellent opportunity for cool, calm and deep deliberations and this naturally makes members of the Committees to function in a serious and businesslike manner. Committees are, in fact, a potent device which is wielded by Parliament for influencing governmental policies and overseeing the administration.

In the Rajya Sabha, the functioning of Parliamentary Committees is regulated by the Rules of Procedure and various directions given by the Chairman from time to time. The Committees of Rajya Sabha may be classified as *ad-hoc* Committees and Standing Committees.

Ad-hoc Committees are appointed from time to time to enquire into specific subjects. These are not named as such in the Rules of Procedure of the Rajya Sabha but come into being on a specific motion and become *functus officio* immediately after reporting to the House on matters assigned to them. *Ad-hoc* Committees are generally Select Committees or Joint Select Committees on bills. *Ad-hoc* Committees have, however, also been appointed by the House on other specific subjects. In 1962, the House appointed an *ad-hoc* Committee to consider its rules of procedure; in 1976, another Committee was appointed to enquire into the conduct of

a sitting member of the House and again in 1983, a Committee was constituted for reconciliation between the Nirankaris and the Akalis.

The second category of Committees, namely, Standing Committees, may be divided in terms of their functions under four broad heads:

1. Committees to Enquire—
 - (a) Committee on Petitions
 - (b) Committee of Privileges
2. Committees to Scrutinise and Control —
 - (a) Committee on Government Assurances
 - (b) Committee on Subordinate Legislation
 - (c) Committee on Papers laid on the Table
3. Committees to Advise —
 - (a) Business Advisory Committee
 - (b) Rules Committee
4. House Keeping Committees —
 - (a) House Committee
 - (b) General Purposes Committee

There are some Committees of the Lok Sabha with which members of Rajya Sabha are associated. These are:

- (a) Public Accounts Committee
- (b) Committee on Public Undertakings

Then, there are Parliamentary Committees constituted by both Houses of Parliament by passing motions in that behalf. Such Committees are:

- (a) Committee on the Welfare of the Scheduled Castes and Scheduled Tribes.
- (b) Joint Committee on Offices of Profit.
- (c) Parliamentary Committee to review the Rate of Dividend payable by the Railway Undertaking to the General Revenues.

Rajya Sabha is also represented on the Parliament Library Committee.

There are also some other Committees of both the Houses constituted under the provisions of an enactment, as for example, the Joint Committee of the Houses of Parliament constituted under section 9(1) of the Salary, Allowances and Pension of Members of Parliament Act, 1954.

With a view to further strengthening parliamentary surveillance over administration, the idea of Subject Committees had been under consideration to the Rules Committee of the Lok Sabha. It was decided that on an experimental basis three Subject Committees may be set up. In pursuance of the recommendations of the Rules Committee of the Lok Sabha, in August 1989 three Committees, namely Committee of both Houses on Agriculture, Committee of both Houses on Science and

Technology and Committee of both Houses on Environment and Forests were appointed. Each of these Committees has 22 members. 15 members are drawn from Lok Sabha and 7 members from the Rajya Sabha. These Committees are to go into the working of the Ministries and allied departments dealing with the subjects coming under the scope of these Committees.

The members of the Rajya Sabha on the Public Accounts Committee, the Committee on Public Undertakings, the Committee on Office of Profit and the Committee on the Welfare of the Scheduled Castes and Scheduled Tribes are elected by the House, while members of the other Joint Committees are nominated by the Chairman.

The Rajya Sabha is represented on other bodies such as the All India Institute of Medical Sciences, Central Advisory Board of Education, Delhi Development Authority, All India Council of Sports, Courts of the Central Universities, Haj Committee, etc.

In 1952, when the Rajya Sabha was first constituted, it had only four Committees, namely, the Rules Committee, Committee of Privileges, Committee on Petitions and the House Committee. The other Committees were constituted later on.

The working of the Committees in the Rajya Sabha is briefly described in the subsequent paragraphs.

Committee on Rules

At the time of its inception in May 1952, the Rajya Sabha had no Rules of Procedure of its own. For the purpose of regulating the procedure and conduct of business in the Rajya Sabha, the Constituent Assembly (Legislative) Rules of Procedure and Conduct of Business, in force immediately before the commencement of the Constitution, were modified and adopted by the Chairman of the Rajya Sabha in exercise of the powers conferred by article 118(2) of the Constitution. These rules continued to regulate the procedure and conduct of business in the Rajya Sabha for 12 years.

The first Committee on Rules of the Rajya Sabha was nominated on 12 May 1952. It consisted of 15 members, including the Chairman, Rajya Sabha, as the *ex-officio* Chairman of the Committee.

Since 1982, the Committee on Rules consists of 16 members, including the Chairman and the Deputy Chairman. The Chairman of the Rajya Sabha is the Chairman of the Committee. The Committee is constituted every year but it continues to hold office till a new Committee is nominated by the Chairman.

The main function of the Committee is to consider matters of procedure and conduct of business and to recommend any amendments or additions

to the rules that may be deemed necessary. On the acceptance of the recommendations of the Committee by the House, amendments are made to the **Rules of Procedure and Conduct of Business** and they come into force from such date as the Chairman, Rajya Sabha, may appoint.

Committee on Privileges

So as to ensure that the privileges of members and those of the House are protected, the Committee of Privileges performs an important role. This Committee has been functioning in the Rajya Sabha since 22 May 1952, when it was first nominated. The Committee is constituted to examine every question of privilege referred to it either by the House or by the Chairman and to determine with reference to the facts of each case whether a breach of privilege is involved, the circumstances leading to it and to make such recommendations as it may deem fit. It consists of ten members nominated by the Chairman. The Chairman of the Committee is also appointed by the Chairman from amongst the members of the Committee. Generally, the Deputy Chairman is appointed the Chairman of the Committee. Normally, the tenure of the Committee is one year but it continues to hold office till a new Committee is nominated.

Every Report of the Committee is presented to the House by the Chairman of the Committee or in his absence by a member of the Committee. After the report is presented to the House, a motion for consideration of the report may be moved by the Chairman of the Committee or any other member of the Committee. Any member may give notice of amendments to the motion for consideration of the report in such form as may be considered appropriate by the Chairman, Rajya Sabha. After the motion for consideration of the report has been carried, the Chairman or any member of the Committee or any other member may move that the House agrees or disagrees or agrees with amendments to the recommendations contained in the report. The Committee has so far presented 29 reports to the House on matters referred to it.

Business Advisory Committee

The volume and pressure of parliamentary work being generally quite heavy, it is necessary to plan the business of the House within the time available for discussion. With a view to achieving this purpose, a Committee of the House was considered essential and the Business Advisory Committee was accordingly set up.

The Business Advisory Committee was constituted for the first time in the Rajya Sabha on 4 August 1952. The Committee consists of 11

members, including the Chairman and the Deputy Chairman of the Rajya Sabha and the Chairman of the Rajya Sabha is the *ex-officio* Chairman of the Committee. The Committee so nominated by the Chairman holds office till a new Committee is nominated.

The functions of the Committee are to recommend the time that should be allocated for the discussion of stage or stages of such Government Bills and other business as the Chairman in consultation with the Leader of the House may direct for being referred to the Committee. The Committee has also the power to indicate in the proposed time-table the different hours at which the various stages of the Bill or other business shall be completed. In short, the Committee decides the time-table for Government legislative and other business of the House.

Apart from allocating time for Government legislative and other business, the Committee also recommends allocation of time for discussion of stage or stages of Private Members' Bills and Resolutions. The Committee also selects for discussion No-day-yet-named-Motions and Short Duration Discussions tabled by Private Members. Proposals for late sitting of the House, extension of sittings of the House beyond the normal schedule, fixing of additional sittings and cancellation of sittings are normally placed before the Business Advisory Committee for its recommendations. Although it has been provided in the Rules that the Report of the Committee will be adopted by the House on a formal motion, but according to the well-established practice in the Rajya Sabha, the Committee's recommendations as announced in the House are treated as final and no formal motion in respect thereof has ever been moved.

General Purposes Committee

The General Purposes Committee consists of the Chairman, Deputy Chairman, Leader of the House, Leader of the Opposition, Members of the panel of Vice-Chairman, Chairmen of all Standing Parliamentary Committees of Rajya Sabha, Leaders of recognised parties and groups in the Rajya Sabha and such other members as may be nominated by the Chairman. No fixed number is prescribed. The first Committee which was constituted on 28 May 1956 had 16 members on it; the Committee constituted on 12 May 1983 consists of 19 Members. The Chairman, Rajya Sabha, is the *ex-officio* Chairman of the Committee.

The functions of the Committee are to consider and advise on matters concerning the affairs of the House and such other matters as may be referred to it by the Chairman from time to time. The Committee was called from time to time and it has rendered advice on various matters of procedure to the Chairman. The decision to celebrate the 25th anniversary and the 100th Session of the Rajya Sabha in May 1977 was taken by the General Purposes Committee. In 1988, this Committee decided that the birth centenary of Dr. Sarvepalli Radhakrishnan, the first Chairman of

Rajya Sabha, should be celebrated in a befitting manner and, therefore, a number of functions were organised by Rajya Sabha in his memory. A commemorative volume on Dr. Radhakrishnan was also published.

Committee on Petitions

The Committee on Petitions is one of the oldest Parliamentary Committees. If we trace its origin, we find that such a Committee was first constituted in India in 1924. It was then known as the Committee on Public Petitions.

In the Rajya Sabha, it was first nominated on 22 May 1952, with five members, including the Chairman of the Committee. The membership of the Committee continued to be five till 1974 when it was increased to ten and since then the Committee continues to be composed of 10 members. The Committee continues in office till a new Committee is nominated. Normally, the Committee is reconstituted every year.

Till the year 1964, petitions could be presented to the Rajya Sabha only with regard to Bills which had been published in the Gazette of India or introduced in the House or in respect of which notice to move for leave to introduce the Bill had been received. The scope of the Committee was thus limited to consideration of such petitions only. Since 1964, when the Rules of Procedure of the Rajya Sabha were amended, the scope of the Committee has been widened. Now petitions can be presented on any matter of general public interest barring the subjects which fall within the jurisdiction of court of law and judicial and quasi-judicial bodies. However, petitions on matters which are not the concern of Government of India, which can be raised through substantive motion or resolution and for which remedy is available under the law, cannot be presented.

The first step the Committee takes on a petition which has been referred to it, is to obtain the comments of the concerned Ministry/ Department of the government on the points raised therein. The second stage of consideration by the Committee is to record oral evidence of the petitioner(s) and others concerned with the petition. The petitioners, the representatives of the government and other persons, including representatives of an institution or body, whose evidence may be relevant to the petition, are invited to appear before the Committee and give evidence in regard to the petition.

The Committee presents its report to the House as applicable to all Committees.

The Committee has served as an effective instrument for the redressal of public grievances. Even a cursory look at the various Reports presented by the Committee will reveal this. For example, in one of its reports, the Committee recommended that a leather factory at Kanpur, should be nationalised. Subsequently, this was done. Another petition which the

Committee dealt with was concerning the physically handicapped persons. The Committee recommended that such persons should be given some concessions in regard to the payment of road tax on their vehicles. As a result of this recommendation, the handicapped persons have got the desired concessions. In its 52nd Report, the Committee considered a petition dealing with water and air pollution in a town of Orissa due to discharge of industrial effluents by a chemical company. Among other things, the Committee recommended that the Central Board for the Prevention and Control of Water Pollution should immediately collect, compile and furnish technical data relating to water pollution and suggest devices for its effective prevention and control and that government should prescribe by law that expenditure incurred by the industries to check pollution was mentioned separately in their annual accounts and any violation of this provision should be deemed a contravention of the pre-condition imposed while granting industrial licence. In yet another Report, the Committee dealt with the pollution of Husain Sagar Lake of Hyderabad. Due to intervention of the Committee, not only has the Lake been thoroughly cleansed, but arrangements have also been made to keep the Lake permanently free of pollution. In its 96th Report, the Committee dealt with a petition praying for a thorough review of the entire policy relating to allotment of LPG dealership to economically weaker sections of the society. In its investigations, the Committee found that in spite of the concessions and the policy of earmarking a percentage exclusively for persons belonging to Scheduled Castes/Scheduled Tribes, the whole concept of benefitting these poor sections of the society was getting diluted and the economic and social uplift of these sections as visualised through such reservation was rather slow. To tackle the problem, the Committee *inter alia* recommended that the new LPG sites should be allotted on rotational basis so as to ensure viability of SC/ST dealers and all this should be so done that no scope was left for SC/ST people to feel neglected. The Committee had also examined a petition praying for a thorough review of the entire procedure relating to the grant of pension to freedom fighters.

Thus, through the instrumentality of this Committee, the Rajya Sabha is performing an important role in the redressal of public grievances.

Committee on Subordinate Legislation

The Constitution of India provides for the establishment of a Welfare State based on justice and equality. There is hardly any activity in a common man's life which is not regulated by the State in one form or the other. The area and extent of governmental activity, therefore, has widened considerably necessitating enactment of a larger number of laws.

It is not possible for any legislature to pass all comprehensive legislative measures, anticipating and meeting all possible contingencies and

situations because of pressure on parliamentary time, technical nature of the subject matter and the need to have flexibility and adaptability and to act speedily. Hence, the details which are essentially subsidiary or procedural in nature are left to be supplied and supplemented by rules, regulations and orders within the prescribed framework of and limits imposed by the statute itself and subject to parliamentary control.

Parliament exercises its control on subordinate legislation in three ways. Firstly, it requires, by providing in the statute, that the rules, etc. made thereunder should be laid down on the Table so that Parliament is kept informed about them. Secondly, it gives, again through the statute, a right to the Parliament to make modifications or amendments in these rules by adopting a motion or resolution moved within a stipulated time. Thirdly, each House of Parliament has set up a Committee known as Committee on Subordinate Legislation to scrutinise the rules made under the statutes.

The Committee on Subordinate Legislation is an important Committee of Parliament. The first Committee on Subordinate Legislation of the Rajya Sabha, with 15 members, was nominated by the Chairman, Rajya Sabha, on 30 September 1964. The Rules of Procedure of Rajya Sabha were amended in 1972 to widen the scope of the Committee's functioning so that the Committee could scrutinise rules and regulations made under the Constitution also.

The main work of the Committee is to consider, scrutinise and report to the House whether the powers delegated by the Constitution or a statute of Parliament have been properly exercised within the framework of the Constitution or the concerned statute.

By the direction of the Chairman of the Rajya Sabha, the scope of the Committee's functioning has been further widened. The Committee may also examine Bills as introduced in, or laid before the House with a view to seeing whether the provisions have been made requiring laying of the rules, regulations, etc. on the Table of the House.

The Rajya Sabha Committee on Subordinate Legislation has so far presented 86 Reports to the House. These Reports reveal certain noteworthy contributions made by the Committee not merely in the matter of improving the form or drafting of the subordinate legislation but also in the matter of substance and content thereof, especially in respect of rules which appear to affect a citizen's rights. Many of the recommendations made by the Committee have also led to amendment of statutes. The Committee also reports to the House from time to time on action taken or proposed to be taken by government on the various recommendations made by it.

Over the years, the Committee has assumed an important role in exercising parliamentary control over the executive. In its various reports, the Committee has made observations / recommendations of lasting value. In its 10th report, the Committee recommended that rules and regulations

required to be made in pursuance of a statute should be framed as soon as possible and in no case later than six months from the date on which the statute comes into force.

Sometimes, delay is caused in making rules, regulations, etc. due to the fact that many agencies are involved in the framing of rules. In such cases, the Committee has observed that no retrospective effect should be given to subordinate legislation unless such power is specifically conferred by the statute. If in a particular case, the rules have to be given retrospective effect due to unavoidable circumstances, government should take immediate action to clothe it with legal sanction for the purpose and even when a statute empowers giving of retrospective effect, the rule should be accompanied by an explanatory memorandum setting out therein reasons and circumstances which necessitated giving of such retrospective effect.

While examining the rules made under the Indian Telegraph Act, 1885, the Committee, in its 82nd Report, expressed its unhappiness over the fact that the Ministry of Communications and the state governments have not so far made rules so as to provide adequate safeguards for prevention of improper interception or disclosure of messages as required under Section 7(2) (b) and 5 of the Act. The Committee observed that our Constitution guarantees certain fundamental rights to the citizens from which the right to privacy flows. It is of paramount importance that the privacy of a citizen is protected and is not jeopardised by taking recourse to interception of messages, etc.

The Committee does not venture to impinge upon the powers delegated to the administrative authority to frame rules but only seeks to ensure that the power is not misused. The Committee is guided by the considerations of public welfare.

Committee on Government Assurances

The Parliamentary Questions listed for oral as well as for written answers are devices for keeping the administration under the continual surveillance of the legislature. It is obvious that in many cases, a Minister, while replying to a question or supplementaries thereon in the House, cannot furnish forthwith all information asked for by the questioner. The questioner also is aware that he cannot expect that the matter raised by him would always receive a satisfactory reply immediately. What he expects, however, is a reasonable response from the Minister in the form of an assurance as to what government propose to do in the matter. Thus, many a time, Ministers give assurances, undertakings or promises either to consider the matter, take appropriate action thereon or collect and furnish relevant information to the House. Such assurances are given not only while replying to questions but also during the discussion on Bills, Resolutions, Motions, etc. These assurances are like safety-valves and

help in calming down momentary tensions which generally arise if the replies given by Ministers are evasive or unsatisfactory. But the matter should not, in public interest, be allowed to rest there. With a view to keeping a watch over the implementation of such assurances, the need for constituting some parliamentary agency to look into such matters was felt. This is how the Committee on Government Assurances came into being. This Committee is wholly an Indian innovation.

The first Committee on Government Assurances of the Rajya Sabha was constituted on 1 July 1972. The Committee consists of 10 members, including the Chairman. The Committee continues in office till a new Committee is constituted.

Since the purpose of an assurance is lost unless it is implemented within a reasonable time, the Committee has laid down the time limit of three months for the implementation of an assurance.

In the first stage, the Committee culls out assurances from the verbatim proceedings of the House on the basis of a standard list of expressions or forms approved by the Committee.

After the assurances, etc. have been culled out from the proceedings of the House, the Secretariat sends them to the Ministries concerned for implementation. The Ministry thereupon takes action under intimation to the Ministry of Parliamentary Affairs. On the basis of the information furnished by the Ministries, the Minister of Parliamentary Affairs lays on the Table of the House, from time to time, statements of action taken by the Ministries. Such statements clearly show the implementation of specific assurances supported by documents, wherever necessary.

As soon as statement on the implementation of the assurances are laid on the Table of the House, the Secretariat, on behalf of the Committee, examines these statements with a view to ensuring that there has been a complete and satisfactory implementation of the assurances or whether something further is required to be done on any of the assurances or whether an inordinate delay had occurred in their implementation. The findings in the matter are placed before the Committee for its consideration.

This Committee has proved to be a very useful device in ensuring government's accountability to Parliament. This is evident from the various Reports presented by the Committee so far. In the first Report which was presented to the House on 13 November 1972, the Committee had stressed the need to take all necessary steps to implement assurances within the prescribed period of three months. In another Report, the Committee observed that assurances made on the floor of the House would lose their meaning if their implementation was delayed inordinately and, therefore, reiterated that government should ensure that all assurances were implemented within the prescribed period.

To prove the point that the Committee has influenced the working of the executive, one can quote a number of examples. In a reply to Unstarred Question No. 1710 given on 9 August 1983 in the Rajya Sabha regarding loss of 7 Customs employees' lives in a boat tragedy near the Madras Harbour on 15 April 1983, the then Minister of Finance had informed the House that the matter was under enquiry, the results of which were awaited. The Ministry had requested the Committee to drop the assurance which was not acceded to. As there was considerable delay, the Committee took the oral evidence of the government representatives as well as of the widows of the three employees of the Customs Department of Madras who had lost their lives in the tragic incident. The Committee took serious note of the lack of initiative on the part of the government and expressed its anguish about the inordinate delay of two years in arriving at a decision. The Committee's recommendation that the magisterial enquiry in the matter be expeditiously completed, brought the government on its toes and as a result thereof, the then Minister of Finance informed the Committee vide his letter dated 28 October 1985, that the families of the deceased officers had been adequately compensated.

Employees' participation in the management of the Central Public Sector Enterprises formed the subject matter of the two identical assurances given in answer to two Rajya Sabha questions. Both the assurances were fulfilled and the Implementation Statements were laid on the Table of the House but on scrutiny, it was found that the assurances were not satisfactorily implemented. The Committee, therefore, undertook on-the-spot visits to several public sector undertakings located in different parts of the country and held discussions with the management and with the representatives of the administrative Ministries concerned and the Ministry of Labour to obtain a first-hand knowledge about the implementation of the Scheme for Employees' Participation in the Management which was announced by the Government on 30 December 1983. After hearing the parties concerned, the Committee gave its recommendations on the question. Pursuant to the recommendations of the Committee, the Ministry of Labour in March 1990, furnished a progress Report on the Implementation of the Scheme for Employees' Participation in the Management. The Ministry stated that they were adopting a new approach to the old concept of labour participation in management and were contemplating to revise the whole scheme as notified in December 1983 and the Bill to that effect would soon be introduced in Parliament. Subsequently, the Participation of Workers in Management Bill, 1990 was introduced in the Rajya Sabha on 30 May 1990. This shows that efforts of the Committee in pursuing the matter ultimately yielded desired results.

In the recent past, the Committee had dealt with matters like shifting of obnoxious and hazardous industries from the residential colonies in Delhi to the industrial areas, National Communication Policy, Reconstitution of the National Committee on Women, amendment to the Indian Evidence Act and law of Libel, etc.

The Committee, thus, keeps a constant watch on the implementation of promises/assurances/undertakings which the Ministers give on the floor of the House.

House Committee

The House Committee consists of 7 members who are nominated by the Chairman. The Committee holds office until a new Committee is nominated. The Chairman of the Committee is appointed by the Chairman, Rajya Sabha, from amongst the members of the Committee.

The functions of the House Committee are:

- (1) to deal with all matters relating to residential accommodation of members;
- (2) to exercise supervision over facilities for accommodation, telephone, food, medical aid and other amenities accorded to members; and
- (3) to consider and provide such amenities to members as may be deemed necessary from time to time.

Committee on Papers laid on the Table of the House

A wide variety of papers are laid on the Table of the House. The practice of laying papers on the Table is a long established one. In certain Central Acts, specific provision exists for the laying on the Table of certain documents such as audited accounts and annual reports of autonomous bodies, government companies, etc. as also the rules made by the government in exercise of the delegated powers of legislation. Sometimes, government on their own lay on the Table important reports, agreements and other papers, which government think should be brought to the notice of Parliament.

Previously, all matters relating to Papers Laid on the Table, like delay in laying a paper and whether there had been compliance of the statutory provisions for laying the paper or whether papers required to be laid on the Table had actually been laid and whether both Hindi and English versions of a paper had been laid, were left to individual members to probe and to raise these points in the House. Considering the huge volume and variety of papers which were laid on the Table from day to day and the fact that papers to be laid on the Table were not available to members for scrutiny in advance, it was not always possible for members to exercise vigilance in respect of all the aspects of papers laid on the Table. The House by itself was also not in a position to give a closer scrutiny to each and every document laid on the Table. It was in that background that the need to constitute a Committee on Papers Laid on the Table was felt and the Committee on Rules, in its second report presented to the Rajya Sabha on 2 May 1979, recommended for the constitution of the Committee on Papers

Laid on the Table. The second Report was agreed to by the Rajya Sabha on 24 December 1981.

The Committee on Papers Laid on the Table was for the first time constituted on 3 March 1982. It consists of 10 members nominated by the Chairman. Its normal tenure is one year but continues to hold office till a new Committee is nominated.

After a paper is laid before the Rajya Sabha by a Minister, the Committee considers—

- (a) Whether there has been compliance with the provisions of the Constitution or the Act of Parliament or any other law, rule or regulation in pursuance of which the paper has been so laid;
- (b) Whether there has been any unreasonable delay in laying the paper before the House and if so, (i) whether a statement explaining the reasons for such delay has also been laid before the House along with the papers; and (ii) whether these reasons are satisfactory;
- (c) Whether the paper has been laid before the House both in English and Hindi and if not, (i) whether a Statement explaining the reasons for not laying the paper in Hindi has also been laid before the House along with the paper; and (ii) whether these reasons are satisfactory.

The Committee has the power to require the evidence of persons or the production of papers or records, if such a course is considered necessary for the discharge of its duties.

The Committee, on its constitution, immediately addressed itself to the task of examining the Reports and accounts of the public undertakings and statutory corporations under the Union government and made valuable recommendations of vital nature as contained in its first Report presented to the House on 11 August 1982.

