

# A Look at the Parliament of India

## Abstract

With the enforcement of the new Republican Constitution, on January 26, 1950, India became for the first time in her long history, a full-fledged constitutional democracy, with a parliamentary form of Government. The reason why the framers of our Constitution chose this form of government was the inheritance of the past bearing heavily down on the present. It has been best summed up by Pandit Jawarhar Lal Nehru : "We choose this system of parliamentary democracy deliberately ; we choose it not only because, to some extent, we had always thought on those lines previously, but because we thought it was in keeping with our own old traditions also; naturally the old traditions, not as they were, but adjusted to the new conditions and new surroundings, we choose it also- let us give credit where credit is due- because we approved its functioning in other countries, more especially the United Kingdom."<sup>1</sup> These memorable words of Pandit Nehru imply that we did not simply adopt the British institutions of Parliament and democracy but adopted them to suit our nation.

**Keywords:** Parliament, Democracy, Constitution, Lok Sabha, Rajya Sabha.

## Introduction

In parliamentary democracy the supreme power vests in the body of people's representatives called Parliament. Parliament is the name given by the Constitution of India to the Union Legislature. 'It is a pivot on which the political system of the country revolves.'<sup>2</sup> Indian Parliament is bi-cameral, like the Parliament in England. Our Constitution provides, under Article 79 that, "There shall be a Parliament for the Union which shall consist of the President and two Houses to be known respectively as the Council of States and the House of the People."<sup>3</sup> The Hindi names 'Lok Sabha' and 'Rajya Sabha' have been adopted for the House of the people and the Council of States respectively.<sup>4</sup> The President of India is constitutional Head, though titular one, whereas the Prime Minister and his cabinet are the real executive. They are chosen from the majority party or alliance in Parliament and are responsible to it for their policies and actions and remain in office as long as they enjoy the confidence of the Lower House of the Union Legislature. It is just 'as in England the cabinet is a part of Parliament and its title to govern depends on the confidence of the House of Commons.'<sup>5</sup> The cabinet works as a team under the Leadership of the Prime Minister. Each member of the cabinet is individually responsible for successful implementation of policies. The cabinet is also collectively responsible to the House. All this operates within a system of checks and balances whereby all the three organs of the government exercise a fair measure of control over each other to check tendencies towards absolutism.

Founding fathers of our Constitution made arrangement for the working of constitutional democracy vide elaborate articles in the Constitution. Article 79 to 123 of the Constitution of India deals with provisions relating to Parliament since our Parliament, being bicameral consists of two Houses- Rajya Sabha (second chamber) and the House of the People, that is Lok Sabha.

## The Council of States : Rajya Sabha

The Council of States, that is, Rajya Sabha or second Chamber is the Upper House of Parliament, a House of elder statesmen and eminent parliamentarians. 'This House was first constituted on April 03, 1952 and it held its first sitting on May 13, 1952.'<sup>6</sup> The Rajya Sabha is a permanent body and it is not subject to dissolution. The maximum strength of the members of the Rajya Sabha has been fixed in the Constitution. Article 80 provides that the Council of States shall be composed of not more than 250 members, of whom (a) 12 shall be nominated by the President; and (b) the remainder (i.e. 238) shall be representatives of the States and Union Territories elected by the method of indirect election.<sup>7</sup> The Vice-President of India is the Ex- Officio Chairman of the Council of States. His position is much similar to that of the Vice-President of United States, who presides over the sitting of the

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Senate. Both have no right to vote except in the event of a tie. According to Article 89(2) : "The Council of States shall, as soon as may be, choose a member of the Council to be Deputy Chairman thereof and, so often as the office of Deputy Chairman becomes vacant, the Council shall choose another member to be Deputy Chairman thereof."<sup>8</sup> The Deputy Chairman acts as Chairman during his absence, and if the office of Deputy Chairman is vacant any other member acts as a Chairman as per Rules of Procedure of the Council of States.<sup>9</sup>

The functions of the Council of States are : Legislative functions, financial functions, administrative functions, constitutional functions as well as some miscellaneous functions. 'The Council of States while functioning adequately shapes the affairs of the country. But its role is not coequal to the House of the People. It is less powerful and less influential than the Lower House and this is in accordance with the basic principles which govern the functions of the parliamentary system.'<sup>10</sup>

#### **The House of the People : Lok Sabha**

The predominant aim of the members of the Constituent Assembly, while framing legislative provisions of the Constitution, was to create a basis for the social and political unity of the country. They chose to do this by welding the varied Indian elements and interests into one mass electorate having universal adult franchise and by providing direct representation in the popular House.<sup>11</sup> This was, indeed, 'a bold steps in favour of formation of parliamentary system, which completely over-turned constitutional pattern left by the British rule. The Government of India Act, 1935, fell far short of Indian national aspirations. Election to the Lower Chamber of the Central Assembly was indirect on the basis of communal and functional electorates consisting of the members of the Provincial Assemblies. Evidently the Constituent Assembly members could not hope to succeed in their mission to achieve unity and stability without removing such cankerous elements from the body politic of free India. The framers of the Constitution provided universal adult suffrage and scraped communal representation but provided reservation of the seats for Scheduled Caste and Scheduled Tribe and that too for a limited period. The Lower Chambers, both at the Centre and the states, were to be directly elected by adult franchise.'<sup>12</sup>

The Lower House or the Popular Chamber of the Union Legislature, named in Hindi, 'Lok Sabha held its first sitting on May 13, 1952'.<sup>13</sup> The Lok Sabha has variegated composition. Article 81 of the Constitution provides:

#### **Composition of the House of the People**

- I. Subject to the provisions of article 331, the House of the People shall consists of-
  - a. Not more than five hundred and thirty members chosen by direct election from the territorial constituencies in the States, and
  - b. Not more than twenty members to represent the Union Territories, chosen in such manner as Parliament may by law provide.

