CHAPTER IV

LEGISLATURE AND PUBLIC POLICY-MAKING IN INDIA

Legislatures are prevalent in almost all contemporary political systems. Legislatures are generally elected by popular vote and hence are accountable to the citizens. They are legitimating agencies. Public policies and rules must be considered and approved by the legislature before they have the force of law.¹

Different systems of Government have different ways to formulate policy. In the United States of America based on the Presidential system and the operation of the theory of Separation of Powers, policy formulation is vested in the Congress, which is their legislature. But in the United Kingdom and India, based on the Parliamentary system, legislature merely consents to policy which by and large originates in individual Ministries under the collective guardianship of the Cabinet.² This is because the Government, enjoying a comfortable majority in the legislature, knows that it can get any measure of its choice passed by the legislature. The Government usually does not depend on the support of the Opposition in Parliament. Thus, a legislature in a Parliamentary system does not have any independent policy-making function. However, if the Government in a Parliamentary system does not command a majority, or if its coalition is fragile, the legislature may repeatedly frustrate the Government's attempt to make policy.
In the course of approving legislation, the legislature performs other important functions like deliberation, scrutinising, criticising, and publicising Government policies and activities and their implications for the public on the floor of the legislature.\textsuperscript{3}

India has a bicameral (two-chamber) legislature. The Constitution of India, under Article 79, provides for the Union Parliament, consisting of the President and the two Houses of Parliament. The Council of States (Rajya Sabha) is the Upper House, and the House of the People (Lok Sabha) is the Lower House. For further details, refer Appendix-III.

Under Article 75 of the Constitution, the President appoints the Prime Minister (who is the leader of the majority party in Parliament), and on the Prime Minister's advice, appoints the other Ministers. The Council of Ministers is collectively responsible to the Lok Sabha. The President would appoint only such a person as Prime Minister who is likely to form a Government capable of commanding majority support in the Lok Sabha.

Public policy is the outcome of the interaction between several political processes, such as objectives being set by the political party in power on the basis of the party manifesto, concrete shape given to these by the Cabinet with the aid and advice of the experts, and the final approval given
by the legislature. The legislature serves as a clearing house on all major questions of public policy. In a Parliamentary system of Government like India, the executive proposes the legislation and policies necessary for the implementation of the societal objectives, and the Parliament gives it its 'imprimatur', after the deliberation and debate, often suggesting modifications, wherever necessary.⁴

It can be said that Parliament as a body does not make laws. It has neither the time nor the necessary technical know-how and expertise for the purpose. Initiative in legislation and public policy-making has passed almost completely to the executive and to the departments of the administration.⁵ Broadly speaking, in India, the executive has vast freedom in shaping policies and taking steps to implement those policies, and Parliament has the unlimited power to call for information and to verify ex post facto that the Government and the administration have acted in conformity with their obligations and utilized the powers conferred upon them for the purposes for which they were intended.⁶

Control of the Parliament Over the Executive

President's Address

The Parliament's control over policy matters starts from the debate on the President's Address, which generally outlines the policy proposals of the Government of the day before the
members of the legislature. Article 87(1) of the Constitution provides for the President's Address at the commencement of the first session after each general election to the Lok Sabha and at the commencement of the first session of each year, to both Houses of Parliament assembled together.

The President's Address to Parliament is a statement of policy of the Government and it is not the President but the Government who are responsible for the contents of the Address. It contains a review of various activities and achievements in different spheres including international field during the previous year and the policy of the Government with regard to important internal problems. It also indicates the main items of legislative business which are proposed to be brought before Parliament during the sessions to be held in that year.

The scope of discussion on the President's Address is very wide and members are free to speak on all sorts of national or international problems, on the Motion of Thanks to the Address. During the discussion, amendments to the Motion of Thanks can be moved by Opposition members, highlighting certain issues which the President's Address failed to take note of, or criticising the policy enunciated in the Address or making suggestions for Government action. This is followed by a discussion. At the end of the discussion, the Prime Minister or in his absence any other Minister replies to the debate. 7 E.g.,
Jawaharlal Nehru, the first Prime Minister of India, had given important assurances in the course of the President's Address. While replying to the criticism of the proposal for co-operative farming in the Lok Sabha, in 1959, which some had termed as collective farming, he said that he believed not in collective, but in cooperative farming, and that also he would not put in operation unless farmers agreed to it.\(^8\)

After the Prime Minister's reply, amendments are disposed of and then the Motion of Thanks is put to vote and adopted. The acceptance of any amendment to the Motion of Thanks will not have any significant consequence. But if the very Motion of Thanks is defeated, the Government will have to resign.\(^9\)

Questions

Rules 32 to 54 of the Lok Sabha Rules of Procedure, and Rules 38 to 59 of the Rajya Sabha Rules of Procedure relate to questions in the Lok Sabha and the Rajya Sabha, respectively. A question can be asked for the purpose of obtaining information on a matter of public importance within the special cognizance of the Minister to whom it is addressed. The first hour of each House is devoted to questions by the members and answers by the concerned Ministers.
The Ministries and the departments of the Government of India have been divided into five groups - A, B, C, D and E, and fixed days have been allotted to the various groups of Ministries for answering questions on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays respectively.10

Questions in the Lok Sabha are in the nature of starred (requiring oral answers), unstarred (requiring written answers), short notice questions (relating to matter considered by the Speaker to be of urgent public importance), and supplementary questions (for the purpose of further elucidating any matter of fact regarding which the answer has been given). Answers to questions reveal at once how each department is functioning and its level of efficiency.

In India, the question in Parliament about the Chinese occupation of Indian territory in 1962, had a significant repercussion on policy, leading to the Defence Minister V.K.Krishna Menon's exit from the Cabinet. As regards policy matters of a minor nature, on July 17, 1952, a question was asked about the policy regarding transport nationalization. The Government promised to consider the matter and later it assured that it would introduce a Bill in the next session. It was done on November 22, 1955. On December 10, 1958, in a supplementary question, a member asked whether it was the policy of Government that no export of steel would be permitted unless
domestic consumption was fully met. The reply was in the affirmative. In the Rajya Sabha, on October 22, 1958, a question led to the acceptance of banana as a food article and secured for it concession regarding fertilizers. Similarly, a question in the Rajya Sabha on December 24, 1958, regarding cement led to allowing in the licensing of new units of production.