In this Report, the Committee has recommended that the copies of the Annual Report and audited Accounts of Public Undertakings established by Acts of Parliament or government companies incorporated under the companies Act or Societies registered under the Societies Registration Act or any other organisation/Board for which annual reports, etc. are to be placed on the Table of the House of Parliament, together with the Report/Review/Comments of the Auditors and the Comptroller and Auditor General of India (C&AG), wherever necessary, and the Report/Review of the government should be laid within nine months of the closure of the accounts. Timely laying of these papers on the Table of the House apprises Parliament of the functioning of Public Enterprises. In case where a delay in laying of papers is likely to occur, the administrative Ministry should approach the Committee sufficiently in advance for extension of time and also explain the reasons for requiring more time for laying of the

paper In this Report, the Committee has also recommended that the Reports of the Public Undertakings/Companies/Societies, etc. which are laid on the Table of the House, should include:

- (i) Annual Report; (ii) Audited Accounts; (iii) Comments by the C&AG whenever given; (iv) Review by C&AG whenever given; (v) Reply to the observations of the Auditor and to the comments and Review of C&AG; (vi) Report by the government under the relevant Section of the Companies Act in respect of government companies and also the Review in respect of other institutions for which the Reports are laid by government; and (vii) Annual budget of government Company/Organisation to be presented to Parliament.

The Committee has also impressed upon the Ministries/Departments that ordinarily both the English and the Hindi version of Reports or the documents should be laid on the Table simultaneously.

In its 41st report, the Committee has commented upon the delay in the appointment of statutory auditors for government companies and such other bodies. It is observed by the Committee that the Annual Reports and Audited Accounts of Public Undertakings established under the Acts of Parliament or government Companies incorporated under the Companies Act, 1956, etc. which are required to place on the Table of the House their annual reports within nine months of closure of their accounts were not laying their papers within the stipulated period. Normally, such delays were attributed by the administrative Ministry to the delay in the appointment of the statutory auditors. To tackle the situation, the Committee reiterated its recommendation that the Company Law Board should, in consultation with the Comptroller and Auditor General, evolve a simplified procedure which would eliminate such delays.

The timely laying of papers by the Public Sector Organisations and other government bodies on the Table of the House can be attributed to the efforts of this Committee.

In sum, parliamentary control which is exercised through the Committees cannot be viewed as some kind of impediment or obstruction in the functioning of the government. In fact, by ensuring accountability, what is intended by Parliamentary Committees is to ensure efficiency and social justice. The Committees function in a non-partisan fashion and their deliberations are always objective. This naturally makes the government accept the recommendations of the Committees.

PARLIAMENT AT WORK: AN APPRAISAL**—K. C. Rastogi**

The Parliament of India is a people's institution, *par excellence*. Under the scheme of universal adult franchise embodied in our Constitution, the people exercise their sovereign power to elect their representatives to Parliament notwithstanding the fact that members of the Rajya Sabha, the Upper House, are elected in an indirect manner, *i.e.* by the members of State Legislative Assemblies and not by the people themselves. The Indian Parliament reflects truly the hopes and aspirations of the people that it represents. Our Parliament is the corner-stone on which the Indian polity majestically stands, drawing admiration from many quarters and offering inspiration to all those who hold democratic ideals dear.

The richness and vibrancy of our parliamentary system has been amply proved by the fact that as many as ten general elections have been held since the Constitution came into force on 26 January 1950. The Tenth general election held in the country recently, has undoubtedly ushered in a new phase in our political life insofar as the electorate has not given a clear mandate to any of the major national parties. The country expects the newly formed Congress (I) government to function on the basis of a broad consensus on major economic, political and international issues.

There is, however, no denying the fact that the Indian voter has through successive elections proved to the world his innate faith in the democratic process and in parliamentary institutions. For us, each election has been like a festival of representative parliamentary democracy and yet another lesson in political education. Each poll is a further testimony to the fact that with all its imperfections, the system chosen by our founding fathers has no better alternative. There is no doubt that there have been some aberrations in the system and we cannot but feel concerned about booth capturing, bogus voting, attempted rigging at various places, and growing poll violence, the grim culmination of which was the brutal assassination of the Congress(I) president and former Prime Minister, Shri Rajiv Gandhi in Sriperumbudur near Madras, even while the general elections were on. All this notwithstanding, the people of India are determined that parliamentary democracy in the country has to survive, the sanctity of the ballot has to be preserved and the people's right to free choice has to be protected at all costs.

Composition

Our Parliament consists of the President and the two Houses, namely, Rajya Sabha (Council of States) and Lok Sabha (House of People). While both Houses of Parliament are equal insofar as their powers and functions are concerned, Lok Sabha has supremacy in financial matters and the Union Council of Ministers, drawn from both Houses of Parliament, is collectively responsible to it.

The President is elected by an electoral college consisting of the elected members of both Houses of Parliament and the elected members of Legislative Assemblies of the States.

Rajya Sabha

Rajya Sabha is a permanent body and is not subject to dissolution. While the term of an individual member of Rajya Sabha is six years, as nearly as possible, one-third of its members retire at the expiration of every second year in accordance with the provisions made in that behalf by Parliament by law. It may consist of not more than 250 members. Of these, 12 are nominated by the President for their special knowledge or practical experience in such matters as literature, science, art and social service. Rajya Sabha was constituted for the first time on 3 April, 1952. At present it consists of 245 members, including 12 nominated members.

Lok Sabha

Lok Sabha, on the other hand, has been provided with a fixed term as in the case of the popularly elected House of Representatives in the United States of America and the House of Commons in the United Kingdom. The *raison d'être* of representative democracy is that the government should obtain the mandate of the people at fixed intervals in order to continue in office legitimately. The term of the Lok Sabha is five years from the date appointed for its first meeting. The maximum strength of the House envisaged by the Constitution is 552—upto 530 members to represent the State, upto 20 members to represent the Union territories and not more than two members of the Anglo-Indian community to be nominated by the President, if in his opinion, that community is not adequately represented in the House. The present sanctioned strength of the Lok Sabha is 545, including the Speaker and two nominated members.

Constitution of the House and Sessions

Thus far, ten Lok Sabhas have been constituted. Following the First general elections, the First Lok Sabha constituted on 17 April, 1952, met for the first time on 13 May, 1952. Whereas the First, Second and Third

House of the People (Extension of Duration) Act, 1976. The House was dissolved on 18 January 1977, after having been in existence for a period of 5 years, 10 months and 6 days. It had eighteen Sessions. The Sixth Lok Sabha, constituted on 23 March, 1977, was dissolved on 22 August, 1979, nearly two and half years earlier than its usual term. In all, it had only nine Sessions. The last Session (Ninth Session) which commenced on 20 August, 1979, concluded on the same day. The Seventh and Eighth Lok Sabhas also had more or less completed their full terms. The Ninth Lok Sabha, constituted on 2 December, 1989, was dissolved on 13 March, 1991 just 15 months after it was duly constituted. The Tenth Lok Sabha was constituted on 20 June 1991.

Sittings and Duration

There has been a marked increase in the number of actual sittings of the House and their duration revealing an upward trend in the legislative and deliberative activities of Parliament. The average annual duration of the sittings between the years 1952 and 1970 was 124 days. Though the average number of sittings during 1971 to 1990 comes to only 96 days per year yet the average duration per sitting was 7 hours 17 minutes as compared to 6 hours 37 minutes during 1950—1970.

Parliament—a Multi-functional Institution

Our Parliament is verily a multi-functional and multi-dimensional body. An analysis of the time spent by various Lok Sabha (shown in the following Table) clearly indicates that during successive Lok Sabhas the time spent by it on its traditional role of law making, has come down considerably. It was 48.80 per cent in the First Lok Sabha, and only 16.23 per cent of the total time spent in the Ninth Lok Sabha. On the other hand, the time spent on its grievance redressal role, *i.e.* through Calling Attention Motions under rule 197, Short Duration Discussion under Rule 193 and Half-an-Hour Discussions under Rule 55, etc. has increased substantially. It was only 4.80 per cent in the First Lok Sabha and has increased by almost ten times to 47.52 per cent of the total time spent in the Ninth Lok Sabha. This clearly shows that in recent decades, emphasis has shifted more and more to representational and grievance ventilation roles making our Parliament as a people's institution *par excellence*.

Lok Sabha	I	II	III	IV	V	VI	VII	VIII	IX
Different procedural devices									
Total Duration (Hours)	3784	3651	3733	3029	4071	1753	3224	3224	754
Percentage to total									
1. Legislative Business	48.80	28.20	23.00	22.08	27.55	23.51	23.99	25.00	16.23
2. Budget	18.50	20.90	25.00	19.30	21.84	23.28	30.84	21.74	16.00
3. Questions	14.60	15.10	15.10	15.94	12.61	13.70	12.20	12.80	10.14
4. Resolutions	6.30	5.50	5.90	6.45	5.17	3.72	3.96	5.47	5.77
5. Motions	7.00	13.70	13.20	9.22	6.55	10.71	6.35	3.66	4.34
6. Other Discussions under rule 193 (Short Duration Discussion and rule 55 (Half-an-Hour Discussions), etc.	4.80	16.60	17.80	27.01	28.48	25.10	32.66	31.33	47.52

Questions

The Question Hour is an interesting and lively hour of a parliamentary day; perhaps no other business evokes as much interest among the public and the members themselves as the Question Hour. Questions asked by members and the answers given by Ministers throw valuable light on the entire gamut of the functioning of the government. The Table given below clearly shows that over the years, members have shown an increasing tendency in making use of this device for eliciting information from the government.

Number of Questions	Notices received	Questions admitted	Percentage of Questions admitted to notices received
LOK SABHA			
I	92134	42725	46.37
II	143651	63607	44.27
III	162334	58355	36.00
IV	264742	93538	35.30
V	252700	98606	39.02
VI	137045	51209	37.36
VII	269221	102959	38.24
VIII	250098	98390	39.24
IX	75228	21550	28.64

Legislation

India's parliamentary system is quite vibrant. All our democratic institutions are as such responsive to changing conditions. A government founded on the principle of popular sovereignty must make possible the fresh assertion of the popular will as it changes from time to time. In the light of this, Parliament is required to make laws as also amend the Constitution from time to time. Law-making is still deemed to be the predominant function of Parliament even though today it is not the only function. Moreover, in law-making, Parliament is not the only body. The government makes legislative proposals. All such proposals have to be brought in the form of Bills before Parliament. A Bill is a statute in draft, and no Bill whether introduced by the government or a private member, can become law until it has received the approval of both the Houses of Parliament through a well-defined process and finally the assent of the President.

During the period 1952-1990 a total of 2494 pieces of legislation, averaging to about 64 Acts per year, were enacted by Parliament. These pertain to constitutional, administrative, social, financial and legal matters.

Procedural Initiatives and Innovations

Parliamentary system, in order to be receptive to the problems, hopes urges and aspirations of the people, has to be ever evolving. Parliamentary practice and procedures are intended to regulate and facilitate debate and discussions on issues of vital concern to the people at large from whom the members derive all their legitimacy and authority. While the basic principles and rules of procedure remain the same, parliamentary techniques, practices and devices are always in a state of evolution and keep multiplying to suit the emerging needs of the times. Inasmuch as no two situations confronting the Chair or the Parliament are exactly alike, parliamentary procedure may be said to be evolving or changing - howsoever imperceptibly-almost every moment when the House is sitting.

The Rules of Procedure and Conduct of Business in Lok Sabha were first adopted in 1952. No comprehensive review of these Rules was made for a long time thereafter. In 1989, however, there was a comprehensive review undertaken by the Rules Committee and they recommended amendments to several provision of the Rules. After approval by the House, these new Rules came into force on 9 May, 1989. Consequential amendments to the Directions by the Speaker were laid on the Table of the House on 10 May, 1989.

Subject Committees

Pursuant to the recommendations of the Rules Committee, the Eighth Lok Sabha took a major step forward in strengthening parliamentary control over the government by setting up three Subject Committees - one each on Agriculture, Science and Technology and Environment and Forests - with effect from 18 August, 1989. Since the House was dissolved soon thereafter, these Committees could not do much work for want of time. Constituted again in the Ninth Lok Sabha, these Committees started functioning and took up a number of subjects of national importance for examination and detailed study.

Rulings from the Chair

Rulings given, from time to time, by the Presiding Officers constitute precedents by which later Speakers, members and officers involved in the running of the House are guided. It is, in fact, one of the most important functions and responsibilities of the Speaker to interpret the Constitution and Rules of Procedure insofar as matters relating to its proceedings and the Conduct of the Business in the House or matters relating to the precincts of the Parliament are concerned. Successive Speakers have handed down hundreds of important and significant Rulings from the Chair, some of them of far-reaching consequence, on a variety of problems and issues faced by them and these form the basis of the Procedure and Practice of Parliament and are relied upon

by Speakers all over the country. In the Ninth Lok Sabha, for instance, the decision of the Speaker under the Tenth Schedule to the Constitution which came on 11 January 1991, was an important landmark in the annals of parliamentary procedure. In his decision, the Speaker recognised Janata Dal(S) as a political party with 54 members in the House, following a split in the original Janata Dal. Further, in exercise of powers under paragraph 6 of the Tenth Schedule, the Speaker disqualified seven members, five of whom were members of the Council of Ministers, for being members of Lok Sabha in terms of paragraph 2(1) (b) of the said Schedule. Another member was declared disqualified in terms of paragraph 2(1) (1) of the same Schedule. This decision had far-reaching political consequences.

Also, on 12 March, 1991, came yet another important decision by the Speaker when he admitted the notice of the motion dated 27 February, 1991 signed by 108 members of the House for presenting an address to the President for the removal of a Judge of the Supreme Court of India under article 124(4) of the Constitution read with section 3 of the Judges (Inquiry) Act, 1968. The motion had listed a number of acts of misbehaviour alleged to have been committed by the Judge. It may be mentioned that this was the first occasion when such a motion was admitted.

Information Services for Members

Parliament essentially is a deliberative body. Parliament debates a wide range of topics covering almost every sphere of national and international activity on which members have to be kept informed. Moreover, in today's technological and scientific age it is almost imperative that legislators are provided with information with utmost speed. Considering all these aspects and the fact that this type of service could and should be provided within Parliament itself and in the most objective manner, Parliament has established its own information machinery in the form of the Library and Reference, Research, Documentation and Information Service (LARRDIS) serving members of both Houses of Parliament. Parliament Library which is an essential component of this set-up, is presently one of the finest repositories in the country and is widely used not only by members of Parliament but also research scholars from far corners of the country and abroad.

Eminent Parliamentarians Monograph Series

The Executive Committee of the Indian Parliamentary Group (IPG) recently decided to celebrate the birth anniversaries of eminent parliamentarians by holding meetings/seminars/symposia/exhibitions, etc. and by bringing out Monographs on these personalities. In pursuance of this decision, the IPG has, so far, celebrated the birth anniversaries of Dr. Rammanohar Lohia, Dr. Lanka Sundaram, Dr. Syama Prasad Mookerjee, Sardar Baldev Singh, Dr. Radhakrishnan, Pandit Govind Ballabh Pant and Dr. B.R. Ambedkar in the Parliament House Annexe. These

celebrations were attended by several members of Parliament and other eminent personalities, including Union Ministers. Eleven Monographs, including one each on Dr. Rammanohar Lohia, Dr. Lanka Sundaram, Dr. Syama Prasad Mookerjee and Dr. B.R. Ambedkar were brought out in Hindi and English by Lok Sabha Secretariat to mark these occasions. These Monographs form part of a new series, known as the 'Eminent Parliamentarians Monographs Series', started by the Lok Sabha Secretariat to recapitulate and place on record the contributions of eminent parliamentarians to our national and parliamentary life.

Bureau of Parliamentary Studies and Training

In 1976, a Bureau of Parliamentary Studies and Training was set up to meet the long-felt need for institutionalised opportunities for systematic training, orientation and problem and practice-oriented studies in parliamentary institutions, processes and procedures.

Parliamentary Museum and Archives

In 1984-85, the work relating to the establishment of a Parliamentary Museum and Archives and a Hall of National Achievements was initiated. On 29 December 1989, the Honourable Speaker of Lok Sabha inaugurated in the Parliament House Annexe the Parliamentary Museum and Archives set up with the object of preserving for posterity all the precious records, historic documents, articles, etc. connected with the evolution and functioning of our Constitution and the Parliament. The Museum throws light on our democratic heritage and growth and evolution of parliamentary institutions in India.

Conclusion

Our parliamentary institutions have originated in the Indian soil itself. Over the years, they have grown and matured and the latest evidence is the recently held Tenth general election. It is worth recalling that in some of the other developing countries which became independent, more or less at the same time when India achieved her Independence, parliamentary democracy is yet to strike firm roots. One great advantage of the parliamentary system, or the characteristic of our parliamentary polity, is that it is constantly evolving, it is dynamic and it keeps on changing to suit the changing needs, urges and aspirations, hopes and even frustrations of the people. As Jawaharlal Nehru said:

Parliament today has become the supreme temple of democracy and freedom, an institution of great importance in our national life, the only guarantee against tyranny and bad administration.

DEMOCRATIC HERITAGE: THE PRECURSOR OF OUR POLITY

—C. K. Jain

Over four decades have elapsed since the people of India, in their millions, fought as one against alien rule and emerged from the yoke of colonialism into an era of freedom. Forty-four years is perhaps too a short a period in the history of a nation to attempt a realistic assessment of its achievements and failures, more so in the case of a country like India with a rich and varied history spanning millennia. Yet, prophets of doom who were sceptical of our ability to run our country on our own when Independence dawned on the Indian horizon have been proved wrong. During this short span, the millions who make this country have time and again demonstrated their political maturity by zealously guarding their nation's unity and integrity, its political stability and ensuring its pre-eminent status as the largest working democracy among the comity of nations.

From abroad historical as well as a historical perspective, democracy and representative institutions are by no means entirely new to India. While it is true that modern parliamentary institutions evolved gradually during the British rule in the wake of the national liberation movement, it may be incorrect to assume that such institutions came about only because of the British influence.

Our centuries-old history bear testimony to the existence of representative institutions in some form or other, ranging from village commonwealth to mighty empires. Extensive research conducted by historians throws light on various forms of government which thrived in ancient India. Many an institution with a semblance—nay much similarity—to modern parliamentary structure, were prevalent those days. Naturally, such institutions were functionally different from modern-day institutions in the range and extent of their activities.

Also a study of our ancient literature like the Agamas, Vedas, Brahmanas and epics throws light on amazing evidences which are a positive pointer to democratic temper and behaviour of rulers showing extraordinary responsiveness to the voice of the people. Ancient Indian society was highly developed and all functions, including political, military and religious, were attended to within the broad framework of sensitive

systems and procedures. The most common form of government in ancient India was hereditary monarchy but the *Rigveda* and *Atharvaveda* refer also to non-monarchical republics, the *Samgha* and *Gana*. According to the *Smriti*, *Gana* is taken as an assembly of families though *Gana* literally means "numbers". This has prompted several historians to conclude that *Ganarajya* means the rule of numbers, the rule by many or government by an assembly.

Over a period of time, republics made their exit with monarchy surviving as some sort of a benevolent government. While hereditary monarchy was the practice, some references in the Vedas seem to imply that at times, the king was also elected. The passage in *Rigveda* :

ता ई विशो न राजानं वृषना बीभत्सवो अप वृत्रादतिष्ठान् ।

apparently refers to the people (*Visas*) electing the king. Another passage in the *Atharvaveda*

त्वां विशो वृणतां राज्याय ।

expressed the hope that the king to be coronated may be elected by the people. But some references in the later Vedic literature point to the fact that perhaps the whole population did not elect the king, rather their leaders—*Kulpatis* and *Vispatis*—participated in the election with the people ratifying their choice. The powers of the king were always restricted and constitutional in character as is brought out by the coronation oath "If I play thee false, may I lose my goods, deeds, my place, my life and even my progeny". Besides, the theory that *Dharma* or Law was the real sovereign ensured its primacy over and above the king and the society. The king was always to abide by it, as cited in the *Brihadaranyaka Upanishad*

तदेतत्क्षत्रस्य सत्रं यद्धर्मस्तस्माद्धर्मत्परं नास्ति ।

The ancient literature also makes it clear that kingship was a trust and that the treasury was not his personal property. It would be a sin to misappropriate public funds and divest them for personal use. As for *Danda*, it was the sanction behind *Dharma* and the two were not to be divorced; rather *Danda* was to be a servant of *Dharma* and was to further the cause of *Dharma*. The king was expected to be the best man in the State whose sole aim was the welfare of the subjects. The powers of the king were checked during the Vedic age by the popular assemblies called the *Sabha* and the *Samiti* so much so that *Atharvaveda* describes the two as the twin daughters of God *Prajapati*. The Vedic polity was also familiar with *Narishtha*, the vote of the majority, which is explained as "as inviolable as the voice of the many". Besides, monarchy also had to accommodate substantial decentralisation and autonomy in the society. The natural associations and groupings of people like the family, caste, guild and village community all had laws within their own spheres which the king had to respect. Thus, historians point out that the extensive

decentralisation advocated and brought about in the society was the most practical and effective check upon the powers of the king.

Simultaneous with this developed the republican states, the existence of which is referred to in the Brahmanical, Buddhist and Jain literary works. Reference to these republican states known as *Ganas* or *Samghas* are also available in coin legends and works of contemporary Greek writers. Kautilya's *Arthasastra* proffers extensive instructions on the control of states, organisation of national economy and the conduct of war, etc. From the Gupta period (A.D. 320) to the middle ages, a number of political texts survived, the prominent among them being the *Nitisara* of Kamandaka and the *Nitivakyamrta* of Somadeva Suri, a Jain writer of the 10th century. The Vajjian Confederacy was the most powerful republican state of the time, the chief element of which was the Lichhavis. The sovereignty in these states was not vested in one individual or even in a small group. Vaisali was a small *Gana*, yet its governing class was made of an assembly of 7707 persons. Jaina sources describe the existence of a council of 36 tribal chieftains controlling the affairs of the Lichhavis, Mallas and allied tribes in their war with Ajatasatru. The numerous Rigvedic references to *Vidatha* have made many scholars conclude that it was perhaps the parent folk assembly from which the *Sabha* and the *Samiti* differentiated. Its significance lies in the fact that women were also actively associated with it, even participating in its deliberations.

The impact of republican ideas on the Buddhist structure is considerable. A Buddhist chapter required a quorum of 20 and a similar rule may have prevailed in the meetings of *Samgha*. An interesting feature of this is that in a *Samgha* a motion was thrice proposed and passed. In case there was a difference of opinion, votes were taken whereupon majority view prevailed. The assembly was presided over by the *Samghamukhya* who regulated its debates in strict impartiality. Once a matter was properly and finally decided, it was not allowed to be reopened.

Interestingly, Pali texts provide details of the practice and procedure adopted in the Buddhist *Samghas*. Thus, a *Samgha* lacking quorum was called *Vyagara*; a whip was termed *Ganaburaka*, resolution *Jnapti* and decision by majority vote, *Bhuyasika Kirya*. In case serious differences arose, there was a provision to appoint a committee to evolve a unanimous decision. If even after this differences persisted, recourse was taken to voting and the decision of the majority, *Yebbhuyyasikena*. A vote was termed *Chhanda* and voting was by tickets called *Salaka*.

It is not that democratic traditions were restricted to any one part of the country. Historical researches prove that Southern India also had a rich democratic heritage dating back to the first or early second century A.D. Inscriptions provide testimony to the existence of a completely autonomous system in different parts of South India like Tanjore,

Tinnevely and Masulipatam from the sixth to the thirteenth centuries. The inscriptions at Uthiramerur in Chengalpattu district of Tamil Nadu, said to be of the years 919 and 922 AD, throw light on the Chola system of administration. There existed a village assembly or *Variyam (Sabha)*. To be elected a member of the *Sabha*, a candidate had to fulfil certain minimum qualifications like ownership of a piece of taxable land, possession of a house built on own land, age not more than 60 or less than 30 and moral and spiritual purity and rectitude. The disqualifications prescribed were service as a member of the *Sabha* during the previous three years; corruption, violence and committing sins; and being a relative of those who had committed sins. Even those who had expiated for their sins were not eligible for membership of *Sabha* for life.

Thus, it may be seen that democracy and democratic institutions were nothing new as far as India is concerned. True, there were aberrations during medieval Indian history when popular assemblies were no more in vogue. But, all through Indian history, the fact remains that whoever was in power, be it a tribal chieftain or a mighty emperor, the ruler always had the good of the masses in mind all the time. He could not take the people for granted nor could he have afforded to overlook the people's hopes and urges, fears and aspirations. The various assemblies in vogue in ancient and early medieval history in different parts of the country sought to ventilate the grievances of the people and the ruler had per force to attempt redressal of these problems. The voice of the majority could not be stifled. The popular assemblies acted on behalf of the people and the ruler had to give utmost consideration to all these issues while taking decisions.