#### **For the Purpose of Sub Clause (a) of Clause**

- a. There shall be allotted to each state a number of seats in the House of the People in such manner

that the ratio between that number and the population of the State is, so far as practicable, the same for all states; and

- b. each State shall be divided into territorial constituencies in such a manner that the ratio between the population of each constituency and the number of seats allotted to it is, so far as practicable, the same throughout the State: Provided that the provisions of sub-clause (a) of this clause shall be applicable for the purpose of allotment of seats in the House of the People to any state so long as the population of that State does not exceed six millions."<sup>14</sup>

There is a provision in the Constitution for re-adjustment of seats after each census. According to Article 82 "Upon the completion of each census, the allocation of seats in the House of the People to the States and the division of each state into territorial constituencies shall be readjusted by such authority and in such manner as Parliament by law determine."<sup>15</sup>

The normal term of the House of the People has also been fixed. Clause (2) of Article 83 of the Constitution provides that normal duration of the House of the People shall be five years from the date of its first sitting, but it may be dissolved earlier by the President.<sup>16</sup> On the other hand, the normal term may, while a 'proclamation of emergency' (made by the President under Article 352) is in operation, be extended by an Act passed by the Parliament itself.<sup>17</sup> This provision relating to the life of the House of the People resembles to the House of Commons, which is 'elected for five years, but may be dissolved earlier than the end of its normal tenure if Prime Minister advises the Monarch to order such dissolution. The House can prolong its life beyond five years but this is not done except in a grave national emergency such as a war.'<sup>18</sup>

The importance of Lok Sabha reflects best through its functions. The House transacts its business with the Speaker in the chair. The House of the People elects its own Speaker and Deputy Speaker from among its member. Article 93 of the Constitution provides: "The House of the People shall, as soon as may be, choose two members of the House to be respectively Speaker and Deputy Speaker thereof and, so often as the office of Speaker or Deputy Speaker becomes vacant, the House shall choose another member to be Speaker or Deputy Speaker as the case may be."<sup>19</sup> Upon the election to the chair both Speaker and Deputy Speaker become embodiment of impartiality.

The legislative function bears great importance for the Lok Sabha. The process of making a law is the business of Parliament as a whole, in which the Lok Sabha plays most important part along with the Rajya Sabha. The financial functions of the

Lok Sabha are of great importance. The money Bill as defined under Article 110 of the Constitution of India can only be introduced in the Lok Sabha.<sup>20</sup> Demands for grants are not submitted to the Rajy Sabha. It is the exclusive privilege of the Lok Sabha to sanction governmental expenditure.<sup>21</sup> The Lok Sabha along with the Rajya Sabha plays another important role in electing the President and the Vice-

President of India as provided in the Article 54 and Article 66 of the Constitution of India respectively.

#### Aim of the Study

India is the largest and most populous democracy in the world with universal adult suffrage. In Parliamentary democracy the supreme power vests in Parliament. Our Parliament is bicameral consists of two houses – RajyaSabha (second chamber) and House of the people, that is LokSabha.

#### Conclusion

Thus, we find, that the Lok Sabha occupies a key position in our representative parliamentary democracy. It is, indeed, the most important organ of our Parliament. The importance of the Lok Sabha amply exhibited through the functions assigned to it by the Constitution. This popular chamber of our Union Legislature not only enjoys the power to legislate, but also controls the polity and checks over the financial matters of the government, besides other functions by adopting procedural devices and constituting committees of its own on the matters which it is to decide or determine. Few evils like pandemonium and defiance of Speaker which are being witnessed in the House in the recent years cannot reduce the importance of the Lok Sabha, for these evils point out towards deterioration in quality of membership affecting the functioning and not the importance of the House.

The Lok Sabha is composed of the members elected directly by the people on the basis of universal adult franchise and in order to conduct free and fair election, the Constitution of India has established one Election Commission at the Centre, which has the power of Superintendence, direction and control of the entire electoral process of the country.<sup>22</sup>

#### References

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3. Article 79, The Constitution of India.
4. Basu, D.D.: Introduction to the Constitution of India, p.203.
5. Bombwall, K.R. Major Contemporary Constitutional Systems, p.26 (Modern Publishers, Ambala Cantt.1969)
6. Basu, D.D.: Introduction to the Constitution of India, p.226.
7. Article 80, The Constitution of India.
8. Article 89 clause (2) ; The Constitution of India.
9. Article 91 clause (1) (2); The Constitution of India.
10. Kapur, A.C.:Select Constitutions, Part-II, p. 143.
11. op. cit., p. 138.
12. Ibid, p. 138.
13. Basu, D.D.: Introduction to the Constitution of India, p.225.
14. The Constitution of India, sub. clause (a) (b) of Clause (1) and sub clause (a) (b) of Clause (2) of Article 81.
15. Article 82, The Constitution of India.
16. "By the 42<sup>nd</sup>, Amendment Act, 1976, the Indira Government, extended this term to six years, but it has been restored to five years, by the 44<sup>th</sup> Amendment Act, 1978."- D.D. Basu, Introduction to the Constitution of India, p. 226.
17. Basu, D.D., Introduction to the Constitution of India, p. 206. Also, "The Power was exercised during the Emergency on the ground of internal disturbance (1975-77)." Ibid, p. 226.
18. Bombwall, K.R.:Major Contemporary Constitutional Systems, p. 87.
19. Article 93, The Constitution of India.
20. Clause (I) of Article 107 and Clause (I) of Article 109, The Constitution of India.
21. Kapur, A.C.: Select Constitutions, Part-II, p. 155.
22. Article 324, of the Constitution of India.