

# An Overview of Functions of Parliamentary Board – An Analysis

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## Abstract

This paper attempts to study how **the parliamentary board functions on democracy in India, Democratic institutions emerged in India** out of a confrontation with a power imposed from outside rather than an engagement with the contradictions inherent in Indian society. Those contradictions remained deeply embedded in the Indian social order even as the country opted for a democratic political order on the attainment of independence. They are giving Indian democracy a very different character from democracy in the west which grew and advanced by confronting a succession of internal social contradictions. In India, the political argument for democracy was adopted by the leaders of the nationalist movement from their colonial rulers and adapted to their immediate objective which was freedom from colonial rule. The building of new political institutions took second place, and the creation of the economic and social conditions for the successful operation of those institutions, such as education, healthcare and other social services lagged well behind. Ministers, legislators and even judges never tire of speaking of the need to put service to the common man first. It is a habit of speech that was acquired during the struggle for national independence, and now serves as a mantra on all public occasions. The common people themselves are not sure how much they can depend upon those who repeatedly invoke the ideals of democracy in their name

*Key words: Democracy, politics, India, General Elections, political system*

## Introduction

The Constitution provides for an independent judiciary, which is headed by the Supreme Court. The court's mandate is to protect the Constitution, to settle disputes between the central government and the states, to settle inter-state disputes, to nullify any central or state laws that go against the Constitution and to protect the fundamental rights of citizens, issuing writs for their enforcement in cases of violation. There are 543 members in the Lok Sabha, who are elected using Plurality voting (first past the post) system from 543 single-member constituencies. There are 245 members in the Rajya Sabha, out of which 233 are elected through indirect elections by single transferable vote by the members of the state legislative assemblies; 12 other members are

elected/nominated by the President of India. Governments are formed through elections held every five years (unless otherwise specified), by parties that secure a majority of members in their respective lower houses (Lok Sabha in the central government and Vidhan Sabha in states). India had its first general election in 1951, which was won by the Indian National Congress, a political party that went on to dominate subsequent elections until 1977, when a non-Congress government was formed for the first time in independent India. The 1990s saw the end of single-party domination and the rise of coalition governments. The elections for the 16th Lok Sabha, held from April 2013 to May 2013, once again brought back single-party rule in the country, with the Bharatiya Janata Party being able to claim a majority in the Lok Sabha. As one would expect in a country with the size, diversity and antiquity of India, there are many different institutions performing a wide range of functions, social, economic and political. Some of these institutions have their origins very far back in time while others are of more recent origin, although even here, the older of our high courts can trace their origins back to the 19th century. In discussing the institutions of democracy, my focus will be not on the institutions that have come down from our ancient or medieval past, but on those that began to emerge from the middle of the 19th century onwards. I will thus not have anything to say about the village democracies of the past about whose institutional form or mode of functioning we know little or nothing.

### Objective:

This paper intends to explore and analyze the way **Indian Democracy** run with **institutional** support. Their **effectiveness in 21<sup>st</sup> century** holds the government accountable, protects people's interests and ensures a democracy's functioning.

The President also appoints judges of the Supreme Court and High Courts. It is on the President's recommendation that the Houses of Parliament meet, and only the President has the power to dissolve the Lok Sabha. Furthermore, no bill passed by Parliament can become law without the President's assent.

However, the role of the President of India is largely ceremonial. All the powers of the President mentioned above are exercised on recommendation of the Union Council of Ministers, and the President does not have much discretion in any of these matters. The President also does not have discretion in the exercise of his executive powers, as the real executive authority lies in the Cabinet. The current President is Ram Nath Kovind.

The Office of the Vice-President of India is constitutionally the second most senior office in the country, after the President. The Vice-President is also elected by an electoral college, consisting of members of both houses of Parliament.

Like the President, the role of the Vice-President is also ceremonial, with no real authority vested in him/her. The Vice-President fills in a vacancy in the office of President (till the election of a new president). His only regular

function is that he functions as the ex officio Chairman of the Rajya Sabha. No other duties/powers are vested in the office. The current Vice-President is Venkaiah Naidu.

The Union Council of Ministers, headed by the Prime Minister, is the body with which the real executive power resides. The Prime Minister is the recognized head of the government.

The Union Council of Ministers is the body of ministers with which the PM works with on a day-to-day basis. Work is divided between various ministers into various departments and ministries. The Union Cabinet is a smaller body of senior ministers which lies within the Union Council of Ministers, and is the most powerful set of people in the country, playing an instrumental role in legislation and execution alike.

A party, National or State, must have a legislative presence.

A National party's legislative presence must be in the Lok Sabha. A State party's legislative presence must be in the State Assembly.

A party can set up a candidate only from amongst its own members.

A party that loses its recognition shall not lose its symbol immediately but shall be allowed to use that symbol for some time to try and retrieve its status. (However, the grant of such facility to the party will not mean the extension of other facilities to it, as are available to recognized parties, such as free time on Doordarshan or AIR, free supply of copies of electoral rolls, etc.)

Recognition should be given to a party only on the basis of its own performance in elections and not because it is a splinter group of some other recognized party.

### Criteria

A political party shall be eligible to be recognized as a National party if:

it secures at least six percent (6%) of the valid votes polled in any four or more states, at a general election to the Lok Sabha or, to the State Legislative Assembly; and

in addition, it wins at least four seats in the House of the People from any State or States.