With the arrival of the British, a transformation began to take place. Having been inheritors of a rich democratic heritage, the people at large launched movements demanding representative institutions. The British themselves have taken pride in being trend-setters in parliamentary democracy which had evolved there after centuries of conflict and cooperation between the Crown and Parliament. Realizing fully well that the democratic aspirations of a people cannot be suppressed for ever, the British rulers set about granting constitutional reforms in bits and pieces. The process began with the Charter Act of 1833 which provided for significant changes in the Governor General's Council. The Indian Councils Act of 1861 set in motion a scheme of legislative devolution. The Indian Council Act of 1892 sought to give Indians a "real living representation" in the Legislative Council.

The Indian Councils Act of 1909, which gave effect to the Minto-Morley reforms, had far-reaching consequences since it provided for a communal system of election. While the Government of India Act of 1919 established a bicameral legislature at the Centre, the Government of India Act of 1935 envisaged a federal structure for the country.

When freedom came in 1947, the stalwarts who were at the helm of

affairs opted for a parliamentary system of governance for the country. This was in consonance with our rich and varied democratic traditions. This choice was also a logical culmination of the cherished ideals of the freedom struggle which was not merely to throw out the alien rulers. It was above all a struggle of the people to assert their civil rights and liberties. Inherent in its core was a powerful socio-economic movement. It aimed at the political economic and social emancipation of the masses in a democratic way. It was thus natural that the founding fathers of our Constitution thought it imperative to give due recognition to the pluralistic nature of the Indian society and opted for a political system with a high degree of popular sovereignty.

The Indian experience of the last more than four decades prove that parliamentary democracy has struck deep roots in our soil. By virtue of its position as the supreme representative institution in the country, Parliament, over the years, has come to play a vital role in shaping the destiny of the people. In a way, its functions encompass all aspects of the life of the nation and the people. It is thus that Parliament has been playing a pivotal role as a catalyst in socio-economic transformation. In short, Parliament is the peoples' institution *par excellence*. The ten general elections to the Lok Sabha and many more elections to the State Assemblies and other local bodies have proved beyond doubt the credentials of the Indian voter. Even in the most traumatic and challenging circumstances, they turn up in large numbers to elect their representatives as it happened this year in the wake of the brutal assassination of Shri Rajiv Gandhi mid-way through the elections. Suffice it to say that they are diligent enough in exercising their franchise and no party or government can take them for granted. Thus, the Indian people have demonstrated that ours is the largest working democracy in the world, a heritage which has been bequeathed to us by our forefathers.

INDIAN DEMOCRACY AT WORK— M.L. Dwivedi

On attainment of freedom, the first task before the country was to forge a Constitution which may suit the Indian people in all respects and to meet the requirements of the various sections of her people. Constitution-making took nearly three years. Democratic upheaval, brought about in India with the coming into force of the Constitution early in 1950, ushered in a reign of bliss, happiness and prosperity for the people at large. The provisions of the Constitution, having epitomised a number of salient and liberal ideas of the Constitutions of a number of top ranking democracies in the world, embody numerous unique and innovative features which enabled the Indian citizens to enjoy freedom with little or no fetters, and if any, those too had to be taken into consideration in cases of emergency.

With the attainment of freedom, after having been under foreign yoke for near about ten centuries, India has emerged as a fully democratic independent country among the comity of nations and has been making rapid strides of progress in the spheres of multi-faceted development in various fields of activity, such as industrialisation, social welfare, technical as well as non-technical education and several other features suitable to people of all other walks of life. Because of these endeavours, India has, within a passage of only a few decades of independent existence, become one of the most progressive nations of the world.

The important feature of Indian parliamentary system of government as envisaged in the Constitution is that irrespective of the fact that a large number of countries in the near vicinity of India as well as elsewhere also became independent, the democracies in some of them could not be sustained and some of them had to undergo domination by military regimes or dictatorships. It is only India which has sustained democracy in every sense of the term.

As is well-known to the world at large, India has a sovereign, secular, socialist democratic republic which endows to all its citizens justice of all kinds social, economic or political, liberty of thought, expression, belief, faith as well as worship; and guarantees to all its citizens equality of status and of opportunity and has provided for promotion, among all her citizens of fraternity assuring dignity of the individual, and the unity and integrity of

the nation. The Constitution of India is not a rigid one and its flexibility provides for amendments to suit the requirements of the people according to the changing conditions of time and progress made by mankind and thus it fulfils the needs of a growing and progressive society. Accordingly, a large number of amendments have already been made but at the same time the basic structure of the Constitution and the fundamental rights enumerated therein cannot be changed, deleted or amended by Parliament.

Since the time the Constitution came into force on 26 January 1950, there has been smooth working of the various provisions of the Constitution both at the Union and in the States. Ten Lok Sabhas have already been elected on adult franchise upto the last but one decade of the 20th century, providing franchise to all the adult Indian population, including even the youth of 18 years of age; and the biggest electorate, amongst all the countries of the world where democracies are at work, has demonstrated maturity with elaborate efficiency in electing a party of their choice to run the government. And wherever any party failed to shoulder the responsibilities, enshrined in the Constitution, with sincerity and to the best advantage of the people, it was rejected by the electorate at the next poll.

The Fundamental Rights and other provisions of the Constitution excepting the Directive Principles of State Policy, are enforceable by law and if there is any lapse on the part of the governments or any other agency bearing responsibility, it is remediable by the Supreme Court, which is independent of the executive and dispenses law according to the norms laid down in the Constitution. The Supreme Court has its own separate entity with its own machinery:

Thus, it can be said with confidence that since the time the Indian Constitution came into force, the provisions of the Constitution have been rigidly followed and there has been seldom any set of cases in which the mandates enumerated therein might have been kept in abeyance.

Ever since the Constitution was adopted, the governments which came to power have been assiduously trying to ameliorate the conditions of the people in various walks of life, including eradication of poverty, spread of education, industrialisation, as also promoting friendly relations with the international community.

In order that the citizens become aware of their rights, privileges, duties and all the obligations prescribed therein, the founding fathers of the Constitution had laid down under the Directive Principles of the State Policy that:

The State shall endeavour to provide within a period of ten years from the commencement of the Constitution, for free and compulsory education for all the children until they complete the age of 14 years.

In this connection, governments have been endeavouring to implement this also but on account of several handicaps the task still remains to be completed. In article 44 of the Constitution, it has been laid down that the State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India. Unfortunately, this provision has still to be implemented. The difficulty before the governments, is that Indian population consists of people having allegiance to different faiths and religious ideologies, and to bring them all within the purview of the uniform civil code envisaged in the above article, is a task for which the governments have been trying their best to do the needful.

It can, therefore, be said with all sincerity that democratic system of government in India has been going on smoothly and has surpassed all the trials and handicaps in its way.

A country, which has been under foreign domination for a long period of time, has to strive hard and carefully to fulfil the aspirations of the people with the limited resources at her disposal. But the fact remains that if democracy goes on functioning in a healthy and smooth manner as heretofore, it will not be long when India can claim to be a front runner in the journey to a full fledged democracy.

In this context, it will not be out of place to remark that having been a witness from very close quarters of the Indian panorama of political and social vicissitudes down from the days of commencement of the last struggle for Independence right upto the constitution of the Tenth Lok Sabha, both as an active participant in the struggle for independence and as a member of the Constituent Assembly, Provisional Parliament, three consecutive Lok Sabhas and as the President of the Association of all the M.C.As. and M.Ps. who have retired upto date, I think I am in a position to vouchsafe categorically that irrespective of the fact that Indian polity is now crossing through various impediments and turmoil, yet the roots of democracy through parliamentary form of governance are firmly and irrevocably established, and therefore one can safely say that it has a glorious future in store.

THOUGHTS ON INDIAN DEMOCRACY

—S. Nijalingappa

India is the biggest democracy and considering its size, its illiteracy, poverty, population, history, multitude of religions, castes and communities, it can be said that even in its short history of independence of only 43 years, it is in reality successful. We have had quite a few elections, both to the Parliament and to the State Assemblies. The people have been able to judge both the Union and State governments correctly about their failure in administrative, political and economic fields and quite often they have proved that they do not tolerate nonsense. Let me not go into details. Just one or two instances may be mentioned.

Smt. Indira Gandhi as Prime Minister often misbehaved and also unnecessarily imposed Emergency in 1975. Just about 2 years later, when elections were held, her party, including herself and her son, were routed. The new government under Shri Morarji Desai did fairly well to undo some of the wrongs perpetrated by the Indira government but miserably failed in the 1980 elections mainly because they misbehaved and quarrelled among themselves like cats and dogs. People disliked this and voted them out. In the last but one election to the Karnataka Legislature, voters defeated the ruling party as it was notoriously corrupt and voted in favour of Congress (I). But, as usually happens, communal and caste considerations have prevailed in the 1991 elections. It is unfortunate that a fundamentally Hindu communal party has a number of candidates returned to Lok Sabha. This should be prevented.

In spite of all this, it must be admitted that democracy has substantially come to stay in our country. More and more, it will be a part of life as illiteracy is removed. But certain necessary amendments have to be made in the Constitution and related laws that every voter should be compulsorily made to vote with punishment provided for those who do not cast their vote and a candidate who gets more than 50 percent of the votes only be declared elected. As things now stand, a candidate getting only 25 percent of the votes may be declared elected. This is bad.

We may also examine how this greatest of democracies had its Constitution framed. Our Constitution was accepted after 3 years of continuous sittings from 1946 to 1949. The best brains of India, belonging to all political parties, of course dominated by the Indian National

Congress which under Gandhiji's leadership won freedom, economists, constitution experts, public men who knew and understood India, sat together to draft the Constitution. A non-Congressman but a brilliant lawyer, constitutionalist, Dr. Ambedkar, a Harijan, was the main architect. The Constitution was adopted after due, careful, practical consideration of the overall conditions and realities, like its huge population, poverty, illiteracy, religions, languages, etc. and was therefore fully practical not only to solve existing problems' but for its future welfare, development, progress and strength. As it stands now, there is no necessity for any basic and large changes in the Constitution. It serves the national purposes alright; only small changes arising out of our experiences during the last about half a century may be made.

But, however good a law or a Constitution may be, it can only serve its purpose and be effective the way it is implemented. Unfortunately, in India the Constitution has been more abused and less implemented if we consider the spirit in which it has been implemented.

Taking a realistic view of Indian conditions as noted above, while fundamental freedoms were enumerated and made justiciable, what are provided as Directive Principles of State Policy, though not justiciable were, according to highest judicial pronouncements, mostly binding on governments. Of these, the most important and vital for the growth, development and progress of the country were the removal of illiteracy by making every child compulsorily and freely educated, giving utmost priority to agriculture through irrigation, etc., avoidance of concentration of wealth and power, according utmost importance to cottage industries, having a common civil code and full employment.

It is unfortunate that these vital, most necessary and imperative provision were fully neglected all these 44 years. On the other hand, steps were taken in quite the opposite direction or altogether neglected. Capital intensive centralised industries mean less and less employment resulting in increasing unemployment, poverty of the masses, specially in the rural areas and creating a rich consumer society of a very small percentage of people, particularly in the cities. This has resulted in the widening of the gap between the few rich and the increasing mass of rural people, leading to large scale unemployment and acute poverty, which means less food, less education, less shelter, less health and less of every vital human want. That is exactly the position now of nearly 60 percent of the population. The result of our wrong policies has been that we are fast getting into a debt trap, if not already in it.

Encouragement of agriculture is very much lacking. The greatest imperative today is agricultural development and necessary greater production of food and raw materials. This will open up new avenues of employment. Irrigation is an essential component and this can be effected through minor, medium, large irrigation projects coupled with lift irrigation.

It is significant that China, with slightly less agricultural area, is producing 375 million tons of food. Our present highest reached is less than half, namely 180 million tons. Naturally, our commonman is less nourished and less competent.

In spite of more than 40 years of Independence, the very important factor in bringing people together and away to a large extent from divisions among them, namely having a common Civil Code, is still to be adopted. If all the Directive Principles of State Policy enumerated in the Constitution can be attended to and implemented soon, we can have a nation strong, well-knit, patriotic, prosperous and more and more interested in the unity and integrity of the country.

We have natural vital resources rich in volume and variety more than most countries. If instead of depending on foreign countries, we depend upon our resources in men who are as good in every way as in other countries and explore and utilise our resources in men and materials, we can have an India, strong, rich, prosperous and progressive.

SOME REFLECTIONS ON THE WORKING OF PARLIAMENTARY DEMOCRACY IN INDIA

—Renuka Ray

When we enacted the Constitution of India on 26 October 1949, there had been some objections to the granting of the right to vote to all citizens, irrespective of caste, religion and sex because of the fact that such large segments of the populations were still illiterate. However, this was overborne by the large majority of us as we felt that the men and women in India, with its ancient civilisation might be illiterate, but they had centuries of culture behind them and by word of mouth, which came down from generation to generation, they had some learning which prevented them from being ignorant. Our decision was more than justified in the first election on the basis of adult suffrage which took place in 1952. The result showed that not only men but over 60% rural women who were mostly illiterate had not only voted but came long distances to proudly cast their vote which they considered to be a precious gift after Independence. In the rural areas where I went during that election, I found large numbers of women carrying their babies in their arms coming forward to the booths to cast their votes. This was as a result of the fact that many of our leaders, starting with Mahatma Gandhi, Chittaranjan Das, Jawaharlal Nehru and others, had gone to the people even in the remote areas and had explained to them why they should help in the non-violent, non-cooperation movement so that India would be free one day. They had told them that the priceless right to vote for the government they wanted to establish through the democratic process would give each and every one of them the right to participate in forming the government once the country was free. In the first few elections after that, the value of the vote was well understood by the people. Later on, they reported many times that people did offer money for their vote which of course could not be sold as this was a priceless treasure which they would utilise on their own so that they could get the best possible representatives in the Lok Sabha and Vidhan Sabhas.

At that time, values were held high in the country. Our leaders were those who had sacrificed not only by going to prison but most of their own possessions to gain Independence for India. The cases of Deshbandhu C.R. Das and Pandit Motilal Nehru and many others are prominent

examples of this. For two and more decades after Independence, those who led the country were imbued with the spirit of taking India forward and making up for the long years of servitude under foreign rule.

Let us for a moment concentrate on the development effort that was made so that India, which could not even manufacture a needle but had to import such items, could boast of becoming a country where not only we were in a position to meet the demand of manufacture of various items needed for ordinary and average use but we were able to go forward and learn to invent and manufacture some of the most scientific and sophisticated instruments, including those for defence. India became a country where planes and machinery of the latest type were being made and our exports went up. It was a time of development in so many ways and soon we were able to export at first on equal level and then even sometimes, to export and earn something extra for our country. This was indeed an era of great transformation.

After Independence, there were tremendous changes in the rural areas. A country which did not have hospitals except in big towns and cities set up hospitals in districts and health centres all over. In West Bengal, we found health centres manned by doctors and nurses and medicines were plenty as it was Dr. B.C. Roy's government that took a lead in this respect. Where roads did not exist and people used to take 10 days or a fortnight to reach a destination, roads were built in rural areas and the people could reach the same day by jeepable roads. For instance, this happened in a backward area like Malda district where we first had to go through mango groves and it took a fortnight to reach Ratua from the head-quarters of Malda district, English Bazar, or in the rainy season by launches or boats. While I was still representing this constituency, we would reach not only Ratua but beyond to Harishchandrapur within a few hours. Schools were also set up and even when there was only one-teacher school, there was enthusiasm and activity.

In the cities also, tremendous improvement took place and Indian industries, both in the private and public sectors, were able to flourish. Services by administration, both in the government sector and in the private sector, were eagerly performed and our growth rate went up. Those who were the representatives of the people in Parliament, almost all eagerly participated in the plans of development and felt that it was their responsibility to help the growth of their constituencies and of the country. There was a great unity of performance and a determination to go forward. Yet the members of the Constituent Assembly Association still felt that our progress could be faster.

We must not forget that after partition of the country, we were faced with the critical problem of refugees at first in the western region where they came from Punjab all at once, while there was general exodus to Pakistan also. The city of Chandigarh was built and many satellite towns

like Faridabad also came up to accommodate them. The movement of this huge mass of humanity all at once was a spectacular sight. The partition of India and its aftermath was a terrible blow to Mahatma Gandhi. He intended to visit Noakhali and stay there in East Pakistan. But on his way there, he was in Calcutta where trouble broke out and Suhrawardy and other Muslims asked him to stay and prevent violence. To this, he acceded after he extracted a promise from them that Hindus will be able to live in safety in East Pakistan. Except for those who came away voluntarily it was not till sometime after the assassination of Gandhiji in January 1948 that Hindus were compelled to come. By December 1949, the main exodus started from East Pakistan but not all at once. In different phases, the number of refugees who came from East Pakistan was ultimately equal to the number who came from West Pakistan. Unlike the position in Punjab, in Bengal the Muslims mostly stayed on. This naturally created more of a problem as there was no vacuum. It was a very difficult situation and under Dr. Roy's Cabinet, after the elections in 1952, he called upon me to take up the Cabinet post in charge of Refugee Rehabilitation. Before this, Dr. Roy had kept this portfolio under his own guidance. The problem was a very much more complex one than on the western side and West Bengal and Calcutta certainly did not have the room to provide for them. Some were settled in the neighbouring state of Bihar and it was a welcome feature when we sent refugees to the Andaman Islands. They went reluctantly at first. They settled down well and invited their friends and relatives also to join them there. After sometime, I was suddenly informed by the Government of India that West Bengal's quota for sending refugees to the Andamans was over as the remaining space had to be kept for Kerala although at that time there was no such problem of refugees in Kerala from Sri Lanka. I was able to stave this for sometime as Dr. Kailash Nath Katju was then Home Minister of India and having been in Bengal, he realised the acuteness of the problem. Later, at the instance of Mehar Chand Khanna, who became the Central Minister of Refugee Rehabilitation, this avenue was stopped and instead he wanted to send the refugees to Dandakaranya to which I protested and there was a general protest by the people of Bengal. Nevertheless, the Union government was adamant and in 1957, I preferred to stand for the Lok Sabha and went to Delhi as I thought I would be able to be more persuasive. Dr. Roy was against my leaving but I told him that I could not stay in the portfolio if the Dandakaranya project was to take place and so in 1957 I returned to the Lok Sabha from the Malda constituency.

Even in those days, on the whole, the Parliament followed the rules of procedure but there was a beginning of subtle change of atmosphere. The older members and some of the new arrivals were interested in the problem but it appeared that some of the members were less interested in the principles and objectives and seemed to be guided by group or

personal interest. In this atmosphere, I found that my main objective of rousing Parliament to take effective measures for the rehabilitation of the refugees from East Bengal became more difficult. But there were many others like Sucheta Kripalani and a host of our leaders who were interested in doing something. Another difference was that in the first glow of freedom, the Congress had carried on its activities more or less on Gandhian lines with a large measure of integrity but it was at this time that deviations started to take place. There were many contributory factors. One of these was that the life style of our imperial rulers continued to remain in Delhi even though they themselves had left and most of the ministers used to live in the houses where the British rulers live. At first the Gandhian ideal of leading a simple life still continued but the luxurious surroundings started to have an influence. Later on, gradually the new style of living started to bring a gulf between the people and the representatives and after 1957 it became evident that the objectives and ideals of the old days were being eroded. For two or more decades, until 1955-1967, we continued to progress.

In very recent times, society as a whole began to lose the values of the past and I will not dwell on this except to say that this gradually slowed our rate of progress. The sincerity and ability with which our earlier leaders had put their minds to the development of the nation naturally had its effect on the people at large who felt like-minded but gradually, as things deteriorated, we reached a stage when the Lok Sabha and Rajya Sabha became the centres of intense wrangling and dispute. The growth of a number of parties in itself was to lead to unfortunate deflections amongst the political elders who took the place of their earlier leaders to think and act in narrower lines. Now it could be said that "all was for the party and none was for the nation". Values held aloft in the old days are no longer operative and I must say, though with many exceptions, that many representatives of the people were interested in personal gains or at the most the party's gains. National interest has suffered in consequence. When India became free, for at least two elections both to the Lok Sabha and State Assemblies, on the whole the representatives used to concentrate on working for their constituencies and the nation as a whole. As time went, with the growth of a number of parties, the best that could be said was that some of them worked for the party interest but more and more numbers started working for their individual benefit. The result has been that we have now reached a point when we have to pull together again so far as the nation's interest is concerned though the ways and means of doing so could be somewhat different by different parties. The lack of values that has overtaken the country as a whole is perhaps the same as is happening in the world at large. Violence of various types, each being more frightful than the other, is being seen the world over and in India too. The manner in which we have lost our former Prime Minister Rajiv Gandhi is shocking beyond description. Other crimes of similar

nature have also occurred due to the use of scientific inventions only for destruction of mankind not only in India but throughout the world. This has to be checked and stopped if the human species is to survive. The younger generation has to come forward and bring back the glory of the past and use the scientific devices for the welfare of mankind instead of its destruction. Democracy to be meaningful must put its entire mind towards bringing about a change from the jeopardy in which the nations and the people of the world are now beset. Old values or rather new ones, the younger generation who wants to save mankind must utilise the democratic means to restore the health of society.

While we are naturally distressed by some of the happenings in India and the slow-down that has been taking place in the progress we had been making in earlier days, there are some areas where we can still take pride. In the first place our democratic basis still exists in India as has been proved by the last election and even the earlier one. It is true that in both these elections we are landed with a hung Parliament which means greater difficulty in discharging the responsibility of a government. Yet, it shows that the democratic process is at work. We can take pride in the fact that the voters utilised their vote without being subservient to any monopolistic trend. There is no doubt that a number of malpractices not the least of which is booth capturing and rigging have taken place during the last elections. The worst feature is that violence has marred some of the elections and even murders have taken place mostly on account of political wrangling. This is apart from the fact that some persons, apart from Rajiv Gandhi, have either been murdered or escaped miraculously the most torturous type of crimes through which such murders have taken place. We cannot gainsay the fact that even after elections in some places like Andhra Pradesh, Bihar and even in West Bengal, persons who supported the parties that have lost elections have been the victims of unruly elements among their opponents. This state of affairs is no doubt part of the violence that is taking place not only in India but in the world. However, in spite of all these, there is no doubt that on the whole the election process has been carried out successfully due mainly to the firmness, tact and vision of the Election Commission. In fact, the procedure that has been carried out can be prescribed as a model one and shows that with all our handicaps we are still a nation that holds aloft important and vital values which are inscribed in our Constitution drawn up on the basis of parliamentary democracy.

It is obvious that the time for one-party rule is over and democratic process itself can be successful through the co-operation of parties which can collaborate in giving expression to the views of different categories of people. However, hung Parliament, if it is to be able to carry on the work of Parliament, will have to have a greater affinity and power to adjust differing view points of parties but without losing principles. It should be able to lead to greater activity and responsibility. Of course, there are

certain trends in our country making itself visible today which have to be eliminated if the country is to remain united and intact and it has to grow and maintain economic stability and independence. These are the matters to which the Parliament that has just been elected with the Congress party in a majority but without any absolute majority under the leadership of a veteran statesman like P. V. Narasimha Rao, will have to put single-minded devotion and other parities or individuals who are more or less like-minded should be able to combine with them.

Parliamentary democracy will thus take a new turn but in the process let us hope that the essentials of the democratic approach will remain. The country must be able to keep its unity and secular status as well as combine in taking steps towards defeating violence and lack of values which seem to be overcoming mankind.

India which is a land which won its freedom and democratic basis through the Gandhian technique of non-violence has to play a major part at this juncture. With all our difficulties we can still look ahead to reaching the objectives through which India can restore its past glory and help towards a balanced approach in the world.

THE PERFORMANCE AND THE CRISIS OF INDIAN DEMOCRACY

—G. M. Banatwalla

Democracy may assume several forms. In fact, there are as many democratic systems in the world as there are countries that lay claim to democracy. The democratic system of a country is shaped by its socio-cultural realities, local conditions and political culture. The extent of popular participation in the exercise of the powers of the state, the nature of relationship between the organs of the state and the division of power between the national government and its sub-divisions determine the forms of the democratic government. The basic strength of democracy is measured by the extent of both the civil and the political liberty enjoyed by the individual.

The Indian Parliamentary System

With the dawn of Independence, India opted for parliamentary democracy. This was not merely because the principal founding fathers of the Constitution were adherents and admirers of British democracy. The Constituent Assembly engaged itself in a deliberate and conscious exercise of striking, between divergent contending factors, a fine balance and harmony consistent with socio-cultural realities, traditions and conventions peculiar to the country. The product was a Constitution suited to Indian genius. The executive was made accountable to, and was required to hold the confidence of, a Parliament elected on widest possible franchise by a pluralist society. Federation, with a degree of unitary emphasis to safeguard the paramount national interests, characterised the Indian system. Constitutional commitment to the rule of law, guarantee of liberty of thought, expression, belief, faith and worship and assurance of justice, social, economic and political, determined the context of secular democracy and socialistic pattern.