Questions have led to a few positive steps, such as those to protect the health of children working in 'beedi' factories; to issue the Motor Cars (Distribution and Sale) Control Order, 1959; to amend the Central Apprentice Act; to supply drinking water under the Andaman colonisation scheme; to open some post-offices and telegraph offices; and to pass the Working Journalists Act, 1955.

Half-an-Hour Discussion

Rule 55 of the Lok Sabha Rules of Procedure and Rule 60 of the Rajya Sabha Rules of Procedure relate to half-an-hour discussions. Half-an-hour discussion in Lok Sabha is allotted on three sittings in a week, and in Rajya Sabha, from 5 p.m. to 5.30 p.m. on any day, for raising discussion on a matter of sufficient public importance which has been the subject of a recent question, oral or written, and the answer to which needs elucidation on a matter of fact. However, a notice for half-an-hour discussion by a member seeking to revise the policy of Government is not admitted.
On December 10, 1956, there was a discussion in the Lok Sabha on the Indian Trade Unions (Amendment) Act, 1947, which had not been enforced during all those nine years. During the half-an-hour discussion, the propriety of the inaction was questioned. The Minister explained the reasons for not putting the statute in operation and implicitly accepted that the policy had not been continued.

In the case of foreign policy, half-an-hour discussions by Parliament have included elucidation of wider policy issues, like the Nuclear Non-Proliferation Treaty; supply of U.S arms to Pakistan; purchase of islands in the Indian Ocean by the British Government; negotiations with China; closure of Indian business in Kenya; resumption of trade between India and Pakistan, etc.

Adjournment Motion

Rules 56 to 63 of the Lok Sabha Rules of Procedure provide for the device of adjournment motion, which is 'a motion for an adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance, with the consent of the Speaker'.

Methods such as questions and half-an-hour discussions involve all the members of the House, who, irrespective of their party affiliations, are interested in the scrutiny of administrative and executive acts and express themselves on the
merits of the case without inhibition. But in the adjournment motion, the issue is between the Opposition Party and the majority party forming the Government, and thus it assumes a political character. In the nature of things, such motions or matters are raised by the Opposition only.

An adjournment motion had drawn the attention of the Government to the necessity of creating the linguistic state of Andhra. Adjournment motions have been moved and submitted in the Parliament on various foreign policy issues, like the failure of the Government to protect the Indian diplomatic personnel in Communist China (June 1967); reported supply of Soviet arms to Pakistan (July 1968); failure of Government's foreign policy at the Islamic Conference at Rabat (November 1969).

Legislation

It is through legislation that a policy is given a concrete shape. A law is considered to be a formal and legal expression of a policy. Parliament's control over policy lies in its power to pass or repeal enabling legislation. Rules 64 to 154 of the Lok Sabha Rules of Procedure and Rules 61 to 136 of the Rajya Sabha Rules of Procedure deal with legislation.

It is the primary responsibility of the Government to draft legislation and introduce bills in Parliament, although private members, that is, any member other than a Minister, can
also introduce bills. Any bill other than money bills may be introduced in either House. But a money bill can originate only in the Lok Sabha. Most bills originate in the Lok Sabha. On being passed by both the Houses of Parliament, the bill acquires the force of law.

In the course of discussions on bills, members make several suggestions about policy matters included in bills or connected therewith and some of them secure assurances for consideration. E.g., during the debate on the Essential Supplies (Temporary Powers) Amendment Bill, 1952, in response to a suggestion, the Minister promised to review the policy of control of newsprint. This led to the lifting of the control. The same year (1952), in the course of consideration of the West Bengal Evacuees Property (Tripura) Amendment Bill, a suggestion was made to give alternative land to evacuees. Thereon an assurance was given to do it if other land was available. Consequently, instructions were issued to the Chief Commissioner of Tripura to implement the assurance. In the Rajya Sabha, during the debate on the Sugar (Temporary Additional Excise Duty) Bill, 1952, on members' demand, the Sugar Export Policy was elucidated.

In a discussion on the Indian Museum (Amendment) Bill, 1960, it was accepted that the trustees would be given an opportunity of expressing their views before any directive
regarding a policy was issued to them, and a notice for an official amendment was given to provide that procedure in the Act itself.

Thus, so far as the policy of the Government is expressed in any bill, it is discussed in both Houses of Parliament and is subject to its affirmative vote. In the course of discussion, members point out its merits and demerits, and make suggestions for improvement therein. In respect of some minor matters, the Government makes necessary amendments, and in respect of others, it persists in maintaining its position.11

In the realm of public policies, private members also take initiative by introducing private members' bills in the Parliament. Former Speaker of the Lok Sabha, Balram Jakhar once said, 'Significant spin off of a private member's bill is that it develops public opinion on a subject and more often it may promote and prompt future official enactments, i.e., to pave the way'.12

A number of private members' bills have been accepted by the Government and passed into law. Private members' bills cover a wide range. Some of them are: The Muslim Wakfs Bill, 1952 (introduced by Syed Mohammed Ahmed Kazmi in Lok Sabha); The Code of Criminal Procedure (Amendment) Bill, 1953 (introduced by Raghunath Singh in Lok Sabha); The Women's and Children's Institutions Licensing Bill, 1954 (introduced by Kamrendhu Mati Shah in Lok Sabha).
At times, the Government accepts the principle underlying a private member's bill and itself brings a more comprehensive measure in its place. Mere introduction of some Bills prompts the Government to hasten with its own proposals on the subjects. There are some bills, the purpose of which is carried out by the Government through executive orders. Some bills provide the opportunity to know Government policy on the subject.

There have been instances where private members have persisted with particular pieces of legislation and ultimately succeeded in persuading the Government to come forward with appropriate legislative measures, as was the case in The Prize Competitions Bill, 1953; The Motor Transport Workers Bill, 1955; The Hindu Adoptions and Maintenance Bill, 1955; The Companies (Amendment) Bill, 1957; (to ban donations by companies to political parties), The Arms Bill, 1957; The Representation of the People (Amendment) Bill, 1958; The Prevention of Cruelty in Animals Bill in 1960, The Dowry Prohibition Bill in 1961, The Beedi and Cigar Workers (Conditions of Employment) Bill in 1966, etc.

