

Parliamentary democracy in present India

Why in news?

The controversies around the inauguration of new Parliament building overlooked in India's 'parliamentary democracy.'

What are the existing issues with Indian Parliament?

- There is an increasing subordination of the 'Parliament' in the 'Parliamentary democracy' of India.
- Bills are passed with minimal or no deliberation.
- Parliament sits for fewer and fewer days in a year, and parliamentary sessions are often adjourned.
- The presidential ordinances have become a parallel if not dominant form of law-making.
- The executive power of India is great that resembles presidential system, but without the checks and balances and veto points that those systems have these as well are ineffective.

How the constitutional design of the Parliament limits its functioning?

- The Indian Constitution, by its very structure, facilitates and enables the marginalisation of Parliament.
- It enables the concentration of power within a dominant executive.
- **Intra-party Dissent** - In order to enact its agenda, the executive must command a majority in Parliament.
- This gives space for intra-party dissent and for the non-cabinet parliamentarians to exercise a check over the executive.
- **Opposition** - The Opposition itself is granted certain rights in Parliament, in order to publicly hold the executive to account.
- The Opposition has certain limited control over parliamentary proceedings.
- **Speaker** - The interests of Parliament against the executive are meant to be represented by the Speaker, a neutral and independent authority.
- **Bicameralism** - A second 'Upper House' that acts as a revising chamber, where interests other than those of the majority are represented.
- In India's case, 'Rajya Sabha' is the second upper house.

How India dilutes this Constitutional design?

- In India, however, each of these features has been diluted or erased over the years.
- **Intra-party Dissent** - The possibility of intra-party dissent within Parliament has been stamped out by virtue of the Tenth Schedule to the Constitution (anti-defection law).
- The Tenth Schedule has failed to fulfil the purpose for which it was enacted, but it

strengthened the hand of the party leadership.

- **Opposition** - The Indian Constitution did not carve out any specific space for the political Opposition in the House, right from the beginning.
- The manner of proceedings in Parliament has no real constitutional checks upon how that control is exercised.
- **Speaker** - The Speaker, in our system, is not independent.
- The Speaker is not required to give up membership of their political party, and is not constitutionally obligated to act impartially.
- Speakers acting in a blatantly partisan manner in order to advance the interests of the executive over the interests of the House.
- This affect the quality of the deliberations in the lower house.
- It also negates the scrutiny of Rajya Sabha. For example, classifying a bill as 'money bill'.
- **Upper House** - The role of the Upper House is undercut by the constitutionally-sanctioned ordinance making power.
- It is used as a parallel process of law-making, especially to bypass the Upper House altogether.

In the case of the Aadhaar Act, where Rajya Sabha scrutiny was avoided by simply classifying the Bill as a 'money bill' by the Lok Sabha Speaker.

Is an actual check upon executives possible?

- When there is a single, majority ruling party, the above dilution of checks and balances is diluted and Parliament can do very little.
- The only effective check upon the executive is when the ruling party is forced to govern in a coalition with allies with different opinions.
- Only in such scenario, the coalition partners can exercise something of a check upon the executive in Parliament.
- The morphed executive democracy of India would require constitutional changes and reforms to return to parliamentarianism.

Reference

1. [The Hindu - A parliamentary democracy or an executive democracy](#)