The Track Record

Indian polity today is under great pressure for radical changes. Suggestions for a new Constituent Assembly and for a new Constitution or its thorough revision have been voiced even from top political echelons. It cannot, however, be contradicted that the system has successfully weathered many a storm and has withstood varied challenges. It has

faced external aggressions and met internal threats. It has witnessed smooth succession of governments. There have been no *coups*. Sovereignty has been zealously guarded, despite all polemics as to who is the repository of sovereignty—the Constitution, the Parliament or the people. As is well-known, the Divine Theory locates ultimate sovereignty in God; Locke gives ultimate control neither to the legislature nor to the community behind it, but to a system of natural law upholding Natural Rights. But conceptual controversies apart, the Supreme Court in India has well guarded the constitutional system against any transgression of limits by the various organs. When, for example, the government held the view that it could cede any part of the territory to a foreign country pursuant to an agreement with that foreign power, the Supreme Court pulled it up and opined that it could not be done without amending the Constitution. In *Golak Nath Vs. State of Punjab*, the Supreme Court ruled on the basis of article 13(2) of the Constitution that no authority functioning under the Constitution, including the Parliament, was competent to take away or abridge the fundamental rights. The decision was overruled by the Supreme Court in *Kesavananda Bharati Vs. State of Kerala*. But the Court also laid down that the 'basic features' of the Constitution were not amendable.

Rule of Law

Indian democracy has, by and large, presented a good account of itself. Even emergency could not totally scuttle the 'rule of law.' The fundamental rights guaranteed by the Constitution stand suspended under article 359 during the period of emergency. Nevertheless, the Supreme Court has ruled:

- (a) That notwithstanding the suspension of fundamental rights, it would be open to the Court to give relief against executive orders passed (i) *mala fide* or (ii) in violation of the mandatory provisions of law;
- (b) That suspension of article 19 does not invest the State with arbitrary authority to take action to the prejudice of citizens and others and does not detract from the rule that all executive action which operate to the prejudice of any person must be supported by the authority of law.

Union-State Relations: The Indian Federal System

The democratic landscape in India has, however, not been free of dark clouds. Major irritants have often marred Union-State relations. During the period 1950-1967, both the Union and the various States remained under the sway of one party. Consequently, there were no major conflicts between the Union and any of the States. 1967 marked the end of one single party monopoly of power over the States. Non-Congress governments came up in States while Congress continued to be at the helm of affairs at the Union. The relation between the Union and the

States came under great stresses and strains. Fierce controversies raged, and still continue to rage, regarding the powers of the Governors, the imposition of President's rule over any State under article 356, the impositions of the Planning Commission, the demand for greater autonomy and financial powers for the States, and the like. However, these Union-State conflicts are more a product of lack of the real federal spirit among the components of the federation than the failure of the Indian federal system itself. It is interesting to note that the word 'federal' appears nowhere in the Constitution of India. Article 1(1) of the Constitution says: "India, that is Bharat, shall be a Union of States". While the Government of India Act, 1935, used the expression "Federation of India" in section 5, the Indian Constitution speaks of the 'Indian Union'. The deliberate choice of the word 'Union' was explained by Dr. Ambedkar in the Constituent Assembly as indicative of two propositions, namely (a) that unlike the United States, the Indian Union is not the outcome of an agreement by the units, and (b) that the component units have no freedom to secede from the Union. The American federation has been described by its Supreme Court as "an indestructible Union composed of indestructible States". In other words, the Union is indestructible as the States do not have the right of secession and the States are indestructible for the Federal Government cannot alter the boundaries of the States or form new States without the consent of the Legislatures of the concerned States. Under the Indian Constitution, while the Union is indestructible and no State has the right to secede, article 3 makes it possible for the Parliament to redraw the map of the States by ordinary legislation and without mandatory requirement of the consent of the Legislatures of the States concerned.

Despite the strong central bias, the demand for statehood by Union territories is a testament of faith in the Indian federal system. The reports of the Rajamannar Committee set up by the Government of Tamil Nadu and the report of the Union Government's Sarkaria Commission set out detailed recommendations on Union-State relations. An eminent constitutional lawyer, L.M. Singhvi, says:

When we framed our Constitution, the need for a loose federation had ceased to be; with the creation of Pakistan, the demand for strong provinces had receded. But we did not reckon with the inherent diversities in our country; and we created a strong unitary system in a federal framework. The perception was that India had been historically better off when the central government was strong. That may well be so; but on the other hand, the reality is that the extreme paucity of resources which the states have, and the large responsibilities they are called upon to meet, make it clear that in the very near future India will have to re-define and recast its federal equation. It will have to be made more co-operative.

Composition of Lok Sabha—A Defect

An important shortcoming affecting the very basis of the parliamentary democracy in India relates to the representative character of the system. The composition of the elected House—the Lok Sabha—fails to reflect the nation fully. Votes cast in favour of a winning candidate (and such votes may be a pathetic minority of total votes cast in view of the plurality of candidates) get reflected in the composition of Lok Sabha; others are a waste. Such wastes detract from the representative character of the Parliament. This is a serious shortcoming, particularly in a pluralist society, and calls for elections of the Lok Sabha and State Assemblies on the List System of proportional representation or as per the present voting system mixed with the List System as in Germany. Substantial electoral reforms are also needed to make elections both free and fair. An important healthy electoral convention that needs to be developed is for all parties to refrain from putting up candidates against the sitting Speaker of the Lok Sabha. With the steady increase in the mercury of political tensions, frequent emergence of delicate parliamentary situations and increasing responsibilities of the Speaker, as in case of anti-defection law, the need for developing such a convention is pressing. England has a convention that the Speaker of the House of Commons is re-elected from his constituency without contest though there have been breaches of the convention.

Political Defections

It is a political irony that democracy today is in quest of stability. It is generally believed that democratic form contributes to the strength and stability of a state. If people make the laws that they are required to obey and exercise control over the executive that administers such laws, the dangers of dissatisfaction and destabilization are greatly reduced. But defections by elected representatives from one party to another, a 'hung' Parliament or Assembly (that is, a Parliament or Assembly *sans* a party with absolute majority) are some of the grave sources of parliamentary instability. The first is sought to be tackled by the recent anti-defection law. The Tenth Schedule to the Constitution provides for disqualification of a member of Parliament or Assembly on the ground of defection. True, the crack of the whip backed with anti-defection law is a serious negation of the freedom of expression and badly compromises the dignity and respect to which the Parliament is entitled. But the maxim 'spare the rod and spoil the child' need not be an abiding faith. Every issue need not be looked upon by the parliamentary system as a vote of confidence and the whip may be spared for vital questions threatening the stability of the government. The anti-defection law needs to be further strengthened. It must be extended to cover also the candidates at the poll in order to eliminate the ugly, opportunistic phenomenon of one filing nominations from different constituencies as nominees of rival parties! Further,

constitutional *pundits* are credited with the view that newly-elected representatives of the people are not subject to anti-defection law during the period between the announcement of the results and the formal constitution of the Lok Sabha. This loophole needs to be plugged.

Hung Parliament

'Hung Parliament' is a natural democratic hazard inherent in a multi-party system. Instead of being dreaded, it needs to be met with a positive response. The Sarkaria Commission report lays down a clear set of rules that can be observed if an election returns a 'hung' Assembly in a State. There is no escape from the reality that the days of one-party monopoly of power are gone. The challenge is to cultivate the higher and delicate art of coalition government. Even a single party, as Eldersveld points out, is "an alliance of sub-structure or sub-coalitions." Then, a single party too is hardly free to follow its policies unmindful of the opinion of others. Politics calls for continuous interaction among the parties and adjustment of views.

Coalitions

Coalition formations are a familiar phenomenon in the western countries. Indian democracy witnessed its first minority government at the Union in 1969. The split in Congress reduced the government headed by Smt. Indira Gandhi to a minority. The coalition government in 1952 in Kerala (Travancore-Cochin) was the first of its kind in India. Coalitions became a common feature in States from 1967. The Union had one 'coalition' (though parties merged into one Janata Party) during 1977-79 and two during December 1989 to March 1991. The May-June 1991 elections has produced a 'hung' Parliament.

The advocates of two-party system in India ignore the socio-cultural base of the Indian society. Conditions in India promote multi-party system and coalition governments. Dr. P. John John says:

It is no exaggeration that the whole of India turns to coalition government because the traditional structure of Indian society is favourable for it. The presence of multi-lingual, multi-regional, multi-caste and communal groups and the disparity between the rural and urban population does not permit the country to develop a two-party system and this political atmosphere favours multi-party system where coalitions are inevitable.

Presidential System

Crises of instability arise, it is pointed out, because the Cabinet is responsible to and must have the confidence of the legislature. A single adverse vote can bring about the collapse of the government. Presidential system is, therefore, at times recommended. In the presidential form, the chief executive, namely, the President, is elected directly by the people and is independent of the legislature. Generally speaking, the tenure and the prerogatives of the executive are free from legislative control. The

President appoints his own Ministers who may not be members of the legislature and who are accountable to him alone. Indeed, America with its presidential form is no less democratic than Britain with its cabinet system. However, the question to be resolved is not one as to the best system but one as to which is the most suited to the country. The presidential system accentuate personalised form of politics; the cabinet system emphasises collective leadership. The system in which Ministers are accountable to an elected legislature may inspire greater confidence, particularly in a pluralist society. Dearth of talents, if any, in the elected Lok Sabha can be met through nominations to Rajya Sabha.

Constitutional Amendments

There are desperate cries for a new Constituent Assembly. The idea is most ill-advised. At a time when forces of vituperative communalism, casteism and regionalism have acquired unprecedented militancy, any attempt to rewrite the Constitution is a sure invitation to disaster. The task of constitutional amendments is too serious to be taken lightly or under momentary passions. Our democracy will not be strengthened by overhauling the Constitution, says D.L. Sheth. He writes: "When politics is pursued against the very grain of a democratic Constitution, what is needed is change in the conduct of politics, not in the Constitution". The Indian Constitution is the product of 'the accumulated experience gathered from the working of all the known Constitutions of the world' and moulded and adapted in the context of the Indian situation. Despite being the lengthiest written Constitution in the world, it cannot obviously provide specifically for each and every contingency conceivable or otherwise. Nor is it advisable to do so. The Constitution cannot be too rigid, lest it should obstruct the growth of Indian polity. It is its flexibility that is the key to stability without stagnation., The need is for fine statesmanship, character and discipline.

WORKING OF PARLIAMENTARY DEMOCRACY— THE INDIAN EXPERIENCE

— S. L. Shakdher

Parliamentary democracy has been at work in India ever since the dawn of Independence in 1947 and more particularly since the adoption of the Republican Constitution in 1950. Our democratic heritage, however, can be traced to the Vedic period when popular assemblies and other representative institutions were in vogue in various forms. The sagacious minds who gave shape to the Constitution of free India adopted a parliamentary democratic system for our polity because they were convinced that this was perhaps the best form of governance so far devised in the world for the country, given its diversity in religion, geography, language, even food and dress habits. They strongly felt the imperative need to grant recognition to the pluralistic nature of our society. Above all, committed democrats that they were, the founding fathers of our Constitution were more than certain that the sovereign will of the people should reflect in the polity that the country was to adopt. Parliamentary democracy, they were sure, was the ideal system for the nation.

More than four decades have elapsed since parliamentary democracy in the modern sense of the term was ushered in in the country. Forty-four years is rather too short a period in the history of a nation, particularly one like India whose civilization dates back to several millennia, to venture a realistic assessment of the successes and failures of the current political system that we have given to ourselves. When we attempt such an analysis, first and foremost, the poser that comes to mind is what exactly is this system of governance that we have in our country. Democracy, like socialism, is perhaps a much misunderstood term as is clear from the many definitions of this much used system. The practitioners of democracy in the present day world have defined it in varied ways to suit their requirements at specific points of time. To a discerning observer, democracy does not fit in to any clear-cut definition. Rather, democracy can best be understood by its attributes. Essentially, it is a polity wherein Parliament represents the supreme will of the people and governments are formed on the basis of elections held on adult suffrage. It is

characterised by a plurality of political ideologies leading to multi-party elections. One of the essential ingredients of a democracy is accountability of Executive to Parliament. Another one is independent judiciary, free from any executive or parliamentary interference. Yet another must, rather what really makes a democracy function in its best traditions, is a free Press. An effective and efficient civil service, wholly committed to national welfare, is also a strong attribute of democracy.

If we take into account these basic attributes of a parliamentary democracy, we may see the farsightedness of those wise leaders who worked together in the Central Hall of Parliament for nearly three years to give shape to free India's Constitution. Parliamentary democracy, as we have experienced since then, is verily ample testimony to their sagacity and vision. Realizing fully well the popular and pluralistic content of democracy, they gave us an Election Commission totally independent of government control for the conduct of free and fair elections. Undoubtedly, the general elections in India are the biggest electoral process in the world, making our country the largest working democracy in the world.

The Indian electorate have so far exercised their franchise in ten general elections to the Parliament, besides many more elections to the State Assemblies and other local government institutions. Barring occasional aberrations, the electoral process in the country has been by and large free and fair with the Election Commission exercising its constitutional duty to the best possible extent.

The first 20 years of the Indian experience of democracy were eventful with the period 1947-67 standing out as a distinctive phase in our parliamentary polity. Most of this timespan was dominated by the towering personality of Pandit Jawaharlal Nehru. This democrat non pareil was, more than any one else, instrumental in inculcating the democratic ideals in the Indian masses. He assiduously built up democratic institutions and taught us to respect all the noble ideals enshrined in parliamentary democracy. This period also witnessed the dominance of the Congress Party. It was more of one-party system, with the Congress ruling both at the Union and in the States. The Congress appeal to the Indian populace was conditioned by the fact that it was the party which was in the vanguard of the freedom movement. Besides Nehru, the party also had other leaders known for their integrity. Furthermore, by virtue of its being in the forefront of the freedom struggle and also because of its being in power in the States, Congress had an organisational structure spread across the length and breadth of the country. This aspect went a long way to provide political stability to the country at large. This was underscored by the fact that the other parties had practically no universal base and also they were mostly fragmented. It was thus that the Congress dominance continued even after Nehru's death.

During this period, the Congress truly worked as the cementing force in the country. It provided the much needed political, economic, social and

emotional stability to the country. Its position as the unchallenged ruling party at the Union and in the States made it easier for the party to implement its policies without let or hindrance. Several programmes were initiated for all-round welfare of the nation. The Five Year Plans aimed at the planned economic development. The country made rapid strides in varied fields. Its foreign policy with emphasis on Non-alignment, good neighbourly relations and international peace, made India a leading force among the comity of nations and virtually the spokesman of the Third World. In short, it emerged as a force to reckon with among the global community.

Starting 1967, the political system began undergoing transformation. This could perhaps be the watershed year in Indian politics. The 1967 elections saw a reversal of fortunes as far as the Congress was concerned with Opposition parties coming to power in several States. For the first time, there was a challenge to the all pervasive character of the Congress leading to stresses and strains in the system. Differences surfaced in Union-State relations with the non-Congress governments and regional parties questioning the existing system of power sharing which, they felt, was a deviant from the strict constitutional provisions and thus was not really delivering the goods.

Although the Constitution provides for a federal system, in practice it has virtually been converted into a unitary system. It was felt that more powers were being concentrated in the hands of the Union, most often at the expense of the States. The Planning Commission which was set up by the Union government with the express purpose of advising on planned economic development of the whole country, has not been made a constitutional body. But in practice it controlled the economic development of the whole country, under vast powers exercised by the Union. The criticism of lop-sided development of States could perhaps be primarily traced to this.

Political differences between the parties in power at the Union and in the States added to the gravity of the situation. Jawaharlal Nehru, influenced as he was by Fabian thought as also the Russian experiment, talked of a socialistic pattern of society. While in itself it was a noble ideal, the way the planning mechanism functioned led to uneven economic development of the country. With greater emphasis being laid on the public sector, thus this led to effectively a state control over development. Experience shows that the public sector has not really lived upto the expectations. More resources—both financial and human—have been made available to the public sector but it has not produced the commensurate results. The existence of mixed system of economy, *i.e.* public and private, has resulted in mixed up economy.

Our budgetary system has been pervaded by the concept of fleecing the rich to finance welfare schemes for the poor. Far from showing any

positive benefits, these ill-conceived measures have widened the chasm between the rich and the poor, with the rich getting richer and the poor getting poorer. A discerning observer can notice the fact that not much money has gone into the planned channels. The high taxation rates and the desire to control the areas of taxation, i.e., income wealth, capital gains, gifts and death duty have led to the evasion of taxes and generation of huge unaccounted money. Further, the nationalisation of banks and related measures which should have ensured that finances were amply available for development have been frittered away in non-planned channels. The economic policy has not yielded results for the benefit of the poor that we hoped for. The domestic industry and business systems were so protected that they led to inefficiency and wastefulness. Today the country is beset with a large internal and foreign debt. Exports are falling. India does not stand world competition. The cost of living is rising higher and higher and the incomes are not keeping pace with the expenditure. The servicing of debts entails heavy expenses on the revenue of the State. Approximately 50 crores of rupees are paid every day as interest on internal debt alone.

If we attempt an objective appraisal of our achievements, we see that we have had achievements in the fields of agriculture establishment of rudimentary industries and training of huge manpower in science and technology, but equally failures in several areas are many in diverse fields. There is need to attend to them on an emergent basis. The Constitution provides for basic education to all the people. After more than four decades of Independence, the percentage of literacy is still abysmally low, particularly in the case of women and weaker sections of society.

Many an achievement which could otherwise have been possible, have been offset by the population explosion. Of course there have been difficulties. Our population which was around 250 million at the time of Independence stands today at 850 million. Family Planning Programmes which have been by and large on a voluntary basis have not produced the desired results. Of course, the health indicators have shown considerable improvement with Life expectancy increasing appreciably. Agricultural production, fortunately, has more or less kept pace with the growth in population. From a situation where famines were a recurring phenomenon we are now in a position to export food items.

Another critical area is the employment scene. We are today faced with an acute unemployment problem. Transport and communication is another grey area. It is true that remarkable developments have taken place in the communication sector but the fact is that these have not percolated down to the lower and lowest strata of society. Proper roads, transport and other communication facilities still remain a distant dream for many villages in the country.

Over the years, a new middle class has emerged and they have largely benefited from the strides we have taken in diverse fields. Simultaneously,

there has been a loss in the purchasing power too. One positive development is the advancements the nation has made in the field of science and technology. The country today can boast of a scientific and technological manpower which could be the envy of even the developed world. Regrettably, again, the fruits of these advancements are yet to benefit a large segment of the Indian populace. Many talented persons have left the country to seek fortunes abroad, where they are doing very well. Either the environment here is not to their liking or they have personal financial gains more at heart. All in all there has been a lack of proper internal technical development in the country and we have to depend on the import of technology from abroad, which is often out of date. This has stood in the way of rapid modern development.

The question today is this—what does future hold for us as we are nearing the dawn of the twenty-first century? This question is applicable to all walks of our life—political, economic and social. Fundamentally, the answer to this question lies in the way our political system will be conducted in the years ahead. The political process which set in in 1967 is still holding sway in the country in some form or other. Fears are being expressed in various quarters about political, economic and social instability. Out of the ten elections to the Lok Sabha, the electorate always voted for one single party at least eight times; in the 1977 elections the Janata Party was voted to power. The Congress was the victor in all the other elections. The ninth general elections of 1989 and the tenth of 1991 have thrown up a new situation in the Indian political system. The Janata Dal-National Front combine could not remain in office for even one year. The Chandra Shekhar government was still short-lived. And the 1991 elections have seen the Congress forming a minority government. How events will unfold in the days to come, only future can tell.

A dispassionate analysis will show that the fault lies essentially with the political parties which have not reformed themselves. Take the case of the Congress itself, a party with a rich and varied heritage, with a standing of more than a century. From an all-India party, today it has virtually been reduced to a regional party in the sense that most of its Lok Sabha members come from a few of the Indian States with the party being reduced to a non-entity in many States, particularly in those States which have a sizeable representation in the Lok Sabha. The party itself is responsible for this predicament. Internal democracy which could benefit any organisation of its stature was non-existent in the post-1967 scene. It did not encourage youth to come up in the party and in the process became the monopoly of the aged and vested interests. No organisational elections were held for years together. There was no internal discussion or debate in the party on the issues involved contrary to its history as being the largest mass movement in the country. The party was controlled by small group and ultimately every decision was taken by one person, the

leader. All these have contributed in no small measure to the plight in which the Congress finds itself today.

The other national parties were and are faring no better. At the best of times, they had only a one-point programme—to capture power. All their activities were solely aimed at defeating the Congress and coming to power. Their interests were always restricted—protecting and preserving personal, group or party interests. The larger national interests were inevitably the casualty. This was precisely the reason why even when they succeeded in forming governments either at the Union level or in the States, they could not attend to matters of state; rather they were busy fighting one another leading eventually to the fall of the government and their defeat in the subsequent elections.

These ominous developments our country can ill afford. A weak government, particularly at the Union level, can set in unhealthy trends. On the domestic front, it leads to political, economic and social instability resulting in chaos and disorder which could harm the body politic. Today, we have to confront threats to our nation's unity and integrity. Secessionist and fissiparous tendencies have raised their ugly heads in many parts of the country. People are being divided in the name of religion, caste, community, language, region, etc. Terrorism is slowly becoming a way of life in several states. Naturally, in such situations, a weak government cannot assert the might of the state. And it is then that external powers inimical to our territorial integrity and political sovereignty will try to take advantage of the sorry state of affairs by way of intervention and assistance to terrorists and other disruptive elements.

In such a scenario, what is needed is a spirit of selfless service in the cause of the nation. Unless political parties reform themselves to adapt to the requirements of times by putting national interest above everything else, our hard-earned freedom will be in peril. What we lack today is leaders with integrity and character committed to the national welfare. If we have at least 50 such men at the helm of affairs, then we can rest assured that the future of our country is safe, secure and bright. If we have achieved anything in the last forty-four years, it is essentially because of the common man of this country, be it a farmer, labourer or artisan. Governments after all never produce anything. They are there to enable people to live in peace and prosperity so that they can produce more for the good of the nation. Progress ultimately can be achieved only in peace.

Of late, there has been considerable debate in various circles on the need for effecting a review of our Constitution as if the Constitution is responsible for all the maladies afflicting the society. There could be nothing farther from the truth. Our Constitution is the repository of the collective wisdom of the best of minds in our country who were fully conscious of the enormity of the task entrusted to them. It also embodies

the best tenets of several other world Constitutions. If things have gone wrong somewhere, the fault lies not with the Constitution but with those practitioners of the Constitution, who are implementing its various provisions. Our Constitution is the product of human experience over the ages all over the world. It is not the work of one single individual. It will be an affront to the sagacity of those visionaries if today we blame the Constitution for any malady.

The Parliament, the pivot round which our parliamentary democracy revolves, is the institution which has to steer the nation in these times of trials and tribulations. Over the years, it has evolved into a people's institution par excellence, mirroring their hopes and aspirations, fears and urges. It has been an active catalyst in the process of socio-economic transformation of our society and has been a vehicle of social change. Our Parliament has never stood in the way or interfered with the passing of any legislation whatsoever aimed at the betterment of the people.

There are several areas which we need to look into to complete the picture. There is an urgent need for judicial reforms if we have to solve quickly problems of inequity or injustice. We are confronted today with a jungle of laws and not many know them or even understand them properly. Accumulation of cases in courts have caused delay in meting out justice making us think loud over the maxim justice delayed is justice denied. Several instances have come to light of judges themselves indulging in corrupt practices. At this juncture, we cannot simply afford to politicise the judiciary or to dilute its efficiency or prestige. Hence the need for judicial reforms to restore it to its glory. Our people have immense faith in judiciary and this has to be steadfastly maintained.

We also have to discuss and debate on the need for electoral reforms. This has acquired an urgency in the wake of the disturbing reports of corrupt practices in the conduct of elections. Needless, to say, all political parties have to apportion the blame for this tragic situation where politics and electoral process have been brutalised and criminalised. From isolated instances of booth capturing and rigging in earlier elections, the poll process of late has become increasingly susceptible to violent tactics of machinations and manipulations to promote individual or party interests. This defeats the very purpose of democracy, for elections are its lifelines. Corrupt practices ultimately erode the will of the people which will not be truly reflected if the elections are not free and fair. And that is why all political parties should come together to effect such electoral reforms as are necessary to confront this evil.