Whether or not a legislation sponsored by a private member itself reaches the Statute Book, the introduction of such a measure sets the executive machinery in motion, leading often to concrete action.\textsuperscript{13}
Resolutions

Rules 170 to 183 of the Lok Sabha Rules of Procedure and Rules 154 to 166 of the Rajya Sabha Rules of Procedure, deal with resolutions. A resolution can be moved by a Minister relating to a matter of general public interest, as well as by a private member. A resolution may be in the form of a declaration of opinion, or a recommendation; or may be in the form so as to record either approval or disapproval by the House of an act or policy of Government, or convey a message; or commend, urge or request an action; or call attention to a matter or situation for consideration by Government; or in such other form as the Presiding Officer considers appropriate. A copy of every resolution which has been passed by the House is forwarded to the Minister concerned.

Lok Sabha adopted a private member's resolution on March 31, 1956, recommending inter alia that prohibition should be regarded as an integral part of the Second Five-Year Plan and Planning Commission should 'formulate the necessary programme to bring about nation-wide prohibition speedily and effectively'. This was later on included in the Second Five-Year Plan.

Through resolutions, general approval of the Houses was taken in respect of the principles, objectives, and programmes of development contained in the First Five-Year Plan and the
Official Language Policy. In effect, these occasions were only of formal significance as the Houses were never in a position to vote against Government decisions. They, however, provided members an opportunity to consider the policies underlying the matters and make their own suggestions. For instance, it was said during the discussion on the First Five-Year Plan that it was permeated with unwarranted optimism, it paid little attention to equal distribution, its industrial policy was reactionary, it lacked socialistic approach, and its land reform policy was misconceived. Suggestions were made for cooperative and collective farming.

Some of the resolutions are accepted by the Government, approved by the Houses and are implemented. E.g., resolutions seeking a legislation for punishing the practice of untouchability. However, some resolutions passed by the Houses, like banning of the exhibition of films adversely affecting the moral standard, were not implemented. A few resolutions accepted by the Government and approved by the Houses could not be acted upon due to public opposition to their policy. E.g., the resolution seeking reduction in the disparity of income passed in 1956. Some resolutions were not accepted by the Government and were consequently rejected by the House concerned. However, by force of circumstances, their intentions had to be carried out sooner or later. E.g., the resolution for nationalization of coal mines rejected by the Lok Sabha on
April 14, 1961. Some resolutions were withdrawn and yet they were acted upon. E.g., the resolution for diversification of trade, withdrawn in the Rajya Sabha on November 25, 1952. Some resolutions could not be discussed after being introduced. However, the policy underlying them is found implemented. E.g., the resolution for setting up an All India Agricultural Finance Corporation, introduced in the Rajya Sabha on April 14, 1953, and in the Lok Sabha on April 24, 1955. Sometimes, the withdrawn or negatived resolutions either get some assurance or elucidation of policy. The resolution for tightening of control over export of antiques obtained the promise that things more than a hundred years old having an antiquarian value could not be exported without a special license.

During the debate on a resolution seeking appointment of a committee of MPs to frame a national policy on education, the House was informed that a commission would be set for the purpose and thence the committee desired would be unnecessary.

Motions

Rules 184 to 192 of the Lok Sabha Rules of Procedure, and Rules 167 to 174 of the Rajya Sabha Rules of Procedure deal with motions. A discussion of a matter of general public interest can take place only on a motion made with the consent of the Speaker.
Motion procedures are the most frequently used device for consideration of policy matters. Discussions on the food situation and agricultural policy under this procedure led to the evolution of food and agricultural policies. As a long-term policy measure, the Food Corporation of India Bill was introduced in the Lok Sabha on November 17, 1964. The measure established the Food Corporation of India with a capital of Rs.100 crores for purchasing and selling food grains on wholesale basis. The discussions also led to the enactment of the Warehousing Corporation Act, 1962 and the Seeds Act, 1966.14

During the course of discussions on motions, suggestions are made and the Government is persuaded to undertake some activities. Thus, an assurance given in the course of the reply to one such discussion led to the enactment of the Untouchability (Offences) Act, 1955.

However, these discussions did not always prove effective, and the policy of the Government in respect of gold control and cow-slaughter could be changed only by street politics and not by floor debates.15

Calling Attention

Rule 197 of the Lok Sabha Rules of Procedure and Rule 180 of the Rajya Sabha Rules of Procedure deal with calling attention notices. A member can, with the previous permission of the Presiding Officer, call the attention of a Minister to
any matter of urgent public importance and request the Minister to make a brief statement on the subject. The Minister may either make a brief statement or ask for time to make a statement at a later hour or date.

Some information of a policy nature had been secured through the calling attention notices. E.g., the policy with regard to Algeria was explained in Lok Sabha and a few questions seeking clarifications were answered on May 22, 1956. A statement regarding the textile policy was also laid on the Table of the House on July 20, 1956. The device of calling attention notices was also used by the Parliament to discuss issues, such as reported arms aid to Pakistan by the United States of America (January 23, 1980); boundary dispute between India and China (July 31, 1980); reported decision of the United States of America to terminate the agreement for nuclear fuel supply to Tarapore Power Plant (April 29, 1981); etc.16

Motion of No-Confidence

A motion expressing want of confidence in the Council of Ministers can be made under Rules 198 and 199 of the Lok Sabha Rules of Procedure. Once a motion of no-confidence is admitted, and until it is disposed of, no substantive motion involving the approval of Government policy is admitted and debated in the House. During the debate on the motion of no-confidence, Members are at liberty to call in question any policy or act of
Government. The debate takes place for a reasonable duration of time in order to enable all the Opposition viewpoints to the stated. Government's supporters have to defend the Government and most Ministers whose policies or departmental acts are criticised, take part in the debate. The Prime Minister winds up the debate on behalf of the Government. The Government is not alone in this. They have the support of their party and may also get support from other Opposition elements who are in agreement with their policy. Thus the division is along the party or political lines. The Government has to show its ability on its own merits that it is pursuing the right policy and that it has implemented its policy reasonably satisfactorily.17

The Lok Sabha has witnessed 25 no-confidence motions moved by the Opposition against the Government in power till April 1997. While the First, the Second and the Ninth Lok Sabha did not witness any no-confidence motion, the Third and the Fourth went through six each, the Fifth four, the Sixth two, the Seventh three, the Eighth one and the Tenth three.18

