

## 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 affects 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](#)