But more than anything else, what we need now is to find men of sagacity, vision and integrity. The political process has undergone tremendous transformation since Independence. Single party governments are now very difficult to come by and coalition government may be the order of the day. Also we have to contend with governments of different

parties at the Centre and in the States. But we need not get panicky over this development. Several European countries, developed ones, have had or are having coalition governments. We should look at it as yet another stage in the maturing of our political process. But for such coalition governments to succeed, we must have outstanding national leaders as their captains to steer the course away from chaos and disorders to peace and prosperity. Ultimately, it is left to us, the people of India, to elect only those who can redeem the pledge which we took on that historic day when we began our tryst with destiny.

CARETAKER GOVERNMENT : WHAT AND WHY?**—M. V. Pylee**

The general elections of 1991 was the tenth since India's Independence in 1947. From the date the elections are announced, until the assumption of office by a new government, the presumption is that the country has a caretaker government. However, in a Press conference soon after the announcement of the tenth general elections, Dr. Subramaniam Swamy, the then Minister of Commerce, Law and Justice, contended that the Constitution does not provide for a caretaker government. By implication, he meant that the government headed by Prime Minister Shri Chandra Shekhar was not obliged to act in that capacity.

Dr. Swamy was right that the Constitutions does not have any specific provision for a caretaker government. Hence, it could be argued that a caretaker government in India is a constitutional aberration or a practice which has little legal validity but to an extent accepted through repeated usage. After all, parliamentary system of government in India is largely a copy of the British parliamentary system and the practices developed under that system during a long period of time.

The term caretaker government has its origin in Britain where, by long-standing practice, it has acquired a distinct meaning and it has become a part of the conventions of the British Constitution. In India, even before the dawn of Independence, a caretaker government was in office from 29 June, 1946 to 2 September 1946, until Jawaharlal Nehru and his colleagues joined the Interim Government on 2 September 1946. That government consisted of the Governor-General and a limited number of senior civil servants whose function was only to look after the day-to-day administration and not to take any policy decisions.

In Britain, a caretaker government has a clearly understood rule and a strictly limited period of existence. During the twentieth century alone, there had been more than twenty general elections in that country and on every occasion, the caretaker government had lasted hardly a month, often about three weeks and no more. In 1945, at the end of the Second World War, although the general elections were held after nearly eight years, the period between the dissolution of the House of Commons and the polling was only 20 days. Prime Minister Churchill, the great war hero, could have easily and justifiably prolonged the period since millions of

Britons were still abroad in different theatres of war and rendering various services connected with war effort.

The limited purpose of the caretaker government was also made clear by Churchill himself by announcing that it was to see that elections were conducted in the true British tradition, a tradition which emphasised free and fair elections. Another important aspect of Churchill's caretaker government was that the Cabinet consisted of only a few senior Ministers and it was to take no policy decisions. But when the famous Potsdam Conference¹ intervened on 17 July 1945, Churchill, as a true democrat and in the true spirit of a caretaker government, took with him Clement Attlee, the Leader of the Opposition, for the Conference. Thus, at Potsdam, Britain was represented by not only its Prime Minister and Foreign Minister (Anthony Eden) but also by its shadow Prime Minister Attlee and shadow Foreign Minister (Ernst Bevin).

The British example of caretaker governments seems to have become the accepted practice in the British Dominions such as Canada, Australia and New Zealand. In most of the countries of the Commonwealth, where the parliamentary system of government prevails, the practice is more or less the same. Japan is another example outside the Commonwealth where the caretaker government appears to follow the British pattern. The last general elections in Japan, just within three weeks after the dissolution of the Japanese Parliament, illustrates this.

In India too, there is sufficient evidence to show that we wanted to follow the British practice. The only exception was the first general elections which took a few months because it was the first time the country was holding elections throughout its territory on the basis of adult suffrage, and therefore it called for elaborate preparations. There was steady improvement thereafter and in 1957, 1962, 1971 and 1977, the gap between the dissolution of the Lok Sabha and the polling date was brought down to less than two months. In 1977 for example, the Lok Sabha was dissolved in late January and the polling was held during the third week of March. Although the intervening period of two months was much longer than that in Britain, we may not consider it too long in the context of the complex nature of nationwide elections in a country of India's size, population and peculiar problems. In 1989, the intervening period was much less, indeed a welcome development. There was hardly any opposition to the caretaker government or the manner in which it functioned during the period, as it was the same government which enjoyed the confidence of Parliament at the time of dissolution of the Lok Sabha. This was the case in all the nine parliamentary elections from 1952 to 1989 except in 1979.

¹The Potsdam Conference was Summit Conference of the victorious allies of the Second World War and the date of the Conference was fixed much ahead of the announcement of the British General Elections of 5 July, 1945.

The caretaker government headed by Prime Minister Charan Singh in 1979, however, was of a different type, and it had violated all conventions associated with caretaker governments anywhere. The caretaker government of Prime Minister Chandra Shekhar also appeared to follow the pattern of the Charan Singh government.

The role of the caretaker government was made clear in 1979 by a communique issued from the Rashtrapati Bhavan as ordered by President Sanjiva Reddy in the following terms:

"The President had consultations with the Prime Minister and some of his Cabinet colleagues who assured that:

1. Elections will be peaceful, free and fair. The revision of the electoral rolls will begin immediately and the election time-table will commence in November 1979 and will be completed by December 1979.

This will ensure that provisions of the Constitution relating to reservation of seats for Scheduled Castes and Scheduled Tribes and representation of the Anglo-Indian Community in the Lok Sabha will continue.

2. The Government will not take decisions during this period which set new policies or involve new spending of a significant order or constitute measures of administrative, executive decisions. However, work of an urgent nature involving the national interest will not be held up."²

Although the communique envisaged the election schedule to begin in November 1979, the elections did not take place in November or December 1979. The elections were held only in January 1980. That is, the caretaker government of Charan Singh functioned for a period of nearly five months. That made it an unusually long caretaker government indeed. In contrast, the caretaker government headed by Chandra Shekhar would have a maximum life of only two months and three weeks. This had been ensured by the Presidential Communique of 13 March 1991 which dissolved the Lok Sabha. The President had directed the Constitution of the new Lok Sabha on or before 5 June 1991. The tragic circumstances under which Rajiv Gandhi was assassinated on 21 May compelled the Election Commission of India to postpone the elections by three weeks. Hence, the caretaker government of Prime Minister Chandra Shekhar lasted three months and three weeks.

Although Prime Minister Charan Singh gave an assurance to President Sanjiva Reddy that his government would not take decisions which set new policies or involved new spending, etc., it was soon made clear that

²For the text of the communique, see *Hindu* 23 August, 1979; also see PYLEE, M.V., *Crisis, Conscience and the Constitution*, 1981, Asia Publishing House, Bombay, Chapter 14.

both in speech and action, the so-called assurance was not to be honoured. The then External Affairs Minister, S.N. Mishra, was the first to speak out. On 23 August, just one day after the appointment of the caretaker government, he claimed that "there is no such thing as a caretaker government; there is a government and it is going to act." Four days later, the Janata-(S) President Raj Narain repeated the same view more emphatically in a Press conference at Lucknow: "The Charan Singh government was fully empowered to take any decision it considers necessary in the larger interest of the nation and the people.....There was no such thing as a caretaker government. The government is government and it cannot be qualified and the Constitution does not provide for a caretaker government."³ A great defender of the Constitution indeed! Dr. Subramaniam Swamy's statement fully echoed Raj Narain's and S.N. Mishra's.

Some of the proposals of Prime Minister Charan Singh in subsequent weeks clearly showed that his caretaker government was bent upon acting in the spirit in which Raj Narain defined its role. Here are a few instances: With a view to gaining popular support in the ensuing elections, three important proposals were placed before the Cabinet at the instance of the Prime Minister during early December 1979. The first of these related to the restoration of the minority character of the Aligarh Muslim University. The second was job reservations to backward classes—a measure similar to the one that was introduced in Bihar by the Karpooi Thakur Ministry. The third was the financing of election expenditure of individual candidates by the State. The Prime Minister, with the full backing of his party colleagues, it was reported, vigorously canvassed these measures at the Cabinet meeting on 17 December but because of stiff opposition from the Congress (U) colleagues in the Cabinet, he could not get them passed. We could well imagine the possible impact of the proposals, if implemented, on the elections in January 1980.⁴

There was some evidence that President Sanjiva Reddy was not happy with the caretaker government. This was clear from his broadcast on 14 December when he appealed to the nation to ensure peaceful elections. The broadcast gave the impression that the President had hardly any confidence left in the caretaker government. It was reported that he did not consult the Prime Minister or even inform him in advance of his intention to broadcast, leave alone revealing its contents. Naturally, the President's action irked the Prime Minister who, it was reported, thought that the President should not have acted in the manner he did without consulting the (caretaker) Cabinet.

What had happened during the short period the caretaker government of Prime Minister Chandra Shekhar had been in office was more or less a

³*Indian Express*, 28 August, 1979.

⁴*Economic Times*, 19 December 1979.

repetition of what happened during the caretaker government of Charan Singh. Prime Minister Chandra Shekhar and some of his senior colleagues had been moving about and making statements on various issues as if they were running the affairs of the government in normal times. There had been several decisions such as important appointments, including those to the judiciary and controversial transfers made by the government. Some of the Ministers had gone abroad participating in important international conferences and made policy statements as if they were representing a government which was firmly in the saddle at home. The spirit of a caretaker government was utterly lacking the way the Chandra Shekhar government and some of the Ministers had been functioning during the period. There had been a number of controversies in which Ministers were involved, of misuse of office, of seeking to take major policy initiatives, of showing favours for material gain and similar others. Once the polling process was initiated by the Election Commission, a Code of Conduct was to be followed and the Commission had occasions to point out to Ministers how they were violating the Code. Ministers went on merrily making appointments, re-constituting the membership of Governing Boards of Public Sector Undertakings or similar autonomous bodies and effecting transfers of senior officials. In a few cases of blatant misuse of power, the President had to intervene. Like his predecessor Sanjiva Reddy, President Venkataraman too used the electronic media and broadcast to the nation appealing for peaceful and orderly poll as an essential condition for the survival of democracy in the country.

The President certainly had an opportunity to spell out in some detail the role of the caretaker government headed by Chandra Shekhar because of its minority background and character. But he did not unfortunately spell out that role of the caretaker government at the time he issued the communique dissolving the Lok Sabha. The President should have done so with a view to establishing the right precedents.

A caretaker government seems to be inevitable in the context of the parliamentary system of government. At the same time, it needs a clear definition and its role and function should be spelt out. In this connection, the Tarkunde Committee on Electoral Reforms (1975) has made the following worthy suggestions: A convention backed by legal sanction should be developed to the effect that the government of the day should function as a caretaker government from the time of the announcement of the dissolution of Parliament or Legislative Assembly as the case may be until the polling day. During this period the caretaker government should not (a) initiate and announce new policies; (b) promise or start new projects; (c) grant allowances or loans, salary increases; and (d) hold official functions attended by Ministers.

The Tarkunde Committee also suggested other restraints such as a ban on the use of government aircraft or vehicles, on broadcasts by Ministers except as part of election broadcasts agreed to among the political parties,

on advertisements or news reels for the government or the ruling party and the transfer of police and other officials. By way of providing legal sanction for the above proposals, the Committee recommended that as many of them as possible should be included in the definition of corrupt practices by amending clause 7 of section 123 of the Representation of People Act, 1951.

To these recommendations, we may add the following two provisions: The caretaker government should consist of only a limited number of Ministers of Cabinet rank and no Ministers of State and Deputy Ministers. Secondly, there should be a strict time limit for the caretaker government. In Britain and the British Dominions of Canada, Australia, etc., as well as in Japan and Germany, the accepted period is around three weeks. It may be too short a period for a country of India's size and peculiar problems in regard to such a massive operation as national elections. Hence, a maximum period of six to eight weeks for elections to the Lok Sabha and three to four weeks for election to the Legislative Assembly of a State seems to be reasonable. If specific legislation, including constitutional amendment, if necessary, is made to define a caretaker government and embody the different proposals given above, the present uncertainty about its duration, powers and composition can largely be removed and the concept of a caretaker government would become more acceptable as an unavoidable adjunct of parliamentary government in India.

MOTION OF CONFIDENCE IN THE COUNCIL OF MINISTERS

—Table Office, Lok Sabha Secretariat

Article 75(3) of the Constitution expressly provides that the Council of Ministers shall be collectively responsible to the House of the People. This indeed is the very bedrock of our parliamentary system. When Parliament is sitting, the continuance of the government in office depends from moment to moment on its retaining the confidence of the House of the People. The House may at any time decide to throw out the government by a majority vote, *i.e.* if the ruling party loses the support of the majority of the members of the House, its government goes. No grounds, arguments, proofs or justification are necessary. When the House clearly and conclusively pronounces that the government of the day does not command its support, the government must resign. Want of parliamentary confidence in the government may be expressed by the House of the People by : (a) passing a substantive motion of no-confidence in the Council of Ministers; (b) defeating the government on a Motion of Confidence or on a major issue of policy; (c) passing an adjournment motion; and (d) refusing to vote supplies or defeating the government on a financial measure.

Rule 198 of the Rules of Procedure and Conduct of Business in Lok Sabha lays down the procedure for dealing with motions of no-confidence in the Council of Ministers. Adoption of any such motion would, therefore, automatically result in the fall of the government.

While it is true that there is no specific provision in the rules regarding a motion expressing confidence in the Council of Ministers, it does not follow that such motions would be inadmissible or that a motion of no-confidence which is the prerogative of the Opposition must necessarily get precedence over a motion of confidence sponsored by the ruling party. Indeed, there have been many an occasion when motions of confidence in the Council of Ministers have been admitted and discussed in the House. Like all other motions on matters of public interest, the motions expressing confidence in the Council of Ministers are governed by the provisions of Chapter XIV of the Rules of Procedure & Conduct of Business in Lok Sabha, *i.e.* Rules 184 to 192 which deal with motions in general.

Rule 184 of the Rules of Procedure and Conduct of Business in Lok Sabha provides as follows :—

“184. Save in so far as is otherwise provided in the Constitution or in these rules, no discussion of a matter of general public interest shall take place except on a motion made with the consent of the Speaker.”

Motions under the above Rule are tabled both by government as also by private members, *i.e.* by members other than Ministers. Motions tabled by private members after these have been admitted, are published as “No-Day-Yet-Named Motions” and placed before the Business Advisory Committee of the House from time to time. The Committee selects the motions for discussion in the House according to the urgency and importance of the subject and allots time thereof keeping in view the convenience of the government, as such motions are discussed in government time.

However, in the nature of things, Motions of Confidence are invariably brought by the government and may, therefore, not be placed before the Business Advisory Committee, like other motions, except for allocation of time, wherever necessary.

Since the coming into force of the Constitution, Confidence motions were admitted on the following dates :—

- (i) On 13.8.1979 in the name of Shri Charan Singh, Prime Minister;
- (ii) On 18.12.1989 in the name of Shri Vishwanath Pratap Singh, Prime Minister;
- (iii) On 29.10.1990 in the name of Shri Vishwanath Pratap Singh, Prime Minister; and
- (iv) On 13.11.1990 in the name of Shri Chandra Shekhar, Prime Minister.

The details of these motions are as follows:—

(i) Consequent upon the split in the then Janata Party into Janata and Janata (S), the leader of Janata (S)—Shri Charan Singh—was invited by the President on 26 July 1979 to form the government. The Council of Ministers, headed by Shri Charan Singh and sworn in by the President on 28 July 1979, was asked by the President to prove his majority “at the earliest possible opportunity, say by third week of August (1979)”. Accordingly, Shri Charan Singh tabled notice of the following motion (which was the first Motion of Confidence in the Council of Ministers ever admitted) to be moved on 20 August 1979, the first day of the 9th Session of the Sixth Lok Sabha :—

“That this House expresses its confidence in the present Council of Ministers”.

The motion tabled on 13 August 1979 was admitted and published in Bulletin-Part II of the same date. It was later put down in the List of

Business for 20 August 1979. However, when the House assembled on 20 August 1979, the Speaker Shri K.S. Hegde, after obituary references, informed the House that he had received a letter from the Prime Minister Shri Charan Singh informing him that he had submitted his resignation and that of his Council of Ministers to the President. On the suggestion by the then Leader of Opposition, Shri Jagjivan Ram, the Speaker adjourned the House at 11.24 hours till 14.00 hours on that day. When the House reassembled at 14.00 hours, the Secretary-General of Lok Sabha laid on the Table of the House a copy each of the following papers :—

- (1) Letter dated 20 August 1979 from the Prime Minister to the President tendering his resignation and that of his Council of Ministers.
- (2) Letter dated 20 August 1979 from the President to the Prime Minister accepting his resignation and that of his Council of Ministers and requesting him and his colleagues to continue in office till other arrangements are made.

The motion, thus, could not be moved and the House was adjourned *sine die*. On 22 August 1979, the President dissolved the Lok Sabha.

(ii) After the general elections to the Ninth Lok Sabha in 1989, the President invited Shri Vishwanath Pratap Singh to form the government and asked him to prove his majority within thirty days of assuming office. The First Session of the Ninth Lok Sabha was summoned to meet from 18 December 1989. On the opening day itself, the Prime Minister Shri Vishwanath Pratap Singh, tabled notice of the following motion :—

“That this House expresses its confidence in the Council of Ministers.”

The motion was admitted and published in Bulletin-Part II of 18 December 1989. It was included in the List of Business for 21 December 1989. This was the first ‘Confidence Motion’ in the history of Lok Sabha which actually came up for discussion. After a debate lasting for 5 hours and 29 minutes, the Motion was adopted by voice vote on 21 December 1989.

(iii) Consequent upon the withdrawal of support by the Bharatiya Janata Party to the government headed by Shri Vishwanath Pratap Singh on 23 October 1990, the President advised Shri Vishwanath Pratap Singh to prove his majority in Lok Sabha and the latter agreed to do so on or before 7 November 1990. In pursuance of the Presidential directive, Lok Sabha was summoned to meet on 7 November 1990. On 26 October 1990, Prime Minister Shri Vishwanath Pratap Singh tabled notice of the following motion :—

“That this House expresses its confidence in the Council of Ministers.

The motion was admitted and published in Bulletin-Part II of 29 October 1990. It was included in the List of Business for 7 November

1990. After a marathon debate lasting for 11 hours and 12 minutes, the motion was negatived by division on that day itself. This resulted in the fall of the government headed by Shri Vishwanath Pratap Singh. The House adjourned *sine die* on 7 November 1990 and was prorogued on 11 November 1990.

(iv) Shri Chandra Shekhar, leader of Janata Dal (S) was invited by the President to form the government, on 10 November 1990 and asked to prove his majority in Lok Sabha "on or before 20 November 1990". Accordingly, the Lok Sabha was summoned to meet on 16 November 1990. On 13 November 1990, Prime Minister Shri Chandra Shekhar tabled notice of the following motion :—

"That this House expresses its confidence in the Council of Ministers."

The motion was admitted and published in Bulletin-Part II of 13 November 1990. It was included in List of Business for 16 November 1990. The motion was discussed for 6 hours and 21 minutes and was adopted by division on that day itself.

Confidence Motion vis-a-vis Motion of No-confidence in the Council of Ministers

As stated earlier, the withdrawal of support by the Bharatiya Janata Party deprived the National Front government of majority in the House. The President thereupon asked the then Prime Minister Shri Vishwanath Pratap Singh to prove his majority on the floor of the House. Shri Singh accordingly tabled notice of a motion on 26 October 1990 expressing confidence in the Council of Ministers, which was admitted by the Speaker and was published in Bulletin-Part II of 29 October 1990. The motion was included in the List of Business for discussion on 7 November 1990.

Meanwhile, 18 notices of Motion of No-confidence in the Council of Ministers were also received on 26 and 29 October 1990.

Prof. P. J. Kurien and 6 other members, in a joint letter dated 5 November 1990, addressed to the Speaker, contended that a Motion of No-confidence in the Council of Ministers should have been given priority over the Motion of Confidence, as there was no specific provision for a 'Confidence Motion' in the Rules of the House.

Some of the procedural points which had then emerged or had been anticipated, are discussed below:

- (a) *Whether a Motion of Confidence should get precedence over a Motion of No-confidence in the Council of Ministers?*

An unprecedented situation had developed and the Speaker was called upon to decide as to which of the two motions, i.e. Confidence Motion or Motion of No-confidence in the Council of Ministers should get priority for discussion in the House.

The one-day session of Lok Sabha, it must be emphasised, was specially called in pursuance of the directive issued by the President to

the government to seek a vote of confidence of the House. It was accordingly made clear in Bulletin-Part II of 25 October 1990 circulated with the Summons to the members that the Fourth Session of Ninth Lok Sabha will commence on 7 November 1990 and the sitting of the Lok Sabha shall, subject to the exigencies of government business, conclude on that day itself. In this connection, it is relevant to quote Rule 25 of the Rules of Procedure of the House which specifically provides:—

“On days allotted for the transaction of Government business, such business shall have precedence.....”

It is also pertinent to mention that both types of Motions which were in fact two sides of the same coin fell essentially within the ambit of Chapter XIV dealing with Motions in general. In other words, all Motions, including a Motion of No-confidence, have to satisfy the conditions laid down in that Chapter in addition to the conditions laid down in Rule 198 which provides, *inter alia*, “...and if not less than 50 Members rise accordingly, the Speaker shall declare that leave is granted and that the Motion will be taken up on such day, not more than 10 days from the date on which the leave is asked for, as he may appoint.....”

On the other hand, Rule 190 of Chapter XIV dealing with Motions in general, provides: “The Speaker may, after considering the state of business in the House and in consultation with the Leader of the House or on the recommendation of the Business Advisory Committee, allot a day or days or part of a day for the discussion on such motion.”

In the light of the provisions in the Rules referred to above and considering the fact that the only purpose of summoning the one-day Session was to give an opportunity to the government to prove its majority in the Lok Sabha, there could hardly be any two opinions on the issue of relative precedence of the two types of motions before the Speaker. Since government's own legitimacy was in question, it was only proper that a positive vote of confidence was sought for by it in pursuance of the directive by the President himself and the Prime Minister given the earliest opportunity to prove his majority on the floor of the House. To argue that a Motion of No-Confidence must get precedence even in such a situation would indeed amount to begging the question. The responsibility of the government to the House being continuous and concurrent and not just a one time affair, a Motion of No-Confidence against the government can in theory be brought before the House at any time. In the instant case, however, the very legitimacy of a minority government claiming to have majority support had to be decided in the first instance. Therefore, the Speaker, after going into all the aspects of the issue, very rightly arrived at the conclusion that the 'Motion of Confidence' should get precedence over the 'Motion of No-Confidence'.

- (b) *In the event of voting of any of the said Motions, what should constitute 'Majority'?*
- (c) *Whether the number of vacancies in the Lok Sabha should be taken into account while considering the question of 'Majority'?*

According to article 100(1) of the Constitution, "save as otherwise provided in the Constitution all questions at any sitting of either House or joint sitting of the Houses shall be determined by a majority of votes of the members present and voting, other than the Speaker or person acting as Chairman or Speaker."

Some of the constitutional provisions which contemplate a special majority are articles 368 regarding amendment of the Constitution, article 61(4) regarding impeachment of President, article 67(b) regarding removal of Vice-President, article 90(c) regarding removal of Deputy Chairman, Rajya Sabha, article 94 regarding removal of Speaker, Lok Sabha, article 124(4) relating to removal of a judge of the Supreme Court, etc. The obvious inference is that all other matters can be decided in terms of article 100, *i.e.* by a simple majority of the number of members present and voting.

It has been argued that such important issues as the very fate of a government should not be left to be decided by the House by a simple majority of the members present and voting. It is worthwhile mentioning in this connection that such other important matters as the Demands for Grants, Appropriation Bill, Finance Bill, Motion of Thanks on the President's Address, Adjournment Motion, etc. are all passed by a simple majority of the members present and voting. Rejection of any of these motions would amount to a Vote of No-confidence in the government. Indeed, it is a special occasion when a Motion of Confidence or No-Confidence comes up before the House. The attendance is, therefore, always much more than usual particularly at the time of voting when members must be present and vote in accordance with the whip issued by the party to which they belong. In practical terms, therefore, the question of such a motion being passed or rejected by a simple majority of the minimum strength $\frac{545 \times 1}{10 \times 2} + 1$ required to have quorum in the House or as few as 28 members as could be theoretically argued, would be unthinkable. It is here that the party whips have to keep their ears close to the ground. The Chief Whip of the ruling party must indeed ensure that at the crucial stage of voting, the government does not have to face an embarrassing situation of being defeated just because its own members were absent or they were not warned in time.

As regards the question of vacancies in the House, article 100(2) provides that either House of Parliament shall have power to act

notwithstanding any vacancy in the membership thereof.