Lal Bahadur Shastri, in his brief tenure as Prime Minister, faced a no-confidence motion in August 1965, in which the members were critical of the isolating foreign policy, Vietnam policy, wrong economic policy, defective food policy, policy of crushing road transport in the interest of rail transport, and the language policy.19
However, while there is a specific provision for a no-confidence motion in the Rules of Procedure, there is no provision either in the Constitution or in the Rules of Procedure for any 'confidence motion' as such. A practice has, however, developed of the President asking the Prime Minister to seek a vote of confidence when he is not the leader of an assured majority at the time of appointment or ceases to be so as a result of subsequent developments. Charan Singh was the first Prime Minister to have given a notice for seeking a vote of confidence on August 13, 1979 and a discussion slated for August 28, 1979. He, however, resigned before the motion could be taken up. A decade later, V.P.Singh was the second Prime Minister to move a confidence motion on December 21, 1989 which he won. A year later, he again sought a vote of confidence on November 7, 1990 and resigned from office after the motion was lost. The motion of confidence moved by the then Prime Minister Chandra Shekhar, on November 16, 1990 was adopted. P.V.Narasimha Rao secured a vote of confidence on July 12, 1991. Atal Bihari Vajpayee resigned from office before the vote of confidence was taken up on May 28, 1996. The vote of confidence has by convention been treated in the same manner as that of a vote of no-confidence.
Budgetary Procedure

The budgetary responsibilities of a modern Government are vast. The budget projects the financial policy of the Government. The implementation of policies is conditioned by the financial resources required.

The Constitution of India, in Articles 112 to 117, deals with the procedure in financial matters. This is further elaborated in Rules 204 to 221 of the Lok Sabha Rules of Procedure and Rules 181 to 186 of the Rajya Sabha Rules of Procedure.

The Budget in India is presented in two parts - the General Budget and the Railway Budget. After the Budget (i.e., the Annual Financial Statement of the estimated receipts and expenditure of the Government for the ensuing year and the taxation proposals of the Government) has been presented, a General Discussion on the Budget takes place. This is followed by the consideration and voting of the individual Demands for Grants relating to the various Ministries, at which stage Members may move cut motions to express disapproval of particular policy, or to air particular grievances against the administration. After the Demands for Grants have been voted by the House, Appropriation Bills incorporating the amounts voted as well as the charged expenditure are brought up and considered and passed by Parliament. The passage of
appropriations is considered a token of approval of the policy of the Government disclosed therein, as the approval of an estimate is in effect an approval of the services for which the expenditure is required and which in turn spell the policies. Thereafter the Finance Bill is taken up for consideration at which stage the Finance Minister is in a position to announce any concessions or make adjustments in the taxation proposals taking into account the views expressed by Members on the floor as well as the opinion of affected interests already sufficiently articulated by them outside the House. From the point of policies, the revenue system is as important as the expenditure, because that also can be used in affecting production and the distribution of wealth. The system of revenues and plan of expenditure are in effect the negative and positive aspect of Government policy. Therefore, the Budget is an instrument of social policy of the Government, and the budgetary control by Parliament is the control of Government policy by Parliament. The presentation of General and Railway Budgets and General Discussion thereon is used for the pronouncement and examination of the underlying policies in respective fields.

During the Budget discussion, ministers sometimes give the ideological background of a policy. In the debate on Demands for Grants, criticism of policy is made through disapproval of policy cut motions. In 1952, in the course of
consideration of Demands of the Ministry of External Affairs, pursuit of real policy of peace, relations with Anglo American powers, withdrawal from the Commonwealth, foreign policy, policy towards Pakistan, etc., were the subjects of cut motions.

During their reply, Ministers sometimes give instant assurances for some actions having a bearing on the policy. In 1953, in the course of reply to the discussion on a demand of the Ministry of Communication, the Minister said a post-office would be opened in every village having a population of 2000 or more. Consequently, the policy of opening post-offices in rural areas was liberalised. During the discussion on the Appropriation Bill in 1953, in the Rajya Sabha, the policy of purchasing weapons and equipment and the link with the Commonwealth were criticized. During the 1957 debate, the Finance Minister promised that the interest of the handloom weaver would be borne in mind and would play a dominant part in deciding Government policy.

In the debate on the Appropriation (Vote on Account) Bill, 1966, it was alleged that socialism was not being followed in practice and there was bungling in the Sugar Policy. During the discussion on the Appropriation Bill, 1966, it was suggested that the Government should not follow a policy of too much leniency towards Nagas. It was alleged that the food policy was useless. Allegations were made that foreign
pressures were being exercised to change India's foreign and economic policies and that India's policy towards Israel was cold.

Economic and financial policies have also been debated during the consideration of the Finance Bill. In 1966, members wanted a change in the Gold Control Order and in reply to the debate, the Finance Minister said, "I shall take up this matter in the first instance, with my colleagues in the Cabinet ...." Later on, on September 2, 1966, the Prime Minister made a statement in both the Houses announcing the withdrawal of all restrictions on making gold ornaments of more than 14-carat purity imposed under the Order.22

Subordinate Legislation

Activities undertaken by the State in modern times are so varied and extensive that it is impossible to regulate them efficiently, exclusively through statutes. The legislation, therefore, perforce provides only broad matters, leaving the details to be regulated by subordinate authorities by executive orders, rules, regulations, notifications, orders, etc., commonly known as statutory instruments, or subordinate or delegated legislation. Control of these delegated legislations is one of the important tasks of the legislature. Rules and regulations framed in pursuance of the Constitution or a statute are laid before Parliament for a specified period. Rules 234 to 239 of the Lok Sabha Rules of Procedure deal with subordinate legislation.
Subordinate legislations themselves do not involve any policy question. But once during the discussion on an amendment moved for modification in the draft notification, proposed to be issued under Section 324(4) of the Companies Act, 1956, members criticised the managing agency system and the House was assured that the Government was serious to get the system abolished.

Committees of Parliament

The work done by Parliament in modern times is varied in nature and considerable in volume. Parliament does not have the necessary time for detailed scrutiny of complex issues. Nor can such tasks, which are of a technical nature, be efficiently performed in the whole House whose proceedings are guided by unconcealed political considerations. To relieve it of such detailed exercises and also to enable their undertaking in a non-partisan spirit, the Parliament has set up Committees composed of members drawn from among its own ranks.23

According to Rule 2 of the Lok Sabha Rules of Procedure, 'Parliamentary Committee means a Committee which is appointed or elected by the House or nominated by the Speaker and which works under the direction of the Speaker and presents its report to the House or to the Speaker and the Secretariat for which is provided by the Lok Sabha Secretariat'.