- it wins at least two percent (2%) seats in the House of the People (i.e., 11 seats in the existing House having 543 members), and these members are elected from at least three different States.
- Likewise, a political party shall be entitled to be recognized as a State party, if:
- it secures at least six percent (6%) of the valid votes polled in the State at a general election, either to the Lok Sabha or to the Legislative Assembly of the State concerned; and
- in addition, it wins at least two seats in the Legislative Assembly of the State concerned.

it wins at least three percent (3%) of the total number of seats in the Legislative Assembly of the State, or at least three seats in the Assembly, whichever is more.

### **Party proliferation**

Although a strict anti-defection law had been passed in 1984, there has been a continued tendency amongst politicians to float their own parties rather than join a broad based party such as the Congress or the BJP. For example, between the 1984 and 1989 elections, the number of parties contesting elections increased from 33 to 113. In the decades since, this fragmentation has continued

India has a history of party alliances and breakdown of alliances. However, there are three party alliances regularly aligning on a national level in competing for Government positions. The member parties work in harmony for gratifying national interests, although parties can jump ships.

### **Century party politics, corruption**

India has seen political corruption for decades. Democratic institutions soon became federally owned, dissent was eliminated and a majority of citizens paid the price. The political corruption in India is weakening its democracy and has led to the erosion of trust by the general public in the political system. A good amount of money is required in elections which is source of political-capitalist nexus.

Pre-election alliances are common in India with parties deciding to share seats. This is seen mainly on a state by state basis rather than on the national level. Candidate selection starts after seat sharing has been agreed by alliance fellows.

Indian political parties have low level of internal party democracy and therefore, in Indian elections, both at the state or national level, party candidates are typically selected by the party elites, more commonly called the party high command. The party elites use a number of criteria for selecting candidates. These include the ability of the candidates to finance their own election, their educational attainment, and the level of organization the candidates have in their respective constituencies. Quite often the last criterion is associated with candidate criminality. Panchayati Raj Institutions or Local self-government bodies play a crucial role in Indian politics, as it focuses on grassroot-level administration in India.

On 24 April 1993, the Constitutional (73rd Amendment) Act, 1992 came into force to provide constitutional status to the Panchayati Raj institutions. This Act was extended to Panchayats in the tribal areas of eight States, namely Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Odisha and Rajasthan from 24 December 1996.

The Act aims to provide 3-tier system of Panchayati Raj for all States having population of over 2 million, to hold Panchayat elections regularly every 5 years, to provide reservation of seats for Scheduled Castes, Scheduled Tribes and Women, to appoint State Finance Commission to make recommendations as regards the financial powers of



the Panchayats and to constitute District Planning Committee to prepare draft development plan for the district. As with any other democracy, political parties represent different sections among the Indian society and regions, and their core values play a major role in the politics of India. Both the executive branch and the legislative branch of the government are run by the representatives of the political parties who have been elected through the elections. Through the electoral process, the people of India choose which representative and which political party should run the government. Through elections, any party may gain simple majority in the lower house. Coalitions are formed by the political parties in case no single party gains a simple majority in the lower house. Unless a party or a coalition have a majority in the lower house, a government cannot be formed by that party or the coalition.

India has a multi-party system, where there are a number of national as well as regional parties. A regional party may gain a majority and rule a particular state. If a party is represented in more than 4 states, it would be labelled a national party (subject to other criteria above). Out of the 72 years of India's independence, India has been ruled by the Indian National Congress (INC) for 53 years as of January 2013.

The party enjoyed a parliamentary majority save for two brief periods during the 1970s and late 1980s. This rule was interrupted between 1977 and 1980, when the Janata Party coalition won the election owing to public discontent with the controversial state of emergency declared by the then Prime Minister Indira Gandhi. The Janata Dal won elections in 1989, but its government managed to hold on to power for only two years.

Between 1996 and 1998, there was a period of political flux with the government being formed first by the nationalist Bharatiya Janata Party (BJP) followed by a left-leaning United Front coalition. In 1998, the BJP formed the National Democratic Alliance with smaller regional parties, and became the first non-INC and coalition government to complete a full five-year term. The 2004 Indian elections saw the INC winning the largest number of seats to form a government leading the United Progressive Alliance, and supported by left-parties and those opposed to the BJP.

On 22 May 2004, Manmohan Singh was appointed the Prime Minister of India following the victory of the INC and the left front in the 2004 Lok Sabha election. The UPA ruled India without the support of the left front. Previously, Atal Bihari Vajpayee had taken office in October 1999 after a general election in which a BJP-led coalition of 13 parties called the National Democratic Alliance emerged with a majority. In May 2013, Narendra Modi of BJP was elected as Prime Minister of India.

Formation of coalition governments reflects the transition in Indian politics away from the national parties toward smaller, more narrowly based regional parties. Some regional parties, especially in South India, are deeply aligned to the ideologies of the region unlike the national parties and thus the relationship between the central government and the state government in various states has not always been free of rancour. Disparity between the ideologies of the political parties ruling the centre and the state leads to severely skewed allocation of resources between the states.

## Conclusion

In the 21<sup>st</sup> century, Indian politics has become dynastic, possibly due to the absence of a party organization, independent civil society associations that mobilize support for the party, and centralized financing of elections. This phenomenon is seen from national level down to district level. One example of dynastic politics has been the Nehru–Gandhi family which produced three Indian prime ministers. Family members have also led the Congress party for most of the period since 1978 when Indira Gandhi floated the then Congress(I) faction of the party. The ruling Bharatiya Janata Party also features several senior leaders who are dynasts. Dynastic politics is prevalent also in a number of political parties with regional presence such as Indian National Congress (INC) , All India Majlis-e-Ittehadul Muslimeen (AIMIM), Dravida Munnetra Kazhagam (DMK), Indian National Lok Dal, Jammu & Kashmir National Conference (NC), Jammu and Kashmir Peoples Democratic Party (PDP).

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