The explanation to Rule 159 of the Rules of Procedure of the House clarifies the expression, 'total membership' referred to in Rules 155, 157 and 158 referring to Constitution Amendment Bill which reads as follows:—

“Explanation— The expression “total membership” referred to in these rules means the total number of members comprising the House irrespective of the fact whether there are vacancies or absentees on any account.”

Thus, the number of vacancies or absentees are not taken into account even for disposal of the Constitution Amendment Bills.

In view of the above provisions in the Constitution and the Rules of Procedure of the House, the Speaker opined that the fate of either of the motions has to be decided by a majority of the membership of the House *present and voting* and not by the total membership of the House.

(d) *Whether there is any necessity to “mention name of Prime Minister in the motion expressing confidence in the Council of Ministers”?*

On 16 November, 1990, before a motion expressing confidence in the Council of Ministers included in the List of Business was taken up, some members raised points of order challenging the constitutional validity of the motion on the ground that the motion did not include the name of the Prime Minister. The Speaker ruled out the points of order and observed, *inter alia*, as under:—

“The Motion is in order. It is not necessary to name the Prime Minister in motion.”

(e) *Whether amendments to Motion of Confidence are permissible?*

On the Motion of Confidence given notice of by Shri Vishwanath Pratap Singh to be moved on 7 November, 1990, some members gave notices of amendments to the motion seeking to add some grounds in support of the motion. The Speaker held that as no grounds were ever mentioned in the Confidence Motion itself, the notices of amendments to the motion seeking to insert grounds were inadmissible.

On 7 November, 1990, after the reply of Shri Vishwanath Pratap Singh, when the Motion of Confidence was put to the vote of the House, it was defeated by Division:

Ayes: 151

Noes: 356

This resulted in the fall of the government led by Shri Vishwanath Pratap Singh.

Again on 16 November, 1990 after the reply of Prime Minister Shri Chandra Shekhar, when the Motion of Confidence moved by him was put to vote of the House, it was carried by Division:

Ayes: 280

Noes: 214

Position in U.K.

As in India, collective responsibility of the Cabinet to Parliament is the bedrock of the British parliamentary system. The Opposition is entitled to put down a motion on the paper expressing lack of confidence in the government—a 'Vote of Censure' as it is called. There are no formal rules governing disposal of a censure motion. By convention, however, if the official Opposition tables a motion of censure on the government, the government provides time for it to be debated and never fails to accede to the demand from the Leader of Opposition to allot a day to the discussion of such a motion. In allotting a day for this purpose, the government is entitled to have regard to the exigencies of its own business but a reasonably early day is invariably found. This convention is due to the recognised and responsible position of the Opposition as a potential government — a position which guarantees the legitimacy of such an interruption of the normal course of business. For its part, the government has everything to gain by meeting such a direct challenge to its authority at the earliest possible moment.

Normal defeats of the government in the division lobbies of the House of Commons have taken place on several occasions but on none of these did the government seek a Vote of Confidence. Though the government did not take these defeats as defeats on confidence motions, there were instances when government, realising its responsibility towards the House of Commons and giving due regard to the wishes of the House expressed in the forms of above defeats, had taken the House in confidence. For instance, the Government suffered a serious defeat on 10 March, 1976 by 284 votes to 256. The division was after a debate on the government's White Paper on expenditure when 37 Labour back-benchers abstained; all except four being members of the left-wing Tribune group though more than half the group voted with the government. The matter before the House was of central importance to the government's economic policy. However, the government, on an adjournment motion the next day, which the Prime Minister declared to be a vote of confidence, carried the day by 297 votes to 280.

Again on 17 March, 1977, the Opposition tabled a motion of censure for debate on March 23. The government sought the help of the Ulster Unionists and the Liberals. The Prime Minister (Mr. Callaghan) promised the Unionists an examination of their case for an increase in the number of Commons' seats in Ulster and this persuaded three Unionist M.Ps. to abstain on the vote. On March 22, the Liberals came to an agreement with the government under which a Consultative Committee was to be set up with government and Liberal members who would regularly examine

government policy and Liberal proposals and some specific issues. Thus, the Lib-Lab pact was born and the government survived the vote of censure by 322 votes to 298. On 13 December, 1978, the Opposition successfully, by 285 votes to 279, moved an amendment condemning the government's policy of using economic sanctions against firms that breached the government's limit of 5 per cent on pay rises. On the main question which followed, the government was defeated by 285 votes to 283. The Prime Minister immediately announced that there would be a vote of confidence the next day, *i.e.* 14 December, 1978. The government abandoned its economic sanctions and won the vote by 300 to 290 votes. The motion on which government won the vote of confidence was as under:—

“That this House expresses its confidence in Her Majesty's Government and in its determination to strengthen the national economy, control inflation, reduce unemployment and secure social justice.”

Also, the government may say in advance that it regards a particular vote as one of confidence, as did the Prime Minister during the debate on the second reading of the European Communities Bill in 1972 and also on an adjournment motion on 11 October, 1976.

Position in Australia

The essential tenet of the Westminster system that the government must possess the confidence of the lower (representative) House holds good in Australia as well. Therefore, a motion expressing want of confidence in, or censure of, a government is often brought before the House of Representatives. Loss of the confidence of the House through a motion expressing want of confidence normally requires the government to resign in favour of an alternative government or to advise a dissolution of the House of Representatives. While no specific provision exists for a separate motion of confidence, it is for the government to treat a motion expressing want of confidence as a motion of confidence or bring a separate motion of confidence before the House. Thus the withdrawal, by the House of its confidence in the government may be shown:

- (i) By a *direct* vote of want of confidence in, or censure of, the government, usually for certain specified acts or omissions. A want of confidence motion, however, does not always contain reasons in its terms.
- (ii) By defeating an issue central to government policy or rejecting a legislative measure proposed by the government, the acceptance of which the government has declared to be of vital importance. Conversely, a vote by the House agreeing to a particular legislative measure or provision contrary to the advice and consent of the government could similarly be regarded as a matter of

confidence. Following defeat, a government may choose to resign as 1904, 1929 and 1941 or to seek a direct vote of confidence.

- (iii) By defeat of the government on a vote not necessarily central to government policy but accepted by the government as one of confidence as in 1905, 1908, 1909 and 1931.

Any defeat of the government in the House of Representatives does not necessarily mean it has lost the confidence of the House or that it ought to resign. Contemporary thinking indicates that when a government is defeated on a matter which it deems to be of sufficient importance, it should seek the feeling of the House at the first opportunity by means of a motion of confidence.

On some occasions, governments have resigned after their defeat on a vote, not necessarily a vote of confidence. For instance, in 1908, Prime Minister Deakin resigned when he accepted that any amendment to a motion to alter the hour of next meeting was a challenge to his government, and the 1909 and 1931 resignations of governments followed from similar acceptance.

On one occasion, on 16 October, 1975, Prime Minister Whitlam, following an announcement of the Opposition's intention to delay in the Senate bills appropriating money for the ordinary annual services of the government, moved a motion of confidence in the government and the House of Representatives. An amendment was moved and negatived and the original motion agreed to. The motion so agreed was—

That—

Considering that this House is the House of the Australian Parliament from which the Government of Australia is chosen;

Considering moreover that on 2 December, 1972 the Australian Labor Party was elected by judgment of the people to be the Government of Australia; that on 18 May, 1974 the Australian Labor Party was re-elected by judgment of the people to be the Government of Australia; and that the Australian Labor Party continues to have a governing majority in this House;

Recognising that the Constitution and the convention of the Constitution vest in this House the control of the supply of money to the elected Government;

Noting that this House on 27 August 1975 passed the Loan Bill 1975 and on 8 October, 1975 passed the Appropriation Bill (No. 1) 1975-76 and the Appropriation Bill (No. 2) 1975-76 which, amongst other things, appropriate moneys for the ordinary annual services of the Government;

Noting also that on 15 October, 1975, in total disregard of the practices and conventions observed in the Australian Parliament since Federation, the Leader of the Opposition announced the intention of the Opposition to

delay those Bills, with the object of forcing an election of this House; that on 15 October, 1975 the Leader of the Opposition in the Senate announced that the Opposition parties in the Senate would delay the Bills; and that on 15 October, 1975 the Senate, against the wishes of the Government, decided not to proceed further with consideration of the Loan Bill 1975;

Considering that the actions of the Senate and of the Leader of the Opposition will, if pursued, have the most serious consequences for Parliamentary democracy in Australia, will seriously damage the Government's efforts to counter the effect of world wide inflation and unemployment, and will thereby cause great hardship for the Australian people;

1. This House declares that it has full confidence in the Australian Labor Party Government.
2. This House affirms that the Constitution and the conventions of the Constitution vest in this House the control of the supply of moneys to the elected Government and that the threatened action of the Senate constitutes a gross violation of the roles of the respective Houses of the Parliament in relation to the appropriation of moneys.
3. This House asserts the basic principle that a Government that continues to have a majority in the House of Representatives has a right to expect that it will be able to govern.
4. This House condemns the threatened action of the Leader of the Opposition and of the non-government parties in the Senate as being reprehensible and as constituting a grave threat to the principles of responsible government and of Parliamentary democracy in Australia.
5. This House calls upon the Senate to pass without delay the Loan Bill 1975, the Appropriation Bill (No. 1) 1975-76 and the Appropriation Bill (No. 2) 1975-76.

On no occasion has a *direct* vote of want of confidence in, or censure of, a Government been successful in the House of Representatives. On 8 occasions, however, Governments have either resigned or advised a dissolution following their defeat on other questions in the House.

Position in New Zealand

A government subsists because it commands a majority of votes in the House; it possesses the "confidence" of the House. If the government ceases to command majority (for example, because of defections or losses at by-elections) a new political settlement would need to be made whereby another election might be held, another party might take office as the government, a coalition government consisting of members of more than one party might be formed, or the government might continue in

office as a minority government. Whatever the new settlement is, demonstration of loss of confidence in the government is an event which demands a reconsideration of the basis on which the government holds office.

There is no tradition in the House of Representatives, as there is in some overseas Parliaments, of the official Opposition putting down a motion expressing want of confidence in the government, and the government then finding time to debate that motion, though this has been done on rare occasions. Motions expressing want of confidence in the government normally arise by way of amendment to other motions before the House, and it follows from the rules requiring amendments to be relevant to the motion which they seek to amend that such a broad amendment as a want of confidence amendment may only be moved to a motion which itself permits debate to be open-ended. There are few debates held each Session on which the scope of debate is so wide that an amendment declaring that the government had lost the confidence of the House is in order. Those debates which would permit such an amendment are those on the Address in Reply, the second reading of an Appropriation Bill or an Imprest Supply Bill, and the third reading of the last Appropriation Bill of the Session. On these debates, an amendment expressly raising a question of confidence can be, and often is, moved.

Unlike an express vote of confidence which emanates from the Opposition, implied votes of confidence emanate inescapably from the government. The government cannot avoid asking the House for supply, for to do so would be to abdicate its responsibility as a government. So each of the debates referred to above, which could found an amendment expressing want of confidence, inevitably in themselves raise a question of confidence, and even if no amendment is moved by the Opposition expressly raising a question of confidence, any vote at the conclusion of those debates is a vote which tests the confidence of the House in the government.

Even if no express or implied question of confidence arises as described above, it is open to the government on any issue in the House to declare that it will treat a vote on that issue as a matter of confidence in itself and resign or call an election if it is defeated. Until 1962, a Standing Order provided a minimum time-limit for speeches made on any motion or amendment treated by the government as a vote of confidence. A number of motions which would not otherwise have raised a question of confidence in the government were declared by the Prime Minister of the day to do so thereby invoking this minimum speaking time for members debating the motion.

**MEMBERS OF TENTH LOK SABHA—
A SOCIO-ECONOMIC STUDY**

—LARRDIS

Members of Tenth Lok Sabha represent and reflect, as generally speaking in the previous Lok Sabhas, a plurality of interests corresponding with the nature of Indian society which has exhibited cultural and social pluralism throughout the history of its development and growth. A system with plurality as the base of its social structure and democracy as its political superstructure which ensures entry into its Supreme Legislature, *i.e.* the Parliament (especially its lower chamber, the Lok Sabha) through a free and openly accessible mechanism of 'Direct Elections' is sure to see its consummation in returning members from a wide and diverse socio-cultural, political and economic background. The Tenth Lok Sabha, like all its predecessors therefore exhibits a remarkable degree of heterogeneity. Besides differing from one another in their natural biological characteristics of age and gender, members of the Tenth Lok Sabha differ from one another in a whole lot of other aspects. Coming from different educational backgrounds, they represent a correspondingly wide spectrum of professions. While many of them possess a certain degree of legislative experience either in State Legislatures, other local bodies and/or in Lok Sabha/Rajya Sabha, some others are freshers without any past experience, intending to open a career out of parliamentary politics. Representing, as they do, different political parties or various other semi-political organisations affiliated to mainstream political parties, the members believe in different political ideologies.

The present study is basically an attempt to present factual details with regard to the composition of the Tenth Lok Sabha in respect of age of members, their educational backgrounds, occupational patterns, political affiliations, marital status, etc. While making an account of the above factual details, a comparative assessment has also been made of the present House with the Ninth Lok Sabha and with the earlier Houses wherever necessary, to draw certain conclusions over the general trend of

representation. Similar details in regard to women members are presented separately which, we hope, would be of special help to researchers and scholars interested in an analysis of the social position of Indian women.

To give a brief introduction, the Tenth Lok Sabha was constituted on 20 June 1991. With no single political party having succeeded in securing an absolute majority of its own in the House we have, for the second successive time, seen the installation of a minority government at the Centre led by the Congress Party which has a strength of 225 members (including the Speaker, Lok Sabha) in the House. Shri P.V. Narasimha Rao, President of the Congress Party, was appointed Prime Minister, on 21 June 1991. As per accepted practice, the President appointed Shri Indrajit Gupta of the Communist Party of India, the senior most member of the House, Speaker *pro tem* with effect from 9 July 1991 and he administered the oath of office to the members. The election of the Speaker of the House was held on 10 July 1991.

As mentioned earlier, the members of the present House represent diverse political parties. Table I indicates the detailed party position in the Tenth Lok Sabha as on 3 July, 1991. The Bharatiya Janata Party has been recognised as the Opposition Party, and Shri L.K. Advani, Leader of its Parliamentary party, has been appointed the Leader of Opposition in the Tenth Lok Sabha with the conventionally accepted rank of a Cabinet Minister. It may be recalled here that Shri Advani had this privilege in the second half of the Ninth Lok Sabha too. Shri Shivraj V. Patil of the Congress Party was unanimously elected the Speaker of Lok Sabha on 10 July 1991. Shri S. Mallikarjunaiah of the BJP was elected the Deputy Speaker, on 13 August 1991.

The Constitution provides that subject to the provision for nomination by the President of two members from the Anglo-Indian Community, the House of the People (Lok Sabha) shall consist of not more than five hundred and thirty members chosen from different territorial constituencies in the States and not more than twenty members to represent the Union territories. As per the existing delimitation of constituencies there are only 543 elective seats to the House. The actual strength of the Tenth Lok Sabha is only 509 at present as elections are still to be held in the States of Punjab and Jammu & Kashmir and due to vacancies in certain seats where elections were countermanded. The total number of vacancies in the House is 36 at present.

Bio-data of 508 members, as collected from the members themselves, constitute the basis of the present analysis. In some cases, all the necessary particulars in respect of date of birth, educational qualifications, occupation, etc. are not available. It is thus with certain limitations that the article seeks to discuss the nature of composition of Tenth Lok Sabha.

As on 3.7.1991

Sl. No.	Name of State/ Union Territory	Seats	Cong. (I)	BJP	Janata Dal	CPI (M)	CPI	Other Parties	Ind.	Total	Vacancies
1	2	3	4	5	6	7	8	9	10	11	12
4.	Daman & Diu	1	—	1	—	—	—	—	—	1	—
5	Delhi	7	2	4	—	—	—	—	—	6	1
6.	Lakshadweep	1	1	—	—	—	—	—	—	1	—
7.	Pondicherry	1	1	—	—	—	—	—	—	1	—
Total		524	224	117	56	35	13	59	1	505*	19

@ Elections not held in Jammu & Kashmir and Punjab.

Excluding Speaker

- (a) TD—13; AIMIM—1
- (b) Autonomous States Demand Committee—1; and AGP—1
- (c) JMM—6
- (d) Janata Dal (Gujarat)—1
- (e) Haryana Vikas Party—1
- (f) Janata Party—1
- (g) Indian Congress (Socialist Sarat Chandra Sinha)—1; ML—2; and Kerala Congress (M)—1
- (h) BSP—1
- (i) Shiv Sena—4
- (j) MPP—1
- (k) NPC—1
- (l) SSP—1
- (m) AIADMK—11
- (n) Janata Party—4
- (o) AIFB—3; and RSP—4

TABLE—2
DISTRIBUTION OF MEMBERS FROM FIRST TO TENTH LOK SABHA BY AGE GROUPS

Age Group	1st Lok Sabha		2nd Lok Sabha		3rd Lok Sabha		4th Lok Sabha		5th Lok Sabha		6th Lok Sabha		7th Lok Sabha		8th Lok Sabha		9th Lok Sabha		10th Lok Sabha	
	Num-ber	Per-centage	Num-ber	Per-centage	Num-ber	Per-centage	Num-ber	Per-centage	Num-ber	Per-centage	Num-ber	Per-centage	Num-ber	Per-centage	Num-ber	Per-centage	Num-ber	Per-centage	Num-ber	Per-centage
25-30 years	28	6.0	13	2.8	11	2.3	22	4.4	16	3.1	18	3.5	9	1.7	7	1.3	14	2.66	8	1.56
31-35 years	54	11.6	69	12.3	34	7.1	37	7.5	28	5.5	26	5.0	43	8.3	36	6.8	17	3.25	32	6.34
36-40 years	66	12.5	91	18.7	64	13.7	69	13.7	62	12.3	62	11.9	71	13.7	60	11.3	55	10.53	50	9.90
41-45 years	66	14.7	71	14.6	79	16.6	84	17.0	76	15.0	69	13.3	75	15.5	73	13.7	76	14.55	75	14.85
46-50 years	74	16.0	64	13.1	73	15.4	85	17.0	69	13.6	94	18.1	70	13.5	77	14.5	92	17.62	87	17.23
51-55 years	93	20.3	76	15.6	69	14.5	69	14.0	94	18.6	94	18.1	84	16.2	74	13.9	62	15.70	71	14.06
56-60 years	47	10.1	70	14.4	58	12.2	55	11.0	57	11.3	66	12.7	67	12.8	60	11.5	66	13.02	66	12.87
61-65 years	29	6.2	25	5.1	58	12.2	39	7.9	35	6.9	41	8.0	41	7.9	74	13.9	63	12.06	66	13.07
66-70 years	10	2.0	12	2.4	21	4.4	25	5.0	25	4.9	33	6.4	24	4.6	60	11.3	41	7.85	32	6.34
71-75 years	1	0.2	4	1.0	6	1.2	10	2.0	9	1.7	11	2.1	11	2.1	11	2.1	12	2.29	14	2.77
76-80 years	—	—	—	—	1	0.2	1	0.2	2	0.4	4	0.7	3	0.6	6	1.1	1	0.19	4	0.79
81-85 years	—	—	—	—	1	0.2	1	0.2	1	0.2	1	0.2	1	0.2	3	0.6	—	—	1	0.20
86-90 years	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	0.19	—	—
Total number of members who have supplied information	462		486		475		496		504		519		519		531		522		505	
Total number of Seats	499		500		503		523		521		544		544		544		529		509	

Age Profile

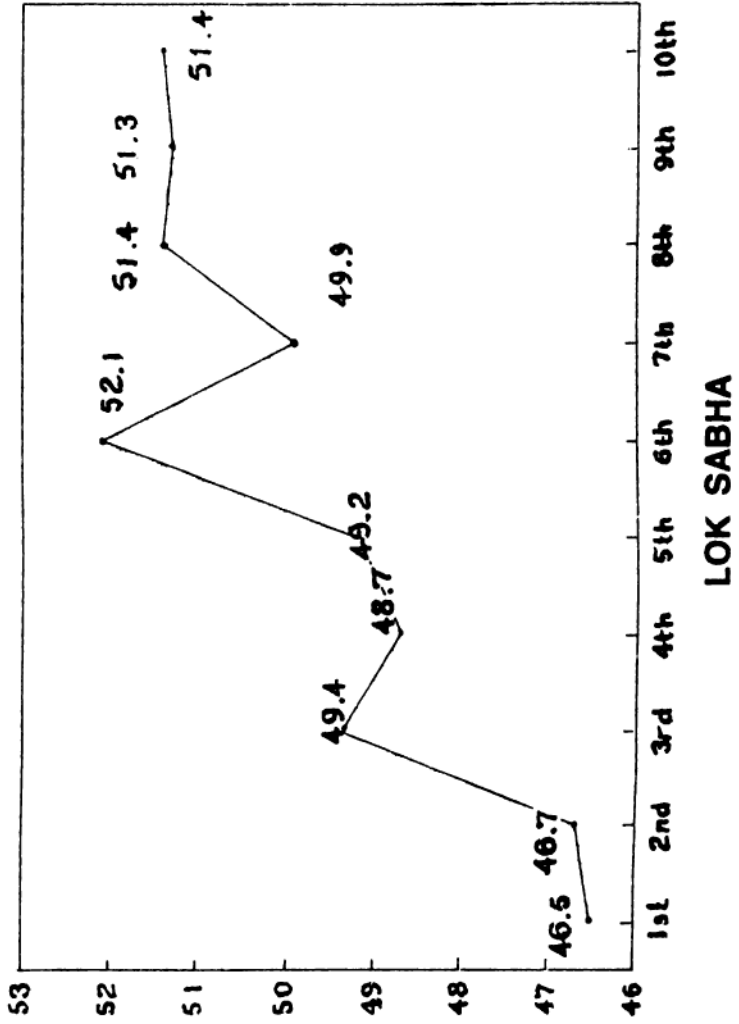
The Constitution prescribes a minimum age of 25 years to contest election for membership of the House of the People (Lok Sabha) and 30 years for membership of the Council of States (Rajya Sabha). It is silent on the upper age limit.

The average age of members in the various Lok Sabhas is indicated in Graph 1. It will be observed therefrom that the Tenth Lok Sabha is a little older than the Ninth Lok Sabha with the average age of its members being 51.4 years as against 51.3 years in the case of its immediate predecessor. In terms of averages, the Sixth Lok Sabha with the average age of its members being 52.1 years, had the distinction of being the oldest House thus far.

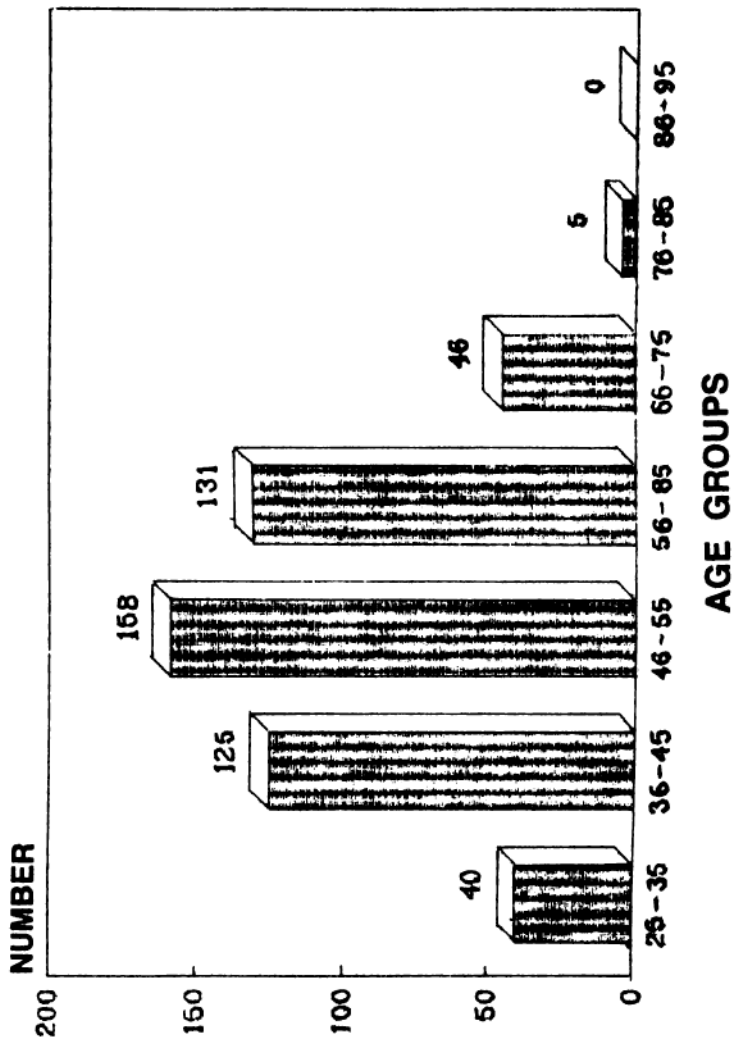
For the purpose of a little more detailed analysis, the members are categorised into 13 different age-groups with a span of 5 years each, beginning with the age group of 25-30 years and ending with 86-90 years. Table 2 gives the comparative position about the distribution of members of all the Ten Lok Sabhas in terms of the different age groups.