Parliamentary Committees in India are of two kinds: Ad hoc Committees and Standing Committees.

Ad hoc Committees

These are appointed for a specific purpose and cease to exist when they finish the task assigned to them and submit a report. E.g., Committee on Punjabi Suba, Committee on Official Language.

Committee on Punjabi Suba

On the basis of the recommendations of a Parliamentary Committee headed by the Speaker, the Punjab state was reorganized. The report of the Parliamentary Committee on Punjabi Suba was presented to Parliament on March 29, 1966, and the Government accepted in principle all the recommendations of the Committee in respect of the reorganisation of the Punjab on a linguistic basis and for the determination of boundaries with the help of experts.24

Committee on Official Language

An ad hoc Parliamentary Committee on Official Language, constituted under Article 344(4) of the Constitution, considered the Report of the Official Language Commission and opined that the target date of January 26, 1965, to switch over from English to Hindi was not practicable. Its report was considered in the House and became the basis of the Official Language Act, 1965.25
Standing Committees

Apart from the ad hoc Committees, each House of Parliament has Standing Committees which also act as Parliament's watchdogs over the executive, like the Committees on Subordinate Legislation, Government Assurances, Estimates, Public Accounts, and Public Undertakings.

The Parliamentary Committees in India have yielded a lot of influence on the decisions and policies of the Government. The committee structure is important in the legislative process.

Select Committee on Bills

Rules 298 to 305 of the Lok Sabha Rules of Procedure deal with Select Committees on bills. The members of a Select Committee on a bill are appointed by the House when a motion that the bill be referred to a Select Committee is made.

The general policy underlying a bill cannot be questioned at the Committee stage. However, minor modifications in the application of the policy can be made by the Committee. E.g., the Joint Committee on the Prevention of Cruelty to Animals Bill, 1959 amended its clause 4(1), and thereby changed the purpose of, and therefore, the policy underlying, the bill. However, there have been occasions when the whole complexion of the bill has been changed by the Committee, as e.g., the Seeds Bill, 1964 and the Patent Bill, 1965. In the case of the Judges Enquiry Bill. 1964, which was referred to a Joint Committee on the insistence of L.M.Singhvi and H.V.Kamath, the entire Bill was changed at the Committee stage.26
Committee on Petitions

Any citizen, who feels that he has a grievance against the administration which has not been redressed through other channels, can approach Parliament directly. If his grievance or suggestion affects a matter of public importance, his petition is received by Parliament and sent to the Committee for examination and report. In case the grievance is personal or individual in character, it is directly sent to the Committee who looks into it. 27

Rules 306 and 307 of the Lok Sabha Rules of Procedure, and Rules 147 to 153 of the Rajya Sabha Rules of Procedure provide for a Committee on Petitions in the Lok Sabha and the Rajya Sabha respectively.

On matters of administrative policies, the Lok Sabha Committee on Petitions had made its recommendations, which had led to remarkable results. Thus, the Public Debts (Amendment) Act, and the Government Savings Certificate (Amendment) Act, and the Government Savings Bank (Amendment) Act were passed to give the facility of appointment of nominees to post-office savings bank account holders and purchasers of loan and savings certificates. Another recommendation of the Committee on Petitions led to an amendment of the Advocate Act, 1961.
Committee on Subordinate Legislation

The Committee on Subordinate Legislation is designed to verify that Government does not exceed the powers of legislation conferred on it by Parliament. The Committee is the chief instrument through which Parliament exercises control over the delegated legislation in India. Rules 317 to 322 of the Lok Sabha Rules of Procedure, and Rules 204 to 212 of the Rajya Sabha Rules of Procedure deal with the Committee on Subordinate Legislation.

Each Order (i.e., regulations, rules, sub-rules, bye-laws etc.) is required to be laid before the House, numbered centrally and published in the Gazette immediately after it is promulgated. The Committee considers each Order. If the Committee is of opinion that any Order should be annulled wholly or in part, or should be amended in any respect, it reports that opinion and the grounds thereof to the House.

Almost all matters of difference between the Committee and the Government are resolved by discussion and ultimately by conceding the superior role to the Committee. The Committee on Subordinate Legislation, e.g., once took objection to the Punjab Sugar Cane (Prohibition of Use for Manufacture of Gur) Order, 1959, which laid down that no person should use sugarcane for the manufacture of Gur (jaggery) within a radius of ten miles of any sugar will manufacturing sugar by vacuum pan process in the state of Punjab. The Order was, consequently, rescinded.
Committee on Government Assurances

While replying to questions in the House or during discussion on bills, resolutions and motions, Ministers often give assurances either to consider a matter or to take action or to furnish the required information to the House later. In order to watch the implementation of such assurances on behalf of the House, Rules 323 and 324 of the Lok Sabha Rules of Procedure, and Rules 212A to 212G provide for the constitution of a Committee on Government Assurances. The Committee scrutinises the assurances, promises, undertakings, etc., given by Ministers, and reports on the extent to which such assurances have been implemented, and where implemented, whether such implementation has taken place within the minimum time necessary for the purpose. Implementation of the assurances is to be carried out normally within a period of three months from the date of the assurances, and the progress of the implementation of the assurances is reviewed by the Committee from time to time. The Committee fulfils the need for watching the follow-up action and the Government departments have to be mindful that the undertakings given by their Ministers are fulfilled. The Committee had secured the implementation of an important assurance with regard to the premises of displaced persons built in Delhi prior to August 15, 1951.
Committee on the Welfare of Scheduled Castes and Scheduled Tribes

In India, the Scheduled Castes and Scheduled Tribes comprise almost one-fifth of the country's population. Rules 331A and 331B in the Lok Sabha Rules of Procedure provide for the Committee on the Welfare of Scheduled Castes and Scheduled Tribes.