In Graph 2, seven different age groups represented in the 10th Lok Sabha have been taken with a span of 10 years each, beginning with the age group of 25-35 and ending with 86-95 years. It may be seen that in the Tenth Lok Sabha, as has been the case in all the previous Lok Sabhas, the middle-aged members, *i.e.* those in the age group of 41-55 years, have the largest representation. They constitute 46.14 per cent of all the members in the Tenth Lok Sabha. The representation of this age group was the highest in the Fifth Lok Sabha (53.2 per cent) and was the lowest in the Eighth Lok Sabha (42.1 per cent). A marginal improvement, however, will be noted in the representation of young members (that is members who are either 40 or below) from 16.47 per cent in the Ninth Lok Sabha to 17.82 per cent in the Tenth Lok Sabha. The representation of this group was the highest in the Second Lok Sabha (33.74 per cent) and the lowest in the Ninth Lok Sabha. A substantial fall, however, is noticeable in the representation of members in the youngest age group, that is members in the age group of 25-30 years, in the present Lok Sabha which shows only 1.58 per cent representation against 2.68 per cent in the Ninth Lok Sabha. Members in this age group had the largest ever representation of 6 per cent in the First Lok Sabha. Older members who are 56 years of age or above have 36.04 per cent representation in the present Lok Sabha compared to their highest, ever representation of 38.5 per cent in the Eighth Lok Sabha. Nonetheless, their representation in the present Lok Sabha shows a marginal increase over the Ninth Lok Sabha figure of 35.63 per cent. In the First Lok Sabha their representation was only 20.9 per cent. There was no representation of members who are in the age group of 81-85 in the Ninth Lok Sabha whereas their representation registered 0.2 per cent in the Tenth Lok Sabha. Interestingly, in the first two Lok Sabhas, they had no representa-

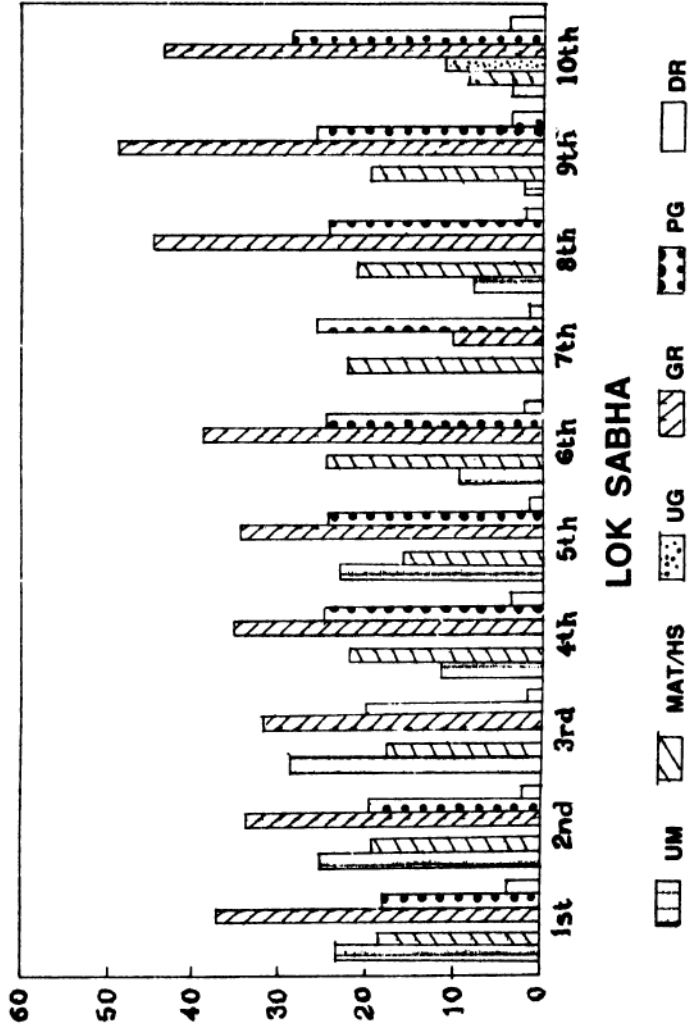
**AVERAGE AGE OF MEMBERS FROM
1st TO 10th LOK SABHA**



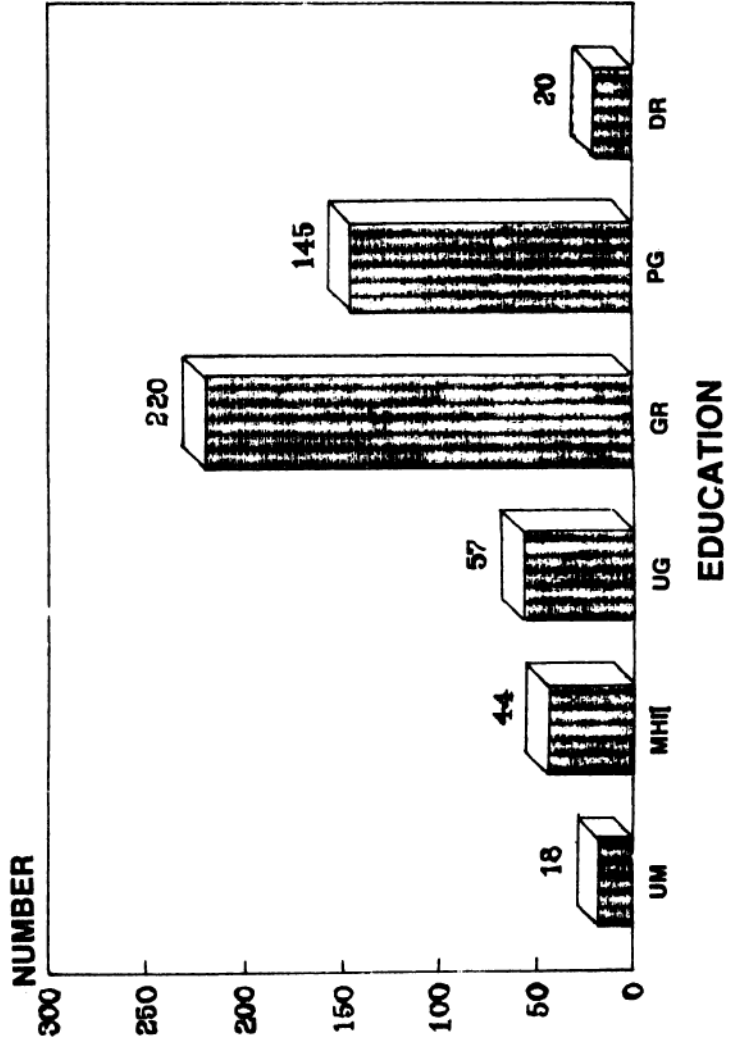
AGE WISE DISTRIBUTION OF MEMBERS X LOK SABHA



EDUCATIONAL BACKGROUND OF MEMBERS FROM 1st TO 10th LOK SABHA IN %



EDUCATIONAL BACKGROUND OF MEMBERS X LOK SABHA



tion. The youngest male member of the present House is Shri Anand Ahirwar (27 years) and Shri Frank Anthony (82 years) is the oldest male member in the present House. Smt. Sheila Kaul continues to be the oldest female member (76 years) in the Tenth Lok Sabha as in the Ninth Lok Sabha, while the credit of being the youngest female member in the present House goes to Kum. Dipika Chikhliya (26 years).

Educational Background

Though our Constitution does not stipulate any formal educational qualification for membership of Parliament, it would be observed from Table 3 that the members elected to all the ten Lok Sabhas were having good educational qualifications and it showed an upward swing with each successive Lok Sabha.

Classifying the members into six categories according to their educational qualifications, viz. (i) Under-Matriculates, (ii) Matriculates / Higher Secondary or Intermediate Certificate holders, (iii) Under-Graduates, (iv) Graduates (with equivalent technical qualifications), (v) Post-Graduates (including those with equivalent technical qualifications) and (vi) Doctoral degree or other high academic qualification holders, Table 3 shows the number and percentage of members of all the ten Lok Sabhas falling into these categories. Graph 3 indicates the educational background of members, percentage-wise, from First to Tenth Lok Sabha. Graph 4, however, confines itself to a study of the Tenth Lok Sabha only.

The Ninth Lok Sabha had the distinction of being the highest educated Lok Sabha so far with the largest proportion of educated members (78.24 per cent) belonging to the category of Graduates and above. The percentage of representation for this category shows a little decline to 76.39 per cent in the present Lok Sabha. However, with the availability of the relevant information from 504 members only for the present study, the figure of representation for this category of members may not thus be necessarily viewed as a downward trend in the representation of graduates and above in the Lok Sabha. In any case in the Tenth Lok Sabha representation of this category of members marks a significant improvement upon the record of the Eighth Lok Sabha with 71.1 per cent. The members with Graduate degrees and other higher academic qualifications constituted 67.61 per cent, 65.28 per cent, 60.89 per cent, 66.08 per cent, 53.47 per cent, 55.41 per cent and 58.07 per cent in the Seventh, Sixth, Fifth, Fourth, Third, Second and First Lok Sabhas respectively.

Going by any single category, Graduates account for 43.65 per cent representation in the Tenth Lok Sabha. This was less than the Ninth Lok Sabha representation of 48.74 per cent for this category which was an all time record. The Tenth Lok Sabha has on the other hand, the credit of having maximum number of members having Post-Graduate and Doctorate degrees. The Post-Graduates (including those with equivalent technical qualifications) have surpassed all their past record of representation, registering 28.77 per cent in the Tenth Lok Sabha. In the Ninth and the

TABLE—3
EDUCATIONAL BACKGROUND OF MEMBERS FROM FIRST TO TENTH LOK SABHA

Educational Background	1st Lok Sabha		2nd Lok Sabha		3rd Lok Sabha		4th Lok Sabha		5th Lok Sabha		6th Lok Sabha		7th Lok Sabha		8th Lok Sabha		9th Lok Sabha		10th Lok Sabha	
	Num-ber	Per-centage	Num-ber	Per-centage	Num-ber	Per-centage	Num-ber	Per-centage	Num-ber	Per-centage	Num-ber	Per-centage	Num-ber	Per-centage	Num-ber	Per-centage	Num-ber	Per-centage	Num-ber	Per-centage
Under Matriculates	112	23.2	120	25.4	141	28.7	54	11.5	119	23.1	52	9.8	53	10.0	42	7.9	10	2.09	18	3.57
Miscellaneous/Higher Secondary or Inter-mediate Certificate holders	88	18.4	90	19.1	87	17.7	101	22.1	82	16.0	132	24.9	118	22.3	112	21.0	94	19.66	44	8.73
Under Graduates	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Graduates (including those with equivalent technical qualifications)	177	37.1	180	33.9	157	32.0	172	35.4	178	34.6	205	38.7	213	40.3	238	44.6	233	48.74	220	43.65
Post-Graduates (including technical qualifications)	85	17.8	92	19.5	88	20.0	113	24.7	127	24.7	132	24.9	136	25.8	131	24.8	124	25.94	145	28.77
Doctoral Degree or other high academic qualification holders	15	3.5	9	2.1	7	1.6	17	3.7	8	1.5	9	1.7	8	1.5	10	1.9	17	3.55	20	3.97
Total number of members who have supplied information	477		471		480		457		514		530		528		533		478		504	
Total number of seats	499		500		503		523		521		544		544		544		529		509	

Eighth Lok Sabhas their representation was 25.94 per cent and 25.8 per cent, respectively, for this category. It may be remembered here that the First Lok Sabha had the lowest ever representation in the category of Post-Graduates (about 17.8 per cent).

One of the notable features of the Tenth Lok Sabha which emerges after studying Table 3 is the largest ever representation of 3.97 per cent for the category of Doctorates and other equivalent high academic qualification holders. Earlier the Fourth Lok Sabha had the maximum representation for this category (3.7 per cent) followed by the First and the Ninth Lok Sabhas with 3.5 per cent representation each, while all other Lok Sabhas had registered a decline.

The category of Matriculates/Higher Secondary/Intermediate Certificate holders constitute only 8.73 per cent of the Tenth Lok Sabha which is so far the lowest in all the Lok Sabhas. The previous lower representation in this category is noticeable in the Fifth Lok Sabha (16 per cent). While decline in the representation of this category of members in the Fifth Lok Sabha may not be taken so positively because of the relatively increased representation in that House in the category of Undermatriculates (23.1 per cent), in the Tenth Lok Sabha its decreased representation is due to the relatively higher representation of Graduates and above, which necessarily tells upon the educational make-up of the Lok Sabha.

Like in the Ninth Lok Sabha, representation of Undermatriculates in the Tenth Lok Sabha is relatively less, though the Tenth Lok Sabha figure for this category (3.57 per cent) is a little above the Ninth Lok Sabha figure of 2.09 per cent. But this, when viewed in the context of overall representation of other categories of members who are Graduates and above, appears negligible. In any case a fall in representation of Undermatriculates and Matriculates put together signifies a rise in the general level of educational make-up of the Lok Sabha.

Undergraduates (*i.e.* members who have studied for Graduation without completing it)—a Category that has been included for the very first time in the Tenth Lok Sabha—account for 11.31 per cent representation.

Occupational Background

The members of Lok Sabha come from various walks of life. For the purpose of our present study we have taken into consideration only certain well-recognised professions and occupations which are indicated in Table 4.

TABLE—4
OCCUPATIONAL BACKGROUND OF MEMBERS FROM FIRST TO TENTH LOK SABHA

Prior Occupation	1st Lok Sabha		2nd Lok Sabha		3rd Lok Sabha		4th Lok Sabha		5th Lok Sabha		6th Lok Sabha		7th Lok Sabha		8th Lok Sabha		9th Lok Sabha		10th Lok Sabha	
	Num-ber	Per-centage	Num-ber	Per-centage	Num-ber	Per-centage	Num-ber	Per-centage	Num-ber	Per-centage	Num-ber	Per-centage	Num-ber	Per-centage	Num-ber	Per-centage	Num-ber	Per-centage	Num-ber	Per-centage
Agriculturists	97	22.5	141	29.1	129	27.4	154	30.8	168	33.2	189	38.0	208	39.3	203	38.3	230	44.1	163	29.09
Artists	—	—	—	—	—	—	1	0.2	—	—	—	—	—	—	—	—	—	—	5	0.88
Businessmen	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	23	4.53
Civil and Military Service	16	3.7	19	4.0	4	0.9	16	3.2	17	3.4	9	1.7	6	0.3	16	0.3	6	1.15	16	3.15
Diplomats	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	3	0.57	4	0.79
Economists	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	0.19	—	—
Engineers and Technologists	—	—	—	—	4	0.9	7	1.4	6	1.2	5	0.9	6	1.1	4	0.8	11	2.11	7	1.29
Former Rulers	5	1.1	7	1.4	10	2.1	7	1.4	2	0.4	3	0.6	1	0.2	3	0.6	2	0.38	3	0.59
Industrial Workers/Trade Unionists	—	—	—	—	1	0.2	1	0.2	—	—	—	—	8	1.7	4	0.8	7	1.3	2	0.38
Journalists / Writers	45	10.4	50	10.2	27	5.8	24	4.8	32	6.3	11	2.1	15	2.9	7	1.3	14	2.68	11	2.17
Lawyers	153	35.8	147	30.5	115	24.5	86	17.5	103	20.5	123	23.4	118	22.2	101	19.1	80	15.36	83	16.34
Medical Practitioners	21	4.9	17	3.5	14	3.0	14	2.8	9	1.7	10	1.9	10	1.9	21	4.0	18	3.45	24	4.82
Politicians	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	0.19	1	0.20
Political and Social Workers	—	—	—	—	88	18.7	115	22.9	96	19.0	105	20.0	90	17.2	85	16.0	89	17.08	92	18.11
Religious Missionaries	—	—	—	—	1	0.2	4	0.8	2	0.4	—	—	1	0.2	1	0.2	—	—	3	0.59
Scientists	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	0.20
Sportsperson	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	0.39
Teachers and Educationists	43	9.9	55	11.3	27	5.8	26	5.5	36	7.1	44	8.4	36	6.7	41	7.7	41	7.86	49	9.05
Traders and Industrialists	52	12.0	50	10.2	50	10.3	39	7.5	35	6.8	17	3.3	33	6.3	36	6.8	19	3.64	16	3.15
Total Number of members who have supplied information	432		486		470		503		506		525		523		530		521		508	
Total number of seats	499		500		503		523		521		544		544		544		529		508	

It may be mentioned that in case of the first two Lok Sabhas, the category of political and social workers, as a distinct occupational category, was not taken into consideration. As such, these categories are not shown in the Table against the First and the Second Lok Sabhas. Similarly, the new occupational categories of diplomats, economists and pilots have been included only in the case of Ninth Lok Sabha. The categories of businessmen and scientists are included for the first time in the case of Tenth Lok Sabha. They are not shown in any of the previous Lok Sabhas.

Going by any single category, agriculturists (including horticulturists) continue to constitute a majority of membership in the Tenth Lok Sabha as well, in tune with the pattern of representation in the seven preceding Lok Sabhas. Constituting 32.09 per cent in the Tenth Lok Sabha, they have fallen substantially from their Ninth Lok Sabha record level representation of 44.14 per cent; but viewed in absolute terms they still constitute the largest group in the Tenth Lok Sabha and continue to dominate the scene, aptly reflecting the agrarian structure of Indian economy and society.

Next to agriculturists come political and social workers with 18.11 per cent representation in the Tenth Lok Sabha contrasted with their 17.08 per cent and 16 per cent representation in the Ninth and Eighth Lok Sabhas, respectively. This group was at its peak in the Fourth Lok Sabha claiming 22.9 per cent of the total membership.

The occupational group of lawyers which registered a noticeable decline in the Ninth Lok Sabha to 15.35 per cent from 19.1 per cent in the Eighth Lok Sabha, improved its position marginally to 16.34 per cent in the Tenth Lok Sabha. It may be recalled here that lawyers constituted the single largest group in the first two Lok Sabhas with 35.6 per cent, and 30.5 per cent, respectively.

Teachers and educationists as a group had the highest ever representation of 11.3 per cent in the Second Lok Sabha. However, their number came down in the subsequent Houses. The increasing trend seen in their representation from the Eighth Lok Sabha has been sustained in the Tenth Lok Sabha which registered 9.65 per cent representation for this category.

The representation of traders and industrialists has further declined to 3.15 per cent in the Tenth Lok Sabha from 3.64 per cent in the Ninth Lok Sabha and 6.8 per cent in the Eighth Lok Sabha. Their highest ever representation was in the First Lok Sabha (12 per cent.)

Medical practitioners constitute 4.92 per cent of the total membership of the Tenth Lok Sabha which is so far the highest. In the Ninth Lok Sabha they constituted 3.45 per cent.

There is a noticeable sharp decline in the representation of journalists and writers in the Tenth Lok Sabha. While in the First and Second Lok Sabhas they had constituted about one tenth of the total membership, in the Tenth Lok Sabha their representation has slid down to 2.17 per cent which is even lower than the Ninth Lok Sabha figure of 2.68 per cent.

Representation in the category of civil and military service has increased to 3.15 per cent in the Tenth Lok Sabha from 1.15 per cent in the Ninth Lok Sabha. The largest ever representation of this group was in the Second Lok Sabha (4 per cent).

The representation of engineers and technologists registered a decline from an all time high representation of 2.11 per cent in the Ninth Lok Sabha to 1.38 per cent in the Tenth Lok Sabha, but even this reduced figure is higher than the corresponding figures in all other Lok Sabhas.

Industrial workers and trade unionists doubled their representation to 0.79 per cent in Tenth Lok Sabha from 0.38 per cent in the Ninth Lok Sabha. They were conspicuously absent in the first two Lok Sabhas.

Artistes registered 0.98 per cent representation in the Tenth Lok Sabha as compared to 0.76 per cent and 0.9 per cent in the Ninth and Eighth Lok Sabhas, respectively. They had no representation in the first two Lok Sabhas.

The categories of diplomats, religious missionaries, former rulers, sportsmen and pilots show 0.79 per cent, 0.59 per cent, 0.59 per cent, 0.39 per cent and 0.20 per cent representation, respectively, in the Tenth Lok Sabha.

The categories of businessmen and scientists which are included for the first time in the Tenth Lok Sabha constitute 4.53 per cent and 0.20 per cent representation, respectively.

Marital Status

As in the case of the Ninth Lok Sabha the large majority of members in the present House are married. They constitute 92.91 per cent of the membership compared to 95.08 per cent in the previous House. Out of the married members of Tenth Lok Sabha as many as 14 are widowed and one is divorced. No information is available with regard to the marital

status of one member. Unmarried members account for 6.89 per cent in the Tenth Lok Sabha almost equalling their highest ever representation of 6.9 per cent in the Seventh Lok Sabha. There was only a 4.92 per cent representation of unmarried members in the Ninth Lok Sabha. Of the 35 unmarried members of the Tenth Lok Sabha, 25 are male and 10 are female. Among the married members with the exception of 29 members (6.14 per cent), all others of the present Lok Sabha have children. In the past 28 members of the Seventh Lok Sabha (5.7 per cent), 27 members of the Eighth Lok Sabha (5.3 per cent) and 30 members of the Ninth Lok Sabha (5.67 per cent), also did not have children.

Among the married members in the Tenth Lok Sabha two (0.42 per cent) are having 10 children followed by four members (0.85 per cent) with 9 children, eleven members (2.33 per cent) with 8 children, twelve members (2.54 per cent) with 7 children, twenty-seven members (5.72 per cent) with 6 children, fifty-eight members (12.29 per cent) with 5 children, seventy-four members (15.68 per cent) with 4 children, 104 members (22.03 per cent) with 3 children, 111 members (23.52 per cent) with 2 children and 41 members (8.69 per cent) with one child each. As against this in the Ninth Lok Sabha 111 members (22.06 per cent) and 36 members (7.15 per cent) had 2 children and 1 child each, respectively, while the remaining 319 members had children in the range of three to ten.

Women Members

The Eighth Lok Sabha had the distinction of having the largest ever number of women representatives (44). In the Ninth Lok Sabha their number declined considerably to 28. In the 10th General Elections to Lok Sabha, it seems, as many of the media sources reported, the fear of large-scale violence detracted many women from participation in the general poll and there was actually a fall in the number of candidates in comparison to the eighth and ninth general elections. But as the poll outcome revealed, the apprehensions proved to be misplaced and the representation of women members has increased to 36 (7.07 per cent) in the present House from 28 (5.29 per cent) in the Ninth Lok Sabha. In fact it is the second highest representation for women members in any Lok Sabha.

Table-5 gives a detailed account of women members elected to all the Lok Sabhas so far constituted, while Table-6 tries to make a comparative assessment of the age profile of women members from the Seventh Lok Sabha onwards after classifying them into ten different age groups.