In their Fourth Report on the reservation for Scheduled Castes and Scheduled Tribes in public services, presented in January 1970, the Committee had made the major recommendation that representation for the Scheduled Castes and Scheduled Tribes should be on the basis of their population. The acceptance of this recommendation by the Government meant increase of representation for the Scheduled Castes from 12½ to 15% and for the Scheduled Tribes from 5 to 7½% in the services.²⁸

Departmentally Related Standing Committees (DRSCs)

Due to the unprecedented growth in the range, magnitude and complexity of governmental activities, Parliament has not been able to perform effectively its functions of debating policies, making laws and overseeing executive actions in various fields of administration. So there arose the necessity for some institutional arrangements to ensure scrutiny of the Government budget and enquire into governmental performance and also suggest policy directions and initiatives.²⁹
Seventeen Departmentally Related Standing Committees have been set up with effect from April 8, 1993, to consider the Demands for Grants, bills referred to by the Speaker/Chairman of the Rajya Sabha, the Annual Reports of the related Ministries/Departments and long term policies/programmes, covering under their jurisdiction all the Ministries/Departments of the Union Government. For further details, refer Appendix-IV.

The functions of the DRSCs are elaborated below:

a. to consider the Demands for Grants of the concerned Ministries/Departments and make a report thereon to the Houses. The report does not suggest anything of the nature of cut motions.

b. to examine such bills pertaining to the concerned Ministries/Departments as are referred to the Committee by the Chairman, Rajya Sabha or the Speaker, Lok Sabha, as the case may be, and make reports thereon.

c. to consider Annual Reports of Ministries/Departments and make reports thereon.

d. to consider national basic long-term policy documents presented to the House, if referred to the Committee by the Chairman, Rajya Sabha or the Speaker, Lok Sabha, as the case may be, and make reports thereon.

The DRSCs do not consider matters of day-to-day administration of the concerned Ministries/Departments and also generally matters which are under consideration by the other Parliamentary Committees. Rules 331C to 331N in the Lok Sabha Rules of Procedure deal with DRSCs.
Even though the recommendations of the DRSCs are only of persuasive value and not binding like the recommendations of the Joint/Select Committees, the new system has helped in having a detailed and in-depth analysis of the various provisions proposed in the bills. The reports of the Committees are given due consideration by the Government for compliance/implementation. The action taken replies are furnished to the Committee by the Government and they are presented to the Parliament with the Committee's observation in the form of an action taken report. These Committees provide necessary directions, guidance and inputs for broad policy formulations and aid in the achievement of the long-term national perspectives by the executive.30

Financial Committees of Parliament

In order to exercise effective control over public expenditure, Lok Sabha has set up three Financial Committees, viz., Public Accounts Committee, Estimates Committee and Committee on Public Undertakings. These are provided for under Rules 300 to 312B of the Lok Sabha Rules of Procedure. While the Public Accounts Committee and the Estimates Committee deal with the Ministries and Departments of Government and statutory bodies under their control, the Committee on Public Undertakings directs its attention to the working of public undertakings of the Central Government. For further details, refer Appendices-V, VI and VII.
The Public Accounts Committee examines the accounts of the executive departments to ascertain whether money granted by Parliament has been spent in the manner authorized and with 'wisdom, faithfulness and economy'. The functions of the Public Accounts Committee do not include any policy matter. Yet, as policies and activities have a close relation, the Committee has considered policy matters also.

In the first Lok Sabha, in its Fifth Report, it suggested that "a commercial Department like that of Post and Telegraph should formulate a rational and integrated policy in the matter of construction of buildings for accommodating its offices". In another case in 1964, it asked the Government to make review of their pricing policy for fertilizers. In the Third Lok Sabha, in its Fiftieth Report, it suggested that a clear policy in the matter of barter deal should be enunciated. It also expressed doubts with regard to the advisability of continuance of the then existing scheme.

The Estimates Committee makes suggestions on how accepted policies may be implemented economically. The Estimates Committee has had the greatest say in matters of policy. Some of its recommendations accepted by the Government during the First, Second and Third Lok Sabhas were: In allocating quotas for import, users should be preferred to traders. In matters of import facilities, preference should be
given to cooperatives. In granting licences, some consideration should be paid to regional requirements. The ban on the export of oil seeds should be continued. Government publications should, as far as possible, be self-supporting. More attention should be paid to increase trade with neighbouring Asian countries. The policy of mutual exclusiveness of private companies and corporations from the shipping routes operated by them was not correct at that initial stage. The Imperial Bank of India should be nationalized. Source of supply of defence material should be located more and more among small scale industries. The programme of small scale industries should be made largely rural oriented. The question of relaxing control on sugar may be examined expeditiously. Vishakhapatnam Port should be run on no-profit no-loss basis. There should be a clear enunciation of objectives of the Community Development Programme and Panchayati Raj.

The Committee on Public Undertakings examines the functioning of specified public undertakings. It has also examined policy questions. It desired, e.g., that every public undertaking should have objectives to be kept in view always. Oil companies should be allowed to engage private shipping companies. The Indian Drugs and Pharmaceuticals Limited should formulate the policy to market its products. Government coal washeries should work as independent commercial enterprises.
The Financial Committees have functioned in a non-party spirit and their deliberations and conclusions have been objective and this in a large measure accounts for the respect in which their recommendations are held. They have acquired a reputation of working in an atmosphere of complete cordiality in which maximum agreement is attained on the various shades of opinion represented on the Committee.32

Ultimately, as Sir Stafford Cripps says, the effectiveness of the Committee system depends upon,

a. bringing together within the Committee, a sufficient number of members of all parties who would be prepared to take real interest in the subject to be dealt with;

b. ensuring a degree of continuity of membership and the attendance as this would enable the members to gain that intimate and wide knowledge of their subjects which would given them power to control; and

c. building up an atmosphere of common endeavour in the Committees based upon a desire to develop best possible administration.33

Role of the Lok Sabha Under the Different Prime Ministers Since Independence

In the Indian polity, the legislature and the executive are not two separate or competing centres of power. The executive is part of the legislature. The Constitution of India has provided for a Parliamentary system of Government, in which the executive, i.e., the Prime Minister and his Cabinet, is responsible to the Lok Sabha, which is the Lower House of the
legislature, for the Government's policy and continues to govern the country as long as it has the backing of the majority of the members in the House. Any policy or action of the Government for which the Government is not in a position to offer a satisfactory reply to the Lok Sabha leads to forfeiture of its confidence. The Lok Sabha can compel a Government to quit either by passing a vote of no-confidence, or by rejecting a vital proposal of the Government. In such a situation, the President invites the Leader of the Opposition in the House, who he thinks, can command the majority support. Or the President can dissolve the Lok Sabha and call for a fresh general election for constituting a new House. The elections to the Lok Sabha, even otherwise, are normally held after five years, unless of course, if dissolved earlier.34

The Prime Minister, who is the executive, is answerable to Parliament for all the executive actions of the Government and its policies. The legislative measures, resolutions and the policy decisions, initiated or taken by the Prime Minister are subject to the approval of Parliament.