A study of the age-profile of women members of the Tenth Lok Sabha reveals their average age to be 47.77 years as against 51.47 years for

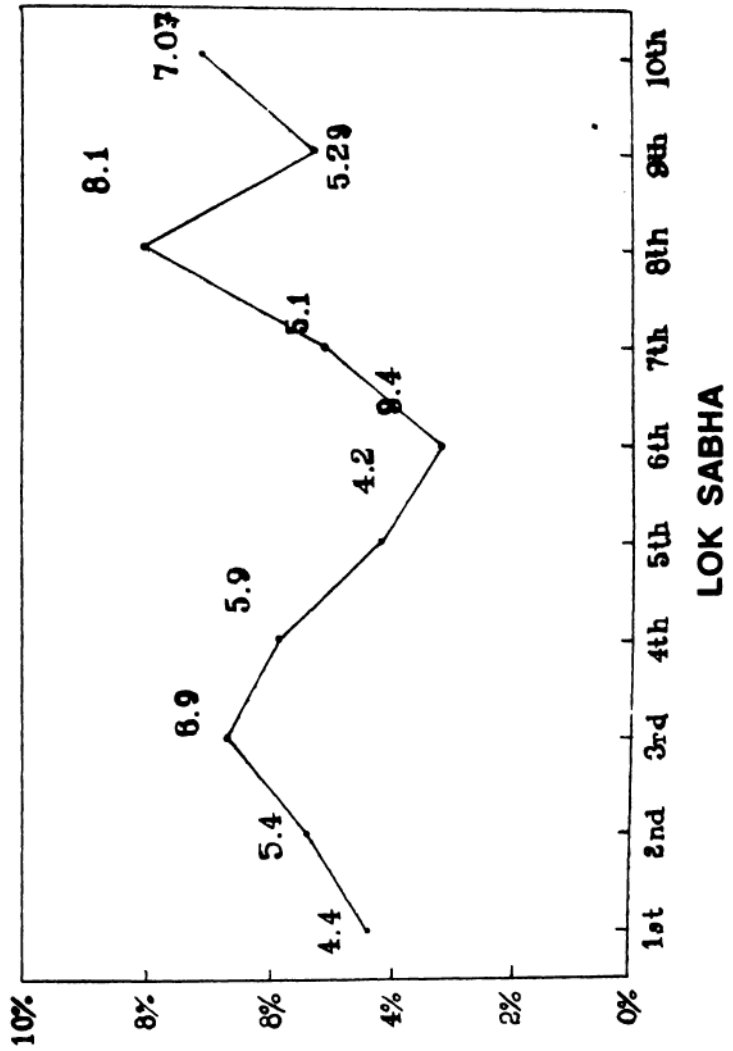
TABLE — 5
REPRESENTATION OF WOMEN MEMBERS FROM FIRST TO TENTH LOK SABHA

Lok Sabha	Total No. of Seats	No. of Women Members	Percentage to the total
First	499	22	4.4
Second	500	27	5.4
Third	503	34	6.7
Fourth	523	31	5.9
Fifth	521	22	4.2
Sixth	544	19	3.4
Seventh	544	28	5.1
Eighth	544	44	8.1
Ninth	529	28	5.29
Tenth	509	36	7.07

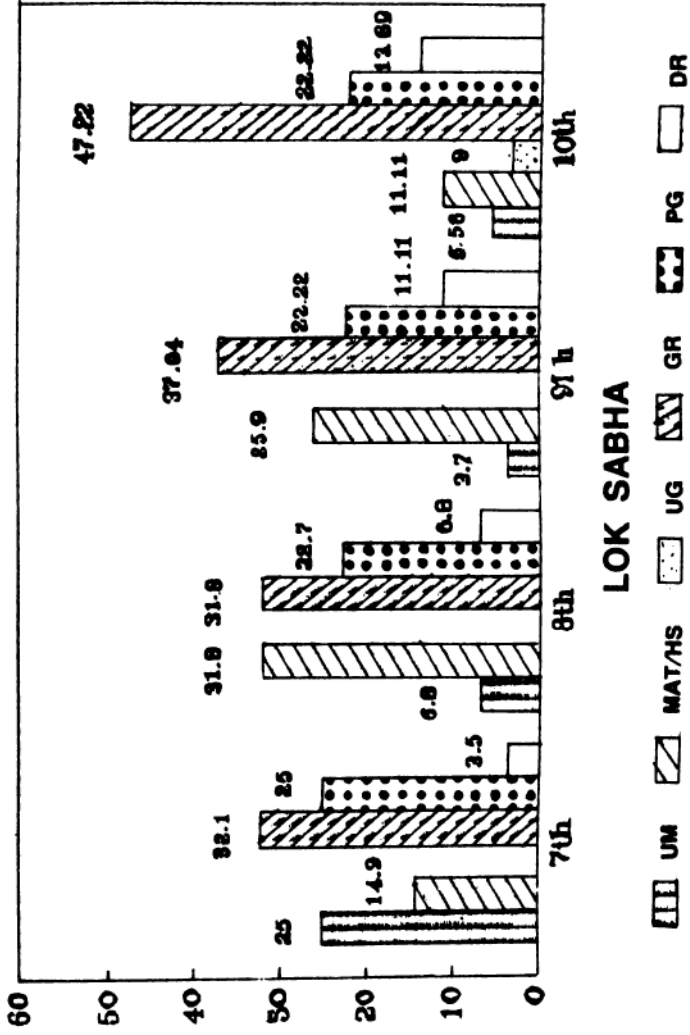
TABLE — 6
DISTRIBUTION OF WOMEN MEMBERS, BY AGE GROUPS, FROM SEVENTH TO TENTH LOK SABHA

Age Group	7th Lok Sabha		8th Lok Sabha		9th Lok Sabha		10th Lok Sabha	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
25-30 years	-	-	1	2.3	1	3.70	4	11.11
31-35 years	1	3.5	2	4.5	2	7.40	3	8.33
36-40 years	3	10.7	3	6.8	2	7.40	4	11.11
41-45 years	4	14.3	5	11.4	5	18.51	8	22.22
46-50 years	6	21.4	7	15.9	5	18.51	4	11.11
51-55 years	4	14.3	9	20.4	4	14.81	2	5.56
56-60 years	6	21.4	5	11.4	2	7.40	5	13.89
61-65 years	3	10.7	6	13.6	2	7.40	3	8.33
66-70 years	-	-	5	11.4	1	3.70	1	2.78
71-75 years	1	3.5	1	2.3	3	11.11	2	5.56
Total number of women members who have supplied information	28		44		27		36	
Total No. of seats	544		544		529		509	

WOMEN MEMBERS, PERCENTAGE WISE 1st TO 10th LOK SABHA



EDUCATIONAL BACKGROUND OF WOMEN MEMBERS FROM 7th TO 10th LOK SABHA IN %



Their male counterparts. It is interesting to note that in the Tenth Lok Sabha there is an equal number of women members (11) in the category of young members (*i.e.* members in the 25-40 age group) and that of the old members (*i.e.* members in the 56-75 age group). The middle-aged members, *i.e.*, those in the age group of 41-55, constitute the majority (38.89 per cent) among the women members in the present House in tune with the representation of their male counterparts as well as in accord with the overall representational pattern of middle-aged members in all the Lok Sabhas so far. A comparative study of age-profile of women members from Seventh Lok Sabha onwards, however, reveals that the Tenth Lok Sabha has the highest representation (11.11 per cent) for the category of the young (age group of 25-30 years). In a similar way the present House has the distinction of having the highest representation (22.22 per cent) for women members in the category of early middle age, *i.e.*, those in between 41 and 45 years of age. However, representation for the highest age group of 71-75 years in the Tenth Lok Sabha has declined, albeit marginally to two from three in the previous House. Women members in the age group of 56-60 years have, however, improved their representation to 5 in the present House from 2 in the Ninth Lok Sabha, thereby equalising their representation in the Eighth Lok Sabha.

A scrutiny of the educational background of women members (see graph 6 and Table-7) in the Tenth Lok Sabha would reveal that the general level of education of women members is on an upward swing keeping in tune with the increased trend in education of members that has set in from the Eighth Lok Sabha onwards. Graduates, Post-graduates and Doctorate degree holders taken together account for a record number of representation in the Tenth Lok Sabha (83.33 per cent). Dr. Girija Vyas from Rajasthan, who is a new entrant to the present Lok Sabha and is the present Union Deputy Minister of Information and Broadcasting is educationally the highest qualified among women members with a Post-Doctorate degree. Taking each one as a single category Graduates and Doctorates will be seen to have surpassed all records hitherto. Graduates account for 47.22 per cent representation in the present Lok Sabha while in the Eighth and the Ninth Lok Sabhas they had constituted 31.8 per cent and 37.04 per cent, respectively. Doctorates and other equivalent high academic degree holders have 13.89 per cent representation in the present Lok Sabha in contrast to their 11.11 per cent and 6.8 per cent representation in the Ninth and Eighth Lok Sabhas respectively. Post-graduates account for 22.22 per cent representation in the Tenth Lok Sabha while Undermatriculates and Matriculates have 5.56 per cent and 2.78 per cent representation, respectively. The category of Undergraduates (*i.e.* members who have studied for Graduation without completing it) which has been included for the first time in the Tenth Lok Sabha, account for 8.33 per cent representation.

TABLE — 7
EDUCATIONAL BACKGROUND OF WOMEN MEMBERS FROM
SEVENTH TO TENTH LOK SABHAS

Educational level	7th Lok Sabha		8th Lok Sabha		9th Lok Sabha		10th Lok Sabha	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Under Matriculates	7	25.0	3	6.8	1	3.70	2	5.56
Matriculates/Higher Secondary or Intermediate certificate holders	4	14.3	14	31.8	7	25.92	1	2.78
Under Graduates	-	-	-	-	-	-	3	8.33
Graduates	9	32.1	14	31.8	10	37.04	17	47.22
Post Graduates (including technical qualifications)	7	25.0	10	22.7	6	22.22	8	22.22
Doctorate Degree or other high academic qualification holders	1	3.5	3	6.8	3	11.11	5	13.89
Total number of women members who have supplied information	28		44		27		36	
Total No. of seats	544		544		529		509	

Table-8 indicates the pattern of distribution of women members from Seventh to Tenth Lok Sabhas in accordance with their prior occupations. In contrast to their male counterparts among whom agriculturists form the majority, among women members the profession of political and social workers constitutes a substantial percentage accounting for 38.89 per cent representation. Even then this is considerably below the Ninth Lok Sabha figure of 50 per cent representation for this category of members. Next to political and social workers, comes the category of teachers and educationists who constitute 27.78 per cent among women representatives in the Tenth Lok Sabha which is well above the Ninth Lok Sabha figure of 20 per cent representation for this category of members. Apart from these two groups of professionals conspicuous by their sheer number, the other groups, the agriculturists and lawyers have 13.89 per cent and 5.56 per cent representation, respectively, in the Tenth Lok Sabha. The largest ever representation for women agriculturists has been accounted for in the Eighth Lok Sabha (32.6 per cent). Artistes, former rulers, medical practitioners, traders and business persons have got one representative each in the Tenth Lok Sabha.

TABLE—8
DISTRIBUTION OF WOMEN MEMBERS FROM SEVENTH TO TENTH
LOK SABHAS, BY PRIOR OCCUPATION

Prior Occupation	7th Lok Sabha		8th Lok Sabha		9th Lok Sabha		10th Lok Sabha	
	Number	Per-centage	Number	Per-centage	Number	Per-centage	Number	Per-centage
Agriculturists	11	39.3	14	32.6	3	12.0	5	13.89
Artistes	—	—	11	2.3	2	8.0	1	2.78
Business persons	—	—	—	—	—	—	1	2.78
Civil & Military Service	1	3.5	1	2.3	—	—	—	—
Former Rulers	—	—	1	2.3	—	—	1	2.78
Industrial workers/ Trade Unionists	—	—	—	—	1	4.0	—	—
Journalists/ writers	—	—	—	—	1	4.0	—	—
Lawyers	—	—	—	—	1	4.0	2	5.56
Medical practitioners	—	—	1	2.3	—	—	1	2.78
Political & Social workers	13	46.4	15	34.9	11	44.0	14	38.89
Teachers & Educa- tionists	3	10.7	8	18.6	5	20.0	10	27.78
Traders & Industrialists	—	—	2	4.7	1	4.0	1	2.78
Total number of women members who have supplied information			43		25		36	
Total No. of seats	544		544		529		509	

Previous Legislative Experience

While in the Eighth and Ninth Lok Sabhas one notices a conspicuously large number of new entrants,* in the Tenth Lok Sabha there has been a drastic fall in this category of members. Numbering around 183, the new entrants constitute about 35.95 per cent of the present total strength of the Tenth Lok Sabha while in the Eighth and Ninth Lok Sabha they constituted 48.53 per cent and 48.01 per cent, respectively. Nonetheless going by their absolute number, *i.e.* 183, they are, however, to be reckoned with. Out of these 183 new entrants as many as 122 members do not have past experience in State Legislatures also. Table-9 shows prior legislative experience of the members of the Tenth Lok Sabha.

*Under this category falls those members who do not have previous experience in either Lok Sabha or Rajya Sabha.

TABLE—9
PREVIOUS LEGISLATIVE EXPERIENCE OF TENTH LOK SABHA MEMBERS

Legislative Experience	Number of Members
Central Legislative Assembly	Nil
Constituent Assembly	1
Provisional Parliament	1
Lok Sabha	320
Rajya Sabha	25
Lok Sabha/Rajya Sabha	325
Lok Sabha and Rajya Sabha	20
State Legislatures	198

As would be evident from Table-10, 249 members (49.02 per cent) and 149 (29.33 per cent) members of Tenth Lok Sabha were previously members of Ninth and Eighth Lok Sabhas, respectively.

It may be seen from Table-11 that no member in the present House has been a member of all the previous nine Lok Sabhas or even of eight Lok Sabhas. A majority of members (28.15 per cent) in the present House have prior legislative experience of one Lok Sabha only. A comparative assessment of legislative experience of members from Seventh Lok Sabha onwards, however, reveals the present Lok Sabha has a record number of members (about 325 constituting 63.97 per cent) having previous experience of Lok Sabha and/or Rajya Sabha. As many as 198 members (38.98 per cent) of the present Lok Sabha had past experience in State Legislatures also. Table-12 gives details about the members of the Tenth Lok Sabha, who had held Ministerial positions or other parliamentary/public offices at the Union and/or the State levels. It would be seen that as many as 57 members had Ministerial experience in the Union Council of Ministers. These include two former Prime Ministers. Of the 73 members who held Ministerial positions in the States, 9 were Chief Ministers.

Coming to the legislative experience of the women members, in the Tenth Lok Sabha, out of 36, as many as 17 members are new entrants. In the Ninth Lok Sabha, out of 28 members, 15 were new entrants. Dr. (Smt.) K.S. Soundaram a new woman entrant to the present House from Tamil Nadu has the credit of securing the highest number of votes in the last general elections held in India (5.21 lakh votes were recorded in her favour). Table-13 and 14 indicate the position regarding the previous legislative experience of the women members of the Seventh, Eighth, Ninth and Tenth Lok Sabhas. From Table-14 it may be seen that there are 18 women members in the Tenth Lok Sabha having experience of earlier Lok Sabha(s).

TABLE—10

NUMBER OF MEMBERS OF SEVENTH, EIGHTH, NINTH AND TENTH LOK SABHAS WHO HAVE BEEN MEMBERS OF EARLIER HOUSES IN THE LEGISLATURE AT THE CENTRE AND NEW ENTRANTS

Legislature	No. of Members in			
	7th Lok Sabha	8th Lok Sabha	9th Lok Sabha	10th Lok Sabha
Central Legislative Assembly (1942-46)	3	3	1	Nil
Constituent Assembly (1946-50)	3	3	1	1
Provisional Parliament (1950-52)	8	7	1	1
First Lok Sabha (1952-57)	12	11	3	2
Second Lok Sabha (1957-62)	22	17	7	5
Third Lok Sabha (1962-67)	33	22	7	9
Fourth Lok Sabha (1967-70)	66	39	23	24
Fifth Lok Sabha (1971-77)	119	73	45	34
Sixth Lok Sabha (1977-80)	143	63	91	52
Seventh Lok Sabha (1980-84)	—	237	131	118
Eighth Lok Sabha (1984-89)	—	—	162	149
Ninth Lok Sabha (1989-91)	—	—	—	249
Council of States (Rajya Sabha)	31	10	19	25
New Entrants	150	264	264	183

TABLE—11

STATEMENT SHOWING PRIOR LEGISLATIVE EXPERIENCE OF MEMBERS FROM SEVENTH TO TENTH LOK SABHAS (BY TERMS)

Membership of Lok Sabha	7th Lok Sabha		8th Lok Sabha		9th Lok Sabha		10th Lok Sabha	
	Number	Per-centage	Number	Per-centage	Number	Per-centage	Number	Per-centage
All the Nine Lok Sabhas (9 Terms)	—	—	—	—	—	—	—	—
All the Eight Lok Sabhas (8 Terms)	—	—	—	—	—	—	—	—
Seven Lok Sabhas (7 Terms)	—	—	1	0.3	—	—	3	0.59
Six Lok Sabhas (6 Terms)	2	0.9	4	1.5	2	0.39	4	0.79
Five Lok Sabhas (5 Terms)	7	3.2	7	2.6	6	1.16	7	1.38
Four Lok Sabhas (4 Terms)	11	5.1	10	3.7	11	2.13	26	5.12
Three Lok Sabhas (3 Terms)	21	9.7	25	9.3	37	7.16	48	9.45
Two Lok Sabhas (2 Terms)	58	26.9	57	21.1	75	14.51	89	17.52
One Lok Sabha (1 Term)	117	54.2	166	61.5	122	23.60	143	28.15
	216		270		253		320	

TABLE—12

MINISTERIAL POSITIONS OR OTHER PARLIAMENTARY/PUBLIC OFFICES HELD BY MEMBERS OF TENTH LOK SABHA

Office/Position	Number
Assembly Speaker	7
Chief Minister	9
Chairmen/President/Sarpanch Municipal Board/Municipal Council or Committee/Panchayat Samiti/Zilla Parishad/Gram Panchayat Council Chairman	42
Council Deputy Chairman	3
Council Deputy Chairman	1
Deputy Chairman (Rajya Sabha)	2
Deputy Speaker (Lok Sabha)	1
Deputy Speaker (Assembly)	3
Executive Councillor, DMC	1
Governor	2
Leader of Opposition	1
Mayor	4
Municipal Councillor	1
Parliamentary Secretary to PM	1
Prime Minister	2
Speaker (Lok Sabha)	2
State Minister	73
Union Deputy Minister	13
Union Minister of State	26
Union Minister	16
Vice Chairman/Vice President, Panchayat Samiti/Taluk Development Board	3

TABLE—13

STATEMENT SHOWING PREVIOUS LEGISLATIVE EXPERIENCE OF WOMEN MEMBERS FROM SEVENTH TO TENTH LOK SABHAS IN CENTRAL/STATE LEGISLATURES

Legislatures	No. of Women Members			
	7th Lok Sabha	8th Lok Sabha	9th Lok Sabha	10th Lok Sabha
Central Legislative Assembly (1942-46)	—	—	—	—
Constituent Assembly (1946-50)	—	—	—	—
Provisional Parliament (1950-52)	—	—	—	—
First Lok Sabha (1952-57)	—	1	1	2
Second Lok Sabha (1957-62)	1	—	1	1
Third Lok Sabha (1962-67)	2	2	2	1
Fourth Lok Sabha (1967-70)	4	1	—	2
Fifth Lok Sabha (1971-77)	6	4	3	2
Sixth Lok Sabha (1977-79)	4	5	1	—
Seventh Lok Sabha (1980-84)	—	19	7	5
Eighth Lok Sabha (1984-89)	—	—	11	9
Ninth Lok Sabha (1989-91)	—	—	—	11
Rajya Sabha	2	4	3	3
State Legislatures	9	15	8	16
New Entrants without prior legislative experience	10	15	6	17

TABLE—14

STATEMENT SHOWING PRIOR LEGISLATIVE EXPERIENCE OF WOMEN MEMBERS FROM SEVENTH TO TENTH LOK SABHAS BY TERMS OF THE HOUSE

Membership of Lok Sabha	7th Lok Sabha	8th Lok Sabha	9th Lok Sabha	10th Lok Sabha
All the Nine Lok Sabhas (9 Terms)	—	—	—	—
Eight Lok Sabhas (8 Terms)	—	—	—	—
Seven Lok Sabhas (7 Terms)	—	—	—	—
Six Lok Sabhas (6 Terms)	—	—	—	—
Five Lok Sabhas (5 Terms)	—	—	—	1
Four Lok Sabhas (4 Terms)	—	—	—	2
Three Lok Sabhas (3 Terms)	3	2	4	1
Two Lok Sabhas (2 Terms)	2	6	5	5
One Lok Sabha (1 Term)	4	13	4	9
	9	21	13	18
Total women members	28	44	27	36

The women members in the Tenth Lok Sabha have the distinction of having among themselves one former Union Cabinet Minister, one Minister of State, one Deputy Minister and seven Ministers in the State Governments.

Conclusion

As has been mentioned in the very beginning, this study is basically an attempt at making a factual analysis of the membership of Lok Sabha in India along certain criteria of educational, professional, age, marital status and previous legislative background of members. The methodology observed for this study has been a statistical and comparative method. The source of our data has been

the information provided by members under the above specified heads which are in accordance with the classifications permissible under the Constitution. Hence in this study a reader will not come across the class, caste, religion or income background of members that are presumably helpful in giving an incisive understanding of the socio-economic composition of the Tenth Lok Sabha. With this limitation, the study has set forth before itself the task of making an over-view of the socio-economic profile of membership of Tenth Lok Sabha from the available data. While from our available sets of data, education and occupational background of members are directly relevant to the socio-economic nature of composition of membership of Tenth Lok Sabha, the other sets of data like age, marital status, etc. will give an inkling of the general profile of membership.

In view of the fact that we have received the bio-data from only 508 members and that some of these are not complete in some respects, it may be presumptuous to arrive at a definitive conclusion regarding the representational dimension of the Tenth Lok Sabha. Nevertheless, this study has been attempted to indicate the broad contours of change and continuity in the profile of members of the Tenth Lok Sabha.

Keeping in tune with continuity, it would be observed that as in the previous Lok Sabhas, in the Tenth Lok Sabha also the middle-aged members, that is those in the age group of 41-55 continued to attract the attention of the Indian electorate. Judging by educational background, there has been a gradual increase in the representation of educated members in all the Lok Sabhas, with the Tenth Lok Sabha surpassing all previous records in returning the highest number of Postgraduate and Doctorate degree holders. With the rise in education of members, there has been a corresponding rise in the representation of teachers and educationists in Lok Sabha (see Table-4 & Table-8). The rise in the educational level of Lok Sabha would work towards the future growth of a responsive system of public governance in India.

An overview of the professional background of members of Tenth Lok Sabha reveals that agriculturists continue to have a preponderance in the Lok Sabhas. Barring the First and Second Lok Sabhas, all other Lok Sabhas (especially Third Lok Sabha onwards) exhibit a progressive increase in their representation which reached an all time high of 44.14 per cent in the Ninth Lok Sabha. The Tenth Lok Sabha has registered a substantial decline in the representation of agriculturists in comparison to that of Ninth Lok Sabha. But with a 32.09 per cent representation they still constitute the largest segment in the Tenth Lok Sabha. The sway of agriculturists in the professional matrix of the composition of Lok Sabha signifies the continued persistence of the agrarian character of our economy and society. In contrast, representation of traders and industrialists has stagnated below 10 per cent, barring the first four Lok Sabhas where their representation was marginally above 10 per cent. In the Ninth and Tenth Lok Sabhas their representation has gone below 4 per cent with the latter showing an all-time low figure of 3.15 per cent. In this

sense, the continued preponderance of agriculturists in the Lok Sabhas till now would mean that the Lok Sabha in India has become more and more reflective of society of the grass-root level and a true representative of the rural masses.

The category of political and social workers, however, has improved its position in the Tenth Lok Sabha, albeit, marginally, in comparison to the Eighth and Ninth Lok Sabhas.

However, if all the professions listed under occupational background of members are combined together with the exclusion of those of agriculturists, artistes, former rulers, industrial workers/trade unionists, political and social workers, religious missionaries, traders and industrialists and businessmen, to make up a single group representing the service-class then this group clearly emerges as a dominant group. They would come to constitute about 39.17 per cent representation in the Tenth Lok Sabha. In the Eighth and the Ninth Lok Sabhas, the professionals or Service-class had the second dominant position after the agriculturists. Similarly, if agriculture is treated as an industry or as part of industry* and the profession agriculturists in the Tenth Lok Sabha is combined with that of the traders, industrialists and businessmen, then this combined group would emerge as the predominant group in the present House constituting around 39.76 per cent.

After taking together the numerical representation of the combined group of industrialists and Service-class and juxtaposing it with the rising level of education among members of Lok Sabha, it would appear that the Lok Sabha in India and especially the Tenth Lok Sabha has a middle-class orientation.

However, if all the occupations are seen in isolation, then the Lok Sabhas and especially the Tenth Lok Sabha would point to its heterogeneous occupational make-up.

The drastic fall in representation of women in the Ninth Lok Sabha (5.29 per cent) from their record level representation of 8.1 per cent in Eighth Lok Sabha, when contrasted with their satisfactory increase (7.07 per cent) in the Tenth Lok Sabha, would tend to arouse a flicker of hope for the future participation and representation of women in India and would silence those who tended to view the fall in women's representation in the Ninth Lok Sabha negatively. In fact it would relegate the substantially low representation of women members in Ninth Lok Sabha to the background.

Another interesting feature of the Tenth Lok Sabha to be noted is the record level of representation in it of members having previous legislative experience which may operate favourably towards the efficient working of

*Such equation seems justified because (a) Government policies have very often emphasised to treat agriculture as an industry for the economic development of India and (b) the agricultural activity in India has no more remained isolated, rather has expanded to cover fisheries, animal husbandry, forestry, agro-industry, etc.

the Parliament in the day to day transaction of legislative and other business.

No other political institution in the country is more reflective of the contemporary social structure and social forces at work than the Lok Sabha. And, the composition of the Tenth Lok Sabha provides further credence to this assertion.

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