All this gives rise to the question as to whether it is the Prime Minister who controls the Parliament through his or her majority, or it is the Parliament which controls the Prime Minister and the actions and policies of the Government.
The public policy-making role of the Parliament in India has to be viewed in the context of the role of the political executive, i.e., the Prime Minister who heads the majority party in the Parliament.

First Lok Sabha (1952-57)

The First Lok Sabha was dominated by the Congress Party which bagged 364 seats, constituting more than 70% of the seats for which the elections were held. However, this is not to say that Opposition was inefficient or was rendered ineffective by the large majority of the Congress. In actual practice it always asserted itself and made its presence felt on every important occasion.\(^{35}\) Cast in the liberal mould, the first Prime Minister Jawaharlal Nehru nurtured parliamentary democracy and despite the size of the Congress majority, he succeeded in giving the Opposition in Parliament the feeling of being consulted.\(^{36}\) Parliament was often the arena of significant debate that the Cabinet could not ignore. Although not genuinely a deliberative, policy-making body, Parliament occasionally played an important role in modifying legislation submitted to it for ratification.\(^{37}\)

Second Lok Sabha (1957-62)

The composition of the Second Lok Sabha confirmed the one-party dominance system that had emerged during the preceding five years. The Opposition, though weak and fragmented, was active and effective and never missed an opportunity to force a discussion.
Third Lok Sabha (1962-67)

The Congress Party almost doing a hat-trick continued its position of dominance in the third successive electoral battle, by securing 361 seats in the Third Lok Sabha. The 1962 Chinese aggression, the demise of Prime Minister Nehru in 1964, the 1965 war with Pakistan, the sudden passing away of the second Prime Minister Lal Bahadur Shastri and the taking over of the reins of Prime Ministership by Mrs. Indira Gandhi were all events of the greatest significance in the life of the Third Lok Sabha.

Gulzarilal Nanda, Minister of Home Affairs had to resign as a result of strong criticism in Parliament of the Government's failure to maintain law and order in Delhi during the anti-cow slaughter agitation which resulted in the death of seven persons in front of Parliament House. He submitted his resignation on November 7, 1966.

The House discussed the Official Language Bill cutting across the party lines which reflected the strains and stresses of emotional upsurge witnessed in some parts of the country on the problems of language. The Government had to accept as many as five amendments to the Bill which sought to continue the use of English for official purposes.
Fourth Lok Sabha (1967-70)

In the Fourth Lok Sabha, although the Congress Party retained absolute majority in the House, its representation in the House fell from 361 seats in the Third Lok Sabha to 283 registering a loss of 78 seats. Actually, throughout the Fourth Lok Sabha period, the old Congress was dying a slow death while a new Congress was struggling to be born from its debris. The Presidential election of 1969 was held and the candidate of the Congress Syndicate was defeated. The support of Mrs. Gandhi to V.V. Giri and his election as President, battle between Mrs. Gandhi and the Congress Syndicate, split of the Congress in 1969, and the nationalization of major banks, all had their impact on the functioning of the Lok Sabha. The defection of 62 Congress members of Lok Sabha to the Opposition benches to form the Congress(O) bloc reduced the ruling Congress Party led by Mrs. Gandhi to a minority in Lok Sabha. It could, however continue in power with the support of the Muslim League, Dravida Munnetra Kazhagam (DMK), Communist Party of India (CPI), Akali Dal and some Independents.

While the Constitution Amendment Bill for abolishing the Privy Purse and Privileges of Princes was passed by Lok Sabha by the requisite two-third majority, it failed in the Rajya Sabha by a fraction of a vote. The Presidential order derecognising the princes issued soon after, was struck down by the Supreme Court as being unconstitutional. Tired of the
situation in which she had to depend for her majority on the support of some regional, communal and communist parties, Mrs. Gandhi decided to go in for fresh elections.

Fifth Lok Sabha (1971-77)

Mrs. Gandhi's new Congress secured a sweeping success of a two-third majority in Parliament on the basis of her slogan 'Garibi Hatao' (removal of poverty). The Congress (O) was almost completely wiped out, and secured only 16 seats.

An event of major significance was the Proclamation of Emergency which was issued by the President on June 25, 1975, under Article 352 of the Constitution. Mrs. Gandhi explained her action as necessary due to threatened internal disturbance. After a fourteen-hour debate in which several members, including those from the Opposition participated, the Lok Sabha adopted the resolution approving the Proclamation of Emergency.

The other controversial decisions of the Fifth Lok Sabha were the extension of its own life in Lok Sabha by two years, and the adoption of the far-reaching 42nd Constitutional Amendment. The 1975 Emergency reduced the Parliament to a rubber stamp. Members were jailed; others simply chose not to attend; and press censorship helped silence the few critics who remained. Ultimately, even before completing its extended term, the Fifth Lok Sabha was dissolved, and fresh elections were called.
Sixth Lok Sabha (1977–79)

The monopoly of the Congress forming a single-party Government at the Centre was challenged firmly in 1977. The Congress(O), the Bharatiya Lok Dal, the Bharatiya Jan Sangh and the Socialist Party merged informally and formed the Janata Party. They also had an electoral understanding with the CPI(M), even though the CPI still supported the Congress. The Congress was almost wiped out in the north in the 1977 general elections. The Janata Party formed the Government under the Prime Ministership of Morarji Desai. Even though it was a single-party Government, it was in fact a coalition Government of the four parties and supported by the CPI(M) from outside. The Janata Party was formed not on the basis of any common minimum programme as such but mostly on the basis of throwing out the Congress Government because of its Emergency excesses.

Before the Janata Government could settle down to positive business, serious fissures between the leaders and diverse groups constituting the Janata Party started coming to the surface. In July 1979, the Janata Party split and Morarji Desai, then Prime Minister, resigned on July 15, 1979, in anticipation of his defeat on the floor of the House. Another Council of Ministers headed by Charan Singh was formed. Lok Sabha was summoned to meet in order to enable the Charan Singh Ministry to seek a vote of confidence. But Charan Singh never faced the House. He resigned on August 20, 1979, without
proving his majority in the Lok Sabha. The Sixth Lok Sabha was dissolved by the President on August 22, 1979, after remaining in existence for nearly 2½ years only.

**Seventh Lok Sabha (1980-84)**

In the Seventh Lok Sabha, the Congress(I) led by Mrs. Gandhi had avenged its defeat and was once again in the position of the single dominant party, with 353 seats. There was no recognised Opposition party and none who could be recognised as the Leader of the Opposition. Following the assassination of the Prime Minister, Mrs. Gandhi, her son, Rajiv Gandhi, succeeded her as the Prime Minister, and the Seventh Lok Sabha was dissolved.

**Eighth Lok Sabha (1985-89)**

In the Eighth Lok Sabha, the Congress(I) had a position of unprecedented glory and potential, with a three-fourth majority. Under the circumstances, there was no scope for the Leader of the Opposition.

**Ninth Lok Sabha (1989-91)**

Preceding the 1989 elections, once more an attempt was made to unite various political forces on the basis of anti-Congressism. Several parties like the Janata Party, Lok Dal(A), Lok Dal(B) and others merged into a new party to be called the Janata Dal. The Janata Dal then formed on the basis of a common platform of ousting the Congress from power, a National Front.
The National Front was launched in August 1988, and consisted of seven parties. Four were national parties, viz., the Janata Party, the Lok Dal, the Congress(S) and the Jana Morcha, while three were regional parties, viz., the Telugu Desam, the Dravida Munnetra Kazhagam and the Asom Ganatantra Parishad.

In the Ninth Lok Sabha, for the first time in India's parliamentary history, no party had secured a clear majority at the polls. The National Front headed by V.P. Singh formed the minority Government by gaining the support of the Leftist parties and the BJP from outside, in December 1989.

When V.P. Singh, on August 7, 1990, suddenly announced in Parliament, the implementation of the Report of the Mandal Commission (on Reservation Policy), it evoked very sharp reactions, particularly in the context of the decision having been made without taking his Cabinet or other political parties into confidence. It was alleged that the announcement on the Reservation Policy was politically motivated, and it culminated in the withdrawal of support by the Bharatiya Janata Party (BJP) and its allies after the BJP leader L.K. Advani was arrested in the course of his 'rath yatra'. V.P. Singh resigned as Prime Minister, and Chandra Shekhar formed the new Government with the support of the Congress, in November 1990. However, in March 1991, the Congress withdrew its support to the Chandra Shekhar Government, and ultimately the President dissolved the Ninth Lok Sabha.
The record of the Ninth Lok Sabha was thus poor. The achievements were few and failures too many, and with the experiment of minority Government run with outside support having flopped, the country had to face another General Election within less than two years.

**Tenth Lok Sabha (1991-96)**

In the Tenth General Elections, the Congress(I) emerged as the largest party in the House, but a little short of absolute majority to form a stable Government on its own. A few weeks earlier, Rajiv Gandhi, the former Prime Minister and President of the Congress (I), had been assassinated. The sympathy generated as a result did add a few seats to the Congress(I) tally, but it was not enough. So a minority Government of the Congress Party was formed in June 1991, with P.V. Narasimha Rao as the Prime Minister. This Government was able to complete five years in office.

**Eleventh Lok Sabha (1996-97)**

The 1996 general elections created another coalition Government. The BJP emerged as the single largest party and along with its allies, won 193 seats in the Lok Sabha. On May 16, 1996, Atal Bihari Vajpayee of the BJP was sworn in as the Prime Minister. However, he resigned on May 28, 1996, before the vote of confidence could be taken up.
Thereupon, the President, Shankar Dayal Sharma, called upon H.D.Deve Gowda, the leader of the United Front, which was a coalition of 13 parties with 186 seats in the Lok Sabha, to form the Government. The Congress had also extended its support to the United Front. On June 1, 1996, H.D.Deve Gowda and his Council of Ministers were sworn in. On June 11, 1996, Deve Gowda moved and won the vote of confidence in the Lok Sabha.\footnote{39}

Even though there was no formal electoral understanding among the 13 parties which formed the United Front coalition, they were able to frame a 'Common Approach to Major Policy Matters and a Minimum Programme', reflecting broad areas of agreement among them.\footnote{40}

However, on March 30, 1997, the Congress(I) President Sitaram Kesari, withdrew support to the ten-month old Government of H.D.Deve Gowda, rendering the United Front regime untenable, and also staked claim to form an alternative Government.\footnote{41} On April 11, 1997, the Deve Gowda Government lost the vote of confidence.\footnote{42} On April 14, 1997, the Congress(I) called upon the United Front to elect a new leader in place of the outgoing Prime Minister, Deve Gowda, as a precondition for enabling the Congress(I) to extend once again support to the Government. The Congress(I) also offered to formally withdraw its claim to form a Government once the United Front effected a change in its leadership.\footnote{43} As a consensus candidate,
I.K. Gujral was elected leader of the United Front Parliamentary Party. On April 21, 1997, Gujral was sworn in Prime Minister and the next day, he won the vote of confidence in the Lok Sabha.44

Thus, in a Parliamentary system of Government, the Prime Minister plays a very vital role in public policy-making. In India, as long as a single-party with absolute majority, i.e., the Congress, was in power at the Centre, it was the executive which had an overall say even in Parliament's policy decisions. The Prime Minister was able to take independent decisions on public policy, as with its single-party dominance in Parliament, the executive was assured that its measures would be passed comfortably in Parliament.

However, with the advent of coalition Government at the Centre, depending for its survival on the outside support of another party in the Parliament, the Prime Minister was not even able to take his own decisions. E.g., V.P. Singh's decision on implementation of Mandal Commission recommendations finally led to withdrawal of support to his Government. Also, the other parties in Parliament in a coalition Government even have a say in deciding who was to be the Prime Minister. E.g., the Congress(I)'s insistence that it would support the United Front Government only on a change of leadership. Thus, in a coalition system of Government, it is the Parliament which has the final say in all policy matters.
END NOTES


42. The Hindu, April 12, 1997, p.1.

